



## Bioethics Public Policy Report April 22, 2022

### National

- The Biden administration is once again encouraging so-called gender transitioning for children. On March 31<sup>st</sup>—“Transgender Day of Visibility”—the Department of Health and Human Services (HHS) Office of Population Affairs (OPA) released [Gender Affirming Care and Young People](#). In this document, OPA stated, “gender-affirming care is a supportive form of healthcare” and maintained that social affirmation, puberty-blocking hormones, and cross-sex hormones were appropriate “care” for pre-pubescent children. On the same day, the National Child Traumatic Stress Network—also part of HHS—released its own document, [Gender-Affirming Care Is Trauma-Informed Care](#). In this document, the agency maintained that so-called gender-affirming care is the “standard of care” for children who self-identify as transgender or gender diverse, and that such care “create[es] an environment that facilitates youth to move through the world safely as the gender they know themselves to be.” The document also assures readers that facilitating a child’s efforts to change his or her sex is not child abuse, responding to the state Texas which claims that it can be. For further information, click [here](#), [here](#), [here](#), and [here](#). For a critical response to the administration’s actions from of the Society for Evidence Based Gender Medicine, click [here](#).
- Also in commemoration of “Transgender Day of Visibility,” Joe Biden sent a [letter](#) to all state attorneys general warning that they might be violating civil rights if they prevent children from accessing so-called gender affirmative care (“affirming” psychotherapy, puberty-blocking hormones, cross-sex hormones, and surgical “reassignment” procedures). He also released a [video](#) pledging his support of children who seek to change their sex.
- The US Food and Drug Administration (FDA) has issued a [warning](#) about the risks associated with non-invasive prenatal screening tests. These risks include inappropriate use, false positives, and inappropriate interpretation of results. In an April 19th press release, the organization stated, “While genetic non-invasive prenatal screening tests are widely used today, these tests have not been reviewed by the FDA and may be making claims about their performance and use that are not based on sound science. Without proper understanding of how these tests should be used, people may make inappropriate health care decisions regarding their pregnancy.” The FDA’s updated guidance was issued, in part, in response to a *New York Times* [article](#) reporting that test results are incorrect approximately eighty-five percent of the time. As such, many families have aborted their children after receiving an inaccurate prenatal diagnosis. Click [here](#) for further information.
- US District Judge (Florida) Kathryn Kimball Mizelle, a 2020 Trump Administration appointee, has [overturned](#) the Biden administration’s federal mask mandate. Mizelle ruled that by imposing the mandate the Centers for Disease Control and Prevention (CDC) had overstepped the bounds of its authority and it violated the Administrative

Procedure Act (APA). She also ruled that the mandate itself was both contradictory and lacked necessary specificity. The Transportation Safety Administration (TSA) immediately stopped enforcing the mandate on public transportation and transportation hubs (airports, train stations, etc.). The Biden administration has indicated it will [appeal](#) the ruling. For more information, click [here](#), [here](#), and [here](#).

- Joe Biden has repeatedly stated, “Don’t tell me what you value. Show me your budget, and I’ll tell you what you value.” Biden’s proposed fiscal year 2023 [budget](#) demonstrates that her certainly does not value human life. Lowlights include: (1) Eliminating the Hyde amendment, thus allowing taxpayer funding of abortions-on-demand through Medicaid, Medicare disability, and other programs funded under the Labor/Health and Human Services appropriations bill; (2) Eliminating the Dornan amendment which would allow the District of Columbia to fund abortions through its Medicaid program; and (3) Increasing funding for the United Nations Population Fund (UNFPA)—which supports abortion and sterilization around the world—from \$32.5 million to \$56 million. For further information on these and other anti-life proposals in the budget, click [here](#) and [here](#).
- The Biden administration is once again seeking to implement its COVID-19 [vaccine requirement](#) for federal workers. On April 11th, the Department of Justice (DOJ) asked the Fifth Circuit Court of Appeals to “appropriate steps so that the government may resume implementation and enforcement” of Biden’s executive order mandate. The DOJ added that such actions are “justified by the serious ongoing harm to the public interest and to the government.”

