

***Statement of Leaders Opposing Missouri’s So-Called
“Right to Reproductive Freedom Initiative,” a Trojan Horse for
the Imposition of the Trans Agenda on Missouri’s Children***

May 21, 2024

In November 2024, voters in Missouri may be asked to vote on a ballot initiative deemed the “Right to Reproductive Freedom Initiative” that would create a right to abortion and a right to so-called “gender affirming care.” The measure would amend the Missouri Constitution to create a “right” to so-called “reproductive freedom,” a broad term that is defined as:

"the right to make and carry out decisions about ***all matters*** relating to ***reproductive health care***, including ***but not limited to*** prenatal care, childbirth, postpartum care, birth control, abortion care, miscarriage care, and respectful birthing conditions."¹

While the text cleverly focuses on pregnancy and abortion, the creation of a broad right to “reproductive health care” expanded with the “but not limited to” text enables an interpretation that “reproductive health care” includes the right of a person to modify, eliminate or change their reproductive system.² Moreover, since the language does not specifically protect the parent-child relationship, the left will continue to argue that the state must counsel, enable and facilitate children to surgically, hormonally, or otherwise irreversibly mutilate themselves, against parental consent, under the guise of reproductive health and so-called “gender-affirming care.”³

The above expansive reading of the term “reproductive health” has already been adopted by many on the left. In Missouri, the left has opposed common sense legislation to ensure that “reproductive health care” does not include so-called “gender transition” procedures.”⁴

Furthermore, Section 6 of the proposed Missouri “Right to Reproductive Freedom Initiative” states, “The Government shall not discriminate against persons providing or obtaining reproductive health care or assisting another person in doing so.”⁵ This so-called “anti-discrimination” provision could be applied to allow biological males “obtaining reproductive health care” a legal right to demand access to girls’ and women’s activities and spaces.

¹ Constitutional Amendment to Article I, Relating to Reproductive Health Care, version 10 2024-086 (Mo. 2024), <https://www.sos.mo.gov/cmsimages/Elections/Petitions/2024-086.pdf>.

² Of note, there is historical precedent for using a broad definition of health in the abortion movement itself. *Doe v. Bolton* defined health to include “all factors—physical, emotional, psychological, familial, and the woman's age—” *Doe v. Bolton*, 410 U.S. 179 (1973), abrogated by *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022). Doe’s definition of health was also directly drawn from *U.S. v. Vuitch* which included “psychological wellbeing” as a facet of health and noted that statutes with health exceptions must permit abortions “for mental health reasons whether or not the patient had a previous history of mental defects.” *United States v. Vuitch*, 402 U.S. 62, 72 (1971) (quoting *Doe v. General Hospital of the District of Columbia*, 313 F.Supp. 1170 (D.D.C. 1970)).

³ Constitutional Amendment to Article I, Relating to Reproductive Health Care, version 10 2024-086 (Mo. 2024), <https://www.sos.mo.gov/cmsimages/Elections/Petitions/2024-086.pdf>.

⁴ S.B. 1459 (Mo. 2024), https://www.senate.mo.gov/24info/BTS_Web/Bill.aspx?SessionType=R&BillID=5708493#:~:text=SB%201459%20%2D%20Under%20this%20act.for%20the%20purpose%20of%20gender.

⁵ Constitutional Amendment to Article I, Relating to Reproductive Health Care, version 10 2024-086 (Mo. 2024), <https://www.sos.mo.gov/cmsimages/Elections/Petitions/2024-086.pdf>.

Per the Left, “Reproductive Health” includes “Gender Affirming Care.”

