



## THE NATIONAL CATHOLIC BIOETHICS CENTER

6399 Drexel Road, Philadelphia, PA 19151 ▪ Tel 215-877-2660 ▪ Fax 215-877-2688 ▪ [www.ncbcenter.org](http://www.ncbcenter.org)

### Bioethics and Public Policy Report

January 2016

**The *National Scene*:** President Obama vetoed legislation, passed by both houses of the U.S. Congress, that would defund the granting of federal tax dollars to [Planned Parenthood](#). ♦ The NCBC has filed public comment concerning the revisions proposed by the U.S. Department of Health and Human Services' Common Rule. The Common Rule initially was promulgated in 1991 for the protection of human subjects in biomedical research. The NCBC provided comment in support of the revised definition of "human subject," which covers research with biospecimens not initially identified for research purposes when gathered from persons, thus historically not being subject to informed consent rules. The use in research of any reproductive tissue specimens, such as sperm or ova, would require informed consent from those from whom they were collected. Furthermore, the NCBC called for research protocols, which require a subject not to get pregnant during the research period or beyond, to allow for abstinence as an alternative to often mandated contraception.

**The State of *Conscience/Religious Liberty*:** NCBC has joined the USCCB in filing public comment to the Office for Civil Rights, in the U.S. Department of Health and Human Services, over the proposed gender identity mandate, which threatens the freedom of conscience of health care providers, organizations and insurers. ♦ The NCBC has joined seven health care organizations in filing an amicus brief (*Zubik, et al. v. Burwell, et al.*) to the U.S. Supreme Court, in opposition to violations of the religious liberty of organizations by the U.S. Department of Health and Human Services' "Contraceptive Mandate," pursuant to the Affordable Care Act. To date the NCBC has filed twenty-two (22) such briefs in support of the religious liberty rights of numerous organizations subject to this mandate. ♦ The proposed [South Carolina Natural Marriage Defense Act](#) would limit the term "marriage" to a union of one man and one woman, and require the South Carolina Attorney General to defend state officials in lawsuits to protect their conscience rights pertaining to marriage. ♦ The Alabama Supreme Court Chief Justice, invoking that state's constitutional amendment defining marriage as between one man and one woman, ordered probate judges to stop issuing [marriage](#)

[licenses to same-sex couples](#), despite the ruling of the U.S. Supreme Court that such marriages must be recognized in all of the United States. ♦ The Governor of Kentucky signed an executive order indicating that [same-sex marriages](#) will be conducted throughout the state, and that county clerks may retain their positions without having to sign such licenses. ♦ The Virginia Legislature is considering proposed legislation that would create a “conscience clause,” stating that a Virginia clerk or deputy clerk shall not be required to issue a [marriage license](#) if he or she has a personal, ethical, moral, or religious objection. ♦ A family-owned pharmacy has petitioned the U.S. Supreme Court to overturn a recent ruling mandating that pharmacies in Washington State cannot refuse to sell [emergency contraception](#) by invoking religious liberty. ♦ Also, see *Recent Good News*.

**State by State:** The Missouri Legislature will be considering a proposal to require that both parents of a minor daughter be notified if the minor is seeking an [abortion](#). ♦ The Tennessee Legislature will be considering a proposal to require that women seeking an [abortion](#) be offered the opportunity to see an ultrasound of their unborn baby and listen to the baby’s heartbeat. ♦ The Kansas [Unborn Child Protection from Dismemberment Abortion Act](#) has been put under a preliminary injunction pending review by the Kansas State Court of Appeals, in a challenge to its constitutionality by the Center for Reproductive Rights. ♦ An Arkansas law requiring abortion facilities to follow U.S. Food and Drug Administration guidelines when administering [chemical abortion drugs](#) is being challenged by Planned Parenthood. ♦ The Nebraska Catholic Conference is supporting a proposal being considered by the Nebraska School Activities Association that would formalize the current practice of basing high school sports participation on [students' sex at birth](#). ♦ Pharmacists in the state of Oregon can now [dispense contraception](#) without a physician’s order. ♦ A California initiative, which would allow voters to determine if the legalization of [physician-assisted death](#) should continue in that state, failed to gather sufficient signatures for a referendum.

**Recent Good News:** A U.S. federal district court has ruled that the Governor of Utah has the authority to deny state contracts to [Planned Parenthood](#). ♦ The U.S. Court of Appeals for the 9th Circuit refused to reinstate an American Civil Liberties Union lawsuit, on behalf of the National Association for the Advancement of Colored People, against an Arizona law that bans [abortions based on sex or race](#). ♦ A legislative proposal to legalize [physician-assisted death](#) in New Jersey has failed. ♦ A San Francisco Superior Court judge has denied a petition, by the American Civil Liberties Union, for a temporary injunction against *Dignity Health* for refusing to perform a [tubal ligation](#). ♦

***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](mailto: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](http://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.