### State by State

- In response to the Biden administration’s problematic guidance on so-called gender affirming interventions for children (see above), the [Florida](#) Department of Health (FDH) has issued its own document titled “Treatment of Gender Dysphoria for Children and Adolescents.” In it, FDH states: (1) Social gender transition should not be a treatment option for children or adolescents; (2) Anyone under 18 should not be prescribed puberty blockers or hormone therapy, and (3) Gender reassignment surgery should not be a treatment option for children or adolescents. FDH further states that based on currently available evidence, “encouraging mastectomy, ovariectomy, uterine extirpation, penile disablement, tracheal shave, the prescription of hormones which are out of line with the genetic make-up of the child, or puberty blockers, are all clinical practices which run an unacceptably high risk of doing harm.” For further information, click [here](#) and [here](#).
- [Oklahoma](#) Governor Kevin Stitt (R) has signed into law SB 612, a bill that bans all abortions except in cases of medical emergency. Violators face a fine of \$100,000 and imprisonment of up to ten years. The bill passed both houses of state legislature with more than eighty percent support. In signing the bill into law, Stitt stated: “As governor, I represent all 4 million Oklahomans, and they overwhelmingly support protecting life in the state of Oklahoma. We want Oklahoma to be the most pro-life state in the country. We want to outlaw abortion in the state of Oklahoma.” The text of the bill is available [here](#). For more information, click [here](#) and [here](#).
- [Florida](#) Governor Ron DeSantis (R) has signed House Bill 5, a law that prohibits abortion after fifteen weeks gestation. The law is similar to the Mississippi law that is currently being reviewed by the US Supreme Court in the *Dobbs* case. DeSantis stated

that that HB 5 "protects the rights of unborn children, starting at 15 weeks ... a time when babies have beating hearts, they can move, they can taste, they can see, they can feel pain, they can suck their thumbs, and they have brain waves. So, this will represent the most significant protections for life that have been enacted in this state in a generation." Violators of the new law, which is set to take effect on July 1st, include a \$5000 fine and up to five years in prison. The text of HB 5 is available [here](#).

- The [Kentucky](#) state legislature has voted to override Democrat Governor Andy Besher's veto of HB 3, a bill that severely restricts abortion. With the override, Kentucky now bans most abortions after 15 weeks gestation (exception for medical emergency), requires that a physician prescribe chemical abortion pills, bans the provision of chemical abortion pills through the mail, requires information about abortion pill reversal, and strengthens parental consent statutes for minors seeking abortion. Unfortunately, US District Court Judge Rebecca Jennings then issued a temporary restraining order (TRO) [preventing](#) the law from taking effect. Jennings, a Trump Administration appointee, justified the TRO arguing that a monitoring system mandated by the new law was not yet in place thus abortion providers could not comply with it. She stated, "The Court does not consider at this stage the constitutionality of the substance of the requirements in HB 3, but merely the enforceability of the provisions based on the impossibility of compliance." Click [here](#) for further information.
- Just days after [Idaho's](#) Fetal Heartbeat, Preborn Child Protection Act was signed into law, the state Supreme Court temporarily put it on hold. The new law which bans abortion after the detection of an unborn child's heartbeat was stayed by Chief Justice G. Richard Bevan following a legal challenge from Planned Parenthood. Unlike in Texas, the Idaho law will not be effect as the legal proceedings move forward.
- [Colorado](#) Democrat Governor Jared Polis has signed into law HB 22-1279, the so-called "Reproductive Health Equity Act." Similar to New York and New Jersey, the new Colorado law creates a "fundamental right" to abortion and contraception and it "codifies a person's fundamental right to make reproductive health-care decisions free from government interference." It also explicitly denies human rights to an unborn child stating, "A fertilized egg, embryo, or fetus does not have independent or derivative rights under the laws of this state." For further information, click [here](#).
- On April 8th, [Maryland](#) Governor Larry Hogan vetoed the so-called Abortion Care Access Act (HB 937), however the state legislature overrode the veto. With the override, Maryland now allows nurse practitioners, nurse midwives, and physician assistants to perform abortions. The state also requires the allocation of \$3.5 million per year to train these non-physicians to perform abortions and it requires most insurance plans to cover abortions without direct cost direct to the mother. Delegate Haven Shoemaker, the House minority whip who opposed the legislation, stated the bill is "the most radical expansion of abortion in Maryland's history in a state that already has some of the most liberal abortion laws in the country." Governor Hogan had vetoed the bill claiming that allowing non-physicians to perform abortions "endangers the health and lives of women."
- The [Alabama](#) legislature has passed, and Governor Kay Ivey has signed, two bills that put the brakes on gender ideology. The first, [SB 184](#), bans the administration of puberty blocking hormones for children and cross-sex hormones for youth up age nineteen. Violations are considered a felony and punishable by up to ten years in

prison. The second, [HB 322](#), requires that children in grades K-12 use the bathroom, locker-room, or related facilities that corresponds to their sex. It also bans discussions concerning sexual orientation or gender identity in grades K-5 that is “not age appropriate or developmentally appropriate.” Gender advocates vowed to oppose the new laws.

- Similar to what it did with abortion (above), the [Kentucky](#) legislature has overwhelmingly voted to override Democrat Governor Andy Beshear’s veto of SB 83, the Fairness in Woman’s Sports Act. The override vote was 29-8 in the state Senate and 72-23 in the House. The override actually received more votes than the bill did when the legislature originally passed it (26-9 on the Senate, 70-23 in the House). By banning males from competing in female sports from grade six through college, Kentucky becomes the fifteenth state to protect the integrity of female sports.