“Reproductive health” is a term that has been redefined over several years to include more than the “right to abortion.” Prominent governmental and medical entities reference “gender affirming” as a subset of “reproductive health.” A few examples are provided below:

- University of Chicago’s “trans” clinic defines “*reproductive health* services” as including “*gender-affirming*” surgeries, menstrual suppression, and abortion.⁶
- Boston’s Children Hospital’s “Transgender *Reproductive Health* Service” provides “inclusive reproductive health care for people of all gender identities and anatomies.”⁷
- National Women’s Law Center argues, “Protecting the right to *self-determination of gender identity and bodily autonomy* is part of *reproductive justice*.”⁸
- Washington state Attorney General Bob Ferguson’s office, explicitly stated that “Washington protects and supports access to *reproductive* health care, including abortion, as well as *gender-affirming care*.”⁹
- The Human Rights Campaign, Planned Parenthood, and others had urged the United States Department of Health and Human Services (“H.H.S.”) to expand the protection of *reproductive health* information from law enforcement to also shield information related to *gender-affirming care*.¹⁰
- H.H.S. issued a soon to be codified “HIPAA Privacy Rule To Support Reproductive Health Care Privacy,” and defined *reproductive health care* as health care “that affects the health of the individual in *all matters relating to the reproductive system* and its functions and processes.”¹¹

⁶ *Trans CARE (Clinic for Affirmation and Reproductive Equity)*, UCHICAGO MEDICINE, <https://www.uchicagomedicine.org/conditions-services/transgender-care-services/trans-care>. The University of Chicago medicine has a “Trans” clinic, the mission of which is to provide so-called “inclusive, high-quality reproductive health care for transgender and gender non-conforming patients.” The offered “reproductive health services” include “gender-affirming” surgeries, menstrual suppression, and abortion.

⁷ *Transgender Reproductive Health Service*, BOSTON’S CHILDREN HOSPITAL, <https://www.childrenshospital.org/programs/transgender-reproductive-health-service>. Boston Children’s Hospital explains, “We recognize that your reproductive health needs may be as unique as you are. Our goal is to help you address your reproductive health needs in a way that aligns with your gender identity and your relationship to your anatomy.” Services offered include “menstrual suppression,” “gender-affirming hysterectomies,” and other related services.

⁸ *Reproductive Rights Include Bodily Autonomy or Trans and Intersex Youth*, NATIONAL WOMEN’S LAW CENTER (Aug. 9, 2022), <https://nwlc.org/resource/reproductive-rights-include-bodily-autonomy-for-trans-and-intersex-youth/>.

⁹ *Reproductive and Gender-Affirming Care: Shielding Providers, Seekers, and Helpers from Out-of-State Legal Actions*, WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL, <https://www.atg.wa.gov/reproductive-and-gender-affirming-care-shielding-providers-seekers-and-helpers-out-state-legal>. “Washington protects and supports access to reproductive health care, including abortion, as well as gender-affirming care. Since the U.S. Supreme Court’s decision overturning *Roe v. Wade* in 2022, state laws and policies on these issues have diverged sharply, with some states protecting access and others restricting and even criminalizing it.”

¹⁰ Ian Lopez, *HHS Urged to Wrap Transgender Care Into Abortion Privacy Plan*, BLOOMBERG LAW (Aug. 1, 2023), <https://news.bloomberglaw.com/health-law-and-business/hhs-urged-to-wrap-transgender-care-into-abortion-privacy-plan>.

¹¹ HIPAA Privacy Rule To Support Reproductive Health Care Privacy, 89 Fed. Reg. 33,005 (Apr. 26, 2024), <https://www.federalregister.gov/documents/2024/04/26/2024-08503/hipaa-privacy-rule-to-support-reproductive-health-care-privacy>, at PDF p. 30 (to be codified at 45 C.F.R. 160 and 45 C.F.R. 164 effective June 25, 2024). This definition is sufficiently broad to include many medical procedures that are involved in “gender-affirming care.”

“Reproductive Freedom” Laws Can and Are Being Used to Kidnap and Mutilate Children.

