



## SJR 72

**Sponsor: Mike Moon**

**Path to full text:** <https://www.senate.mo.gov/26info/pdf-bill/intro/SJR72.pdf>

### PART 1 – QUICK SNAPSHOT

#### 1.1 One-Paragraph Overview

SJR 72 (Sen. Moon) proposes to amend **Article I, Section 2** of the Missouri Constitution to define “person” as every human being with a unique DNA code, explicitly including every in-utero human child from the moment of conception until birth. It keeps the existing natural-rights language (life, liberty, pursuit of happiness, equality under the law), but adds strong **personhood** language and a clear statement that nothing in the Missouri Constitution secures or protects a right to abortion or requires abortion funding.

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 constitutional protection for unborn children 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 (Fast Flags)

- **Single-Subject, Title & Scope**
  - Subject: Personhood, unborn life, and abortion.
  - Title text: SJR 72 is “relating to the protection of unborn life.”
  - **Title Specificity (0–3): 2** – It is specific (“protection of unborn life”), not a generic “relating to health care,” etc., though it doesn’t spell out that it will redefine “person” across the Constitution and collide with Amendment 3.
  - **Department Scope: Single – constitutional text only.** It amends Article I, Section 2 and does not change powers or duties of multiple executive departments or agencies.
  - **Single-Subject / Fair-Notice Problem?**

- Substantively: No multi-subject bundling; everything is about personhood/abortion.
  - Fair-notice: The **ballot summary**, not the title, is the main risk because it does not mention abortion or Amendment 3.
  - **Does it grow government?**
    - **No.** It does not create or expand agencies, boards, or regulatory programs. It redefines constitutional rights limits and leaves implementation to future statutes and courts.
  - **Impact on Missouri families (overall):**
    - **Helps.** If upheld, it moves Missouri toward a culture of life and equal protection for unborn children, with no direct new tax or regulatory burdens on families.
  - **Alignment with Act for Missouri core beliefs (high-level):**
    - **Supports (strongly).** Explicitly pro-life, personhood-oriented, and rooted in a natural-rights understanding of the Constitution.
  - **Initial stance:**
    - **Strongly Support**
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## PART 2 – PURPOSE & PROVISION MAP

### 2.1 Stated Purpose & Title

- **Stated purpose (from the resolution text):**  
SJR 72 submits to the voters an amendment repealing Article I, Section 2 and adopting a new Section 2 “relating to the protection of unborn life.”
- **Plain-language purpose:**  
To rewrite Missouri’s general natural-rights section so that:
  1. “Person” in the Missouri Constitution is expressly defined to include every human being with unique DNA, including unborn children from conception through birth, and
  2. The Constitution clearly states that there is **no** state constitutional right to abortion and no requirement to fund abortion.
- **Title honesty/scope:**
  - The title is directionally accurate: the amendment really does aim to protect unborn life.
  - But it doesn’t tell voters that:

- It redefines “person” everywhere in the Constitution; and
- It directly conflicts with, and is meant to override, Amendment 3’s abortion-rights language (Art. I, §36).
- That’s acceptable.

## 2.2 Provision-by-Provision Map

### Provision 1 – New Article I, Section 2 (Section A)

- **Location:** Section A – new Section 2.
- **Plain-language summary:**
  - 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 enjoyment of the gains of their own industry.
    - All persons are created equal and entitled to equal rights and opportunity under the law.
    - Government’s principal office is to secure these things; it fails in its chief design if it doesn’t.
  - 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 at every stage 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]
- **Why:**
  - Strongly pro-life, personhood-oriented, and fully aligned with a natural-rights, equal-protection view for unborn children—this is exactly the direction Act for Missouri supports.
  - However, as with HJR 109, it **does not expressly repeal** Amendment 3’s abortion-rights section (Art. I, §36). Instead, it creates a direct conflict:
    - Art. I, §36: declares an abortion “right.”
    - New §2(2): says the Constitution secures no right to abortion.

- That means the amendment relies on **implied repeal** and timing (later-in-time amendment controls), which creates litigation and ballot-title risk.

