

By: Representatives Banks, Bell (65th),
Summers

To: Public Health and Human
Services

HOUSE BILL NO. 1385

1 AN ACT TO REPEAL SECTIONS 41-41-45 AND 97-3-3, MISSISSIPPI
2 CODE OF 1972, WHICH PROHIBIT THE PERFORMING OR INDUCING OF AN
3 ABORTION EXCEPT WHERE NECESSARY FOR THE PRESERVATION OF THE
4 MOTHER'S LIFE OR WHERE THE PREGNANCY WAS CAUSED BY RAPE; TO
5 PROVIDE FOR A STATEWIDE SPECIAL ELECTION TO BE HELD ON TUESDAY,
6 NOVEMBER 7, 2023, FOR THE PURPOSE OF DETERMINING WHETHER ABORTIONS
7 SHALL BE PROHIBITED IN MISSISSIPPI; TO PROVIDE THAT IF A MAJORITY
8 OF THE QUALIFIED ELECTORS VOTING ON THE QUESTION IN THE SPECIAL
9 ELECTION VOTE FOR PROHIBITING ABORTIONS IN MISSISSIPPI, THEN THIS
10 ACT SHALL NOT TAKE EFFECT; TO PROVIDE THAT IF A MAJORITY OF THE
11 QUALIFIED ELECTORS VOTING ON THE QUESTION IN THE ELECTION VOTE
12 AGAINST PROHIBITING ABORTIONS IN MISSISSIPPI, THEN THIS ACT SHALL
13 TAKE EFFECT ON JANUARY 1, 2024; AND FOR RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 **SECTION 1.** Sections 41-41-45 and 97-3-3, Mississippi Code of
16 1972, which prohibit the performing or inducing of an abortion
17 except where necessary for the preservation of the mother's life
18 or where the pregnancy was caused by rape, are repealed.

19 **SECTION 2.** There shall be a statewide special election for
20 the purpose of determining whether Section 1 of this act will take
21 effect. The special election shall be held on Tuesday, November
22 7, 2023, and shall be conducted in the same manner as regular
23 general elections are held. The question put before the voters at



24 the statewide special election shall read on the ballots as
25 follows:

26 **"PLEASE VOTE 'YES' OR 'NO'**

27 **Abortions shall be prohibited in Mississippi except where**
28 **necessary for the preservation of the mother's life or where the**
29 **pregnancy was caused by rape.**

30 **'YES': _____ 'NO': _____"**

31 The qualified electors may indicate their preference on the
32 line following the answer that they prefer.

33 If a majority of the qualified electors voting on the
34 question in the special election vote "Yes," then Section 1 of
35 this act shall not take effect. If a majority of the qualified
36 electors voting on the question in the election vote "No," then
37 Section 1 shall take effect from and after January 1, 2024.

38 **SECTION 3.** Section 1 of this act shall take effect and be in
39 force from and after January 1, 2024, and Section 2 of this act
40 shall take effect and be in force from the after the passage of
41 this act.