Families have already been torn apart in the interests of the LGBTQ agenda. In August 2023, a Montana family, Todd and Krista Kolstad, had their 14-year-old daughter taken from them by Child Protective Services (“CPS”), because CPS determined – contrary to parental consent – that destroying the sexual function of the child, i.e., “transitioning,” was in the best interests of the child.¹² Similar situations have also occurred recently in Indiana and California.¹³ If states such as Missouri create a broad “right to reproductive freedom” that can be utilized by the radical LGBTQ movement, these outrageous irreversible medical experiments on children without parental consent will only become more common.

At first glance, “reproductive freedom” amendments are billed as a response to the overturning of *Roe v. Wade*, but upon closer inspection, it is amply clear the left is *redefining* the term “reproductive freedom” to include the state directed sexual mutilation of children contrary to parental consent.

The Initiative Would Also Seriously Endanger the Rights and Security of Girls and Women in Missouri.

Section 6 of the initiative states, “The Government shall not discriminate against persons providing or obtaining reproductive health care or assisting another person in doing so.”

This so-called “anti-discrimination” provision could be applied to allow biological males “obtaining reproductive health care” a malicious but new legal “right” to demand access to girls’ and women’s activities and spaces. This would gravely endanger the rights of Missouri’s girls and women to participation, privacy, and safety in sports, athletic scholarships, restrooms, locker rooms, prisons, and other activities and spaces which ought to afford them basic protection from the unjust, unscientific, and unsafe domination of their male counterparts.

Supporters of the Missouri Amendment have been Transparent about Intent for the Amendment to Secure the Trans Agenda and its Progeny in the State of Missouri.

The Missouri amendment states, as explained above: “The Government shall not deny or infringe upon a person’s fundamental right to *reproductive freedom*, which is the right to make and carry out decisions about *all matters relating to reproductive health care*, including but *not limited to* ... abortion care ... and respectful birthing conditions.”¹⁴

¹² Caitlin Tilley, 'Gender ideology has torn our family apart': Montana family who lost custody of their 14-year-old daughter after refusing to let her transition to a boy reveals their torment, DAILY MAIL (Jan. 30, 2024), <https://www.dailymail.co.uk/health/article-13021149/montana-family-loses-custody-teen-daughter-gender-transition.html>.

¹³ Ibid.

¹⁴ Constitutional Amendment to Article I, Relating to Reproductive Health Care, version 10 2024-086 (Mo. 2024). <https://www.sos.mo.gov/cmsimages/Elections/Petitions/2024-086.pdf>. The proposed amendment is titled “The Right to Reproductive Freedom Initiative” and if passed, will be located in Section 36 of Article I. Point 2 states, “The Government shall not deny or infringe upon a person’s fundamental right to reproductive freedom, which is the right to make and carry out decisions about all matters relating to reproductive health care, including but not limited to prenatal care, childbirth, postpartum care, birth control, abortion care, miscarriage care, and respectful birthing condition.” See also Meghan Lee & Lilley Halloran, *Volunteers gather signatures to put abortion rights on the ballot*

The language of the amendment is expansive and does not provide an exhaustive list of conduct that might be deemed an exercise of “reproductive freedom.” The left will claim a state enforceable “right” to the mutilation of children, and all other abuses of minors that might be deemed an exercise of reproductive “liberties” in the future.

Supporters of the amendment in Missouri have been frank about their desire to enshrine trans rights and so-called “gender affirming care” under the guise of “reproductive freedom.” Recently, a bill was proposed in the Missouri Senate (S.B. 1459) in response to the “Reproductive Freedom Initiative” to ensure that the term “reproductive health care,” “shall not be construed to include gender transition surgeries or the use of cross-sex hormones or puberty-blocking drugs for the purpose of gender transition for minor children or adults.”¹⁵ During an April 16, 2024 committee hearing on the bill, a Missouri citizen who identifies himself as a “member of the trans community,”¹⁶ opposed the above legislation and stated, “**reproductive healthcare does include gender-affirming care. That’s just a basic fact of what reproductive healthcare is.**”¹⁷ Moreover, the commonsense bill to exclude the trans agenda from “reproductive healthcare” was also opposed by the Missouri Family Health Council, the National Council of Jewish Women St. Louis, and PROMO Missouri, an LGBT advocacy organization.¹⁸

