



## Bioethics Public Policy Report April 1, 2022

### State by State

- [Idaho](#) Governor Brad Little (R) has signed into law SB 1309, a bill banning abortion after a child's heartbeat can be detected. The Idaho law is similar to Texas' Heartbeat Bill, however its enforcement mechanism only allows family members (including the child's father) to initiate a private action against abortion providers. In signing the bill, Little stated, "I stand in solidarity with all Idahoans who seek to protect the lives of preborn babies." Click [here](#) for the text of the bill. Click [here](#) for further information.
- The [Arizona](#) legislature has passed, and Governor Doug Ducey (R) has signed, legislation that bans abortion after fifteen weeks gestation. This bill is very similar to the Mississippi law that the US Supreme Court is considering in the *Dobbs* case. The Arizona bill contains an exemption for medical emergency when the mother's life is in danger but not for rape or incest. Click [here](#) for more information.
- [West Virginia](#) Governor Jim Justice has signed into law the Unborn Child with Down Syndrome Protections and Education Act. The law prohibits abortions based on the possibility that the unborn child may develop a disability. Abortion providers now must ask each woman seeking an abortion if she is terminating the pregnancy based on a potential disability and then submit documentation to the state confirming this was not the reason. Non-compliance could result in loss of medical license. The text of the new law is available [here](#).
- [South Dakota](#) Governor Kristi Noem has signed into law two pro-life bills. The first, [HB-1318](#), prohibits distribution of the abortion pill through telemedicine. Instead, it requires that a woman make three in-person visits to a doctor: one to take the first pill (mifepristone), a second to take the second drug (misoprostol) of the chemical abortion regimen, and a third to confirm the abortion is "complete." This bill codifies into law an executive order that Noem issued in 2021 (note: a federal judge has placed an injunction on the executive order). The second bill, [HB-1113](#), makes it illegal to coerce a woman into getting an abortion. In a statement, Noem explained, "The two bills that I am signing today are crucial, because they are also protections for mothers. We must remember that abortion has two victims: both the unborn child who loses their life and the mother who must go through the physical and emotional trauma of the procedure."
- Following a 4–0 vote by its city council, Lindale, [Texas](#) became the forty-seventh city in the US to outlaw abortion within its limits.
- The [Colorado](#) Senate passed, and Governor Jared Polis is expected to sign, HB-22-1279, also known as the Reproductive Health Equality Act. Under the bill, women would be able to access abortion with few, if any limits, while at the same time preborn children are stripped of their human rights. Depending on how it is interpreted, the bill could also force health care professionals to participate in abortion procedures. Kristi Burton Brown, chair of the Colorado Republican party responded: "This is a dark day for the

Colorado Democrat Party and any individual who respects the sanctity of life. If Jared Polis decides to sign this extreme abortion bill, he will put Colorado's abortion laws on par with China and North Korea ... We will never stop standing up for life." The text of the bill is available [here](#).

- On March 18th, the [California](#) Assembly passed (46–18 party-line vote) and on March 22nd Democrat Governor Gavin Newsome signed, the so-called Abortion Accessibility Act. The new law is part of the governor's promise to make California an abortion sanctuary state. Among other provisions, the law eliminates co-pays and deductibles for abortion, although these costs will be offset by an increase in insurance premiums for both employees and employers. Kathleen Domingo, Executive Director of the California Catholic Conference responded: "Instead of focusing on how to make abortion services more affordable, the legislature should be working on making the cost of living more affordable for mothers and caregivers ... Removing co-pays and using taxpayer money for abortion procedures instead of increasing parental-support services tells California's mothers they are less valuable than those seeking abortions."
- On March 28th, [Florida](#) Governor Ron DeSantis signed into law HB 1557, the Parental Rights in Education bill. This bill bans K–3 teachers from providing instruction on sexual orientation and gender identity, and requires that schools notify parents about changes in their child's physical, emotional, or mental wellbeing. It also provides a legal means for parents to sue if they believe their child's school has violated any aspects of the law. In signing HB 1557, DeSantis stated: "Parents' rights have been increasingly under assault around the nation, but in Florida we stand up for the rights of parents and the fundamental role they play in the education of their children. Parents have every right to be informed about services offered to their child at school, and should be protected from schools using classroom instruction to sexualize their kids as young as 5 years old." The Biden administration stated it will "[monitor](#)" implementation of the new law. For more information, including the reaction of the Disney corporation, click [here](#), [here](#), and [here](#). The text of the new law is available [here](#).
- [Oklahoma](#) Governor Kevin Stitt (R) has signed into law the "Save Women's Sports Act" which prevents males from competing in female sports. In signing the bill, Stitt stated: "What we are trying to accomplish here is very, very simple. We are protecting women's sports. We are ensuring a level playing field for female athletes who work hard, who train hard, who are committed to their team. Who have dreams to be number one in their sport. Who deserve a fair competition." According to the Family Policy Alliance, Oklahoma now joins Idaho, Arkansas, Mississippi, Montana, Alabama, Tennessee, South Dakota, West Virginia, Texas, Florida, Iowa, and Utah in passing laws that ban men from competing in women's sports.
- Two Republican governors have vetoed legislation banning males from competing in female school sports, however in one of those states the veto was overridden by lawmakers. [Indiana](#) Governor Eric Holcomb vetoed his state's bill claiming that he is unaware of any incidences of problems with boys competing on girls' teams in his state. Republican lawmakers will seek to override the veto. [Utah](#) Governor Spencer Cox (R) also vetoed similar legislation claiming, in part, that the state legislature failed "to understand the financial impacts that will be forced upon the Utah High School Athletic Association (UHSA) and local Utah school districts that will inevitably get sued under this bill." However, three days later Utah lawmakers [override](#) the veto by votes of 56–

