

**SJR 33 STAFF MEASURE SUMMARY****Carrier:** Sen. Lieber**Senate Committee On Rules**


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**Action Date:** 04/27/23  
**Action:** Be adopted.  
**Vote:** 3-2-0-0  
**Yeas:** 3 - Lieber, Manning Jr, Steiner  
**Nays:** 2 - Hansell, Knopp  
**Fiscal:** Fiscal impact issued  
**Revenue:** No revenue impact  
**Prepared By:** Leslie Porter, LPRO Analyst  
**Meeting Dates:** 4/25, 4/27

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**WHAT THE MEASURE DOES:**

Proposes amendment to Oregon Constitution to provide examples of rights that denial or abridgement of which would violate existing constitutional guarantee of equality of rights, including pregnancy, pregnancy outcomes, or related health decisions; gender identity or related health decisions; sexual orientation; or gender. Makes conforming change by repealing Section 5a, Article XV, which is the constitutional policy of marriage as being between one man and one woman. Refers proposed constitutional amendment to the people for their approval or rejection at special election held on same date as next regular general election.

**ISSUES DISCUSSED:**

- The protection of equal rights, human rights, and the passage of the Equal Rights Amendment in 2014
- The repeal of policy in the Oregon Constitution of marriage being between one man and one woman
- The effects of laws without discriminatory intent, specifically related to reproductive and gender-related health care
- The government's role in health care decisions
- Abortion and adoption restrictions
- Impacts of discrimination based on sexual and/or gender identity
- Whether schools could restrict women's sports to biological females, or separate bathrooms based on sex, should Senate Joint Resolution 33 be adopted
- The role of constitutional law in determining what rights may be upheld, if SJR 33 was adopted and subsequently challenged in the courts
- Whether parental rights are impacted

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Section 5a, Article XV of the [Oregon Constitution](#) establishes the constitutional policy that only a marriage between one man and one woman will be valid or legally recognized in Oregon and its political subdivisions. Section 5a, Article XV was added to the Constitution as a result of an initiative petition that was placed on the ballot and approved by the people on November 2, 2004.

Section 46, Article 1, of the [Oregon Constitution](#) prohibits the denial or abridgement of rights on account of sex. It grants the Legislative Assembly the power to enforce this provision, through legislation. It also guarantees that other constitutional rights are not diminished by this prohibition. Section 46, Article 1, was added to the Constitution as a result of an initiative petition that was placed on the ballot and approved by the people on November 4, 2014.

## **SJR 33 STAFF MEASURE SUMMARY**

Senate Joint Resolution 33 proposes an amendment to Oregon Constitution to provide examples of rights of which denial or abridgement would violate existing constitutional guarantee of equality of rights and repeals the constitutional policy of legally recognizing only marriages that are between one man and one woman.