

PART 1 – QUICK SNAPSHOT

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1.1 One-Paragraph Overview

HJR 109 proposes to amend Article I, Section 2 of the Missouri Constitution to define “person” as every human being with a unique DNA code, specifically including every in-utero human child from the moment of conception until birth, and to declare that nothing in the Missouri Constitution secures or protects a right to abortion or requires abortion funding.

It keeps the existing language about natural rights to life, liberty, and the pursuit of happiness, but then adds strong personhood language and an explicit denial of a constitutional abortion right. It also sets ballot language framed around “protect[ing] each human life with a unique DNA code regardless of age” and claims no fiscal impact. This is a direct attempt to move Missouri toward full personhood for the unborn and to overturn or neutralize the abortion “right” created by Amendment 3 (Article I, Section 36) via a later-in-time constitutional amendment.

1.2 Triage Table

- **Single-subject (Art. III §23)**
 - **Yes.** The resolution deals with one subject: redefining “person” and clarifying that the state constitution does not secure a right to abortion. The title (“...relating to affirming life”) is broad but still tied to that subject.
- **Does it grow government?**
 - **No (at least not directly).** It does not create agencies, programs, or spending; it redefines constitutional rights and limits and leaves implementation to future statutes and courts.
- **Overall impact on Missouri families:**
 - **Helps.** If upheld, it would move Missouri back toward a culture of life and constitutional protection for unborn children, with no direct new tax or regulatory burdens on families.
- **Alignment with Act for Missouri core beliefs:**

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- **Supports (strongly).** It is explicitly pro-life, rooted in a natural-rights understanding of the Constitution, and pushes toward equal protection for unborn children.
- **Recommended stance:**
 - **Support**

PART 2 – PURPOSE & PROVISION MAP

2.1 Stated Purpose

Plain-language purpose:

To rewrite Missouri's general natural-rights section (Article I, Section 2) so that:

1. “Person” in the Missouri Constitution is expressly defined to include every human being with unique DNA from conception through birth, and
2. The Constitution clearly does **not** secure a right to abortion or require abortion funding.

Title accuracy:

- Title: a joint resolution “...relating to affirming life.”
- That's **vague but directionally accurate**. It doesn't tell voters that this amendment would:
 - Redefine “person” everywhere in the Missouri Constitution; and
 - Directly conflict with, and likely displace, the recently adopted abortion-rights language (Art. I, §36).
- For litigation safety and transparency, a more precise subject phrase (e.g., “relating to defining personhood and clarifying no constitutional right to abortion”) would be better.

2.2 Provision-by-Provision Map

Provision 1 – Repeals and replaces Article I, Section 2 with new language

- **Bill location:** Section A – new Section 2.
- **What it does (plain language):**
 - Keeps the classic natural-rights language:
 - Government exists to promote the general welfare.
 - All persons have a natural right to life, liberty, pursuit of happiness, and to enjoy the gains of their own industry.
 - All persons are created equal and entitled to equal rights and opportunity under the law.
 - Government's main job is to secure these rights, and it fails if it does not.
 - **Adds subsection (1):** “Person” under the Missouri Constitution includes every human being with a unique DNA code, regardless of age, *including* every in-utero human child from conception until birth.
 - **Adds subsection (2):** “Nothing in this constitution secures or protects a right to abortion or requires the funding of an abortion.”

- **Tag:** [Good, with some drafting concerns]
- **Why:**
 - Strongly pro-life, personhood-oriented, and aligns with natural-rights constitutionalism.
 - However, it **does not expressly repeal** Amendment 3's abortion-rights section (Art. I, §36); instead, it conflicts with it and relies on timing and interpretation to override it. That creates litigation and ballot-title risk.

Provision 2 – Ballot summary statement

- **Bill location:** Section B.
- **What it does:**
 - Sets the official summary as:

“Should the Missouri Constitution be amended to protect each human life with a unique DNA code regardless of age?”