18 in the House and 21–8 in the Senate. For more information, click [here](#), [here](#), and [here](#).

- In settling a lawsuit challenging the constitutionality of a state limitation on assisted suicide, [Oregon](#) no longer requires that people seeking to end their life be a resident of the state. Through the settlement filed on March 28th in US District Court in Portland, the Oregon Health Authority and the Oregon Medical Board agreed to stop enforcing the residency requirement and to ask the state legislature to remove it from the law. Neither entity explained why they settled the case, although published reports claim Oregon decided not to defend the residency requirement for political reasons. Assisted suicide proponents argued the requirement violated the US Constitution’s Commerce Clause as well as its Privileges and Immunities Clause. Proponents also indicated they will use this settlement to pressure the eight other states, plus Washington DC, that have legalized assisted suicide to end their residency requirements.
- [Oregon](#) has released its 2021 report on assisted suicide. Lowlights include the following: (1) for the first time, anorexia is listed as a reason for requesting death; (2) of the 383 people who received a lethal prescription, only two were referred for psychiatric evaluation, and (3) the top three end-of-life concerns expressed were loss of autonomy, decreasing ability to participate in activities that made life enjoyable, and loss of dignity. Pain control was number six.
- MacKenzie Scott, ex-wife of Amazon founder Jeff Bezos, has [donated](#) \$275 million to Planned Parenthood, the largest single-donor gift in the organization's history.

## Federal Courts

- Excerpts from the Senate Judiciary Committee hearings on US Supreme Court nominee Ketanji Brown Jackson:
  - Senator [John Kennedy](#) (R-LA): “When does life begin, in your opinion?” Jackson: “Senator... um... I don't... know.” Kennedy: “Do you have a belief?” Jackson: “I have, um, personal religious and otherwise beliefs that have nothing to do with the law in terms of when life begins.” Kennedy: “Do you have a personal belief though about when life begins?” Jackson: “I have a religious view that I set aside when I am ruling on cases.” Kennedy: “When does equal protection of the laws attach to a human being?” Jackson: “Well Senator, um... I believe that the Supreme Court... um... actually I, I actually don't know the answer to that question—I'm sorry—I don't.” Click [here](#) for further perspective.
  - When asked if Americans should be able to embrace marriage between one man and one woman as a matter of religious freedom, [Jackson](#) responded: “Well, senator, that is the nature of a right. When there is a right, it means that there are limitations on regulation even if it means people are regulating pursuant to their sincerely held religious beliefs.”
  - Sen. Marsha Blackburn (R-TN): “Can you provide a definition for the word 'woman'?” Supreme Court nominee Judge Jackson: “Can I provide a definition? No. I can't.” Blackburn: “You can't?” Jackson: “Not in this context. I'm not a biologist.” See the video exchange [here](#). For further perspective, click [here](#).

## National

- The organization Concerned Women for America (CWA) has [filed](#) a Title IX Civil Rights complaint against the University of Pennsylvania for allowing swimmer Lia Thomas, a man who perceives himself to be a woman, to compete against women. Thomas won the 500-yard freestyle race at the 2022 NCAA's Division 1 Women's Swimming and Diving Championships. In a statement, CWA maintained, "Thomas is anatomically and biologically a male with physical capacities that are different from anatomically and biologically female athletes, which extends an unfair advantage and strips female student athletes of opportunities afforded to them by law." Penny Nance, CEO and president of CWA, further added, "Any school that defies federal civil rights law by denying women equal opportunities in athletic programs, forcing women to compete against athletes who are biologically male, must be held accountable." For further information and perspective, click [here](#), [here](#), and [here](#).
- The Food and Drug Administration (FDA) has [authorized](#) a second booster dose of either the Pfizer-BioNTech or the Moderna COVID-19 vaccines for certain individuals. The amended the emergency use authorization maintains the following: (1) A second booster of either Pfizer-BioNTech or Moderna COVID-19 vaccine may be administered to individuals 50 years of age and older at least 4 months after receipt of a first booster dose; (2) A second booster dose of the [Pfizer-BioNTech](#) vaccine may be administered to individuals [12 years of age](#) and older with certain kinds of compromised immunity (solid organ transplant recipients or those with a medical condition of equivalent level of compromised immunity) at least 4 months after receipt of a first booster dose; and (3) A second booster dose of the [Moderna](#) vaccine may be administered at least 4 months after the first booster dose of any authorized or approved COVID-19 vaccine to individuals [18 years of age](#) and older with the same certain kinds of immunocompromise.
- Citing a "coding logic error" with one of its algorithms, the Centers for Disease Control and Prevention (CDC) has [revised down](#) its number of deaths from COVID-19. The agency said that in sum, 72,277 deaths were "accidentally count[ed] deaths that were not COVID-19-related." This number included 416 pediatric deaths, which reduced the all-time pediatric death numbers by close to twenty-four percent.

