



THE NATIONAL CATHOLIC BIOETHICS CENTER

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

Bioethics Public Policy Report December 15, 2018

National

- *NIH to end support for fetal tissue research?* The Trump Administration has [instructed](#) the National Institutes of Health (NIH) to end the practice of acquiring new fetal tissue for research that it funds. NIH has also announced a new \$20 million [program](#) to explore and develop alternatives to the use of such tissue. The instruction and announcement come as the federal government initiates a review of all fetal tissue research overseen by its agencies. In addition NIH announced that it would only be extending a contract with the University of California San Francisco (UCSF) for [90 days](#) rather than one year due to concerns over fetal tissue research. UCSF had been using NIH funds to study therapies for diseases including Parkinson's and AIDS, but in doing so implanted tissue from aborted fetal remains to create "humanized mice."
- *Male life expectancy falling in the US:* According to the Centers for Disease Control's National Center for Health Statistics, [life expectancy](#) for males in the United States fell to 76.12 years in 2017, a decline of one-tenth of a year from 2016. Women's life expectancy remained unchanged at 81.1 years. Overall life expectancy stood at 78.6 years. Reasons for the decline included increases in drug overdose deaths (which set a record at 70,237), flu deaths, and suicides.
- *Abortion rates decline again:* A new [report](#) from the Centers for Disease Control (CDC) shows that between 2014 and 2015 (the last year data is available) the overall number of abortions in the US fell by 2 percent, and the abortion rate declined by 4 percent. These numbers are consistent with the overall downward trend in abortion that started in the 1980s. Thirty-eight of the forty-six states that provided data to the latest report saw their abortion rates fall. One of the non-reporting states, California, has not reported abortion data to the CDC since 1997.
- *Screening embryos for intelligence:* A company named Genomic Predictions is contracting with IVF clinics to provide "[risk testing](#)" on embryos, the goal being to identify those with intellectual disabilities. The company does not claim that its testing can identify disabilities within particular embryos, but rather it offers an overall risk of predisposition to disease. Genomic Predictions also maintains that its testing methods offer risk profiles for other indications including diabetes and breast cancer.
- *Steps to lower drug costs:* The Trump Administration has announced a proposal aimed at [reducing](#) the cost of certain prescription drugs for seniors. The proposal will allow insurers in the Medicare prescription drug program to exclude certain drugs whose prices increase faster than the rate of inflation, as well as new formulations of certain drugs that are not a "significant innovation" over the product they are intended to replace. Officials claim the new proposal could save \$692 million over the next ten years.
- *One season of youth football can affect brain?* Research presented at the meeting of the Radiological Society of America suggests that just one season of youth football can [change](#) a child's brain. Researchers studied nerve bundles in the brains of 26 football players (average age 12) both before and after a football season. Twenty-six other youths who did not play football acted as a control group. Researchers found that in those who played, the nerve fibers in their

corpus callosum — the band that connects the two halves of brain — changed over the course of the season.

Federal Courts

- *High Court refuses Planned Parenthood funding case:* The US Supreme Court has [refused](#) to hear the appeal of Kansas and Louisiana in their efforts to end Medicare contracts with Planned Parenthood. Both states had passed laws that effectively defunded the abortion provider, but lower courts ruled that such actions violated federal law. Justices Thomas, Alito, and Gorsuch voted to hear the case, while Justices Roberts (Chief Justice), Kavanaugh, Ginsburg, Breyer, Kagan, and Sotomayor voted not to hear it. Pro-life advocates were disappointed with the decision, but maintained that although the court refused to hear this specific appeal, its action does not necessarily reflect where the court stands on the question of whether states can divert Medicare funds away from abortion providers.
- *California upholds assisted suicide:* [California's](#) Fourth District Court of Appeals has overruled a lower court's finding that the state's assisted suicide law was illegal. In May 2018, Judge Daniel Ottolia of the Riverside County Superior Court ruled that California had illegally enacted its law and temporarily put assisted suicide on hold. Three weeks later, the appeals court reinstated the law while it considered a challenge by the state to Judge Ottolia's ruling. On November 27th, the appeals court overruled Ottolia's ruling and assisted suicide remains legal.

