



THE NATIONAL CATHOLIC BIOETHICS CENTER

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Bioethics and Public Policy Report

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The *National Scene*: The NCBC has been collaborating with the National Catholic Partnership on Disability (NCPD) to support organ transplantation policies that respect the Dead Donor Rule (that there is moral certitude that death has occurred before un-paired organs are harvested), as well as policies that protect living donors from coercion, as well as donations that create for the donor a disability. To this end numerous public comments have been submitted by NCBC and NCPD, the most recent pertaining to [List Covered Body Parts Pertaining to Vascularized Composite Allografts](#). ♦ The NCBC has partnered with numerous organizations to oppose the [U.S. Department of Labor's](#) proposal defining “sex” in current anti-discrimination statutes to include transgender status and gender identity. ♦ Likewise, the NCBC has opposed the [Department of Defense's](#) plan to include all treatment for Gender Dysphoria short of surgery in its insurance. ♦ The US House of Representatives is considering the [Conscience Protection Act](#) of 2016, which the USCCB supports. ♦ The ACLU is suing to block a Federal [human trafficking grant](#) to the USCCB because it alleges that the government is thereby establishing a national religion. Unfortunately, it won a similar suit in 2009. ♦ Doctors in [Massachusetts](#) have performed the first successful penis transplant in the US. Although this might serve legitimate therapeutic ends, it also presages further opportunities for sex reassignment surgeries. ♦ The ACLU is suing Dignity Health, a hospital chain, for its refusal to cover employee's [gender reassignment surgery](#). ♦ Various Catholic and secular institutions, including the NCBC, testified to the [International Society for Stem Cell Research](#) (ISCCR) concerning their 2016 research guidelines. One major improvement won by the groups was that ISCCR now calls for researchers to identify the origin of the cells they used in their research (embryonic vs. adult and from what cell line). However, many problems with the guidelines remain, including present, but reduced conscience protections for researchers who object to the use of embryonic stem cells, permission to grow embryos for 14 days in-vitro before destroying them, approval for three-parent in-vitro children, and permission for research into the human applications of gene-editing techniques, while providing caution against using them in reproduction.

The *State of Conscience/Religious Liberty*: A proposal is before the [Missouri](#) Legislature to allow citizens to vote on a state constitutional amendment to protect the religious freedom of businesses not wanting to endorse same-sex weddings through services provided. ♦ Unfortunately, some legislators in [Louisiana](#) have voted against a proposal that protects clergy from being forced to perform same-sex wedding services. ♦ The Governor of [Louisiana](#) issued an executive order that prohibits state agencies and state contractors (potentially impacting Catholic social services) from making employment decisions based upon those criteria that are included as protected classes, but adding to it sexual orientation and gender identity. ♦ The [Georgia](#) legislature passed a bill that would have prevented certain organizations from having to rent out or sponsor events that violated their “sincerely held religious belief.” However,