## Conscience/Religious Liberty

- In January 2022, the [Michigan](#) Department of Health and Human Services (MHHS) agreed not to take any further action against St. Vincent Catholic Charities (Diocese of Lansing) over the organization's refusal to provide foster and adoption services to same-sex couples. It also paid \$550,000 in attorney's fees and costs. Now, MHHS has agreed to pay an additional \$250,000 in attorney's fees and cost to Catholic Charities of Western Michigan (Diocese of Grand Rapids) for the same reason. Thus, the state of Michigan is paying over \$800,000 in its failed attempt to prevent Catholic organizations from operating in accord with their faith. In addition to paying the legal fees, MHHS acknowledges that its actions would constitute a violation of the First Amendment.

## International

- A court in [Finland](#) has dismissed all charges against Päivi Räsänen, a former interior minister, who had been charged with incitement against a minority group for a [booklet](#)

she wrote expressing her biblically based understanding of marriage. The court's unanimous ruling stated, in part, that "it is not for the district court to interpret biblical concepts." It added that Räsänen sought to "defend the concept of family and marriage between a man and a woman" and if some people found the statement offensive "there must be an overriding social reason for interfering with and restricting freedom of expression." The court ordered the state to pay legal costs of 60,000 euros (\$66,000). Click [here](#) for further information.

- The [British](#) House of Lords has rejected Amendment 170 to the Health and Social Care Bill by a vote of 179–145. This amendment would have forced the government to introduce legislation aimed at legalizing assisted suicide. The House of Lords vote marks the twelfth time in twenty-five years that the British Parliament has turned down assisted suicide. Danny Kruger, chair of the All Party Parliamentary Group for Dying Well, which opposes euthanasia and assisted suicide, posted on the organization's website: "The House of Lords has now unequivocally rejected the latest attempt to shoehorn radical assisted suicide laws on to the statute book. Given that supporters of assisted suicide have said that the House of Lords is more supportive than the (House of) Commons, this is ample evidence that assisted suicide enjoys neither momentum nor support."

#### **Latest "Bioethics on Air" Podcast**

- Episode 89: [Introducing the Catholic Health Care Leadership Alliance](#)
  - Steven White, MD and NCBC President Joseph Meaney introduce the newly formed Catholic Health Care Leadership Alliance (CHCLA). Steve and Joseph explain why the alliance was formed, discuss its founding members, and set an ambitious agenda to transform Catholic health care.

#### **Of Note**

- "The Catechism is not set in stone. One may also doubt what it says."—[Cardinal Reinhard Marx](#) (Munich and Freising, Germany) responding to a question about "how homosexual, queer, or trans people are to be accommodated in Catholic teaching."
- "We are deeply disappointed by the NCAA's promotion and celebration of a male athlete over the wellbeing of female athletes during the past few months. Lia Thomas has been portrayed by the NCAA as a woman who legitimately deserves to compete in women's sports. However, nothing could be further from the truth."—[Mahri Irvine](#), executive director of the feminist organization Women's Liberation Front (WoLF).
- "Yesterday I stated an irrefutable scientific fact: Rachel Levine is a man [Levine is Assistant Secretary of the Department of Health and Human Services]. I pointed this out after USA Today named him a "Woman" of the Year. But Levine is not a woman. He has one X and one Y chromosome and other male-sex characteristics. I just follow the science."—Excerpt from a tweet by Texas Attorney General [Ken Paxton](#).

**Sharing the News:** If you have public policy news that you would like to share with the NCBC, or if you have colleagues who would like to receive the Bioethics Public Policy Report, please contact Joe Zalot at 215-871-2014 or [jzalot@ncbcenter.org](mailto:jzalot@ncbcenter.org). Previous editions of this report are available through the [Public Policy](#) page of the NCBC website.

***Sharing the Resources:*** If you enjoy receiving the Bioethics Public Policy Report and would like to support its continued publication, please consider making a [donation](#) to the NCBC.

The National Catholic Bioethics Center webpage, available at <http://www.ncbcenter.org/>, is a significant resource for bioethics information. NCBC bioethicists are also on-call for consultation twenty-four hours a day, seven days per week, at 215-877-2660.