



THE NATIONAL CATHOLIC BIOETHICS CENTER

6399 Drexel Road, Philadelphia, PA 19151 Tel. 215-877-2660 Fax. 215-877-2688 www.ncbcenter.org

Bioethics and Public Policy Report

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January 2013

The National Scene: The U.S. Conference of *Catholic Bishops* urged Catholics nationwide to participate in Nine Days of Prayer, Penance and Pilgrimage, January 19th through the 27th, marking the 40th anniversary of *Roe v. Wade*.¹ This year's turnout for the events surrounding the *March for Life* was phenomenal, with some estimates as high as 600,000. ♦ The U.S. Supreme Court refused to hear an appeal of the dismissal of a suit, by the US Circuit Court of Appeals for the District of Columbia, concerning government funding of *embryonic stem cell research*, which relies on destroyed human embryos. Two scientists have been challenging President Obama's 2009 executive order which allowed federal funding of research on stem cells taken from human embryos as a violation of the 1996 Dickey-Wicker law.² ♦ The *Title X Abortion Provider Prohibition Act* is before the U.S. House of Representatives. It would prevent *Planned Parenthood* from receiving federal dollars for providing contraception.³

The State of Conscience/Religious Liberty: *President Obama* declared January 16, 2013 as *Religious Freedom Day*, while focusing his comments on the freedom to worship, not the constitutionally guaranteed free exercise of religion.⁴ ♦ A U.S. Federal District Court judge has dismissed the lawsuit by *Notre Dame University* against the U.S. Dept. of Health and Human Services (*HHS*) contraceptive coverage *Mandate*, holding that the University was yet to be negatively impacted because at this time it is under the "Safe Harbor" provision. ♦ Similarly, a U.S. Federal District Court judge has dismissed the law suit by *Colorado Christian University* based on the federal government's statement to the court that future revisions to the federal contraceptive mandate will address the University's claims.⁵ ♦ A similar suit by the *Archdiocese of Washington, DC*, and four other plaintiffs was dismissed as premature, until the new regulations are promulgated.⁶ ♦ Diocese of *Nashville*, with seven other Catholic agencies, including Aquinas College, are appealing the decision of a US Federal District court judge who dismissed their lawsuit against the *HHS Mandate*.⁷ ♦ A U.S. Federal District Court has denied a request from a *Mennonite*-owned secular business, Conestoga, Inc., that they be exempt from the *HHS Mandate*.⁸ ♦ The *Sioux Chief Manufacturing*, a plumbing products company owned by a Catholic family, filed a lawsuit against the *HHS Mandate* in U.S. District Court for the Western District of Missouri. Sioux Chief, which is self-insured, will be required to begin offering contraceptive coverage to its 370 employees on April 1, when the company's new health plan takes effect.⁹ ♦ Also see *Recent Good News*.

The State of Marriage: A bill is before the *Wyoming* legislature to legally recognize same-sex marriages.¹⁰ ♦ A bill is in the *New Mexico* legislature which if passed would place before the voters a ballot question whether to recognize in the state's constitution same-sex

marriage.¹¹ ♦ The *Rhode Island* House of Representatives has passed a bill to legalize same-sex marriage. Its fate in the Senate is unclear, but if passed into law would make Rhode Island consistent with all states in New England in legally recognizing same-sex marriage.¹²

State by State: *Virginia* legislators are considering legislation that would ban sex-selection *abortions*, prohibit Medicaid funding of abortions on preterm babies with significant disabilities, and provide for conscience protection for health insurers concerning *contraception* coverage.¹³ ♦ *North Carolina* officials will appeal a federal judge's ruling that it is unconstitutional for the state to offer "*Choose Life*" license plates without also offering plates that support abortion on demand.¹⁴ ♦ Two proposals are before the *Indiana* legislature which would enhance *informed consent* for a woman seeking an abortion.¹⁵ ♦ Similarly, two proposals are before the *Wyoming* legislature: one to ban *abortions* once a fetal heartbeat is detectable, the other to provide for true informed consent to the mother by the sharing of accurate information before an abortion.¹⁶ ♦ The *North Dakota* legislature is considering legislation to ban abortions for the purpose of *gender selection* or to deny life to babies with *genetic abnormalities* (eugenics).¹⁷ ♦ Cardinal Timothy Dolan has responded to *New York* Governor Cuomo's advancing of legislation (*the Reproductive Health Act*) which will make abortion on demand, at any stage of gestation, a basic human right, with no exemption for Catholic hospitals, in violation of current federal law and the US Constitution.¹⁸ ♦ A *personhood* bill is before the *Oklahoma* legislature, which would assign legal rights to a human being from the moment of conception.¹⁹ ♦ The *Montana* legislature is considering the *Pregnant Woman Protection Act* which would allow homicide charges to be brought for the death of an unborn child due to an attack on the mother.²⁰ ♦ A bill is before the *Maryland* legislature which will require applicants for state driver's licenses or their renewals to specifically opt out of being an *organ donor (presumed consent)*, if they choose not to be an organ donor.²¹ ♦ The *Connecticut* legislature is considering the legalization of *physician-assisted suicide*.²² ♦ Also see **Recent Good News**.

Recent Good News: The *Alabama* Supreme Court has affirmed lower court rulings that the law making it a crime to chemically *endanger a child* applies to women who are pregnant.²³ ♦ The American Civil Liberties Union has withdrawn its challenge to a *Kansas* law requiring those who wish to have *abortion* coverage in their private insurance plans to purchase a separate rider for that purpose.²⁴ ♦ A US Federal District Court has granted an injunction against the *HHS Mandate* as it applied to an Illinois business, *Triune Health Group*, and its Catholic owner.²⁵ ♦ A bill before a *Virginia* senate committee, to revoke an informed consent provision for women seeking an abortion through the requirement of a non-invasive ultrasound, was defeated.²⁶

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.

Sharing of Resources: The web page of the National Catholic Bioethics Center is a significant resource in the realm of bioethics: 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.

¹ <http://www.usccb.org/prayer-and-worship/resources/index.cfm>.

² <http://bostonglobe.com/news/nation/2013/01/08/court-won-stop-embryonic-stem-cell-research/j4LRON15DokqdCpNPJwTIJ/story.html>.

³ <http://thehill.com/blogs/healthwatch/abortion/275711-gop-bill-would-bar-planned-parenthood-from-title-x>.

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- 4 <http://www.lifenews.com/2013/01/16/obama-declares-religious-freedom-day-as-his-admin-denies-it/>.
 - 5 <http://www.lifenews.com/2013/01/09/judge-dismisses-colorado-christian-universitys-hhs-mandate-lawsuit/>.
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