



THE NATIONAL CATHOLIC BIOETHICS CENTER

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Bioethics Public Policy Report February 1, 2019

National

- *POTUS addresses the March for Life:* President Donald Trump (recorded) addressed the March for Life on January 18th. Here are [excerpts](#) from his speech:
 - “This is a movement founded on love and grounded in the nobility and dignity of every human life. When we look into the eyes of a newborn child we see the beauty of the human soul and the majesty of God’s creation, we know that every life has meaning and every life is worth protecting.”
 - “Every child is a sacred gift from God. Each person is unique from day one ... Together we will work to save the lives of unborn children.”
 - “I will always protect the first right in the Declaration of Independence, the right to life.”Trump also pledged to veto any legislation coming from the Democrat-controlled House of Representatives that undermines human life.
- *Poll shows support for life:* A [poll](#) conducted by Marist College and sponsored by the Knights of Columbus demonstrates some cautiously optimistic news for the pro-life cause. The poll surveyed 1066 people between January 8th and 10th and revealed the following results:
 - 55 percent of those surveyed were “pro-choice,” 38 percent were “pro-life,” and 7 percent were unsure.
 - When broken down by political affiliation, 75 percent of Democrats, 25 percent of Republicans and 55 percent of Independents were pro-choice; 20 percent of Democrats, 70 percent of Republicans, and 38 percent of Independents were pro-life.
 - Of those identifying “pro-choice,” only 25 percent believe abortion should be available at any time during a pregnancy and 42 percent believe abortion should only be legal during the first trimester of pregnancy.
 - When asked if abortion should be illegal after the point when a fetus is capable of feeling pain (20-weeks), nearly 60 percent of all respondents support or strongly support a ban.
 - When asked about the legality of abortion (*Roe v. Wade*), 30 percent of respondents want abortion to remain legal without restriction, 49 percent would like states to be able make certain restrictions on abortion, and 16 percent said that they would like abortion to be illegal in all circumstances.
 - 75 percent of respondents opposed or strongly opposed to the use of public money to pay for abortion overseas (Mexico City Policy) and 54 percent said they opposed tax dollars being used to pay for abortion at in the US (Hyde Amendment).
- *Abortion numbers demonstrate Planned Parenthood’s “core mission:”* Planned Parenthood’s 2017–2018 [annual report](#) demonstrates stark figures. In its fiscal year running from October 1, 2016 to September 30, 2017, the organization reported that it performed 332,757 abortions—an increase of 11,373 over the previous year—while providing only 9,055 prenatal services and 2,831 adoption referrals. These figures back-up new president Leana Wen’s claim that access to abortion is Planned Parenthood’s “core mission.” The organization also reported that as of June 30, 2018, it received \$563.8 million in “Government Health

Services Reimbursements and Grants,” an increase of \$20.1 million over the previous year. The full annual report is available [here](#).

- *Who said doctors need to perform abortions?* Amid concern about the rapidly decreasing number of medical professionals willing to perform abortions, activists are [targeting](#) state laws stipulating that only a physician can perform the life-ending procedure. The Guttmacher Institute, a staunch abortion supporter, reports that between 1982 and 2014 the number of hospitals, clinics, and doctors’ offices abortion “services” decreased from 2,900 to just under 1,700. The decline is largest in rural regions. As such, activists have filed lawsuits in nine rural states challenging physician-only laws. They want “highly trained” nurses and midwives to be able to perform early-term abortion procedures.
- *First human iPSC trial to begin:* The National Eye Institute (NEI) will soon be launching the first [human trial](#) using induced pluripotent stem cells (iPSCs). The iPSCs will be used to treat one type of age-related macular degeneration (AMD), a major cause of blindness. Researchers at the NEI report “promising results” when using iPSCs to create retinal cells in rats and pigs to treat AMD. The NEI trial is expected to occur simultaneously with a University of Southern California Phase 2 trial for another AMD therapy, however this trial uses embryonic stem cells.
- *Report shows higher risks for transgender students:* A new [study](#) by the Centers for Disease Control demonstrates health risks associated with transgenderism among teens. The report shows that compared to non-transgender students, teens who self-report as transgender are at proportionately higher risk for experiencing violence (forced intercourse and dating violence), substance abuse (cocaine, heroin, methamphetamines, and prescription opioid abuse), and suicide (34.6 percent attempted suicide in the previous 12 months). The report also shows that higher numbers of students claiming to be transgender report experiencing their first sexual intercourse before age 13 and having had more than four sex partners.