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### Provision 2 – Ballot summary statement (Section B)

- **Location:** Section B.
- **What it does:**  
Sets the official summary statement as:

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

- **Tag:** [Good/Slight Concern]
- **Why:**
  - This wording does **not** mention:
    - Abortion,
    - Personhood, or
    - That the amendment is meant to conflict with / neutralize the abortion “right” in Art. I, §36.
  - Opponents will argue that the summary is **misleading**, because voters aren’t told they’d be effectively gutting a newly adopted abortion-rights section. This is likely to be challenged in court under Missouri’s clear, non-misleading ballot language standards.

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### Provision 3 – Fiscal note summary (Section C)

- **Location:** Section C.
- **What it does:**  
Declares the fiscal note summary shall say:

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

- **Tag:** [Good]
- **Why:**
  - The amendment itself doesn’t create a new program, tax, or spending line, so “no fiscal impact” is reasonable on its face.

### 2.3 Changes to Existing Law (High-Level)

If SJR 72 passes:

- **New constitutional definition of “person”:**
    - Every human being with unique DNA, explicitly including unborn children from conception to birth, is a “person” under the Missouri Constitution.
    - That definition flows into every other constitutional reference to “person” (natural rights, equal protection, due process, etc.).
  - **New anti-abortion clause in the Bill of Rights:**
    - Adds a clear statement that nothing in the Constitution secures or protects a right to abortion or requires abortion funding.
    - This is in **direct tension** with Article I, Section 36 (Amendment 3) that currently recognizes a “reproductive freedom” / abortion right.
  - **No new agencies, programs, or taxes.**
    - It is a rights-language amendment, not an administrative or fiscal bill.
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## **PART 3 – CONSTITUTIONAL & PROCESS CHECKS**

### **3.1 Missouri Single-Subject & Original-Purpose Tests (Art. III §23)**

- **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?**
  - The ballot summary and fiscal note sections are procedural, not separate policy subjects.
  - No extra programs or policy domains are tacked on.
- **Riders/barnacles:**
  - None apparent. It’s short and focused.
- **Title clarity vs. real effects:**
  - Title phrase “relating to the protection of unborn life” is honestly connected to what the amendment does.
  - A **possible fair-notice problem** lies in the ballot summary, which does not tell voters they are overturning or neutralizing a recently adopted abortion-rights amendment. This will likely attract the courts' attention.
- **Title Specificity & Department Scope Check:**

- **Title Specificity: 2 (Somewhat specific)**
  - It identifies a clear policy field (protection of unborn life) rather than a vague “relating to health care.”
- **Department Scope:**
  - **Single – consistent with a true single-subject bill.**
    - It amends one constitutional section and does not materially change the powers or duties of multiple departments.
- **Original-purpose drift:**
  - There’s no evidence in this draft of purpose drift; SJR 72 is tight and short.
- **Conclusion for this section:**
  - **Complies with single-subject and clear-title requirements** as a matter of Missouri constitutional law.
  - **Ballot-language litigation is possible** because the summary is arguably incomplete about the effect on Art. I, §36.

### 3.2 U.S. & Missouri Constitutional Rights

Key issues:

1. **Interaction with Amendment 3 (Art. I, §36 – “reproductive freedom”)**
  - SJR 72 does **not** say “Section 36 is repealed.”
  - Instead, it:
    - Redefines “person” to include unborn children from conception to birth, and
    - States that nothing in the Missouri Constitution secures a right to abortion.
  - That is a **direct textual conflict** with Section 36’s abortion-rights language.
  - Under normal rules, the later-adopted amendment controls, so SJR 72 would be argued to **override** conflicting parts of Art. I, §36.
  - Opponents will likely argue:
    - Voters weren’t adequately informed that they were gutting §36; and
    - Therefore, the amendment is invalid or must be very narrowly construed.
  - Result: expect **litigation** over the interaction between these two sections, but SJR 72 is likely to be upheld in any legal challenge.
2. **Federal (U.S.) constitutional issues (14th Amendment, etc.)**

- **Post-Dobbs**, the U.S. Constitution is currently interpreted as **not** recognizing a federal right to abortion, leaving broad room for states to protect unborn life.
- Defining “person” at the state constitutional level is clearly within Missouri’s power.
- From a **pro-life, original-intent perspective**, this language is well-aligned with the argument that the 14th Amendment’s “person” should include unborn children—though federal courts have not yet embraced that view.

