



Bioethics Public Policy Report April 4, 2023

State by State

- The Republican-controlled [Kentucky](#) state legislature has overwhelmingly voted to override Democrat Governor Andy Beshear's veto of SB 150 which bans medical interventions for so-called transitioning of minors. The override votes were 76–23 in the House and 29–8 in the Senate. The bill, which now becomes law, also requires that students use the bathroom and other facilities that correspond with their biological sex and prohibits classroom instruction on gender identity and sexual orientation at all grade levels. Kentucky is now the twelfth state to ban so-called reassignment interventions for minors. Click [here](#) for further information and [here](#) for an overview of states that have passed similar legislation.
- On March 20th, [Missouri](#) Attorney General Andrew Bailey issued an emergency regulation on interventions for so-called gender transitioning to protect children from what he terms “inhumane science experiments.” The regulation requires specific informed-consent disclosures that use of puberty-blocking drugs or cross-sex hormones for gender identity disorder or gender dysphoria is experimental and not approved by the US Food and Drug Administration. It also prevents interventions if the health care provider fails to ensure that the patient has received a full psychological or psychiatric assessment, consisting of at least fifteen separate, hourly sessions over the course of at least eighteen months. Commenting on the new regulation, Bailey stated, “As attorney general, I will protect children and enforce the laws as written, which includes upholding state law on experimental gender transition interventions.” Click [here](#) for additional information.
- [Arkansas](#) Governor Sarah Huckabee Sanders (R) has signed into law HB 1156 which, among other provisions, assures that public school students use the bathrooms and locker rooms corresponding with their biological sex. It also requires that schools rely on the sex listed on the student's birth certificate that was “issue[d] at or near the time of his or her birth.” A spokesperson for Huckabee Sanders stated, “The Governor has said she will sign laws that focus on protecting and educating our kids, not indoctrinating them and believes our schools are no place for the radical left's woke agenda.” The full text of the new law is available [here](#).
- [Wyoming](#) has become the nineteenth state to ban male students from participating in female scholastic sports. The new law went into effect as Governor Mark Gordon allowed it to take effect without his signature.
- In a 5–4 decision, the [Oklahoma](#) Supreme Court has reversed one part of the state's abortion law. The Court ruled that women have a so-called right to abortion if a doctor determines that continuing pregnancy would endanger her health due to a condition she has or is likely to develop during pregnancy. Prior to the court's ruling, abortion was only legal in medical emergencies. The ruling is available [here](#).
- [Wyoming](#) Governor Mark Gordon has signed legislation making his state the first to prohibit the use of mifepristone for chemical abortion. Senate Enrolled Act No. 93

“Prohibiting Chemical Abortions” becomes effective July 1st and makes it illegal to “prescribe, dispense, distribute, sell or use any drug for the purpose of procuring or performing an abortion.” Violators face up to six months in prison and a \$9,000 fine.

- Wyoming Governor Mark Gordon also allowed House Enrolled Act No. 88 “Life is a Human Right Act” to take effect without his signature. In a [letter](#) to the Wyoming Secretary of State, Gordon explained his actions stating, “I have acted without bias and after extensive prayer, to allow these bills to become law.” Almost immediately after taking effect, Judge Melissa Owens of the Teton County District Court [granted](#) a temporary restraining order blocking its enforcement while the court considers a legal challenge brought by abortion supporters.

Federal Courts

- In June 2022 the US Supreme Court ruled in its *Dobbs* decision that there is no constitutional right to abortion. As such, it recently [vacated](#) *Chapman vs. Doe*, a lower court case that ruled underage girls possess a constitutional right to abortion without parental notification. Only one justice dissented in the *Chapman* case, Ketanji Brown Jackson who was nominated by Joe Biden. Click [here](#) for additional perspective.
- The Fifth Circuit Court of Appeals (New Orleans) has [affirmed](#) a lower court’s preliminary injunction against Joe Biden’s COVID vaccine mandate for federal employees. On September 9, 2021, Biden signed an executive requiring all federal workers to accept the vaccine or face termination. More than 6000 employees sued and a federal district court issued a preliminary injunction against the mandate’s implementation. A panel of the Fifth Circuit overturned the injunction, but now the full Fifth Circuit has affirmed it. In short, the full Fifth Circuit found that Biden’s mandate was imposed outside the scope of federal law.

