



The National Catholic Bioethics Center

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Bioethics and Public Policy Report [Click on Endnotes for More Information]

February 2011

The National Scene: The federal *Protect Life Act*, H.R. 358, and the *No Tax Payer Funding of Abortion Act*, H.R. 3, would apply longstanding federal policies on abortion funding, and conscience rights on abortion, to not only the Patient Protection and Affordable Care Act (provisions contained in H.R. 358), as well as to all federally funded programs (provisions contained in H.R. 3). To have your voice heard go to:

<http://nchla.org/actiondisplay.asp?ID=286>; and <http://nchla.org/actiondisplay.asp?ID=288>.

• A federal U.S. District judge in Florida struck down the entire health care reform law as unconstitutional. The decision represents a more sweeping repudiation of the law than the December ruling on a suit brought by Virginia. That ruling found the requirement that most Americans purchase health insurance to be unconstitutional.¹ • The *U.S. House of Representatives* has passed a bill to defund the largest provider of abortions in the United States: *Planned Parenthood*.²

The State of Conscience/Religious Liberty: The federal government partially rescinded President Bush's *Provider Conscience Rule*. The National Catholic Bioethics Center, while applauding the federal government's stated commitment to reinforce compliance with federal conscience protection laws, is gravely disappointed by the restriction of the scope of such protection from the original language, now limiting the protections only to abortion and sterilization procedures. The intent of the Provider Conscience Rule was to reinforce and reaffirm existing federal laws, which prohibit recipients of certain federal funds from coercing individuals in the health care field into participating in actions they find religiously or morally objectionable. Such protection from discrimination ensures a vibrant pluralism in the delivery of health care. Not protecting consciences implicitly endorses a monolithic view of health care delivery in a setting where there is legitimate moral disagreement. See:

<http://www.ncbcenter.org/NetCommunity/Page.aspx?pid=482&storyid1277=131&ncs1277=3>

The State of Marriage: The Obama administration has stated that it will no longer defend the constitutionality of a federal law that bans same sex marriage.³ • *Illinois*, in legalizing civil unions, became the 16th state to provide spousal rights to same-sex couples.⁴ A proposal to legalize same-sex civil unions has been introduced in the *Colorado* Legislature,⁵ as well as in the *Pennsylvania* Legislature.⁶ A similar proposal has passed in the both the *Hawaii* Senate and House of Representatives, and signed into law.⁷ A similar measure failed in *Wyoming*.⁸ Furthermore, in Wyoming a bill to prevent the legal recognition of same-sex unions from other states is advancing.⁹ • The *Indiana* Legislature is considering a ballot initiative on a constitutional amendment to protect the definition of marriage as

between one man and one woman.¹⁰ • The **Iowa** House of Representatives voted to allow the people of Iowa, through a ballot initiative, to define marriage in that state, which was redefined by a court order to include same-sex couples. Senate Majority Leader Mike Gronstal, however, has vowed to block the measure's advance in that chamber, thus, denying the people of the state the right to have a say in the matter.¹¹ • The **Rhode Island** Legislature is considering the legalization of same-sex marriage,¹² as is the **Maryland** Legislature.¹³

State by State: The **Pennsylvania** Supreme Court will be hearing a case on the state's **parental consent** law that requires minor teens to get their parent's permission for an abortion.¹⁴ • The **Missouri Legislature** is advancing legislation that would restrict **abortions** after 20 weeks gestation,¹⁵ as would **Georgia's** legislative proposal called the Pain-Capable Unborn Child Protection Act.¹⁶ A similar initiative restricting **abortions** after 20 weeks gestation is progressing in the **Iowa Legislature**.¹⁷ • The **Iowa Legislature** also is advancing a bill that states that human life begins at conception.¹⁸ Similarly the **North Dakota House of Representatives** passed a bill prohibiting the destruction of **embryos** conceived through in vitro fertilization.¹⁹ • The **Indiana Legislature** is advancing a bill which would provide informed consent to women seeking **abortions**, related to the provision of facts on when life begins, what the fetus can feel and when, and the side effects of an abortion.²⁰ • **The Arizona Legislature** is advancing a bill to prevent **abortions** based on gender or race,²¹ as well as a bill supporting informed consent of women seeking an abortion, through providing them with access to a **fetal ultrasound**.²² A similar fetal ultrasound proposal is advancing in **Wyoming**²³ and in **Texas**.²⁴ • The **Kansas Legislature** is advancing a bill to require parents to give parental consent for the abortion on a minor.²⁵ A similar measure, but limited to parental notification of minors under 16 years of age, is advancing in **Montana**.²⁶ • The **South Dakota Legislature** is advancing legislation to require a woman considering an abortion to be counseled on alternatives, as well as to assure there is no coercion in her decision-making.²⁷ • The **District of Columbia Council** is considering a proposal to allow oral **contraceptives** to be dispensed by a pharmacist without a physician's order.²⁸ • The **Idaho** Legislature is advancing a bill to prevent the legalization of physician **assisted suicide**,²⁹ while **Vermont's** Legislature is proposing to legalize it.³⁰

