



# THE NATIONAL CATHOLIC BIOETHICS CENTER

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## Bioethics and Public Policy Report

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July 2010

**The *National Scene*:** The National Catholic Bioethics Center joins the *US Conference of Catholic Bishops*, in welcoming the agreement by the *US Dept. of Health and Human Services (HHS)* to exclude elective *abortion* coverage in the high-risk pool insurance program allocations to states. Pennsylvania and New Mexico were slated to receive funding which would pay for abortion on demand, consistent with the health care reform legislation (*Patient Protection and Affordable Care Act* or *PPACA*). Such funding of abortion on demand was to occur pursuant to provisions in the *PPACA* that excludes from the cost sharing provision certain programs, including the high-risk pool insurance program. These cost sharing provisions required individuals seeking federal health plan coverage that included abortion on demand, to write separate checks for such coverage. The *PPACA* does not require this of those participating in the high-risk insurance program. If *PPACA* did require these faux mechanisms of separate checks and separate payroll deductions for abortion coverage, it would still be the case that for the first time in US history the federal government would fund health care plans that provide abortion on demand. President Obama's executive order concerning the *PPACA* cannot contravene existing law. However, in a recent announcement HHS has stated that it will not include coverage of elective abortions in its high risk pool allocations to states. The NCBC, while welcoming this reversal for these allocations, again stresses the need for Congress to enact legislation, clearly stating once and for all that funds appropriated by *PPACA* will not pay for abortions or for insurance coverage that includes abortion. [See: <http://www.ncbcenter.org/NetCommunity/Page.aspx?pid=482>: The National Catholic Bioethics Center Supports Proposed Remedies to the Flawed Patient Protection and Affordable Care Act (*PPACA*)].<sup>1</sup>

**The State of *Conscience/Religious Liberty*:** A bill is before the *Idaho* legislature that would protect the consciences of health care providers.<sup>2</sup> • Also see *Recent Good News*.

**The State of *Marriage*:** The *USCCB* has released its *For Your Marriage* initiative, an extensive, multi-dimensional approach to strengthening marriage as a sacrament and as a social institution. See <http://foryourmarriage.org/>; and <http://www.usccb.org/laity/marriage/npim.shtml>. • In a move consistent with a growing judicial intrusion into the legislative domain, a *Massachusetts Federal District Court* judge struck down the federal *Defense of Marriage Act*.<sup>3</sup> • Also see *Recent Good News*.

**State by State:** A *Nebraska Planned Parenthood* organization is challenging a law that provides for informed consent on the risks and alternatives to *abortion*.<sup>4</sup> • An *Oklahoma* district judge has stayed the implementation of a bill providing for abortion informed consent through provisions for *fetal ultrasound*.<sup>5</sup> • *Alaskan*

church leaders, including **Archbishop Roger Schwietz**, are encouraging their members to vote for parental notification for abortion on minors in the upcoming referendum.<sup>6</sup> • A new **Nebraska** law which tightens informed consent requirements that help women **choose abortion alternatives** has been stayed in response to a lawsuit by Planned Parenthood of the Heartland.<sup>7</sup>

**Recent Good News:** The **United States Court of Appeals for the District of Columbia** ruled that two of the researchers, who sued the Department of Health and Human Services and the National Institutes of Health, had standing to do so. The researchers are challenging newly promulgated guidelines that authorize the NIH to fund more research projects involving **human embryonic stem cells**. The lower district court had dismissed the suit for want of a plaintiff with standing. The Court of Appeals reversed the order of the district court and reinstated the motion for a preliminary injunction until the case is resolved.<sup>8</sup> • The **Wisconsin Supreme Court** upheld the state's constitutional amendment affirming the traditional **definition of marriage** and not recognizing civil unions or homosexual marriage.<sup>9</sup> • The governor of **Hawaii** vetoed the **civil union** legislation sent to her desk for signature by that legislature.<sup>10</sup> • **Louisiana's** governor signed into law legislation providing a woman the opportunity to view a fetal ultrasound before her abortion decision is made.<sup>11</sup> Such a proposal also became law in Missouri.<sup>12</sup> • The **Nebraska Legislature** passed the **Pain Capable Unborn Child Protection Act**, banning abortions after 20 weeks gestation.<sup>13</sup> • The **State of Washington**, two weeks before a federal trial was to begin challenging a state infringement on conscience, has conceded that pharmacists have the right to conscience protection in the exercise of their profession.<sup>14</sup>

**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://npwf.convio.net/site/News2?abbr=daily2\\_&page=NewsArticle&id=25232&security=1201&news\\_iv\\_ct\\_rl=-1](http://npwf.convio.net/site/News2?abbr=daily2_&page=NewsArticle&id=25232&security=1201&news_iv_ct_rl=-1).

<sup>2</sup><http://www.kidk.com/news/local/97628624.html>.

<sup>3</sup><http://www.nationalreview.com/bench-memos/230872/judge-tauro-does-doma/hadley-arkes>.

<sup>4</sup><http://www.lifenews.com/state5213.html>.

<sup>5</sup><http://newsok.com/state-abortion-law-on-hold/article/3477732>.

<sup>6</sup><http://www.lifenews.com/state5244.html>.

<sup>7</sup><http://www.lifenews.com/state5249.html>.

<sup>8</sup>[http://www.advocatesinternational.org/sites/default/files/webfm/Sherley\\_v\\_Sebelius\\_June\\_25\\_2010.pdf](http://www.advocatesinternational.org/sites/default/files/webfm/Sherley_v_Sebelius_June_25_2010.pdf).

<sup>9</sup><http://www.examiner.com/x-12767-US-Headlines-Examiner~y2010m6d30-Gay-marriage-ban-upheld-in-Wisconsin-high-court>.

<sup>10</sup>[http://www.nytimes.com/2010/07/07/us/07brfs-GOVERNORVETO\\_BRF.html?\\_r=1](http://www.nytimes.com/2010/07/07/us/07brfs-GOVERNORVETO_BRF.html?_r=1).

<sup>11</sup><http://www.wwltv.com/news/Jindal-signs-abortion-regulation-bills-97903799.html>.

<sup>12</sup><http://www.lifenews.com/state5250.html>.

<sup>13</sup><http://www.lifenews.com/state5224.html>.

<sup>14</sup><http://www.freerepublic.com/focus/f-news/2549036/posts>.