Federal Courts

- *5th Circuit says Texas can nix Planned Parenthood:* The [5th Circuit Court of Appeals](#) has overturned a lower court decision and will now allow Texas to remove Planned Parenthood as a qualified Medicaid health care provider. The appeals court stated that US District Judge Sam Sparks applied an incorrect legal standard when he ruled that the state of Texas had improperly removed the organization as an eligible provider. In effect, the appellate court’s decision gives state officials “greater deference” in removing providers from Medicaid eligibility. In 2016, Planned Parenthood affiliates in Texas received a combined \$3.5 million in Medicaid reimbursements for providing health care—including contraceptives, but not abortions—to approximately 12,500 low-income individuals in the state. Ninety percent of this money came from the federal government.
- *5th circuit upholds Louisiana abortion restrictions:* The [Fifth Circuit Court of Appeals](#) has rejected (9–6 vote) a request to rehear a case challenging Louisiana’s Unsafe Abortion Protection Act (Act 620), a law requiring doctors who perform abortions to have admitting privileges at a hospital within 30 minutes of the abortion facility. The law also clarifies that informed consent protections apply to chemical abortions. Act 620 was authored by a Democrat, Rep. Katrina Jackson, who stated the legislation is about “the safety of women.” The law passed the Louisiana House in 2014 by an 88–5 vote, and the state Senate 34–3. The appeals court found that Act 620 did not substantially burden a woman seeking abortion and its ruling effectively means that the law will take effect Jan. 28, barring an appeal to the US Supreme Court.
- *High Court upholds (for now) prohibition of transgender troops:* On January 22nd, the US [Supreme Court](#) allowed the Trump Administration’s prohibition of so-

called transgender persons from serving in the military to go forward, at least while legal challenges against it proceed in the lower courts. The Court did not directly address the constitutionality of the prohibition but voted to lift nationwide injunctions issued by federal judges that had prevented it from taking effect. A Pentagon spokesperson stated that the policy is not a ban on transgender troops, but a “personnel policy necessary to ensure the most lethal and combat effective fighting force in the world.” To date, just under 1,000 military personnel have undergone “transition.”

State by State

- *New York expands abortion:* On the 46th anniversary of Roe v. Wade (January 22), the state of [New York](#) enacted legislation to codify abortion into state law. The so-called Reproductive Health Act (RHA) passed the state Assembly 92–47 and the Senate 38–24. Gov. Andrew Cuomo signed the bill into law less than two hours later. The RHA codifies abortion as a “right” and includes a provision permitting the procedure up to birth in situations where a woman's health is endangered. The RHA also moves the section of state law dealing with abortion from the penal code to health statutes and authorizes physician assistants to perform some abortion procedures. Opponents argue the RHA goes beyond Roe because it removes the requirement that a doctor be present during an abortion procedure, removes any criminal negligence if a woman loses her baby as a result of an assault, and allows abortion well into the third trimester. Nine other states, including California, Washington, and Oregon, have already adopted “abortion rights” protections in their state statutes. Similar bills are being considered in Vermont, Rhode Island, and New Mexico, and a bill in [Virginia](#) failed to make it out of legislative committee. For an overview of the New York bill, click [here](#). For the open-letter response of Albany Bishop Edward Scharfenberger, click [here](#).
- *Iowa heartbeat bill unconstitutional:* District Court Judge Michael Huppert has ruled that an [Iowa](#) law banning abortion after fetal heartbeat violates the state constitution. Huppert justified his ruling by claiming, “It is undisputed that such cardiac activity is detectable well in advance of the fetus becoming viable,” and any restriction on abortion before viability violates legal precedent. Abortion opponents are vowing to take the ruling to the state appellate courts and hope the legislation will ultimately reach the Supreme Court where it will challenge Roe v. Wade.
- *New York creates transgender class:* Just days after expanding abortion, [New York](#) Governor Andrew Cuomo signed the Gender Expression Non-Discrimination Act into law. The new law adds “gender expression” and “gender identity” as protected classes in the states human rights and hate crime laws.
- *Doc sues NYC over “conversion” therapy ban:* Dr. Dovid Schwartz, an Orthodox Jewish psychotherapist who has practiced for over 40 years, has filed [suit](#) against New York’s City’s ban on “conversion” therapy. Dr. Schwartz, with the help of Alliance Defending Freedom, is challenging the 2018 law that prevents therapists from helping people who want to follow their faith and overcome unwanted same-sex attraction and gender dysphoria. The NYC law states that it is illegal for a clinician to be paid for services that, “seek to change a person’s sexual orientation or seek to change a person’s gender identity to conform to the sex of such individual that was recorded at birth.” Violators can be fined up to \$10,000 per client.

International

- *CRISPR researcher acted on his own, will be punished:* The [Chinese](#) government is reporting that Dr. He Jiankui, the researcher behind the reported birth of two children genetically-edited as embryos through CRISPR technology,

acted solely on his own. The Xinhua News Agency cited a government report stating that the researcher “organized and handled funding for the experiment without outside assistance in violation of national guidelines” and that he “fabricated an ethical review by others.” For these actions he will be “transferred to public security authorities” and “severely dealt with according to the law.” The report also stated that the researcher’s behavior, “seriously violates ethics and the integrity of scientific research, is in serious violation of relevant national regulations and creates a pernicious influence at home and abroad.”

Of Note

- *Over-55 IVF:* Fertility clinics in the [United Kingdom](#) are now routinely using *in vitro* fertilization to help women in their 50s have children. The rationale is that if men can become fathers in their 50s, it is “sexist” to not allow women to become mothers.
- *Gender-less government:* The [California](#) Senate Judiciary Committee has changed its rules to no longer allow the words “he” and “she” to be used during committee hearings.
- An [excerpt](#) from Vice-President Mike Pence’s address at the March for Life, January 18, 2019: “They [abortion supporters] will attack you, they will question your hearts to silence others but don’t listen to them. Listen to the truth.”

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/>.