



# THE NATIONAL CATHOLIC BIOETHICS CENTER

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## Bioethics and Public Policy Report

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April 2012

**The *National Scene*:** In response to the *U.S. Health and Human Services' (HHS) mandate*, the United States Conference of Catholic Bishops' (USCCB) Ad Hoc Committee for Religious Liberty released an Easter week statement titled "[Our First, Most Cherished Liberty.](#)" The document outlines recent threats to religious liberty in the United States and abroad while endorsing an upcoming "Fortnight for Freedom" to defend "the most cherished of American freedoms." Also, to have your voice heard go to:

<http://nchla.org/actiondisplay.asp?ID=292>. ♦ The *Alliance Defense Fund* attorneys have filed a federal lawsuit on behalf of a private Denver employer against the Obama administration over its mandate that forces the family-owned business to *violate its religious beliefs* by requiring it to offer insurance coverage for abortion-inducing drugs, sterilizations, and contraception.<sup>1</sup>

**The State of Conscience/Religious Liberty:** The *Missouri* Senate has approved a bill that would permit employers to refuse to cover birth control unless it is for non-contraceptive purposes, while the House passed a measure that would allow health care providers to refuse to provide services for moral or religious reasons.<sup>2</sup> ♦ The *Arizona* Joint Conference Committee passed a bill to allow certain businesses, which would include Catholic hospitals and Catholic Charities, to opt out of paying for contraception health-care coverage for employees.<sup>3</sup> ♦ Also, see: **Recent Good News.**

**The State of Marriage:** The U.S. Court of Appeals for the First Circuit in Boston has heard two cases that challenge the 1996 federal *Defense of Marriage Act*.<sup>4</sup> Also, a bill that would allow a range of benefits for same-sex domestic partners of federal employee is before the U.S. Senate.<sup>5</sup> ♦ In *Ohio* a ballot initiative is underway to amend the state constitution to allow the legal recognition of same-sex marriage in that state.<sup>6</sup> ♦ A homosexual advocacy group has filed a suit in federal court challenging *Nevada's* constitutional amendment protecting the traditional definition of marriage.<sup>7</sup> ♦ *North Carolinians* will vote in May on a referendum to amend the state constitution to specify that marriage is between one man and one woman.<sup>8</sup> ♦ Legislation is before the *Rhode Island* General Assembly which would allow same-sex couples who have been legally married outside of Rhode Island to file for divorce in Rhode Island, thus creating a back-door recognition of same-sex marriage.<sup>9</sup> ♦ Also, see: **Recent Good News.**

**State by State:** The ACLU is challenging a *Kansas* law prohibiting insurance companies from offering *abortion coverage* as part of general health plans, except when a woman's life is at risk. Those who want abortion coverage have the option of buying supplemental policies.<sup>10</sup> ♦ Planned Parenthood of *Texas* filed a lawsuit challenging a policy that excludes abortion providers from receiving *Medicaid* funding.<sup>11</sup> A federal judge had prevented the state from enforcing this policy; but the Texas Attorney General successfully appealed this court injunction to the United States Court of Appeals for the Fifth Circuit.<sup>12</sup> Furthermore, the Texas

Attorney General has filed a lawsuit against **U.S. HHS** over its decision, in response to this Texas policy, to halt funding for the state's Medicaid Women's Health Program.<sup>13</sup> ♦ Both the **Louisiana** and **New Hampshire** Legislatures considered bills which will provide a **24-hour waiting** period before an abortion. The Louisiana bill includes a provision for the mother to see a fetal ultrasound and hear the fetal heart beat.<sup>14</sup> New Hampshire's bill included an **informed consent** measure to give women accurate information before an abortion. This was defeated in the Senate. However, the additional provision to ban abortions done **after 20 weeks gestation** was referred for study, while a ban on partial birth abortion advanced.<sup>15</sup> ♦ The **Mississippi Senate** failed to advance a bill to prevent abortions after there is the presence of a fetal heartbeat.<sup>16</sup> ♦ The **Michigan** Legislature is considering bills to prevent **coercion** of women to have abortions.<sup>17</sup> ♦ The **Oklahoma** Supreme Court has blocked the right of Oklahoma citizens to vote in November on a **Personhood Amendment**, which would define a person as "any human being from the beginning of biological development to natural death." Proponents of the **Personhood Amendment** intend to appeal the court's decision to the U.S. Supreme Court.<sup>18</sup> Similarly, the Oklahoma Legislature failed to pass a bill protecting human life from the moment of conception.<sup>19</sup> Also, the state attorney general in Oklahoma will appeal a ruling by a Oklahoma County District Court which struck down the **fetal ultrasound** law the state legislature approved, which would have allowed women to see one of their unborn baby before considering an abortion.<sup>20</sup> ♦ A similar provision is in a bill before the **Rhode Island** Legislature;<sup>21</sup> while in **Pennsylvania** a similar provision has been halted.<sup>22</sup> ♦ A lawsuit has been filed challenging **Idaho's** ban on abortion after the fetus can feel pain (20 weeks gestation).<sup>23</sup> ♦ A **fetal homicide** bill, to protect a fetus from violence to the mother that leads to fetal death, is not advancing in the **Colorado** Senate.<sup>24</sup> ♦ **Florida** voters will have the opportunity to vote in November on a constitutional amendment banning the **public funding of abortion** (already in state law). They also will have the opportunity to amend the state constitution's privacy clause. That has led to rulings by the Florida Supreme Court striking down laws requiring parental consent and **parental notification** for minors seeking abortions.<sup>25</sup>