### **Federal Courts**

- The US Senate has [confirmed](#) Ketanji Brown Jackson to succeed Steven Breyer as the next associate Justice of the US Supreme Court. The vote was 53-47 as Republicans Susan Collins (ME), Lisa Murkowski (AK) and Mitt Romney (UT) joined the fifty Senate Democrats to confirm Jackson.

### **Conscience/Religious Liberty**

- Nicholas Meriwether, a philosophy professor at Shawnee State University (Portsmouth, OH), has received a \$400,000 [settlement](#) from the school after he refused to use a student’s preferred pronouns. The university had issued Meriwether a written warning and Meriwether sued claiming his First Amendment right to free speech had been violated. Travis Barham, Senior Counsel for Alliance Defending Freedom which represented Meriwether, stated: “Dr. Meriwether went out of his way to accommodate his students and treat them all with dignity and respect, yet his university punished him because he wouldn’t endorse an ideology that he believes is false. We’re pleased to see the university recognize that the First Amendment guarantees Dr. Meriwether — and every other American — the right to speak and act in a manner consistent with one’s faith and convictions.” Click [here](#) and [here](#) for more information.

### **International**

- Following the stabbing death of Member of Parliament David Amess on October 15, 2021, police in the [United Kingdom](#) have amended guidelines to now allow clergy members to administer last rites to victims of violent crime. Amess, a Catholic, died without receiving the sacraments of the Church as a priest who was willing to administer them was turned aw by police. Nigel Parker, executive director of the Catholic Union of Great Britain, stated “This is really encouraging news. For the first time, we have official guidance from the police that recognizes the importance of priests and the sacrament of the Last Rites. We are extremely grateful to everyone involved in the working group for producing such a clear and sensible set of guidance notes.”
- Bicyclist Zach Bridges, a male who perceives himself to be a woman, was cut from the woman’s [British](#) National Omnium Championship after other female competitors threatened to boycott the race if Bridges competed.

- According to the authors of the article “Execution by Organ Procurement: Breaching the Dead Donor Rule,” published April 4th online in the *American Journal of Transplantation*, physicians in [China](#) are participating in executions by removing vital organs.

### Catholic Resources

- Father Philip G. Bochanski, executive director of Courage International, has written an [open letter](#) to Cardinal Jean-Claude Hollerich (Luxembourg) and Cardinal Reinhard Marx (Munich, Freising) regarding the prelates’ apparent support of changing the Catholic Church’s teaching regarding homosexual acts. The latter states, in part: “When each of us was preparing for ordination ... we made a public Profession of Faith and swore an Oath of Fidelity. When we took that oath, we swore in regard to such teachings that we would ‘hold fast to’ the Church’s doctrine, ‘faithfully hand it on and explain it, and ... avoid any teachings contrary to it.’ We invoked the Holy Trinity and the holy Gospels to witness to our honesty and sincerity. Your Eminences, I beg you, please be faithful to your oath ... As a brother priest and collaborator in the sacred ministry, may I be so bold as to remind you, with great respect and fraternal concern, of the solemn significance of the oath we have taken? To break an oath is to commit the sin of perjury, and to deliberately persist in such a grave sin puts one’s eternal salvation in jeopardy.”
- More than seventy bishops from around the world have written an [open letter](#) of fraternal correction to the bishops of Germany warning that their “Synodal Path” is leading to schism. The signatories, which included numerous US bishops (see list in link), state that the German bishops’ action are leading to confusion about Catholic teaching and that their efforts appear to be focused not of God’s will but man’s will. The letter maintains, “Failing to listen to the Holy Spirit and the Gospel, the Synodal Path’s actions undermine the credibility of Church authority, including that of Pope Francis; Christian anthropology and sexual morality; and the reliability of Scripture.”

### Latest “Bioethics on Air” Podcast

- Episode 90: [ACOG’s Orwellian Language on Abortion](#) – Part One
  - Pro-life OB/GYN Chris Stroud joins *Bioethics on Air* to critique the American College of Obstetricians and Gynecologists’ March 2022 ‘guidance’ on how to speak about abortion. This interview focuses on ACOG’s claim that we can no longer use the terms *baby*, *unborn child*, or *fetal heartbeat*.

### Of Note

- “The fact that there [are] adults as high up as in the Biden administration putting out these claims that young people need to medically transition is really dangerous. There’s no logic to it.”—[Helena Kerschner](#), detransitioner.
- “The suddenness and intensity of the sexual targeting of kids by the ‘mainstream’ Left is astounding. It’s like they know the end of *Roe v. Wade* is imminent and they need a new way to destroy children.”—[Brian Burch](#), CatholicVote.
- “[T]he mask mandate exceeded the CDC’s statutory authority, improperly invoked the good cause exception to notice and comment rulemaking, and failed to adequately explain its decisions. Because “our system does not permit agencies to act unlawfully

even in pursuit of desired ends,” the Court declares unlawful and vacates the Mask Madate.”—[Kathryn Kimball Mizelle](#), US District Court Judge, Middle District of Florida.

***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.