

2024 Abortion State Ballot Measure

MONTANA

Abortion Limit Under Current Law:
Fetal Viability

Montana CI-128: Right to Abortion Initiative

Summary:

- Citizen-initiated measure to amend the state constitution to
 - explicitly state there is a right to abortion up to fetal viability
 - protect the right to an abortion after viability when the abortion is medically needed to protect the life or health of the pregnant person
 - protect pregnant persons and those aiding/assisting them against any adverse action by the government for any pregnancy outcome



Needs greater than 50% of votes to pass

- **YES vote means:** Supporting amending the constitution to include the right to make decisions about one's own pregnancy, allow abortion up to fetal viability, allow abortions after viability if it is medically indicated for the life or health of the pregnant person, and protect a pregnant person or person assisting them against any adverse action by the government.
- **NO vote means:** Opposing the amendment and keeping the current abortion limit of fetal viability and opposing the change in wording to the constitution.

Complete Ballot Text:

- A. Section 36. Right to make decisions about pregnancy.
 - a. There is a right to make and carry out decisions about one's own pregnancy, including the right to abortion. This right shall not be denied or burdened unless justified by a compelling government interest achieved by the least restrictive means.
 - b. The government may regulate the provision of abortion care after fetal viability provided that in no circumstance shall the government deny or burden access to an abortion that, in the good faith judgment of a treating health care professional, is medically indicated to protect the life or health of the pregnant patient.
 - c. The government shall not penalize, prosecute, or otherwise take adverse action against a person based on the person's actual, potential, perceived, or alleged pregnancy outcomes. The government shall not penalize, prosecute, or otherwise take adverse action against a person for aiding or assisting another person in exercising their right to make and carry out decisions about their pregnancy with their voluntary consent.
 - d. For the purposes of this section:
 - i. A government interest is "compelling" only if it clearly and convincingly addresses a medically acknowledged, bona fide health risk to a pregnant patient and does not infringe on the patient's autonomous decision making.
 - ii. "Fetal viability" means the point in pregnancy when, in the good faith judgment of a treating health care professional and based on the particular facts of the case, there is a significant likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures.

Resources:

- [Learn more about abortion policies in Montana](#)
- [Learn more about the Montana Ballot](#)
- [See KFF Ballot Tracker](#)
- [Get & Share the Facts on How Pregnancies Really Develop](#)

[Visit the AMSA Gender & Sexuality Action Committee page](#)

[Explore the AMSA Abortion Care & Reproductive Health Project](#)

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