National

- On March 24th, US House of Representatives [passed](#) the Parents Bill of Rights, a resolution that seeks to “ensure the rights of parents are honored and protected in the Nation’s public schools.” Among other elements, the resolution allows parents to review their children’s curriculum and reading lists, and also requires schools to inform parents if their child attempts gender so-called transitioning. The vote was 213–208. No Democrat representative supported the bill and five Republicans also voted against it. The measure now moves to the Democrat-controlled US Senate where it is not expected to pass. The text of the resolution is available [here](#). For further information and perspective, click [here](#).
- On March 29th, the Biden administration [released](#) “Fact Sheet: White House Honors Transgender Day of Visibility.” The statement maintains that “transgender Americans have an unwavering champion in the President” and it lists numerous initiatives Biden has used, and is proposing, to further expand gender ideology in the US and abroad. “Highlights” include “expanding access to [so-called] gender affirming care” and “advancing transgender equality at home and around the world.” The full statement is available [here](#).
- On March 29th, the US Food and Drug Administration (FDA) [approved](#) Narcan (naloxone hydrochloride) nasal spray for over-the-counter use. Naloxone rapidly reverses the effects of opioids and is a standard treatment for opioid overdose.

- According to a [report](#) from the Journal of the American Medical Association, the mortality rate for US children age one to nineteen rose 10.7 percent from 2019 to 2020 and 8.3 percent from 2020 to 2021. These figures come after decades of declining numbers. The report cited increased deaths from car accidents, alcohol, and drugs. In addition, gun-related homicides and suicides accounted for nearly half the increase in 2020. Click [here](#) for additional information.

International

- Bishops from five [Nordic](#) countries (Sweden, Norway, Finland, Denmark, and Iceland) published “Pastoral Letter on Human Sexuality” which was read in Catholic parishes over the weekend of March 25-26. The letter states in part: “The Church condemns unjust discrimination of any kind, also on the basis of gender or orientation. We declare dissent, however, when the movement [gender ideology] puts forward a view of human nature that abstracts from the embodied integrity of personhood, as if physical gender were accidental.” The full text of the pastoral letter is available through the link (above).

Catholic Resources

- On March 20th, the USCCB Doctrine Committee promulgated [On the Proper Disposition of Bodily Remains](#). In the document the committee bishops reiterated the Church teaching on burial and cremation but spoke out strongly against two new methods of disposing of human remains, alkaline hydrolysis and human composting. According to the committee: “The guidance offered by the Congregation regarding burial and cremation reflects the Church’s overarching concern that due respect be shown to the bodily remains of the deceased in a way that gives visible witness to our faith and hope in the resurrection of the body. Unfortunately, the two most prominent newer methods for disposition of bodily remains that are proposed as alternatives to burial and cremation, alkaline hydrolysis and human composting, fail to meet this criterion” (no. 8).

Latest “Bioethics on Air” Podcast

- Episode 110: [Digesting the Doctrinal Note on Gender](#). NCBC ethicists Dr. Ted Furton and Dr. John Brehany join Joe Zalot to discuss the USCCB Doctrine Committee’s “Doctrinal Note on the Moral Limits to Technological Manipulation of the Human Body” and the impact it can have on Catholic health care.

Of Note

- “Arkansas isn’t going to rewrite the rules of biology just to please a handful of far-left advocates.”—[Alexa Henning](#), spokesperson for Arkansas Governor Sarah Huckabee Sanders, following Sanders’ signing of legislation prohibiting male students from using female facilities.

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.

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.