



## THE NATIONAL CATHOLIC BIOETHICS CENTER

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### **Bioethics and Public Policy Report**

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**The *National* Scene:** The U.S. Supreme Court issued a landmark decision for religious freedom in the case of [Trinity Lutheran Church v. Comer](#), in which the Court held that the exclusion of churches from an otherwise available public benefit violates the Free Exercise Clause of the U.S. Constitution. ♦ President Donald Trump signed into law legislation to overturn a rule from the Department of Health and Human Services (HHS) preventing states from blocking Title X funding to abortion providers like [Planned Parenthood](#). ♦ The U.S. Conference of Catholic Bishops is calling for support for the [Conscience Protection Act of 2017](#) (H.R. 644) as well as the [Child Welfare Provider Inclusion Act of 2017](#) (H.R. 1881, S. 811). H.R. 644 would make more effective and permanent the protections of the Hyde/Weldon conscience amendment, approved by Congress as part of appropriations act every year since 2004. It would also ensure that victims of discrimination under that policy, and under the Church amendment of 1973, have a right of action to protect their rights in court. H.R. 1881, S. 811 would prohibit the federal government, and any state that receives certain federal funding, from discriminating against child welfare service providers (e.g., adoption and foster care providers) on the basis that the provider declines to provide, facilitate, or refer for a child welfare social service that conflicts with the provider's sincerely held religious beliefs. ♦ President Trump issued an [executive order](#) to protect against government interference in religious freedom, which will "provide regulatory relief for religious objectors to Obamacare's burdensome preventive services mandate, a position supported by the Supreme Court decision in Hobby Lobby."

**The *International* Scene:** The Catholic bishops of Victoria have issued a pastoral letter opposing an initiative to legalize physician-assisted suicide in [Australia](#). ♦ A bill to decriminalize abortion has been voted down in New South Wales, [Australia](#) Parliament. ♦ The [United Kingdom's](#) Supreme Court has ruled that the National Health Service cannot be compelled to fund abortions of women traveling to that country from Ireland. ♦ [Great Britain's](#) General Pharmaceutical Council has removed its conscience protections from its standards of care for pharmacists. ♦ The European Court of

Human Rights temporarily stayed a [United Kingdom](#) Supreme Court decision ordering, against parental consent, that a child be removed from his ventilator. ♦ There is continued support for the [British](#) Parliaments rejection of physician-assisted suicide. ♦ Doctors in [British Columbia](#) are petitioning local health authorities to keep two newly-funded hospice beds away from the faith-based St. Joseph's General Hospital because it refuses to cooperate in physician-assisted suicide. ♦ The [Ontario](#) Legislative Assembly voted down a bill which would shield doctors from having to refer suicidal patients to doctors willing to perform physician-assisted suicide. ♦ The [Canadian](#) government tasked the Council of Canadian Academies to consider whether regulations should be relaxed to allow minors and those with mental illness to be subject to physician-assisted suicide. ♦ The president of the [Canadian](#) bishops' conference, in a letter to the Prime Minister, labelled the government's new overseas abortion funding policy "a reprehensible example of Western cultural imperialism." ♦ The [Netherlands](#) has reported for 2016 a ten percent increase in assisted deaths, also allowing its use for those with dementia. Also, recent cases included a young woman with [depression](#) and anorexia. ♦ The board controlling the [Belgium](#) institutions of the Catholic Brothers of Charity announced that from now on, it will provide access to physician-assisted suicide in their psychiatric hospitals. The religious sponsors are attempting to reverse this decision. ♦ In 2006, the United Nations Human Rights Committee charged that [Honduras](#) violated international law for its "unduly restrictive legislation on abortion." However, recently Honduras' Congress voted down a provision to reverse the legal protections of the unborn. ♦ [China](#) has moved from its "One-child" policy to a "Two-child" policy due to drastic population shifts with 115/100 male to female births. ♦ A [Swedish](#) midwife is appealing to the European Court of Human Rights a decision of the Swedish Appeals Court finding that the government can force medical professionals to perform and cooperate in abortions. ♦ [Ireland's](#) Citizens Assembly voted in favor of a referendum to repeal Ireland's 8th Amendment, which protects the unborn from abortion, with no debate. Furthermore, the Irish Health Minister is requiring a religious community of sisters that owns the land upon which a [national maternity hospital](#) will be built, and which the sisters will run, agree to contracts that allow abortion on the premises.