- **Tag:** [Possible Concern]
- **Why:**
 - This wording **does not mention abortion at all**, nor the fact that the amendment would conflict with, and effectively seek to override, the newly established “reproductive freedom” / abortion “right” in Art. I, §36.
 - That omission could be challenged as misleading in court and could be struck down or rewritten by the courts or the Secretary of State.

Provision 3 – Fiscal note summary

- **Bill location:** Section C.
- **What it does:**
 - Declares the fiscal note summary will say:

“This change is expected to have no fiscal impact.”

- **Tag:** [Good, with a note of caution]
- **Why:**
 - The implementation of the bill itself would likely have no fiscal impact. Still, because it is a significant shift in abortion law, related litigation would trigger court challenges, enforcement changes, Medicaid/health-care patterns, etc.

2.3 Changes to Existing Law

Existing law:

- Current Article I, Section 2 is a traditional natural-rights provision and does **not** define “person” or mention abortion.

What changes if HJR 109 passes:

- **New constitutional definition of “person”:**
 - Every human being with unique DNA is a “person” under the Missouri Constitution, explicitly including unborn children from conception to birth.
 - This definition flows into **every other** constitutional reference to “person” – especially:
 - Art. I, §2 (natural right to life and equal rights).
 - Due process and equal-protection language elsewhere.
- **New anti-abortion clause:**
 - “Nothing in this constitution secures or protects a right to abortion or requires funding of an abortion.”
 - That is **directly inconsistent** with Amendment 3 / Article I, Section 36, which explicitly creates a constitutional abortion “right” and restricts the legislature’s ability to regulate abortion.
 - As a **later-in-time amendment**, HJR 109 would likely be argued to **impliedly repeal** the conflicting parts of §36—though litigation on this will be fierce.

PART 3 – CONSTITUTIONAL & PROCESS CHECKS

3.1 Missouri Single-Subject & Original-Purpose Tests

- **Main subject (one sentence):**
 - Defining constitutional personhood to include unborn children and declaring that the Missouri Constitution does not secure a right to abortion.
- **Additional subjects?**
 - Ballot summary and fiscal note language—these are procedural, not separate policy subjects.
- **Relatedness:**
 - All substantive provisions relate to the same core subject: life, personhood, and abortion.
- **Title clarity:**

- “Relating to affirming life” is **somewhat vague** but still tied to the bill’s actual subject.
- However, the **ballot summary** is a slight process risk: it doesn’t mention abortion or that existing abortion-rights language will be functionally displaced. That omission could be attacked as violating Missouri’s requirement for clear, non-misleading ballot language.
- **Original purpose changes:**
 - No evidence of major purpose shift inside this draft; it’s a short HJR.

Conclusion:

- **Likely complies** with single-subject and clear-title requirements.
- **Risk of ballot-language litigation** unless the summary is revised to disclose the effect on the existing abortion-rights section. (*Note: It will likely be challenged regardless of language.*)

3.2 U.S. & Missouri Constitutional Rights

Potential issues / questions:

1. **Interaction with Amendment 3 (Art. I, §36 – “reproductive freedom”).**
 - HJR 109 does not say “Section 36 is repealed.” Instead, it:
 - Redefines “person” to include unborn children; and
 - States nothing in the Constitution protects a right to abortion.
 - This is a **direct conflict** with §36’s wording.
 - Under standard rules, the **later-adopted amendment controls**, but opponents will argue:
 - The ballot title didn’t inform voters that they were repealing or gutting §36.
 - Therefore, the amendment is invalid or must be narrowly construed.
 - Expect **litigation** on this point.
2. **Federal (U.S.) Constitutional issues**
 - After *Dobbs*, the U.S. Constitution does **not** currently recognize a federal right to abortion; states have broad authority to protect unborn life.
 - Defining “person” at the state constitutional level is within Missouri’s power.

- Some may argue the amendment creates conflicts with the 14th Amendment's due process or equal protection as applied to women, but that is not consistent with current Supreme Court doctrine post-*Dobbs*.
- From a **pro-life, original-intent view**, this language is well-aligned with the idea that the 14th Amendment's "person" should include unborn children; whether federal courts will ever accept that is an open question.

