

APPROVED BY JOINT P&E COMMITTEE 6/22/2026

Explanation for Proposed Constitutional Amendment
to Be Voted On at the November 3, 2026, Election

PROPOSED CONSTITUTIONAL AMENDMENT

ARTICLE I. Bill of Rights.

Section 11-A. Fundamental right to reproductive freedom.

**EXPLANATION FOR VOTERS
QUESTION 1**

Present Law

Currently, the Virginia Constitution does not explicitly provide to its citizens a right to reproductive freedom nor does it explicitly protect or prohibit certain kinds of health care procedures or decisions.

Proposed Amendment

The proposed amendment would add to the Virginia Constitution's Bill of Rights the fundamental right to make and carry out decisions about a person's own reproductive care with only certain, specific exceptions. The proposed amendment specifically allows the state government to pass laws to regulate abortion care in the third trimester of pregnancy, but requires any such law to allow for abortion care when it is medically needed to protect the life and health of the pregnant person or because the fetus is not viable.

Word Count: 116 / 500

BALLOT QUESTION

Should the Constitution of Virginia be amended to (i) protect the freedom to make personal decisions about prenatal care, childbirth, postpartum care, birth control, abortion, miscarriage management, and fertility care; (ii) protect doctors, nurses, and patients from being punished for these decisions; and (iii) allow for restrictions on access to abortion during the third trimester of pregnancy except when the patient's health is at risk or the pregnancy cannot survive?

FULL TEXT OF AMENDMENT

[Proposed new language is underlined. Deleted old language is ~~stricken~~.]

ARTICLE I

BILL OF RIGHTS

Section 11-A. Fundamental right to reproductive freedom.

That every individual has the fundamental right to reproductive freedom, including the ability to make and carry out decisions relating to one's own prenatal care, childbirth, postpartum care, contraception, abortion care, miscarriage management, and fertility care.

An individual's right to reproductive freedom shall not be, directly or indirectly, denied, burdened, or infringed upon unless justified by a compelling state interest achieved by the least restrictive means.

Notwithstanding the above, the Commonwealth may regulate the provision of abortion care in the third trimester, provided that in no circumstance shall the Commonwealth prohibit an abortion (i) that in the professional judgment of a physician is medically indicated to protect the life or physical or mental health of the pregnant individual or (ii) when in the professional judgment of a physician the fetus is not viable.

The Commonwealth shall not discriminate in the protection or enforcement of this fundamental right.

The Commonwealth shall not penalize, prosecute, or otherwise take adverse action against an individual based on such individual's own exercise of this fundamental right or such individual's own actual, potential, perceived, or alleged pregnancy outcomes, including miscarriage, stillbirth, or abortion. The Commonwealth shall not penalize, prosecute, or otherwise take adverse action against any individual for aiding or assisting another individual in exercising such other individual's right to reproductive freedom with such other individual's voluntary consent.

For the purposes of this section, a state interest is compelling only if it is for the limited purpose of maintaining or improving the health of an individual seeking care, consistent with accepted clinical standards of care and evidence-based medicine, and does not infringe on that individual's autonomous decision making.

This section shall be self-executing. Any provision of this section held invalid shall be severable from the remaining portions of the section