The left’s opposition to S.B. 1459 confirms that the trans-agenda would be included under reproductive health care because S.B. 1459 contains no provision restricting, limiting, excluding, or otherwise impacting *any* conduct except for that which is strictly related to gender “transitioning.” Therefore, opposition to S.B. 1459 reveals that the so-called ‘Right to Reproductive Freedom’ amendment would include the trans agenda and create a “right” for the state to mutilate children, against parental consent, as well as a “right” for biological males to participate in girls’ sports and utilize public facilities rightfully belonging to girls and women.

In 2023, Missouri passed the “Missouri Save Adolescents from Experimentation (SAFE) Act,”¹⁹ which prohibits health care providers from performing gender mutilation surgeries on minors and added that “[u]ntil August 28, 2027, no health care provider shall prescribe or administer cross-sex hormones or puberty-blocking drugs to a minor for a gender transition, unless such minor was receiving such treatment prior to August 28, 2023.”²⁰ The shelter the SAFE Act created for Missouri’s children would be undone by the initiative at issue, as would the immense diligence and

in Missouri, but face challenges, KBIA (Apr. 24, 2024), <https://www.kbia.org/missouri-news/2024-04-24/volunteers-gather-signatures-to-put-abortion-rights-on-the-ballot-in-missouri-but-face-challenges>.

¹⁵ S.B. 1459 (Mo. 2024),

https://www.senate.mo.gov/24info/BTS_Web/Bill.aspx?SessionType=R&BillID=5708493#:~:text=SB%201459%20%2D%20Under%20this%20act,for%20the%20purpose%20of%20gender. The proposed bill states, “Under this act, and unless clearly and specifically stated otherwise, the term ‘reproductive health care’, as used in the laws and regulations of this state, shall not be construed to include gender transition surgeries or the use of cross-sex hormones or puberty-blocking drugs for the purpose of gender transition for minor children or adults.”

¹⁶ MOSENCOM, *Committee Hearing for SB 1459*, YOUTUBE (Apr. 17, 2024),

https://www.youtube.com/watch?v=Wm1e1vTprcY&ab_channel=MOSENCOM, at 11:47.

¹⁷ MOSENCOM, *Committee Hearing for SB 1459*, YOUTUBE (Apr. 17, 2024),

https://www.youtube.com/watch?v=Wm1e1vTprcY&ab_channel=MOSENCOM, at 13:30 (emphasis added).

¹⁸ MOSENCOM, *Committee Hearing for SB 1459*, YOUTUBE (Apr. 17, 2024),

https://www.youtube.com/watch?v=Wm1e1vTprcY&ab_channel=MOSENCOM.

¹⁹ S.B. 49 (Mo. 2024),

https://www.senate.mo.gov/23info/BTS_Web/Bill.aspx?SessionType=R&BillID=44407#:~:text=SS%232%2FSCS%2FSCS,transition%20surgeries%20on%20any%20minor.

²⁰ *Id.*

dedication put forth by Missourians and child welfare advocates who fought hard for the SAFE Act's passage.

Conclusion.

Voters should reject Missouri's deceptive "reproductive freedom" initiative both because it contravenes the right to life and because it threatens the enshrinement of a so-called "right" to the trans agenda. Such a right would include the bodily mutilation of Missouri's children. It is an unacceptable societal outrage for the government to create a state-sponsored "right" that can be used by bureaucrats to mis-lead and kidnap children in order to irreversibly mutilate and forcibly sterilize their reproductive systems against parental consent. Such a "right" would also bring forth the destruction of athletic pursuits and public facilities reserved to women and girls.

Please vote "no" on Missouri's so-called "Right to Reproductive Freedom Initiative." The duty to safeguard and protect children from harm is of utmost importance.

[LIST OF LEADERS SIGNING THE STATEMENT]

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