State by State

- *Mississippi abortion ban struck down:* US District Judge Carlton Wayne Reeves has ruled unconstitutional a [Mississippi](#) law that bans abortion after 15 weeks. Reeves stated the law "unequivocally" violated the 14th Amendment, the portion of the Constitution used to justify *Roe v. Wade*. Signed by Governor Phil Bryant in March, the Mississippi ban was the most restrictive abortion law in the nation. It is not immediately known whether the state will appeal.

Conscience/Religious Liberty

- *EWTN defeats Obama-era mandate:* On November 29th, the 11th Circuit Court of Appeals published an order stating that [EWTN](#) Global Catholic Network will not be forced to comply with the Department of Health and Human Services (HHS) contraception and sterilization coverage mandate imposed by the Obama administration. The order means EWTN will not have to provide or pay for contraception, abortifacient drugs, or sterilization in its health plan. The action brings to an end a seven-year court battle. Michael Warsaw, the network's Chairman and Chief Executive, stated, "Almost seven years and two presidential administrations later, the government and the courts have now realized what EWTN has been saying all along, that the HHS Mandate was an unconstitutional attempt to coerce us into violating our strongly held beliefs."

International

- *Chinese researcher genetically edits humans(?):* He Jiankui, a physicist-by-training at China's Southern University of Science and Technology, claims he has successfully [edited](#) the DNA of human embryos, two of which later were born as twin baby girls. The embryos in question were created using IVF. Seven couples were involved and the fathers were infected with HIV. He claims to have used CRISPR-Cas9 technology to disable the gene that allows HIV to infect cells. While the "breakthrough" has been publicized through the media and through videos posted by He himself, many scientists question the truth of the gene-editing claims and decry the experimentation as unethical.

- *Belgian docs charged with criminal euthanasia:* Authorities in [Belgium](#) have brought charges against three physicians who approved euthanasia in the case of Tine Nys, a woman who was killed in 2010 due to a mental health condition. This marks the first time the European country has pursued criminal charges in a euthanasia case since it legalized the practice in 2002. Belgium is one of only two countries (the Netherlands) where euthanasia for psychiatric reasons is legal. Nys, who died in 2010, had been diagnosed with Asperger syndrome just two months before she was euthanized. A family member said it was “unthinkable” that the diagnosis warranted such an action. The physicians involved will be tried for poisoning and face a life sentence.
- *Ireland moves closer to legalizing abortion:* By a 90–15 vote, [Ireland's](#) Dáil (lower house of parliament) has passed a bill that legalizes abortion for any reason up to 12 weeks of pregnancy and up to six months under other circumstances. The bill forces taxpayers to pay for abortions, mandates that Catholic hospitals provide them, and severely limits conscience protections for health care professionals. The Dáil rejected amendments that required parental consent to abortion for girls under 16, banned sex-selected abortion, and required medical care for children born alive after a botched abortion. The bill now goes to the Seanad (the upper house of parliament). Pro-abortion legislators want to pass the bill quickly so abortions can start on January 1st.
- *Irish nurses demand conscience rights:* Almost 500 [Irish](#) nurses and midwives have signed a petition to the nation’s Minister of Health Simon Harris demanding conscience protections in light of the country’s impending legalization of abortion. The group specifically opposes language of a bill that reads: “A person who has a conscientious objection [to abortion] ... shall, as soon as may be, make such arrangements for the transfer of care of the pregnant woman concerned as may be necessary to enable the woman to avail of the termination of pregnancy concerned.” The group also claims that Harris has refused to meet with them to discuss their concerns.
- *Croatian body backs conscience protection for pharmacist:* The ethics commission of the [Croatian](#) Chamber of Pharmacists has determined that a pharmacist did not violate the organization’s code of ethics when she refused to fill a prescription for contraceptives. The commission stated that a pharmacist has a right to conscientious objection as long as a patient’s health and life is not endangered. The case has garnered significant public debate in the Balkan nation.

Sharing the News: If you have public policy news that you would like to share with the NCBC, or if you have colleagues who would like to receive the Bioethics Public Policy Report, please contact Joe Zalot at 215-871-2014 or jzalot@ncbcenter.org.

Sharing the Resources: The web page of The National Catholic Bioethics Center, available at <http://www.ncbcenter.org/>, is a significant resource for bioethics information. NCBC bioethicists are also on-call for consultation twenty-four hours a day, seven days per week, at 215-877-2660.

Previous editions of the Bioethics Public Policy Report are available on the NCBC website at <https://www.ncbcenter.org/advocacy/public-policy-reports/>.