**Recent Good News:** Legislation to abolish the **death penalty** has been enacted in **Connecticut**.<sup>26</sup> ♦ A bill to legalize physician-assisted suicide failed in a committee of the **Vermont** Senate.<sup>27</sup> ♦ The Wisconsin Medical Society has rejected a resolution that would have changed the organization's longstanding opposition to physician-assisted suicide.<sup>28</sup> ♦ The Governor of **Georgia** has signed into law a ban on **physician-assisted suicide**, after that state's Supreme Court had ruled that another state statute on this matter was unconstitutional.<sup>29</sup> The Georgia Governor also signed into law a statutory prohibition against **abortions after 20 weeks** gestation, when science supports that the fetus experiences pain.<sup>30</sup> ♦ The **Arizona** Governor also signed into law a ban on abortions after **20 weeks gestation**, except in cases of a "medical emergency," in which an abortion would prevent the mother's death or "substantial and irreversible impairment of a major bodily function."<sup>31</sup> ♦ The **Oklahoma** Governor has signed into law a statute which would require abortionists to provide patients considering an abortion the opportunity to hear a **fetal heart beat**.<sup>32</sup> ♦ A bill that would have required health plans that cover maternity care to also cover **abortion** failed to pass in the Legislature of the **State of Washington**.<sup>33</sup> ♦ The **South Carolina** Legislature has enacted the **Born-Alive Infant Protection Act** to protect unborn children who are born alive after a failed abortion.<sup>34</sup> ♦ The **Minnesota** House and Senate enacted a measure, which has been signed into law, to broaden eligibility for the Positive Alternatives grant program which will offer help to women in need, such as **pregnancy care centers** and maternity homes.<sup>35</sup> ♦ The Governor of **Wisconsin** signed a set of bills barring abortion coverage through the health insurance exchanges of the **Patient Protection and Affordable Care Act**, requiring doctors

to consult privately with women seeking abortions to insure true *informed consent*, and providing for an emphasis on *abstinence* in sex education.<sup>36</sup> ♦ An *Illinois* proposal to legalize *same-sex marriage* in that state, which already recognizes civil unions, has been stalled.<sup>37</sup> ♦ The Governor of *Virginia* has signed into law a statute providing conscience protections for *adoption* agencies that wish to place children in homes in which there is a mother and a father.

