



Bioethics Public Policy Report February 3, 2023

Federal Courts

- On January 30th, pro-life advocate Mark Houck was [acquitted](#) on federal assault charges in a US District Court in Philadelphia. Houck had been charged with violating the federal FACE Act which prohibits “violent, threatening, damaging, and obstructive conduct intended to injure, intimidate, or interfere with the right to seek, obtain, or provide reproductive health services” [i.e., abortion]. Most notably, Houck was arrested on September 23, 2022 when, under orders from Joe Biden’s Department of Justice, a team of more than twenty federal agents raided his house in the early morning hours and took him into custody at gunpoint in front of his wife and children. For further information and perspective, click [here](#), [here](#), and [here](#). Click [here](#) for the surveillance video of the incident (start at 1:55).

National

- On January 20, the day of the March for Life in Washington DC, Joe Biden [issued](#) “A Proclamation on the 50th Anniversary of Roe v. Wade.” The nation’s second Catholic President stated, in part: “On what would have been the 50th anniversary of protections under Roe v. Wade, my Administration is resolute in its commitment to defending reproductive rights and continuing our Nation’s progress toward equality for all. ... [W]e know that the only way to truly secure the right to choose is for the Congress to codify the protections of *Roe v. Wade*. I continue to call on the Congress to pass legislation to make those protections the law of the land once and for all. Until then, I will continue to use my Executive authority to protect women and families from harm in the wake of the Dobbs decision.”
- On January 22, the 50th anniversary of Roe V. Wade, Joe Biden [issued](#) “Memorandum on Further Efforts to Protect Access to Reproductive Healthcare Services.” In this memo, Biden pledged to promote and protect access to the chemical abortion pill mifepristone. He also directed the Department of Health and Human Services, the Attorney General, and the Department of Homeland Security to issue guidance both for women seeking mifepristone and for pharmacies that will stock it. He also called on the agencies to identify and work to overcome “barriers” to receiving or providing the abortion-inducing drug.
- The Satanic Temple has [announced](#) it will open a telemedicine center, TST Health, for the express purpose of providing greater access to abortion. The center will be located in New Mexico. The group views abortion as a “religious ritual” under the domain of the devil. Its website states, “As part of our commitment to protecting our members’ civil rights and ensuring that our religious rituals can be performed without government interference, the clinic represents one of the most important steps we have taken.”
- Seventy-five pro-life US Congressmembers have written a [letter](#) to Food and Drug Administration (FDA) Commissioner Robert Califf opposing the Biden administration’s

elimination of the in-person doctor visit requirement to access the chemical abortion drug mifepristone (used in combination with misoprostol). The five-page letter states, in part, “The FDA’s action promotes dangerous do-it-yourself abortions by mail and telemedicine ... and turns brick-and-mortar pharmacies and post offices into abortion centers. Through this abuse of discretion, the FDA has put the profits and political agenda of the abortion industry over the science and clear evidence that abortion drugs present grave dangers to pregnant mothers and their unborn babies ... We call on the FDA to remove mifepristone from the market, or, at minimum, promptly restore and further strengthen the initial basic health and safety requirements for abortion drugs, and cease permitting the mailing and shipping of abortion drugs in violation of Federal criminal law.”

- The Biden administration is seeking to further [expand](#) access to free contraception. The Department of Health and Human Services has announced a new rule that (1) removes the moral exemption to covering contraception that presently exists for non-religious employers, and (2) creates an "independent pathway" for women to access no-cost contraception even if her employer objects to it on religious grounds. For addition perspective, click [here](#).
- On January 29th, the Alzheimer’s Association issued a [press release](#) announcing it has severed its collaboration with the pro-assisted suicide group Compassion & Choices. The press release stated, in part: “In an effort to provide information and resources about Alzheimer’s disease, the Alzheimer’s Association entered into an agreement to provide education and awareness information to Compassion & Choices, but failed to do appropriate due diligence. Their values are inconsistent with those of the Association. We deeply regret our mistake, have begun the termination of the relationship, and apologize to all of the families we support who were hurt or disappointed.”
- Similar to Philadelphia Flyers defensemen Ivan Provorov who refused to wear a so-called pride jersey for a pre-game skate, the [New York Rangers](#) NHL hockey team decided at the last minute not to wear so-called pride jerseys for a January 27th game.

