

# Maryland State Constitutional Amendment Right to Reproductive Freedom

## Background

In March 2023, the Maryland General Assembly passed the “Right to Reproductive Freedom Act” in response to the Supreme Court’s overturning of *Roe v. Wade*. This legislation proposed adding a ‘Declaration of Rights’ to Article 48 of the Maryland constitution, enshrining the right to reproductive freedom in the state of Maryland. Before this right can be added to the state constitution, it must be ratified by Maryland voters, which is a requirement for all constitutional amendments. The measure will appear on the ballot in November 2024.

Maryland currently has strong reproductive freedom laws. However, without an established right in the state constitution, the laws are vulnerable to future changes by legislators or state courts that could change current legal precedent, similar to what happened with the *Dobbs* decision.

*A constitutional amendment is the strongest possible protection of the right to reproductive freedom and would be very difficult to repeal.*

## Importance

If approved by voters in November, this amendment would protect everyone with childbearing potential in Maryland, including those traveling to Maryland seeking reproductive health-care. This is critically important as other states, including our neighbors in West Virginia, move to increasingly restrict access to abortion care. Additionally, if the ballot measure passes, it will send a strong message nationally that people want the right to abortion care and reproductive freedom.

## The Ballot

The Maryland Right to Reproductive Freedom Amendment is on the ballot in Maryland on November 5, 2024.

**The measure will appear on the ballot as such:**  
*“The proposed amendment confirms an individual’s fundamental right to an individual’s own reproductive liberty and provides that 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.”*

**A “yes” vote** supports adding a new article to the Maryland Constitution’s Declaration of Rights establishing a right to reproductive freedom, defined to include “the ability to make and effectuate decisions to prevent, continue, or end one’s own pregnancy.”

**A “no” vote** opposes amending the state constitution to establish a right to reproductive freedom.

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