the Governor vetoed it because he found the language discriminatory, though big businesses had also come out strongly against the bill. ♦ An administrative law judge in [Illinois](#) ordered Christian owners of a bed and breakfast to pay \$81,000 in fines and costs for refusing to host an LGBT civil union. ♦ [Mississippi](#) is defending in federal district court its *Protecting Freedom of Conscience from Government Discrimination Act*, which immunizes businesses and individuals for refusing to participate (i.e., in gay marriage ceremonies) when such decision is based on sincerely held religious beliefs. ♦ A [US](#) Senator has introduced legislation to coerce pharmacists to participate in the distribution of birth control and emergency contraception (i.e., abortifacients). ♦ Wedding invitation artists in Phoenix, [Arizona](#) preemptively sued the city to bar enforcement of its non-discrimination ordinance. ♦ A municipal judge in [Wyoming](#) is facing dismissal because she said that she would not preside over gay marriages. ♦ The Archdiocese of Louisville, [Kentucky](#) is objecting to a gay couple's request to celebrate their role in making gay marriage legal by inscribing intertwined rings and an image of the Supreme Court on their joint tombstone (for the proposed [tombstone](#)). ♦ A couple in [Oregon](#) has been fined \$135,000 for refusing to make a cake for a same-sex wedding and is now appealing. ♦ [Missouri](#) denied a grant application to build a playground because the petitioner was a Lutheran Church. The USCCB has joined the appeal. ♦ [Illinois](#) has passed a bill requiring all pregnancy centers to refer for abortions. It remains a question whether the Governor will sign it (See, [also](#)). ♦ [U.S.](#) Senate Democrats have put forward a bill that would fine pharmacists \$1,000 per day for not personally dispensing emergency contraception (i.e., abortifacients), explicitly stating that the conscience protections of the Religious Freedom Restoration Act do not apply. ♦ An [Illinois](#) hospital forced a nurse to resign over her refusal to assist in abortions. She is now suing under the state's Health Care Right of Conscience Act. ♦ The [Louisiana](#) Senate rejected a bill that would add conscience protections to ministers who did not wish to perform ceremonies contrary to their religious beliefs. ♦ [Maryland and Vermont](#) have passed legislation requiring insurance providers to provide coverage for contraception and vasectomies without co-pay. (See, [also](#), and [also](#)). [New York](#) is considering similar legislation. ♦ [New York's](#) Department of Financial Services slipped abortion coverage into its model insurance coverage policy. The Diocese of Albany has sued to ensure that their health insurance did not cover abortions and other morally objectionable services. ♦ The [Alabama](#) Chief Justice ordered his lower court judges to continue to apply the state's ban on same-sex marriages, and as a result has been removed from the bench on ethics charges. ♦ See, also **Recent Good News**, below.

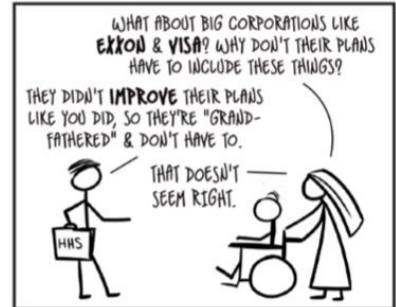
State by State: A U.S. District Court has ruled that an [Alabama](#) law protecting women who have abortions unconstitutional, because it requires the abortionists to have admitting privileges at a local hospital (see [other challenges](#)). ♦ The [Kansas](#) Supreme Court agreed to hear an appeal by the state Court of Appeals' decision to uphold a temporary ban on a law criminalizing the second-trimester abortion method known as "dilation and evacuation." ♦ [North Dakota](#) has been forced to pay almost a quarter of a million dollars to abortion activists after a court overturned a state law banning abortion when unborn babies have a detectable heartbeat. ♦ The [Alabama](#) Legislature is advancing a proposal that will allow citizens to vote on a constitutional amendment that would define a person as "any human being from the moment of fertilization" in the state constitution. ♦ Both of [Arizona's](#) legislative chambers voted [unanimously](#) to update their restrictions on the abortion-inducing drug Mifeprex based on its updated FDA label. This both lowers the prescribed dose and facilitates its administration. ♦ The [Missouri](#) House approved a constitutional amendment protecting the right of a child to life at every stage of biological development, though the Senate was unable to approve it before the legislative session ended. ♦ [Louisiana](#) passed legislation banning dismemberment abortions, which the Governor [signed](#) (See, [also](#)). [Pennsylvania](#) has introduced similar legislation. Further, [Louisiana](#) extended its waiting period before a woman may have an abortion from 24 hours to 72 hour (See, [also](#)). In addition, the [Louisiana](#) Senate has

