

Chapter 245

(House Bill 705)

AN ACT concerning

Declaration of Rights – Right to Reproductive Freedom

FOR the purpose of establishing that every person, as a central component of an individual’s rights to liberty and equality, has the fundamental right to reproductive freedom; and prohibiting the State from, directly or indirectly, denying, burdening, or abridging the right unless justified by a compelling State interest achieved by the least restrictive means.

BY proposing an addition to the Maryland Constitution
Declaration of Rights
Article 48

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three-fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

Declaration of Rights

ARTICLE 48.

THAT EVERY PERSON, AS A CENTRAL COMPONENT OF AN INDIVIDUAL’S RIGHTS TO LIBERTY AND EQUALITY, HAS THE FUNDAMENTAL RIGHT TO REPRODUCTIVE FREEDOM, INCLUDING BUT NOT LIMITED TO THE ABILITY TO MAKE AND EFFECTUATE DECISIONS TO PREVENT, CONTINUE, OR END ONE’S OWN PREGNANCY. THE STATE MAY NOT, DIRECTLY OR INDIRECTLY, DENY, BURDEN, OR ABRIDGE THE RIGHT UNLESS JUSTIFIED BY A COMPELLING STATE INTEREST ACHIEVED BY THE LEAST RESTRICTIVE MEANS.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by Section 1 of this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments do not apply.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The amendment to the Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in November 2024 for adoption or rejection pursuant to Article XIV of the Maryland Constitution.

(b) (1) At that general election, the vote on the proposed amendment to the Constitution shall be by ballot, and on each ballot there shall be printed the words “For the Constitutional Amendment” and “Against the Constitutional Amendment”, as now provided by law.

(2) At that general election, a question substantially similar to the following shall be submitted to the qualified voters of the State:

“Question ____ Constitutional Amendment

The proposed amendment confirms an individual’s fundamental right to an individual’s own reproductive liberty and provides the State may not, directly or indirectly, deny, burden, or abridge the right unless justified by a compelling State interest achieved by the least restrictive means.”.

(c) Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.

Approved by the Governor, assigned a chapter number, enactment subject to constitutional referendum, May 3, 2023.