**Bottom line:**

- This is a **strong pro-life constitutional move** that pushes toward equal protection for unborn children and attempts to dismantle the abortion-rights framework of Amendment 3.

### **3.3 Delegation to Unelected Bodies & Separation of Powers**

- SJR 72:
  - Does **not** create or empower agencies, boards, or new regulatory schemes.
  - Does **not** delegate authority to bureaucrats or NGOs.
  - Leaves implementation to existing constitutional structures, future statutes, and the courts.

**Conclusion:**

- **No significant delegation or unelected-power concerns.**
- It strengthens constitutional text rather than expanding administrative state power.

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## **PART 4 – IMPACT ON MISSOURI FAMILIES**

### **4.1 Economic, Tax, and Utility Impacts**

- **No direct taxes, fees, or utility changes.**
  - SJR 72 doesn’t raise or create taxes or fees, nor does it alter utility rates.
- **Short-term:**
  - Expect **litigation costs** (AG’s office, courts) as abortion-industry groups and others challenge the amendment and its interaction with Amendment 3.
- **Long-term:**
  - If effective, it would:
    - Protect unborn life.

- Likely increase births relative to abortions.
- Drive policy debates around support for mothers, families, and children.
- These are real-world impacts, but they are mediated through future statutes and budget decisions, not this resolution itself.

## 4.2 Family, Parental Rights, and Education

- SJR 72 does **not** directly address:
  - Schools, DESE, curriculum, or parental-rights procedures.
  - Homeschool regulations or private Christian education.
- **Indirect effect:**
  - By recognizing unborn children as **constitutional persons** with a natural right to life, SJR 72 firmly places families and children together on the side of life rather than enshrining abortion as a constitutional “right.”
- **Net effect on family freedom and parental rights:**
  - **Positive**, because it protects children’s lives before birth and strips constitutional protection from abortion.

## 4.3 Moral & Cultural Climate

- SJR 72 clearly **rejects** the moral framework that treats abortion as a fundamental constitutional right.
- It moves Missouri toward:
  - A **culture of life** and equal dignity for unborn children.
  - A constitutional order where the state recognizes that children in the womb are human beings with unique DNA and natural rights.
- It does **not** create exceptions (rape, incest, etc.) in the constitutional text; it treats all unborn children as equally human.

### 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, reinforcing the moral order that supports strong families.



## **1. Sanctity of life (from conception)**

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

## **2. Christian & biblical view of government**

- **Supports.**
- Affirms that government exists to secure God-given rights, including the right to life, and recognizes unborn children as fully human.
- Treats life as a natural right, not a discretionary state privilege.

## **3. Property rights & economic liberty**

- **Not implicated.**
- No property-tax or economic-development schemes.

## **4. Constitutionalism & rule of law**

- **Supports, with drafting caveats.**
- Strengthens natural-rights language and clarifies personhood.
- The reliance on implied repeal (rather than explicitly striking Art. I, §36) introduces interpretive and litigation risk that could possibly have been avoided by explicitly removing Art. I, §36.

## **5. Right to bear arms**

- **Not implicated.**

## **6. State sovereignty & Tenth Amendment**

- **Supports.**
- Asserts Missouri’s authority, post-Dobbs, to define personhood and reject a constitutional abortion “right.”

## **7. 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 without adding new state control over parenting.

## **8. Homeschool freedom & private Christian education**

- Not implicated.
- 9. **Surveillance, data, and financial control (FedNow/CBDC, digital ID, etc.)**
  - Not implicated.