**The State of *Conscience/Religious Liberty*.** The [Wyoming](#) Supreme Court has censured a local judge who indicated if she were asked to perform a same-sex marriage she would decline. ♦ The [Texas](#) Senate has approved a legislative proposal that would require persons to use the bathroom of their biological birth status. Also, the [Texas](#) Legislature is considering a proposal to protect the religious freedom of clerks asked to cooperate in filings for a same-sex wedding. Its House also passed a bill which would prevent the state from taking adverse action against any [state-funded child welfare agency](#) that acts in accordance with its religious beliefs. ♦ The Governor

of [Virginia](#) has vetoed legislation that protects the conscience rights of those who refuse to participate in the solemnization of any marriage that conflicts with a sincerely held religious or moral conviction, which holds that marriage is the union of one man and one woman. ♦ A [Kentucky](#) judge is facing ethics charges for recusing himself from same-sex parent adoptions. ♦ A [California](#) legislative proposal would prohibit faith-based schools from having code of conduct provisions for employees engaging in the agency's mission. ♦ The [ACLU](#) is suing Dignity Health for refusing to do a hysterectomy on a transgender person. ♦ The [U.S. Supreme Court](#) refused to hear the appeal of an ordained minister and licensed therapist's concerning a California law banning gay conversion therapy for minors, upholding a Ninth Circuit decision in favor of the state. ♦ [GG v. Gloucester County School Board](#) (Virginia) has been sent back to the appeals court by the U.S. Supreme Court after President Trump's administration rescinded the mandates of the U.S. Departments of Justice and Education which redefined "sex" as "gender identity" under Title IX of the Education Amendments Act of 1972. The appeals court had relied solely on those guidelines when it issued a preliminary injunction against the school board's anti-transgender policy that prevented Gavin Grimm from using a restroom inconsistent with Gavin's biological identity at the high school. ♦ The U.S. Seventh Circuit Court of Appeals has ruled in favor of a [Wisconsin](#) transgender student claiming the term "sex" in the Education Amendments to the Civil Rights Act of 1964 includes the term gender identity. ♦ The [Minnesota](#) Department of Education has developed a *Gender Identity Toolkit* endorsing affirmation of transgenderism of school age children. ♦ A [Michigan](#) farmer has been banned by local government from selling his produce at a farmers' market because he refuses to let his farm be a site for same-sex weddings. ♦ The [Arizona](#) Legislature has approved a legislative proposal that would protect the consciences of health care providers who refuse to engage in end-of-life procedures which hasten death. ♦ [California](#) State University Dominguez Hills have denied pro-life students participation rights in the Social and Environmental Justice Fair, with event organizers telling them their cause does not fit within the "framework" of the event. ♦ The [Hawaii](#) Senate approved a proposal that would force pro-life pregnancy centers to advertise availability of taxpayer-funded abortions. ♦ *Care Net*, a national non-profit pregnancy center ministry, filed an amicus brief in a case before the Supreme Court of the United States, challenging [California's Reproductive FACT Act](#), which requires pro-life pregnancy centers to post notices directing women on how to obtain state-funded abortions. ♦ The [Archdiocese of Saint Louis](#) has filed a lawsuit challenging a St. Louis ordinance that could force them to hire abortion activists and rent to pro-abortion groups. The [Missouri Legislature](#) is advancing legislation to nullify the ordinance, as well as to advance a ban on [late-term abortions](#).

**State by State:** In [2017 numerous states](#) were targeted by pro-physician-assisted suicide advocacy groups: Alaska, Arizona, Connecticut, Delaware, Hawaii, Indiana, Iowa, Kansas, Maryland, Massachusetts, Maine, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, and Wyoming. Also, the Legislature in [Oregon](#), as the first state to legalize physician-assisted suicide, is considering legalizing active euthanasia, as well as the withdrawal of nutrition and hydration. ♦ The State of [Washington](#) Legislature is advancing a proposal to require informed consent for persons considering physician-assisted suicide, indicating that they should be informed of treatment alternatives. ♦ [Montana](#) is reconsidering a ban on physician-assisted suicide. However, Montana's Governor has vetoed the [Pain-Capable Unborn Child Protection Act](#) passed by the Legislature, which would prohibit abortions after 20 weeks. ♦ [Ohio](#) is considering a proposal to ban dismembering abortions. ♦ A U.S. Federal District Court has struck down a [Wisconsin](#) law that protects the unborn whose mother is addicted to controlled substances. ♦ The State of [Wisconsin](#) is considering two legislative proposals to respect the remains of unborn children: the *Fetal Remains Respect Act*, which would prohibit the trade and use of fetal tissue derived from the intentional taking of a human life; and the *Unborn Child Disposition and Anatomical Gift Act*, which would require health care facilities to inform parents of the ability to offer an anatomical gift from their stillborn or miscarried (but not aborted) child. It also is considering a proposal to cease using public dollars to [fund abortions](#) of state employees. ♦ The [South Carolina](#) Legislature is advancing a proposal that would recognize unborn babies as persons ♦ The [Pennsylvania](#) Legislature is advancing a similar proposal. ♦ The [Texas](#) Senate passed the *Dismemberment Abortion Ban Act*. It also has approved a proposal to ban “wrongful birth” lawsuit which foster abortions of less than perfect babies. ♦ The [Legislature](#) is considering another five proposals addressing respect for women and the unborn. ♦ A federal court in [Mississippi](#) permanently blocked implementation of a law requiring physicians who perform abortions to have admitting privileges at local hospitals. ♦ A U.S. District Court judge has ruled as unconstitutional a [Louisiana](#) law requiring doctors who perform abortions to have permission to admit patients to a nearby hospital. ♦ The [Michigan](#) Legislature is advancing a proposal to provide pro-life license plate options. ♦ A similar law is being challenged by Planned Parenthood in [Missouri](#). ♦ The Alabama [House](#) of Representatives passed a proposal that would amend the constitution to recognize the sanctity and rights of unborn life. ♦ The [Kansas](#) Supreme Court is hearing a challenge to that state's *Unborn Child Protection from Dismemberment Abortion Act*. ♦ The [Wisconsin](#) Legislature has passed into law a provision for a pro-life license plate. ♦ The [New Hampshire](#) House of Representatives passed a bill identifying the unborn baby as a secondary victim of violence against a