State by State

- The Attorneys General of [twenty states](#) have written letters to CVS and Walgreens informing the pharmacy giants that their planned distribution of abortion pills through the mail is both unsafe and illegal. The letters state, in part: “Federal law expressly prohibits using the mail to send or receive any drug that will ‘be used or applied for producing abortion’ ... the text could not be clearer: ‘every article or thing designed, adapted, or intended for producing abortion ... shall not be conveyed in the mails.’ And anyone who ‘knowingly takes any such thing from the mails for the purpose of circulating’ is guilty of a federal crime.” The letter to [CVS](#) is available here. The [Walgreens](#) letter is available here.
- [Utah](#) Governor Spencer Cox (R) has signed into law SB 16 Transgender Medical Treatments and Procedures Amendments, legislation that bans so-called gender-transition surgeries for minors and severely limits the use of puberty blocking and cross-sex hormones. The legislation also directs the Utah Department of Health and Human Services to conduct “a systematic review of the medical evidence regarding hormonal transgender treatments” and provide recommendations to the legislature. In 2022, Cox vetoed a bill that banned boys from playing girls’ sports, but the Utah

Legislature overrode the veto. For more information, click [here](#) and [here](#). The text of the legislation is [here](#). For a critique of the legislation and discussion of its limitations, click [here](#).

- [Minnesota](#) Governor Tim Walz (D) has signed into law the so-called Protect Reproductive Options (PRO) Act. The bill ensures a state constitutional right to abortion through the entirety of pregnancy, as well as contraception and sterilization. In practice, the bill eliminates parental notification when minors seek abortion and it could prohibit attempts to save a child's life that is born alive during a botched abortion procedure. The text of the bill is available [here](#). A January 26th statement from the Minnesota bishops opposing the law is available [here](#).

Conscience/Religious Liberty

- Long embattled cake-maker Jack Phillips has [lost](#) his latest appeal to be able to live and work as a faithful Christian. A three-judge panel of the Colorado Court of Appeals sided with a man who perceives himself to be a woman who had sued Phillips for unjust discrimination after Phillips refused to bake a cake celebrating the man's so-called gender transition. In 2018, Phillips won a 7-2 decision at the US Supreme Court after he refused to bake a cake for a same-sex so-called wedding. In that case, the high court did not rule on Phillips' free speech claim. It found instead that the Colorado Civil Rights Commission "showed elements of a clear and impermissible hostility toward [Phillips'] sincere religious beliefs." Phillips is represented by Alliance Defending Freedom which has indicated it will appeal the latest decision to the Colorado Supreme Court. For further information, click [here](#).

International

- Charges have been dropped against Isabel Vaughan-Spruce, leader of 40 Days for Life in Birmingham, [England](#). Vaughn-Spruce was arrested on December 6th for violating a Public Space Protection Order. She was praying in front of an abortion center.
- Facing a declining population which officials fear will have devastating effects on its future economy and culture, [China](#) is encouraging people to have more children. The fertility rate is currently 1.18 and the Chinese population has already started to decline. In the country that until recently used forced abortion and sterilization to implement its "one child" policy, China now offers government subsidized IVF.

Latest "Bioethics on Air" Podcast

- Episode 107: [Changing the Messaging and Mechanisms of Plan B – Part 2](#). Dr. John Brehany, NCBC Director of Institutional Relations, joins Joe Zalot to discuss possible consequences of the US Food and Drug Administration's (FDA) revised messaging that Plan B is not an abortifacient.

Of Note

- "NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 22, 2023, as the 50th Anniversary of the Roe v. Wade Decision."—[Joe Biden](#), "A Proclamation on 50th Anniversary of the Roe v. Wade Decision."

- “No they are not all doing that. Nor is the Pope doing that.”—[Joe Biden](#), responding to a EWTN reporter’s inquiry about the US Catholic bishops demanding the taxpayer funds not be used for abortion. USCCB President Archbishop Timothy Broglio issued this [statement](#) in response.
- “Whether you believe in the existence of a creator who will call you to account or not, this is the moment of farewell—a last chance to see certain people, to tell them what you may never have said before, and to hear what they may have to say to you. To cut short these death throes is both impious (for those who believe) and immoral (for anyone). This is the consensus of the civilizations, religions, and cultures that have gone before us, and this is what so-called progressivism is preparing to destroy.”—[Michel Houellebecq](#), an agnostic French novelist arguing against the legalization of euthanasia.

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. Previous editions of this report are available through the [Public Policy](#) page of the NCBC website.

Sharing the Resources: If you enjoy receiving the Bioethics Public Policy Report and would like to support its continued publication, please consider making a [donation](#) to the NCBC.

The National Catholic Bioethics Center webpage, 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