



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

[Click on Endnotes for More Information]

March 2013

The *National Scene*: The U.S. Conference of Catholic Bishops has filed its response to the U.S. Department of Health and Human Services' mandate to employers for contraceptive coverage of employees (*HHS Mandate*), citing how it represents an unprecedented violation of religious liberty. <http://www.usccb.org/about/general-counsel/rulemaking/upload/2013-NPRM-Comments-3-20-final.pdf>. Please let your voice be heard by April 8, 2013: <http://nchla.org/actiondisplay.asp?ID=292>.

♦ A bill to require *military* hospitals to provide *abortions* has been introduced into the U.S. House of Representatives.¹

The State of *Conscience/Religious Liberty*: The *Health Care Conscience Rights Act of 2013* (H.R. 940) has been stalled in the U.S. House of Representatives. This proposal would ensure that the rights of conscience of all participants in our nation's health care system will be respected.² ♦ A Federal District Court Judge of the Eastern District of Michigan granted a Motion by *Domino's Farm Corporation* for a Preliminary Injunction against enforcement of the *HHS Mandate*.³ ♦ *Beckwith Electric*, a company owned by a member of the Southern Baptist Convention, has filed suit against the *HHS Mandate* in U.S. District Court for the Middle District of Florida.⁴ Also, *Eden Foods, Inc.* has filed a similar suit in the Federal District Court for the Eastern District of Michigan.⁵ ♦ A Federal District Court Judge has denied the *Michigan Catholic Conference* and *Franciscan University of Steubenville* their petition for injunction against the *HHS Mandate*.⁶ ♦ The *Hawaii* Senate passed a proposal that would require hospitals to offer *emergency contraception* to victims of sexual assault with no provision for a conscience exemption or for allowing hospitals to do appropriate testing to assess whether the drug will function as an abortifacient.⁷ ♦ The *Missouri* House of Representatives is advancing a proposal to protect *health care workers* and researchers from having to cooperate in procedures that violate their consciences.⁸ ♦ A federal district court judge has struck down a *Missouri* conscience protection law concerning contraceptive coverage by insurers and employers, citing conflicts with the *HHS Mandate*.⁹ However, a similar proposal is advancing in the *Michigan* Senate.¹⁰

The State of *Marriage*: *President Obama's* administration has filed an *amicus* brief against *California's* ban on same-sex marriage which is before the U.S. Supreme Court. This position has implications for similar bans in 37 other states.¹¹ ♦ Several bills are before the *Texas* Legislature to overturn the constitutional amendment, voted on by Texas citizens, defining marriage as between one man and one woman, as well as to legally recognize same-sex civil unions.¹² ♦ The *Minnesota* Legislature is advancing the legalization of same-sex marriage after last year's ballot initiative for a constitutional amendment protecting traditional marriage failed. The proposal has passed committees of both the House and

Senate.¹³ ♦ A bill to legally recognize same-sex civil unions has been passed by both houses of the *Colorado* Legislature and signed into law by the Governor.¹⁴

State by State: The *Washington* House of Representatives has advanced proposed legislation to require *insurance* policies that cover maternity services to also cover abortion.¹⁵ ♦ The *Tennessee* Legislature is considering a proposal for a state constitutional amendment that would allow the state to implement a 48-hour waiting period before an *abortion* and mandate that all but first-trimester abortions be performed in a hospital.¹⁶ ♦ The *Florida* Legislature is advancing a bill that would allow a separate charge to be filed for violent *acts against pregnant women* that result in the injury or death of the fetus.¹⁷ ♦ The *New Hampshire* House has rejected a proposal to provide true informed consent before an *abortion*, by means of a 24 hour waiting period and the provision of written information to those seeking an abortion.¹⁸ ♦ A U.S. District Court has ruled that a 2011 *Idaho* law prohibiting abortion after *20 weeks* gestation is unconstitutional under the Supreme Court's *Roe v. Wade* decision.¹⁹ ♦ The *Kansas* House approved a bill that would *define life* as beginning at fertilization and mandate that physicians inform women seeking *abortions* that the procedure carries certain risks.²⁰ ♦ The *North Dakota* Legislature has approved a 2014 *personhood* ballot initiative to allow voters to address the issue of life beginning at fertilization.²¹ The *North Dakota* Senate also passed proposals to ban *abortions* after a fetal heart beat is detected, as well as abortions for fetal genetic defects or sex selection.²³ ♦ The *Kentucky* Legislature is considering a proposal to *define life* as beginning at fertilization.²⁴ ♦ The *Oklahoma*²⁵ and *Montana*²⁶ Houses have approved a measure to require *parental notification* before an abortion can be performed on a minor. The *Montana* Legislature also is considering a proposal to clarify that state's prohibition against *physician-assisted suicide*, made less clear by a recent Montana Supreme Court decision (*Baxter v. State of Montana*).²⁷ ♦ A proposal to legalize *physician-assisted suicide* is being considered by the *Connecticut* Legislature.²⁸ ♦ A bill has been introduced in the *Kansas* Legislature which, if passed, would legalize *physician-assisted suicide* in that state.²⁹ ♦ A bill which would legally recognize the *rights of a human being* from the moment of fertilization is advancing in the *Kansas* House.³⁰ ♦ Also see *Recent Good News*.