advanced a bill (see HB1019) that would make it the third state (North Dakota and Indiana) to ban abortions based on genetic abnormalities, including Down Syndrome. Also, Louisiana is considering a bill (HB815/SB33) that would ban post-abortion organ harvesting. ♦ [South Carolina](#) now bans abortions from 19 weeks on, becoming the 13th state to ban abortions based on fetal pain. (See, [also](#)) ♦ Bishop Malone of the Diocese of Buffalo, [New York](#) issued a statement opposing medically assisted suicide legislation, being considered in the state. ♦ The [Iowa](#) Supreme Court ruled that unborn children are persons in so far as to receive compensation for the unlawful death of their fathers. ♦ A committee in the [New York](#) legislature has sent a bill to the full legislature that would permit assisted suicide. ♦ [Michigan](#) now makes coercing a woman to have an abortion a crime, punishable by fines up to \$10,000. ♦ [Texas](#) joined 10 other states suing the Obama administrations transgender bathroom guidelines. ♦ The [Florida](#) Supreme Court has agreed to hear a challenge to the state's 24 waiting period between a woman's initial visit to an abortionist and an abortion. ♦ The Governor of [Kansas](#) has defunded Planned Parenthood by giving priority of health care funds to full-service providers. The 10th Circuit Court of Appeals has already ruled that a substantially similar measure is legal. ♦ [Missouri](#) advanced a bill that would require in-state parents to be notified before their minor daughters could be taken out-of-state for an abortion, even when the other state does not have parental notification laws. ♦ The University of Illinois is challenging [Illinois'](#) statute prohibiting the transfer and sale of aborted (and miscarried) fetal tissue because it says that the law stymies research. ♦ [South Dakota](#) now requires doctors prescribing a chemical abortion to inform the mother that such an abortion is reversible for a short time after taking the initial dose. ♦ A right to life group sued a bus company for not allowing their ad informing women "You are not alone. Free resource for women seeking health care." They lost in district court in [Indiana](#), but have now appealed to the 7th Circuit. ♦ [Oklahoma](#) passed the *Humanity of the Unborn Child Act*, which requires the state's health department to initiate an educational campaign to teach that unique human life begins at the moment of conception. ♦ A [Virginia](#) school board is appealing to the Supreme Court after the 4th Circuit ruled that federal law permits transgender students to choose their bathroom. ♦

Recent Good News: A U.S. District Court in Michigan dismissed a suit by the ACLU against [Trinity Health Corporation](#) for its refusal to perform abortions. ♦ The [Maryland](#) Legislature concluded without passing the legislative proposal to legalize physician assisted suicide. ♦ [Mississippi](#) and [Arizona](#) have passed bills prohibiting tax dollars from going to groups that perform elective abortions. ♦ [New Hampshire](#) defeated a bill that would have established a commission that likely would have suggested and advocated for assisted suicide. ♦ [Washington](#) clarified that only an individual can choose assisted suicide for him/herself and that powers of attorney may not do so on their behalf. ♦ The [US Supreme Court](#) overturned multiple Appellate Courts, and held in favor of the Little Sisters of the Poor. Although the Government had said that it could only provide contraception using the Sister's insurance plan, after being pressed, it admitted that there were other ways, which meant to the Supreme Court that it was unnecessary to burden the Sister's religious practice (see comic below). ♦ [Indiana](#) now requires that aborted children be buried or cremated, and sanctions treating them as medical waste. ♦ [Minnesota](#) defeated a bill that would have overturned the states longstanding law prohibiting assisting suicide. ♦ [Georgia](#) added \$2 million to its 2017 budget to fund crisis pregnancy centers. ♦ The 3rd Circuit Court of Appeals reinstated a challenge to Pittsburgh, [Pennsylvania's](#) 15-foot buffer zone for protests at health-care facilities. The case returns to district court for a decision. ♦

Sharing Your Good News and Your Efforts: If there are public policy advocacy strategies which you wish to share with others, please e-mail mhilliard@ncbcenter.org.

Sharing of Resources: The web page of the National Catholic Bioethics Center is a significant resource in the realm of bioethics: www.ncbcenter.org. Also, bioethicists are on call twenty-four hours a day, every day of the week, for consultation by calling 215-877-2660.



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