Bottom line:

- **Strong pro-life constitutional move.**

3.3 Delegation & Unelected Power

- HJR 109 does **not** create or empower agencies, boards, or regulatory schemes.
- It does **not** delegate authority to bureaucrats or private entities.
- Any implementing details would come later through statutes and court decisions.

Conclusion:

- **No significant delegation or unelected-power concerns in the text itself.**

PART 4 – IMPACT ON MISSOURI FAMILIES

4.1 Economic, Tax, and Utility Impacts

- HJR 109 is a **constitutional rights** amendment; it doesn't create taxes, fees, or utility programs.
- **Short-term:**
 - Likely **litigation costs** for the state (attorney general, courts) as abortion-industry groups challenge the amendment and its interaction with §36.
- **Long-term:**
 - If effective, it would **protect unborn life**, potentially change health-care and social-services patterns (e.g., more births, support for mothers and children).
 - These changes are **real-world impacts** but not spelled out in the resolution; they will play out via policy choices, not automatic tax changes.

4.2 Freedom, Parental Rights, and Education

- By establishing unborn children as constitutional "persons" with a natural right to life, HJR 109 **places parents and children together on the side of life** rather than reaffirming abortion as a "right."
- It doesn't:

- Address schools, DESE, curriculum, or parental-rights procedures;
- Change homeschool regulations or education policy directly.

Net effect on parental rights and family freedom:

- **Positive**, in the sense that it seeks to protect the lives of children before birth and eliminate the constitutional status of abortion.

4.3 Moral & Cultural Climate

- HJR 109 clearly **rejects the moral framework** that treats abortion as a fundamental constitutional right.
- It **moves Missouri toward a culture of life and equal human dignity** for unborn children by:
 - Naming them as “persons” with unique DNA;
 - Rejecting any constitutional obligation to allow or fund abortion.
- It does **not** carve out rape, incest, or other exceptions in the constitutional text.

Net impact on Missouri families:

- **Helps.**
- It strengthens the pro-life foundation of the Missouri Constitution and rejects the idea that abortion is a protected constitutional liberty, which aligns with protecting both unborn children and the moral order that supports strong families.

PART 5 – ACT FOR MISSOURI CORE PRINCIPLES CHECK

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100% Pro-Life

- **Supports (strongly).**
 - Defines unborn children as “persons” from conception and denies any constitutional right to abortion or abortion funding.
 - Does **not** introduce exceptions or “reproductive rights” frameworks.

Christian & Biblical Values

- **Supports.**
 - Affirms the God-given right to life and recognizes unborn children as fully human persons.
 - Aligns with biblical teaching that human life is sacred from conception.

Property Taxes & Economic Freedom

- **Not implicated.**
 - No changes to property-tax systems, enforcement tools, or economic-development schemes.

Literal / Original-Intent Constitutionalism

- **Supports.**
 - Strengthens the natural-rights language and clarifies personhood, which is consistent with original-meaning constitutionalism.
 - However, the reliance on **implied repeal** (instead of explicitly striking Art. I, §36) creates interpretive and litigation risk—something an original-intent crowd usually wants to minimize with precise drafting.

Right to Bear Arms

- **Not implicated.**

State Sovereignty & Tenth Amendment

- **Supports.**
 - Asserts Missouri's authority to define personhood and reject a constitutional abortion "right," which is consistent with state sovereignty after *Dobbs*.

Nuclear Family & Parental Rights

- **Supports.**
 - By protecting unborn children and rejecting abortion as a constitutional right, it affirms the value of children and the family.
 - It does not impose new state control over parenting or family life.