**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.

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- <sup>1</sup> <http://www.adfmedia.org/News/PRDetail/5472?AspxAutoDetectCookieSupport=1>.
  - <sup>2</sup> <http://www.news-leader.com/article/20120330/NEWS01/303300033/Missouri-Senate-birth-control-health-insurance?odyssey=mod|newswell|text|Special%20Reports|p>.
  - <sup>3</sup> [http://www.nationalpartnership.org/site/News2?news\\_iv\\_ctrl=-1&abbr=daily2 &page=NewsArticle&id=33116](http://www.nationalpartnership.org/site/News2?news_iv_ctrl=-1&abbr=daily2 &page=NewsArticle&id=33116).
  - <sup>4</sup> <http://www.telegram.com/article/20120403/NEWS/120409866/1052>.
  - <sup>5</sup> [http://www.washingtonpost.com/blogs/federal-eye/post/domestic-partners-bill-gets-boost-in-senate/2012/04/02/gIQAw9Y5qS\\_blog.html?wpisrc=nl\\_fedinsider](http://www.washingtonpost.com/blogs/federal-eye/post/domestic-partners-bill-gets-boost-in-senate/2012/04/02/gIQAw9Y5qS_blog.html?wpisrc=nl_fedinsider).
  - <sup>6</sup> [http://www.cleveland.com/metro/index.ssf/2012/04/ohio\\_attorney\\_general\\_certifie.html](http://www.cleveland.com/metro/index.ssf/2012/04/ohio_attorney_general_certifie.html).
  - <sup>7</sup> [http://www.catholic.org/national/national\\_story.php?id=45692](http://www.catholic.org/national/national_story.php?id=45692).
  - <sup>8</sup> <http://www.myrtlebeachonline.com/2012/04/14/2774672/marriage-energizes-nc-voters.html>
  - <sup>9</sup> [http://articles.boston.com/2012-04-05/news/31295200\\_1\\_civil-unions-marriage-rights-gay-divorce](http://articles.boston.com/2012-04-05/news/31295200_1_civil-unions-marriage-rights-gay-divorce).
  - <sup>10</sup> <http://www2.ljworld.com/news/2012/mar/31/judge-sides-aclu-abortion-insurance/>.
  - <sup>11</sup> <http://thehill.com/blogs/healthwatch/abortion/220985-planned-parenthood-sues-over-texas-policy-cutting-off-medicaid-funds>.
  - <sup>12</sup> <http://news.yahoo.com/appeals-judge-stops-planned-parenthood-injunction-152351284.html>.
  - <sup>13</sup> [http://www.nationalpartnership.org/site/News2?news\\_iv\\_ctrl=-1&abbr=daily2 &page=NewsArticle&id=32670](http://www.nationalpartnership.org/site/News2?news_iv_ctrl=-1&abbr=daily2 &page=NewsArticle&id=32670).
  - <sup>14</sup> <http://theadvocate.com/news/2608213-123/senate-panel-backs-abortion-procedure>.
  - <sup>15</sup> <http://www.seacoastonline.com/articles/20120426-NEWS-204260424>.
  - <sup>16</sup> <http://www.hattiesburgamerican.com/article/20120427/NEWS01/204270315/Abortion-bill-killed-Senate>.
  - <sup>17</sup> <http://www.lifenews.com/2012/05/02/michigan-senate-hears-bill-to-stop-forced-pressured-abortions/>.
  - <sup>18</sup> <http://www.christiannewswire.com/news/3536419572.html>.
  - <sup>19</sup> <http://newsok.com/oklahoma-house-fails-to-act-on-personhood-bill/article/3670167/?page=1>.
  - <sup>20</sup> <http://www.lifenews.com/2012/04/02/oklahoma-atty-general-to-appeal-ultrasound-abortion-ruling/>.
  - <sup>21</sup> [http://www.boston.com/news/local/rhode\\_island/articles/2012/04/11/ri\\_lawmakers\\_to\\_review\\_abortion\\_bills/](http://www.boston.com/news/local/rhode_island/articles/2012/04/11/ri_lawmakers_to_review_abortion_bills/).
  - <sup>22</sup> <http://www.centredaily.com/2012/04/06/3153667/measure-to-curb-abortion-on-hold.html>.
  - <sup>23</sup> <http://news.yahoo.com/idaho-doctor-lawyer-fights-fetal-pain-abortion-law-072401298.html>.
  - <sup>24</sup> [http://www.dailycamera.com/state-west-news/ci\\_20312366/fetal-homicide-proposal-delayed-colo-senate](http://www.dailycamera.com/state-west-news/ci_20312366/fetal-homicide-proposal-delayed-colo-senate).
  - <sup>25</sup> [http://articles.orlandosentinel.com/2012-04-27/opinion/os-ed-abortion-amendment-intro-042712-20120426\\_1\\_parental-notification-law-parental-consent-parental-consent-law](http://articles.orlandosentinel.com/2012-04-27/opinion/os-ed-abortion-amendment-intro-042712-20120426_1_parental-notification-law-parental-consent-parental-consent-law).
  - <sup>26</sup> <http://www.catholicnewsagency.com/news/conn.-catholic-conference-praises-repeal-of-death-penalty/>.
  - <sup>27</sup> <http://www.lifenews.com/2012/04/12/vermont-again-defeats-bill-to-legalize-assisted-suicide/>.
  - <sup>28</sup> <http://www.lifenews.com/2012/04/25/wisconsin-medical-society-rejects-assisted-suicide-again/>.
  - <sup>29</sup> <http://news.yahoo.com/georgia-bans-most-terms-abortions-assisted-suicide-020202649.html>.
  - <sup>30</sup> <http://www.christiannewswire.com/news/2776019567.html>.
  - <sup>31</sup> <http://www.azcentral.com/arizonarepublic/news/articles/2012/04/12/20120412arizona-abortion-bill-20-weeks-law-brewer.html>.
  - <sup>32</sup> <http://www.ktul.com/story/17882240/fetal-heartbeat-bill-signed-into-law>.
  - <sup>33</sup> <http://www.politico.com/politicopulse/0412/politicopulse721.html>.
  - <sup>34</sup> <http://www.lifenews.com/2012/04/13/south-carolina-senate-oks-pro-life-abortion-born-alive-bill/>.

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- <sup>35</sup> <http://www.lifenews.com/2012/04/04/minnesota-bill-expanding-abortion-alternatives-progam-now-law/>.
- <sup>36</sup> <http://www.fdlreporter.com/article/20120408/FON0101/204080395/Bills-abortion-sex-ed-signed?odyssey=tab|topnews|text|FRONTPAGE>.
- <sup>37</sup> <http://www.myfoxchicago.com/dpp/news/politics/greg-harris-halts-same-sex-marriage-bill-illinois-state-representative-20120416>.