



## THE NATIONAL CATHOLIC BIOETHICS CENTER

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### **Bioethics Public Policy Report November 1, 2018**

#### ***National***

- *Trump administration to define gender as biological sex?* The *New York Times* is reporting that the Department of Health and Human Services (HHS) has issued a memo defining [gender](#) as biological sex, the way it was understood in US law—most prominently the Civil Rights Act—prior to the Obama administration. HHS is proposing that gender be defined: “On a biological basis that is clear, grounded in science, objective and administrable.” For more information on the HHS memo, click [here](#).
- *AAFP goes “neutral” on assisted suicide:* The American Academy of Family Physicians (AAFP) has adopted a position of [engaged neutrality](#) on assisted suicide. The shift occurred at the organization’s Congress of Delegates meeting October 8–10 in New Orleans. The resolution, which passed by a two-third vote, called on the medical society to remove the terms “assisted suicide” and “physician-assisted suicide” from its formal communications, and it directed the AAFP’s delegation to the American Medical Association (AMA) to promote a similar move to neutrality within the AMA. The AAFP represents more than 130,000 doctors in the US, and it is the second-largest constituent body within the AMA.
- *What will the AMA do now?* The American Medical Association’s Council on Ethical and Judicial Affairs (CEJA) has released a new [report](#) and, with some changes, it is recommending once again that the American Medical Association (AMA) maintain its opposition to assisted suicide. In advance of the AMA’s annual meeting in June 2018, the CEJA had recommended that the organization remain opposed to assisted suicide. However, instead of adopting the CEJA’s recommendation, the AMA’s House of Delegates referred it back to the council for “further consideration.” The CEJA has now come forward with this new report, again recommending that the AMA not change its long-held position. Click [here](#) for the CEJA report.
- *Illegal mail-order abortion:* The Food and Drug Administration (FDA) is investigating a European online organization, Aid Access, for [violation](#) of US drug laws. Aid Access reportedly provides women with online “consultations” and offers them prescriptions for misoprostol and mifepristone, abortion-inducing drugs. The prescriptions are then filled by a pharmacy in India and mailed to women in the US. The “service” costs \$95. The FDA warns that such medications should not be obtained online because the Aid Access process “bypass[es] important safeguards designed to protect [woman’s] health.” The FDA further states, “drugs purchased from foreign Internet sources are not the FDA-approved versions of the drugs, and they are not subject to FDA-regulated manufacturing controls or FDA inspection of manufacturing facilities.”

- *More children born outside marriage:* New data from the United Nations Population Fund shows that 40 percent of children born in the US in 2016 were born to [unmarried](#) parents. By comparison, 60 percent of the children born in France in 2016 had unmarried parents, in Russia it was 22 percent, and Japan was 2 percent, although Japan has one of the lowest birthrates in the world.

### **Federal Courts**

- *Judge ends FACT Act for good?* A [federal judge](#) in San Diego has permanently barred the enforcement California's Reproductive FACT Act, a law that required pro-life pregnancy centers to inform mothers about abortion. The ruling hopefully puts an end to the law which last June the US Supreme Court found "likely violates" the First Amendment. After the Supreme Court's finding, the FACT Act was returned to the US District Court for the Southern District of California, which entered final judgment against it. With these rulings, the plaintiffs—the National Institute of Family and Life Advocates—may now ask for reimbursement of legal costs.

### **State by State**

- *Report touts tax revenues from pot:* A report from the Nevada Dispensary Association claims that the state of [Nevada](#) could realize more than \$1 billion in tax revenue from legalized marijuana over the next seven years. Interestingly, the report does not address the health, public safety, and criminal justice costs associated with legalization. The legal sale of marijuana began in Nevada on July 1, 2017.
- *Repealing exemptions increases vaccine rates:* Prior to 2015, parents in [California](#) could opt-out of vaccinating their children by exercising a "personal exemption." Then the state passed Senate Bill 277 that requires all children taught in public schools to be immunized against 10 diseases including diphtheria, hepatitis B, measles, mumps, rubella, pertussis (whooping cough), and varicella (chickenpox). The only remaining exemption is if a child has a medical reason for not being vaccinated, and this must be verified by a doctor. Not surprisingly, since the law was implemented immunization rates have increased. In 2014-2015, 90.4 percent of kindergarteners were fully vaccinated, by 2007-2018 the rate had increased to 95.1 percent. 94 percent is the threshold needed for "herd immunity."

### **Conscience/Religious Liberty**

- *Second bakery petitions SCOTUS over same-sex cakes:* Following Jack Phillips' (Masterpiece Cake) victory at the [Supreme Court](#), Oregon cake-bakers Aaron and Melissa Klein are petitioning the same high court to overturn a \$135,000 fine imposed on them by a judge of the Oregon Bureau of Labor. The fine—which, in part, led to the closing of the business—was imposed because the couple declined to make a cake for a same-sex couple's "wedding." Oregon law states it is illegal to refuse service based on a customer's race, gender, and sexual orientation (among other factors). The Kleins argue that they did not refuse service generally, but declined to bake the cake in this specific instance because doing so would have violated their Christian beliefs.

## **International**

- *Canada legalizes pot:* On October 16, [Canada](#) became the largest country in the world to legalize the recreational use of marijuana. Canadians can now grow up to four cannabis plants, make their own cannabis products, and buy the drug either online or from provincially-licensed stores. Most provinces have set the legal age for marijuana use at 19, the same as the drinking age. The Canadian Conference of Catholic Bishops strongly opposed the new law stating, “It is lamentable that the federal government has decided to facilitate the provision and use of an addictive substance that will have disastrous effects for so many people.” The bishops predicted the new law will exacerbate crime, unemployment, and family breakdown, and it will also increase addiction to “harder” drugs.
- *Australian state expands abortion:* By a vote of 50–41, the Parliament of the [Australian](#) state of Queensland has passed the “Termination of Pregnancy Bill” which expands abortion. The new law allows abortion for any reason up to 22 weeks, allows it after 22 weeks with the approval of two physicians, and removes abortion from the criminal code. The new law also places new restrictions on abortion opponents by mandating a 150 meter “bubble zone” around abortion facilities and requiring conscientious objectors to refer women to a doctor who will perform the procedure.

## **Of Note**

- *Man wins women’s cycling competition:* Rachel McKinnon, a biological male who identifies as a woman, has won the women’s 35–39 age bracket of the 2018 UCI Masters Track Cycling World Championships (click [here](#) and scroll down for photo)

**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](mailto: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/>.