Homeschool Protection

- **Not implicated.**

Currency & Financial Control (FedNow/CBDC)

- **Not implicated.**

Election Integrity

- **Not implicated.**

Government Transparency

- **Not implicated directly.**

PART 6 – SPECIAL TOPIC TESTS (2025 PRIORITIES)

6.1 Amendment 3 / Personhood & Equal-Protection Test

- **Personhood move:**
 - HJR 109 clearly moves Missouri toward a **true personhood standard**, stating that every human with unique DNA, including unborn children from conception to birth, is a “person” under the Constitution.
- **Effect on Amendment 3 (Art. I, §36):**
 - Amendment 3(2024) enshrined an abortion “right” and sharply restricted regulation.
 - HJR 109 does not name §36, but subsection (2) (“Nothing in this constitution secures or protects a right to abortion...”) is **flatly incompatible** with §36.
 - As a later-in-time amendment, HJR 109 would likely be argued to **override** the conflicting parts of §36, though expect litigation over whether the ballot language adequately warned voters.
- **Equal-protection implications:**
 - By defining unborn children as “persons” in the section that lists natural rights and equality, it creates a strong textual basis for **equal-protection arguments on behalf of unborn children**.
 - The resolution doesn’t spell out enforcement or penalties, leaving implementation to future legislation and court interpretation.

Conclusion for 6.1:

- **Strongly pro-personhood and anti-Amendment 3.**
- Main weakness is **procedural/ballot-language risk**, not ideological content.

6.2 Surveillance, Digital-ID, and Data-Hub Test

- **Not implicated for this bill.**

6.3 Utilities, Energy Policy, and Data-Center / Big-User Test

- **Not implicated for this bill.**

6.4 Federal Money & Strings

- **Not directly implicated.**
- The bill does not accept federal funds or tie Missouri law to federal mandates.

6.5 Model Legislation / Agenda 21 & 2030 / Globalism Indicators

- **Not implicated.**
- Language is straightforward pro-life constitutional text, not globalist jargon.

PART 7 – RED FLAGS, AMENDMENT IDEAS, & FINAL RECOMMENDATION

7.1 Red-Flag List

1. **Red Flag #1 – Indirect repeal of Amendment 3 / Art. I, §36 (litigation risk)**
 - **Location:** Section 2(1)–(2).
 - **Issue:** Instead of expressly repealing or amending Article I, Section 36, HJR 109 creates a **direct contradiction** (“nothing in this constitution secures or protects a right to abortion”) and relies on implied repeal. Opponents will argue the ballot language concealed the true effect (nullifying a recently adopted abortion “right”).
2. **Red Flag #2 – Ballot summary does not mention abortion**
 - **Location:** Section B (summary).
 - **Issue:** “Should the Missouri Constitution be amended to protect each human life with a unique DNA code regardless of age?” never says “abortion,” “personhood,” or that existing abortion-rights language will be functionally displaced. This is at **risk** of being struck down or rewritten as misleading.

7.2 Possible Fixes / Amendments

If Act for Missouri or friendly legislators can influence the language, consider pushing for:

1. **Explicit repeal / modification of Article I, Section 36.**
 - Add a section such as:

“Article I, Section 36 of the Constitution of Missouri is hereby repealed.”

 - This makes the target clear, reduces ambiguity, and honors transparency with the voters.
2. **More precise ballot language.**
 - Replace the summary with something like (conceptually):

“Shall the Missouri Constitution be amended to define ‘person’ to include every human being from the moment of conception and to provide that nothing in the constitution secures a right to abortion or requires public funding of abortion?”

 - This uses plain English, names abortion explicitly, and tells voters what is actually changing.

7.3 Final Recommendation

- Recommended stance: SUPPORT (with a suggestion for improved language).

Summary reasoning:

- Substantively, HJR 109 is **strongly aligned** with Act for Missouri's pro-life, Christian, constitutionalist principles: it defines unborn children as persons from conception and denies any constitutional right to abortion or abortion funding.

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- It does **not** grow government or empower unelected bureaucracies; it tightens constitutional protections rather than expanding state power.
- Its weaknesses are mainly **structural and procedural**:
 - It relies on an implied conflict to overturn Amendment 3 / Art. I, §36 instead of explicitly repealing it;
 - Its ballot summary is vulnerable to being challenged as misleading.
- With those caveats, **Act for Missouri can in good conscience support HJR 109 as a genuine personhood amendment**, while simultaneously advocating for clearer, more transparent language so that voters (and courts) cannot claim they were misled about its effect on Missouri's abortion-rights amendment.