



## THE NATIONAL CATHOLIC BIOETHICS CENTER

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

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**The *National Scene*:** The [Conscience Protection Act of 2017](#) (H.R. 644) has been introduced in the House of Representatives. This will clarify federal law and ensure that those who provide health care and health coverage can continue to do so without being forced by government to help destroy innocent unborn children. Please open the link to let your representatives in Congress know that we expect them to protect our most cherished liberties. ♦ [Animal-human hybrids](#) are being developed in laboratories, raising ethical concerns. ♦ President Trump rescinded the U.S. Departments of Justice and Education letter to all public schools, which mandated that transgender students receive protection based on “sex” in the Title IX Regulations of the U.S. Department of Education. The [U.S. Supreme Court](#), which has enjoined this mandate, refused to hear the challenge to this mandate after the 4<sup>th</sup> U.S. Circuit Court of Appeals denied the appeal of the Gloucester County School Board. However, the Supreme Court did not rescind its enjoining of the mandate, but referred the matter back to the 4<sup>th</sup> Circuit Court to be adjudicated based on existing law, not the letter from the previous federal administration, which has been rescinded. The NCBC is a signatory to the *amicus* brief seeking relief from this mandate. ♦ [President Donald Trump](#) is retaining former President Barack Obama’s 2014 directive that prohibits federal government contractors from “gender identity discrimination,” which it does not define. This has implications for Catholic Charities (e.g., concerning those they hire to provide counseling to clients, who may request a person of a particular sex due to trauma in their lives). ♦ See the State of *Conscience/Religious Liberty*.

**The *International Scene*:** President Trump restored the [Mexico City Policy](#), instituted by President Reagan and rescinded by President Obama. The Mexico City Policy requires that U.S. family planning funds only go to groups that agree not to do abortions or lobby foreign nations to overturn their pro-life laws. ♦ The [Global Life Campaign](#) has developed a document, the *Abortion Worldwide Report (2017)*, which is a comprehensive report of worldwide abortion statistics, as well as reporting on successes in the Dominican Republic and Uganda to prevent an abortion-on-demand

culture. ♦ A [Swiss](#) bishop, while distinguishing the morality of withholding extraordinary means from the dying from the immorality of physician-assisted suicide, directed that those intending suicide not receive the Last Rites of the Church but be prayed for and commended to God's mercy. ♦ [Canadian](#) ethicists have recommended organ harvesting from patients who choose physician-assisted suicide. ♦ In the six months following the legalization of physician-assisted suicide in [Canada](#) 784 persons have been put to death. ♦ The Archdiocese of [Toronto](#) has initiated a "Call for Conscience Campaign" to protect the rights of health care providers in the face of physician-assisted suicide government mandates. ♦ [Germany's](#) federal court ruled that people "in extreme circumstances" should have legal access to drugs to end their lives. ♦ CICIAMS (The International Catholic Committee of Nurses and Medico-Social Assistants) has representation at the [United Nations](#) through members of the National Association of Catholic Nurses-U.S.A. They continue to provide excellent input on international policies that perhaps would not be heard if they were not speaking. Recently they provided input on population and development, and are urging programming on fertility awareness to empower women, without chemically, mechanically, or surgically mutilating healthy reproductive functions. ♦ A majority of [Australian](#) homosexual advocates have rejected provisions in the government's drafted same-sex marriage bill concerning the protection of the consciences of civil celebrants of marriage and faith-owned businesses. ♦ The [British](#) General Pharmaceutical Council is considering proposals that would remove the right to conscientiously refuse to provide abortifacient drugs. ♦ *Women on Waves*, after advertising they would take women up to ten weeks pregnant out to international waters —12 miles offshore and provide them with abortion pills — was intercepted by the [Guatemala](#) government, which prohibits abortion. ♦ [Iceland](#) has a 100% abortion rate for Downs Syndrome babies. ♦ There is a concerted effort in [Ireland](#) to repeal the 8th Amendment to their Constitution which gives protection to the equal rights of the mother and the unborn child. ♦ In [Poland](#), patients in hospitals and other health care facilities are entitled to pastoral care, and these facilities are obliged to allow patients to contact a priest of their religion, and the medical institution must cover the costs of this service.

**The State of *Conscience/Religious Liberty*.** A [New Jersey](#) Catholic hospital has been sued for refusing to perform gender reassignment surgery. ♦ An [Illinois](#) U.S. District Court ruled that the law prohibiting conversion therapy to minors with same-sex orientation, in the course of "trade or commerce," does not apply to pastors or religious services. ♦ The Diocese of Fargo, Catholic Charities of North Dakota and the [Catholic Benefits Association](#), an organization that represents over 880 Catholic employers, 5,000 parishes and 90,000 employees, have filed suit against the U.S. Department of Health and Human Services' mandate to health care providers and insurers concerning transgender procedures. ♦ The Supreme Court of the [State of](#)