#### Summary:

- Overall alignment with Act for Missouri’s core principles: **Strong Support.**
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## PART 6 – SPECIAL TOPIC TESTS (2025–2026 PRIORITIES)

### 6.1 Amendment 3 / Personhood & Equal-Protection Test

- **Personhood move:**
  - SJR 72 clearly moves Missouri toward a **true personhood standard**, defining every human with unique DNA, including unborn children from conception to birth, as a “person” under the Constitution.
- **Effect on Amendment 3 (Art. I, §36):**
  - Amendment 3 enshrined an abortion “right” and restricted legislative regulation.
  - SJR 72 does not name §36 but:
    - Declares nothing in the Constitution secures a right to abortion.
    - Creates a direct conflict with §36.
  - As a later-in-time amendment, SJR 72 would be argued to override the conflicting parts of §36.
- **Equal-protection implications:**
  - By defining unborn children as “persons” in the section listing natural rights and equality, SJR 72 builds a strong textual basis for **equal-protection arguments on behalf of unborn children**, including protection under the 14<sup>th</sup> Amendment of the US Constitution.

#### Conclusion for 6.1:

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

### 6.2 Surveillance State & Digital-Control Test

- **Not implicated.**

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

- **Not implicated.**

#### 6.4 Federal Money & Strings

- **Not directly implicated.**
- Does not chase federal grant dollars or tie Missouri law to federal mandates.

#### 6.5 Globalism / Agenda 21 / Agenda 2030 Signals

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

#### 6.6 Doula / Perinatal Support Program Test

- **Not implicated.**
- SJR 72 does not create any doula or perinatal support infrastructure.

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

#### 7.1 Red-Flag List (Prioritized)

1. **Red Flag #1 – Indirect repeal of Amendment 3 / Art. I, §36 (litigation risk)**
  - **Location:** New Article I, Section 2(1)–(2).
  - **Why it matters:**
    - Instead of expressly repealing or amending Article I, Section 36, SJR 72 creates a **direct contradiction** and relies on implied repeal.
    - Opponents will argue the ballot language concealed the true effect—nullifying a recently adopted abortion “right”—and will seek change ballot language.
  - **Severity: Serious** (fixable with clearer repeal language, but it will be litigated regardless).
2. **Red Flag #2 – Ballot summary does not mention abortion**
  - **Location:** Section B (summary).
  - **Why it matters:**
    - The summary (“protect each human life with a unique DNA code regardless of age”) never says “abortion,” “personhood,” or that existing abortion-rights language will be displaced.
    - This is vulnerable to being challenged as **misleading**, and courts or the Secretary of State may rewrite it.

- **Severity: Minor** (procedural risk that could complicate or delay the amendment's effect).

## 7.2 Possible Fixes / Amendments

If Act for Missouri or allied legislators have the opportunity to influence the language, consider pushing for:

### 1. Explicit repeal / modification of Article I, Section 36

- Add something like:
  - *“Article I, Section 36 of the Constitution of Missouri is hereby repealed.”*
- This:
  - Makes the target clear.
  - Reduces ambiguity and honors transparency toward voters.
  - Strengthens the amendment's footing against procedural challenges.

### 2. More precise ballot language

- Conceptually replace the summary with something like:
  - *“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.
  - Tells voters what is actually changing, reducing “we didn’t know what we were voting on” arguments later.

If these changes were adopted, SJR 72 would be structurally stronger and more defensible.

## 7.3 Final Recommendation

### Act for Missouri **STRONGLY SUPPORTS** SJR 72

- **Why we support it:**
  - It is strongly aligned with our pro-life, Christian, constitutionalist principles.
  - It defines unborn children as persons from conception and denies any constitutional right to abortion or abortion funding.

- It does not grow government or empower unelected bureaucracies; instead, it clarifies and tightens constitutional protections.
- **Our main caution:**
  - As with HJR 109, the amendment relies on implied repeal of Amendment 3 and uses ballot language that does not explicitly mention abortion, creating litigation and messaging risk.

Even with those caveats, SJR 72 is a genuine **personhood amendment**. Act for Missouri strongly **supports** SJR 72.