

Important Update on Abortion and the Virginia Constitution - January 2026

On behalf of TFCA's Anglicans for Life Chapter, we provide this update on a serious public policy matter facing all Virginians, in conflict with our church's position on the right-to-life of unborn children.

This January the Virginia General Assembly passed a bill to amend the Virginia Constitution, entitled "**Fundamental Right to Reproductive Freedom**". Amending the Virginia Constitution is a two-year process. A simple majority vote is required during two successive legislative sessions to place a constitutional amendment on the ballot.

As the amendment has now passed for a second time, it will go to a statewide referendum for all citizens to decide by majority vote. This vote is expected to be part of the Virginia General Election on November 3.

The Virginia Constitution supersedes all other Virginia laws and can only be changed by passing a later amendment to the Constitution. Please see the complete wording of this amendment (Att. 1). Please note the yellow highlighted area, which is how the question will be worded on the ballot.

In the opinion of the Pro-life movement, this extreme amendment is code for unlimited and unregulated abortion, as seen when similar amendments have been passed in other states. Please see Att. 2, which highlights the dangers of the Virginia amendment wording, such as:

- Abortion allowed up to birth, all forms and all stages.
- Less regulations that protect women getting abortions, and difficulty in prosecuting those who harm women.
- Abortion for minors without parental knowledge or consent.

This amendment could also be used to justify:

- Harassment of Pregnancy Help Centers, which may be pressured to advertise abortion.
- Attacks on religious freedom for anyone who doesn't want to be involved in abortion.
- Attacks on First Amendment freedoms of those offering help to women outside abortion facilities.
- Possible transgender surgeries for minors, because "reproductive freedom" means if a minor wants to sterilize themselves permanently, and it is their "constitutional right", how can parents or anyone else say no?
- No care or protection for babies born alive after "failed" abortions.
- Our Commonwealth becoming a destination for "abortion tourism", providing abortions for people from surrounding states.

Abortion and the devaluing of human life is ultimately a spiritual issue, and we are crying out to God to have mercy on our Commonwealth. We appreciate that TFCA leadership upholds the sanctity of life as biblical truth. We look for ways to inform our church congregants about this major threat to human life in Virginia, so that as Christian citizens we can engage in our culture in the ways God has called each of us.

TFCA Anglicans for Life Executive Ctee: Jeanne Lee, Wendy Wright, Lesley Hackman

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SENATE BILL NO. 449

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to provide for the submission to the voters of a proposed amendment to the Constitution of Virginia by adding in Article I a section numbered 11-A, relating to fundamental right to reproductive freedom.

Patron—Boysko

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2026, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend the Constitution of Virginia by adding in Article I a section numbered 11-A as follows:

ARTICLE I

BILL OF RIGHTS

Section 11-A. Fundamental right to reproductive freedom.

That every individual has the fundamental right to reproductive freedom, including the ability to make and carry out decisions relating to one's own prenatal care, childbirth, postpartum care, contraception, abortion care, miscarriage management, and fertility care.

An individual's right to reproductive freedom shall not be, directly or indirectly, denied, burdened, or infringed upon unless justified by a compelling state interest achieved by the least restrictive means.

Notwithstanding the above, the Commonwealth may regulate the provision of abortion care in the third trimester, provided that in no circumstance shall the Commonwealth prohibit an abortion (i) that in the professional judgment of a physician is medically indicated to protect the life or physical or mental health of the pregnant individual or (ii) when in the professional judgment of a physician the fetus is not viable.

The Commonwealth shall not discriminate in the protection or enforcement of this fundamental right.

The Commonwealth shall not penalize, prosecute, or otherwise take adverse action against an individual based on such individual's own exercise of this fundamental right or such individual's own actual, potential, perceived, or alleged pregnancy outcomes, including miscarriage, stillbirth, or abortion. The Commonwealth shall not penalize, prosecute, or otherwise take adverse action against any individual for aiding or assisting another individual in exercising such other individual's right to reproductive freedom with such other individual's voluntary consent.

For the purposes of this section, a state interest is compelling only if it is for the limited purpose of maintaining or improving the health of an individual seeking care, consistent with accepted clinical standards of care and evidence-based medicine, and does not infringe on that individual's autonomous decision making.

This section shall be self-executing. Any provision of this section held invalid shall be severable from the remaining portions of the section.

§ 2. The ballot shall contain the following question:

"Question: Should the Constitution of Virginia be amended to (i) protect the freedom to make personal decisions about prenatal care, childbirth, postpartum care, birth control, abortion, miscarriage management, and fertility care; (ii) protect doctors, nurses, and patients from being punished for these decisions; and (iii) allow for restrictions on access to abortion during the third trimester of pregnancy except when the patient's health is at risk or the pregnancy cannot survive?"

The ballots shall be prepared, distributed, and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify, and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report,

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WHAT DOES VIRGINIA'S PROPOSED PRO-ABORTION "RIGHT TO REPRODUCTIVE FREEDOM" AMENDMENT ACTUALLY SAY?"

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This is a sweeping, vague term. Does your child have a constitutional right to sexual experimentation?

Overrides anything in our current or future VA statutes.

"Individual" includes both women and men, kids, pre-teens, and minors. What happens to parental rights?

Which means this could:

- kill parental consent laws by claiming they "discriminate" against minors.
- Punish medical staff who say "no" to abortion.
- open the door to taxpayer-funded abortions.

Think abusive partners, traffickers, out-of-state activists- they're all shielded if there's "voluntary consent"

Almost all common-sense, safety protections would be struck down. Eliminates any accountability for abortion industry.

Could prevent or deter investigations into suspicious or coerced abortions.

Could easily be forged

Despite claiming to permit some third-trimester regulation, it takes away the state's ability to limit risky, up-until-birth abortions.

Creates limitless exceptions, making it impossible to enforce reasonable safeguards

The abortion industry sets the rules: the amendment locks in abortion-lobby standards as the legal gold standard.

ie, state interests to protect women is made secondary to "clinical standards" defined by abortion industry

Translation: You wake up the next day in a sanctuary state for big-pharma, no-guardrails, for-profit abortion industry