[Washington](#) ruled that a florist must pay fines and legal costs for objecting to serving a same-sex wedding. ♦ The State of [Oregon](#) has imposed \$135,000 in penalties to a family owned business, which while willing to serve all persons, refused to design a cake for a same-sex union. ♦ The [South Dakota](#) Legislature is advancing a proposal to protect faith-based adoption agencies which hold that a child being placed for adoption has a right to both a mother and a father. ♦ The ACLU filed suit against a Charlotte, [North Carolina](#) Catholic school on behalf of a substitute teacher claiming he was not contracted to teach once he announced his same-sex marriage engagement. ♦ The federal 1st Circuit Court of Appeals upheld a [New Hampshire](#) buffer zone law that prohibits pro-life protesters from coming within 25 feet of an abortion facility. The provision has not been enforced and the court left open the possibility of further litigation if abortionists sought its implementation. ♦ A bill is before the [Hawaii](#) Legislature that would compel pregnancy centers to post signage referring their patients to state-funded abortion clinics. ♦ A bill has been proposed in the [New Mexico](#) Legislature which would force health care providers and agencies to be complicit in abortion. ♦ The [New Mexico](#) House of Representatives has passed an insurance contraceptive mandate, which while claiming it has a religious exemption, would force objecting religious entities to self-fund their employee insurance plans. ♦ Twenty-two hospitals in [Wisconsin](#), including SSM Health St. Mary's Hospital in Madison, have been fined by the state for not following a law requiring them to offer emergency contraception, a potential abortifacient, to rape victims. ♦ The U.S. Court of Appeals for the 9th Circuit upheld AB 775 (The Reproductive FACT Act), a [California](#) law that forces pro-life resource centers to promote abortion. ♦ A committee of the [Utah](#) Legislature struck down a proposal that would have given parents the ability to choose to opt their child into comprehensive sex education. ♦ [Colorado](#) health care facilities are opting out of participating in physician-assisted suicide.

**State by State:** The [District of Columbia](#) enacted legislation allowing physician-assisted suicide in that District. Congress has 30 legislative days to review a law of the District of Columbia once it is passed by the city government. Resolutions of disapproval must be passed by both houses and be signed by the president to block a D.C. law. A resolution in [Congress](#) for this purpose failed. States targeted for legalization of physician-assisted suicide in 2017 include: Alaska, Arizona, Connecticut, Delaware, Hawaii, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Utah, and Wisconsin. ♦ The [Kansas](#) Legislature is considering a resolution in opposition to physician-assisted suicide. ♦ The [Oklahoma](#) House of Representatives passed a bill prohibiting physician-assisted suicide in that state. ♦ The [Alabama](#) Legislature is advancing a proposal to ban physician-assisted suicide, with a provision to protect conscience rights of health care

providers. ♦ In [Montana](#) a vote to prohibit physician–assisted suicide failed by one vote ♦ [Oregon](#) is considering legislation that would remove current safeguards that protect conscious patients’ access to ordinary food and water when they no longer have the ability to make decisions about their own care. ♦ [Ohio](#) has made physician–assisted suicide a felony in the third degree. ♦ The [New York](#) State Assembly is fast-tracking legislation that would, empower non–doctors to perform abortions, eliminate protections against unwanted abortions, and even jeopardize live–born children who survive abortion attempts. ♦ The [Montana](#) Legislature is advancing a proposal that would prohibit abortions on viable, late–term babies after 24 weeks of pregnancy. ♦ The [Florida](#) Supreme Court reinstated a temporary injunction against a state law requiring women to wait 24 hours before obtaining an abortion. ♦ The [Utah](#) Legislature is considering a “sanctity of life” legislative proposal, as well as proposals that would relate to such an initiative: competing bills to repeal or expand the death penalty; and a bill to legalize assisted suicide. ♦ An [Illinois](#) legislative proposal would allow for the state’s Medicaid recipients to have their abortions covered, as the program currently pays for abortions done in cases of rape, incest, or to save the life of the mother. ♦ At the same time the [Minnesota](#) Legislature is considering a proposal to end such taxpayer funded payments for abortion. ♦ The [Minnesota](#) Catholic Conference is taking a stand against the hazards toward women and children from surrogacy contracts. ♦ The [Arkansas](#) Legislature is advancing a proposal to ban sex–selection abortions. ♦ The [Indiana](#) Legislature is advancing a proposal to provide informed consent to women on medical abortion reversal. ♦ A Federal District Court in [Texas](#) has continued the injunction against the law requiring burial of fetal remains after an abortion or miscarriage. ♦ The [Pennsylvania](#) Legislature is advancing a proposal to ban late term dismembering abortions, as is the [South Carolina](#) Legislature. ♦ The [Wisconsin](#) Legislature is considering legislation to ban the University of Wisconsin hospitals’ employees from carrying out abortions. ♦ The [Iowa](#) Legislature is advancing a proposal to ban abortions after 20 weeks of gestation. ♦ The [New Mexico](#) Legislature defeated a proposals requiring life–saving care for a baby born alive after an abortion.

**Recent *Good News*:** The [Maryland](#) Catholic Conference has been successful in having the physician–assisted suicide proposal withdrawn in the Maryland Legislature. ♦ A U.S. District Court in [Texas](#) has ruled in favor of the Franciscan Alliance, the Christian Medical & Dental Associations, and States of Texas, Wisconsin, Nebraska, Kentucky, Kansas, Louisiana, Arizona, and Mississippi, which challenged the U.S. Department of Health and Human Services’ mandate requiring health care providers to perform gender transition procedures on children, even if the provider believes the treatment could harm the child. The ruling extends to all U.S. health care providers and agencies. ♦ [Missouri](#) State University has agreed to pay \$25,000 to a former student who sued after he was dismissed from a master's degree counseling program for

refusing to counsel homosexual couples. ♦ The [Virginia](#) Legislature passed legislation that protects religious organizations and ministers who refuse to marry same-sex couples, stating that no person should be required to participate in the solemnization of any marriage. ♦ The Governor of [Kentucky](#) signed into law two acts protecting human life: a law requiring an abortionist to offer a woman the right to see an ultrasound of her unborn child before the abortion (which already has been challenged by the [ACLU](#)); and a ban on abortions twenty weeks post fertilization of the new human being. ♦ The [Arkansas](#) Legislature has passed a ban on dismembering abortions. ♦ The [Alabama](#) Supreme Court ruled, in a wrongful death medical liability case, that unborn children are entitled to legal protection. ♦ The [Nebraska](#) Legislature has passed a bill to provide for “Choose Life” license plates. ♦

***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.