Recent Good News: The *Arkansas* Senate and House have overridden Governor Beebe's veto of a bill to prohibit *abortions* after 12 weeks gestation (fetal heart beat detectable).³¹ ♦ The Governor of *South Dakota* has signed into law a requirement of a 72 hour *waiting period* before an abortion can be performed.³²

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.washingtonpost.com/blogs/she-the-people/wp/2013/03/25/rep-slaughter-introduces-bill-to-allow-abortion-for-service-women-at-military-hospitals/>.

² <http://www.ncregister.com/daily-news/proposed-health-care-conscience-rights-act-last-and-only-hope/>.

³ <http://www.lifenews.com/2013/03/14/dominos-pizza-founder-wins-court-order-stopping-hhs-abortion-mandate/>.

⁴ http://www.nationalpartnership.org/site/News2?abbr=daily2_&page=NewsArticle&id=38538&security=1201&news_iv_ctrl=-1.

⁵ <http://www.lifenews.com/2013/03/25/oldest-natural-foods-company-files-lawsuit-against-obama-hhs-mandate/>.

⁶ <http://www.catholicculture.org/news/headlines/index.cfm?storyid=17412>.

-
- 7 <http://www.sfgate.com/news/article/Hawaii-Senate-OKs-emergency-contraception-bill-4331091.php>.
 - 8 <http://www.ajc.com/ap/ap/legislative/mo-house-endorses-health-care-conscience-measure/nWpQp/>.
 - 9 http://www.huffingtonpost.com/2013/03/18/missouri-birth-control-law_n_2901115.html?ncid=edlinkusaolp00000003.
 - 10 <http://ipr.interlochen.org/ipr-news-features/episode/bill-would-allow-health-providers-object-providing-contraception/2013-03-2>.
 - 11 <http://www.christiancentury.org/article/2013-03/white-house-takes-stance-against-gay-marriage-ban>.
 - 12 <http://amarillo.com/opinion/opinion-columnist/weekly-opinion-columnist/2013-02-24/rangel-gay-marriage-again-issue-texas>.
 - 13 <http://unioneagle.com/2013/03/same-sex-marriage-bills-pass-in-house-and-senate-committees/>.
 - 14 http://www.nytimes.com/2013/03/22/us/colorado-approves-same-sex-unions.html?_r=0.
 - 15 <http://www.spokesman.com/stories/2013/feb/23/abortion-rights-legislation-shows-two-houses/>.
 - 16 <http://www.timesfreepress.com/news/2013/mar/06/sponsors-tennessee-legislature-wont-push-abortion-/>.
 - 17 <http://staugustine.com/news/florida-news/2013-03-20/senate-bill-tackles-crimes-against-unborn-children#.UUyeY1dTcc4>.
 - 18 <http://www.boston.com/news/local/new-hampshire/2013/03/13/house-rejects-bill-requiring-abortion-wait/w8ZXiNg3xBFjdcwHHdtBDK/story.html>.
 - 19 http://www.nationalpartnership.org/site/News2?abbr=daily2_&page=NewsArticle&id=38412&security=1201&news_iv_ctrl=-1.
 - 20 http://www.nationalpartnership.org/site/News2?abbr=daily2_&page=NewsArticle&id=38633&security=1201&news_iv_ctrl=-1.
 - 21 http://www.usatoday.com/story/news/nation/2013/03/22/north-dakota-conception-abortion/2010747/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+usatoday-NewsTopStories+%28News+-+Top+Stories%29&utm_content=Google+Reader.
 - 23 http://www.nationalpartnership.org/site/News2?page=NewsArticle&id=38619&security=3181&news_iv_ctrl=-1.
 - 24 <http://thehill.com/blogs/healthwatch/abortion/288525-rand-paul-floats-fetal-rights-bill->.
 - 25 <http://www.lifenews.com/2013/03/12/oklahoma-approves-bill-for-parental-notification-on-abortion/>.
 - 26 http://missoulain.com/news/local/montana-house-backs-parental-consent-for-underage-abortions/article_fd02e9b8-8067-11e2-8328-0019bb2963f4.html.
 - 27 <http://www.lifenews.com/2013/03/08/support-hb-505-to-protect-montanans-from-assisted-suicide/>.
 - 28 <http://www.lifenews.com/2013/03/21/connecticut-residents-stand-strong-against-bill-for-assisted-suicide/>.
 - 29 <http://www.lifenews.com/2013/03/11/kansas-bill-introduced-to-legalize-assisted-suicide/>.
 - 30 <http://www.kckansan.com/2013/03/sweeping-abortion-bill-approved-by.html>.
 - 31 <http://www.lifenews.com/2013/03/05/arkansas-senate-overrides-veto-of-ban-abortions-at-12-weeks/>.
 - 32 <http://www.nationalpartnership.org/site/News2?page=NewsArticle&id=38362>.