Recent Good News: A federal judge in **Baltimore, MD** granted summary judgment for the **Archdiocese of Baltimore** finding the anti-pregnancy center law is unconstitutional under the First Amendment. The decision cited that the government cannot, require a **pro-life pregnancy-related service** center to post a sign [that it does not offer abortion services]. The judge stated that "viewpoint-based discrimination is considered a particularly offensive form of content-based discrimination." The City of Baltimore said it would challenge the ruling.³¹ • The **Hawaii Legislature** is not advancing proposed legislation to legalize **assisted suicide**.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/wp-dyn/content/article/2011/01/31/AR2011013106367.html>.

² http://www.nytimes.com/2011/02/03/us/03parenthood.html?_r=1&ref=politics.

³ <http://www.midlandsconnect.com/news/story.aspx?id=584941>.

⁴ <http://www.reuters.com/article/2011/02/01/us-illinois-gays-idUSTRE71006620110201>.

⁵ http://www.advocate.com/News/Daily_News/2011/02/15/Colo_Civil_Unions_Bill_Introduced/.

⁶ <http://blogs.phillymag.com/gphilly/2011/02/15/civil-union-bill-to-be-introduced-in-pa/>.

⁷ <http://content.usatoday.com/communities/ondeadline/post/2011/02/hawaii-becomes-7th-state-to-legalize-same-sex-unions/1>.

⁸ <http://www.kdvr.com/news/sns-ap-wy-xgr--civilunions,0,3940400.story>.

⁹ http://www.wyomingnews.com/articles/2011/02/04/news/20local_02-04-11.txt.

¹⁰ <http://www.wishtv.com/dpp/news/politics/committee-pushes-same-sex-marriage-ban-amendment>.

¹¹ <http://qsaltlake.com/2011/02/07/iowa-house-oks-amendment-to-re-ban-same-sex-marriage-2/>.

¹² http://www.projo.com/news/politics/content/same-sex_marriage_hearing_02-10-11_B5MD4HC_v36.1a1c347.html.

¹³ <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/16/AR2011021605969.html>.

¹⁴ <http://www.lifenews.com/2011/01/31/pennsylvania-supreme-court-weighing-parental-consent-abortion-law/>.

¹⁵ http://www.stltoday.com/news/state-and-regional/missouri/article_b5869471-3803-555b-8a27-f7eb4f35b038.html.

¹⁶ <http://www.macon.com/2011/01/28/1427129/bill-ban-abortions-in-state-after.html>.

¹⁷ <http://www.lifenews.com/2011/02/08/iowa-abortion-fetal-pain-bill-advances-now-faces-hurdles/>.

¹⁸ <http://www.desmoinesregister.com/article/20110215/NEWS10/102150351/Panel-OKs-bill-saying-life-starts-at-conception?SPORTS09>.

¹⁹ <http://www.washingtontimes.com/news/2011/feb/11/n-dakota-abortion-bill-bans-embryo-destruction/>.

²⁰ <http://www.chicagotribune.com/news/chi-ap-in-xgr-abortionrestr,0,64674.story>.

²¹ http://www.eastvalleytribune.com/arizona/politics/article_a0385710-34c2-11e0-9a4f-001cc4c03286.html.

²² http://azdailysun.com/news/state-and-regional/article_5ef3d4ee-49e7-5b55-b260-f565dceefb62.html.

²³ <http://washingtonexaminer.com/politics/2011/02/wyoming-house-advances-revised-abortion-bill#>.

²⁴ <http://www.lifenews.com/2011/02/17/texas-senate-approves-abortion-ultrasound-bill-21-16/>.

²⁵ <http://www.ktka.com/news/2011/feb/10/abortion-measure-clears-kansas-house-panel/>.

²⁶ http://billingsgazette.com/news/state-and-regional/montana/article_d3ac92fc-3ae7-11e0-875f-001cc4c002e0.html.

²⁷ <http://www.yankton.net/articles/2011/02/23/news/doc4d6490ed4580d890998982.txt>.

²⁸ <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/15/AR2011021506352.html>.

²⁹ <http://www.spokesman.com/stories/2011/feb/16/idaho-moves-ban-assisted-suicide/>.

³⁰ http://www.vpr.net/news_detail/90082/.

³¹ <https://www.care-net.org/newsroom/article.php?id=95>.

³² http://www.necn.com/02/07/11/Hawaii-Legislature-takes-up-assisted-sui/landing_health.html?&blockID=3&apID=c41031ff839d4753b65f465331372770.