National

- On May 11th, the US Senate voted 51-49 to reject the so-called "Woman's Health Protection Act of 2022." Joe Manchin (WV) was the only Democrat to vote against the act, along with all fifty Republican senators. Sixty votes were needed to move it forward. This legislation was virtually identical (although the word woman was changed to person) to a bill the Senate rejected on February 28th. If ever signed into law, the act would legalize abortion up to birth and overturn state pro-life protections. It would also force health care professionals and institutions (including Catholic ones) to perform abortions. The text of the bill is available here. For more information, click here, here, and here.

- Claims that the leaked US Supreme Court draft Dobbs decision case will help Democrat candidates in the November elections may not be well-founded. A CNN poll taken after the leak reports that, “The share of registered voters who say they are extremely or very enthusiastic about voting this fall rose 6 points between the first survey and the second, but that increase is about even across party lines. Among Democrats, 43% now say they are extremely or very enthusiastic, up 7 points. Among Republicans, it’s 56%, up 9 points. And voters who say overturning Roe would make them ‘happy’ are nearly twice as enthusiastic about voting this fall as those who say such a ruling would leave them ‘angry’ (38% extremely enthusiastic among those happy, 20% among those angry).”

- Joining companies including Amazon, Apple, Citigroup, Levi’s, Uber, and Lyft (among others), electric car maker Tesla is now paying for employees to travel out-of-state to get an abortion. According to its 2021 Impact Report, Elon Musk’s company has begun offering an “expanded Safety Net program and health insurance offering” which includes “travel and lodging support for those who may need to seek healthcare services that are unavailable in their home state.”

- Similar to how the American College of Obstetricians and Gynecologists (ACOG) is seeking to change medical terminology relating to abortion (click here and here), the pro-choice caucus of the US House of Representatives is now distinguishing between what it terms “harmful” language and “helpful” language. For example, choice is now harmful, decision is helpful. Conscience protection is harmful, refusal/denial of care is helpful.

- The Centers for Disease Control and Prevention is reporting that 107,622 people in the United States died due to drug overdose in 2021. This is the highest number on record and a fifteen percent increase over 2020.

Federal Courts

- US District Judge Daniel M. Traynor (North Dakota) has temporarily blocked the Biden administration—through the Department of Health and Human Services (HHS)—from enforcing a mandate requiring religious employers and health care providers to pay
for, perform, or provide so-called gender affirming care in violation of their beliefs. In his ruling, Traynor stated that the Christian Employers Alliance (the plaintiff) “has shown a likelihood of success on the merits” of its case and that “no government agency ought to be in the business of evaluating the sincerity of another’s religious beliefs.” Traynor further stated, “Beyond the religious implications, the Biden HHS Notification and resulting HHS Guidance frustrate the proper care of gender dysphoria ... By branding [conscientious refusal] as ‘discrimination,’ the HHS prohibits the medical profession from evaluating what is best for the patient in what is certainly a complex mental health question.”

State by State
- The Oklahoma legislature has passed, and Governor Kevin Stitt is expected to sign, a new bill that effectively bans elective abortion in the state. The bill prohibits any procedure that “cause[s] the death of an unborn child” and it defines child as a “human fetus or embryo in any stage of gestation from fertilization until birth.” The bill contains exceptions for rape, incest or life-threatening condition to the mother. Planned Parenthood has already indicated it will sue.
- Judge Elizabeth Gleicher has ruled that a 1931 Michigan law banning abortion cannot (re)take effect if the US Supreme Court overturns Roe v. Wade. The judge reasoned that the so-called right to abortion is almost certainly guaranteed by the Michigan constitution's provisions that protect bodily integrity. Pro-life supports characterized the decision as “rogue” and pointed out that Gleicher donates to Planned Parenthood and represented the organization in a previous challenge to the 1931 law.
- The New Jersey Catholic bishops have expressed “disappointment and outrage” over Governor Phil Murphy's (D) plan to further expand abortion in the state. Murphy, a Catholic, wants to mandate that health insurance plans fully cover abortion, codify regulations that allow non-physicians to perform abortions, and use more taxpayer money to fund to abortion. The bishops stated in part, “This proposed legislation is a direct attack on the dignity and sanctity of life and is further evidence that we have failed as a society when a mother feels her only option is to end the life of her child.” Their full statement is available here.
- Tennessee Governor Bill Lee (R) has signed HB 2316/SB 2153 which prevents males who perceive themselves to be female from competing in women’s collegiate athletics. This new law builds on previously existing laws preventing males from competing in female high school athletics. The bill also requires Tennessee colleges and universities to determine a student-athlete’s sex based on her “original” birth certificate. For more information on the new law, click here.
- The executive committee of the Georgia High School Association (GHSA) has unanimously voted to prevent boys who perceive themselves to be girls from competing in girls high school athletics. The change will go into effect for the 2022-2023 academic year. Cole Muzio of the Frontline Policy Council praised the vote stating, “Everyone should have an opportunity to participate, but the field of play should be fair. GHSA’s action today recognizes science, reflects reality and restores fairness.”
International

- On May 13th, Columbia became the thirty-seventh country to sign the Geneva Consensus Declaration. The declaration, which was launched in October 2020, is an international agreement stating, in part, that (1) “every human being has the inherent right to life,” (2) “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State,” and (3) “there is no international right to abortion.” The United States had signed the Geneva Consensus Declaration under the Trump Administration, but Joe Biden withdrew the US from it one week into his presidency.

Catholic Resources

- Cardinal Joseph Zen has been arrested by Chinese authorities in Hong Kong. Zen, who was the former archbishop of Hong Kong reportedly was arrested due to his participation in the 612 Humanitarian Relief Fund which had helped pay the legal fees of pro-democracy protesters. Subsequent reports say the Cardinal was later released on bail. Click here for more information.

Latest “Bioethics on Air” Podcast

- Episode 92: The Dobbs Leak – Dr. Charlie Camosy discusses the leaked Supreme Court decision in the Dobbs case and its impact on abortion politics in the United States.

Of Note

- “[T]he circumstances around the entire debate on abortion have changed.” Senator Bob Casey (PA), who described himself as a “pro-life Democrat, on his support of the so-called Women’s Health Protection Act.
- “This is about something so serious and so personal and so disrespectful of women. Here we are on Mother’s Day, a week where the court has slapped women in the face in terms of disrespect for their judgments about the size and timing of their families ... Let’s just be prayerful about this. This is- this is about respect for privacy.”—Nancy Pelosi on Face the Nation (May 8th) commenting on the leaked Dobbs draft.

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. Previous editions of this report are available through the Public Policy page of the NCBC website.

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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.