mother. ♦ The [Illinois](#) Legislature is considering a proposal that would force Illinois taxpayers to pay for abortions through Medicaid, and also for state employees, for any reason. ♦ Also the Thomas More Society filed suit, on behalf of a pro-life physician and two pro-life pregnancy resource centers, challenging an [Illinois](#) law that forces health care providers to provide information and referrals for abortion. ♦ The [New Jersey](#) Legislature is considering a proposal to provide tax credits to organ donors, which in spirit may run counter to federal prohibitions against monetary incentives for donations. Some states already provide such incentives.

**Recent *Good News*:** The [Kentucky](#) Catholic Conference has had significant legislative success: limiting abortions to the first 20 weeks of gestation; requiring medical providers to offer an ultrasound to a woman seeking an abortion; and enabling government-funded reimbursements for health-care services to be channeled first to healthcare providers that do not offer abortions. ♦ The Governor of [Ohio](#) has signed into law a ban on abortions after 20 weeks gestation, and vetoed legislation banning abortions once there is a beating heartbeat. ♦ The Governor of [Tennessee](#) signed into law a ban on late term abortions. ♦ The Governor of [West Virginia](#) has signed into law a requirement strengthening parental notification requirements for a minor seeking an abortion. ♦ [Missouri](#) has rejected a line of federal Medicaid funding so that under federal law it is able to refuse state funding to any women's health organization or hospital that provides abortions. ♦ The Governor of [Illinois](#) has indicated that he will veto a bill passed by the Illinois House that would force taxpayers to fund abortions for any reason through all nine months of pregnancy, and keep abortion on demand legal in Illinois the event that *Roe v. Wade* is overturned. ♦ The Governor of [Wyoming](#) has signed into law a requirement of abortionists to provide women seeking an abortion the option to view a fetal ultrasound. ♦ The Governor of [Arizona](#) signed into law increased protections for a baby born alive during an attempted abortion. ♦ The [Iowa](#) Legislature has passed a ban on abortions after 20 weeks gestation, and a requirement of a [72 hour waiting period](#) before an abortion occurs, to enhance informed consent. The latter provision was enjoined by the court almost immediately. The [ACLU](#) is challenging in the court the ban at 20 weeks gestation. ♦ The Governor of [Oklahoma](#) has signed into law the *Choosing Childbirth Act* which promotes and supports pregnancy resource centers. ♦ Trespassing charges have been dropped against a pro-life Anglican priest who regularly prays outside of an abortion facility in [California](#). ♦ The Governor of [Arkansas](#) has signed into law a ban on sex-selection abortions. ♦ The Governor of [Iowa](#) signed into law a ban on late term (20 weeks gestation) abortions. ♦ The [Nebraska](#) and [Michigan](#) Legislatures have passed into law provisions for "Choose Life" license plates. ♦ The Governor of [Indiana](#) signed into law a bill requiring parental consent of the abortion on a minor. The ACLU is challenging the law. ♦ The Governor of [Kansas](#) signed into law a prohibition against denying resuscitation of children

without parental consent. ♦ The physician–assisted suicide bills failed in [Maine](#), [New Mexico](#), [Hawaii](#), [Alaska](#), [Connecticut](#), [Hawaii](#), [Indiana](#), [Maryland](#), [Mississippi](#), [Nevada](#), [Tennessee](#), [Utah](#), [Wyoming](#), and [Massachusetts](#) ♦ The Governor of [South Dakota](#) signed into law a conscience protection for faith–based adoption agencies that hold that children do best in a home with a mother and a father. ♦ The [Nebraska](#) Board of Health rejected proposed regulations which could violate the consciences of psychologists in treating issues of client same–sex attraction and relationships. ♦ The U.S. Third Circuit Court of Appeals has ruled against a Harrisburg, [Pennsylvania](#) ordinance which created unconstitutional buffer zones on public sidewalks around abortion centers. ♦ [Vermont](#) has agreed that physicians are not obligated to refer or counsel for physician–assisted suicide as long as they “reasonably ensure that the patient will be able to obtain relevant and accurate information about the process.” ♦ Physician–assisted suicide initiatives failed in Maine and Alaska. ♦ The [Kansas](#) Legislature has passed a bill fostering informed consent of women seeking abortion, by requiring the citing of professional credentials of abortionists on abortion web sites. The Governor is expected to sign the legislation into law.

***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.