



## Bioethics Public Policy Report May 16, 2023

### Conscience/Religious Liberty

- Saint Francis Health System of Oklahoma is [fighting](#) a federal demand that it extinguish the tabernacle candle in the chapel of St. Francis Hospital South in Tulsa. The Centers for Medicare and Medicaid Services (CMS), a federal agency under the Department of Health and Human Service, has threatened revoke the hospital's accreditation and thus its ability to serve elderly, disabled, and low-income patients through Medicare, Medicaid, and the Children's Health Insurance Program—all because of a candle. Barry Steichen, Executive Vice President and Chief Operating Officer of Saint Francis Health System, stated, "We're being asked to choose between serving those in need and worshiping God in the chapel, but they go hand in hand. Our work depends upon our faith in the living God, and the sanctuary candle represents this to us." For further information and perspective, click [here](#), [here](#), and [here](#).
  - **Update:** After receiving a stern [letter](#) from the Becket Fund for Religious Liberty, the Centers for Medicare and Medicaid Services (CMS) has [backed off](#) its threat to revoke the accreditation of St. Francis Hospital South. CMS will grant a waiver allowing sanctuary candles to remain lit as long as the hospital follows some "simple, appropriate steps to mitigate fire risk." In practice, this means posting signage informing patients, visitors, and staff to keep "oxygen equipment and their delivery devices sufficiently far from any flame in the chapel." For further information and perspective, click [here](#) and [here](#).
- [Florida](#) Governor Ron DeSantis (R) has signed into law legislation that protects medical professionals and institutions from being forced to violate their moral, ethical, or religious convictions. Practitioners cannot be fired, suspended, or disciplined—and employers cannot take adverse actions against them—for refusing to provide services that violate their conscience. The legislation also provides free speech protections as it forbids the Department of Health and licensing boards from taking disciplinary action against practitioners for speaking or writing publicly about a health care service or public policy.

### State by State

- Although the [Colorado](#) legislature and Governor Jared Polis (D) signed SB 23-190 which banned abortion pill reversal, state officials apparently have no immediate plans to enforce it. Responding to a lawsuit from Bella Health and Wellness Center, state officials testified that they would temporarily suspend enforcement of a new law penalizing the practice. Rebekah Ricketts, an attorney with the Becket Fund which is representing Bella, stated, "Colorado's attorney general ran away from this law once he realized the legislature had shot from the hip." She added that "the state has promised under oath to act as if the law does not exist" and "women in Colorado will not be forced to undergo abortions they seek to reverse." For additional information and perspective, click [here](#).

- [Montana](#) Governor Greg Gianforte (R) has signed into law a series of pro-life bills. Collectively, these bills strengthen state law to prevent taxpayer dollars from paying for elective abortion, protect children born alive following a failed abortion procedure, restrict the practice of dismemberment abortion (dilation and evacuation or D&E), prohibit abortion post-viability, and clarify that “the right to privacy in the Montana Constitution does not mean the right to an abortion.”
- Voters in San Antonio, Texas have overwhelmingly [rejected](#) Proposition A which, among other things, would have decriminalized both abortion and marijuana use. The vote was seventy-two percent against, twenty-eight percent in favor.
- [Maryland](#) Governor Wes Moore (D) has signed into law a series of abortion-expanding bills. HB 705 gives voters the opportunity to approve a constitutional amendment enshrining a “fundamental right to reproductive freedom.” If approved, the amendment would establish a legal right to abortion throughout all nine months of pregnancy. SB 859 protects abortionists and women from criminal, civil, and administrative penalties relating to committing or receiving abortions in states that maintain pro-life protections. SB 341 requires public universities to develop and implement a “reproductive health services plan.” Finally, SB 786 shields the personal information of anyone participating in abortion from public records, health information exchanges, and electronic health networks. Following the signings, Moore stated: “Maryland will always be a safe haven for abortion access and abortion rights.”
- On May 1st, [Oklahoma](#) became the sixteenth Republican-led state to ban gender “reassignment” procedures on minors. Governor Kevin Stitt signed a law that bans puberty blockers, cross-sex hormones, and surgical procedures, particularly double mastectomies for girls. Stitt maintained in a statement: “Last year, I called for a statewide ban on all irreversible gender transition surgeries and hormone therapies on minors so I am thrilled to sign this into law today and protect our kids. We cannot turn a blind eye to what’s happening across our nation, and as governor I am proud to stand up for what’s right and ban life-altering transition surgeries on children in the state of Oklahoma.” For further information, click [here](#).
- [Vermont and Washington](#) have joined the ever-growing list of so-called trans-sanctuary states. Both have legalized the provision of puberty blockers, cross-sex hormones, and surgical mutilating procedures for children, and both now protect doctors who provide these interventions to children who come from states where they are illegal. Other “trans sanctuary states” include California, Colorado, Illinois, Maryland, Minnesota, and New Mexico. Maine and Oregon are expected to join the list soon.
- [Maryland](#) Democrats have expanded Medicaid coverage for so-called transitioning to all people, including children. A newly signed bill removes age restrictions for so-called gender-affirming mental health services, hormones, and surgical procedures. Republican delegate Kathy Szeliga stated, “It is truly heartbreaking that lawmakers approved radical, often experimental, surgeries and medical castration to children under 18 years old. And taxpayers foot the bill.” Notably, the new law also expands coverage for de-transitioning to both children and adults.
- On May 2nd, [Vermont](#) removed its residency requirement for assisted suicide. Now any American can travel to the state, access life-ending medications, and legally commit suicide. Click [here](#) for further information.

## National

- Fifteen Republican members of the US House of Representatives and Senate have sent a letter to the National Institutes of Health (NIH) demanding [answers](#) about an NIH funded study on experimental medical interventions for minors who claim to be transgender. The study analyzed 315 participants (240 were minors) between ages twelve and twenty who received cross-sex hormones. Eleven participants experienced suicidal ideation and two committed suicide while enrolled in the study. Rep. Josh Brecheen, R-OK, stated, “It is sickening that the federal government is preying on young people and using our taxpayer dollars to advance its radical gender ideology. We are rightfully demanding answers from NIH and we are committed to holding those responsible accountable for this tragic loss of life.” For further information and perspective, click [here](#). The text of the Congressional letter is available in the link.
- The [US Navy](#) has confirmed that as part of its effort to recruit “a wide range of potential candidates,” one of its “digital ambassadors” is a so-called drag queen influencer. The individual in question is Yeoman 2nd Class Joshua Kelley, whose stage name is Harpy Daniels. Kelley stated on an Instagram post, “This experience has brought me so much strength, courage and ambition to continue being an advocate and representation of queer sailors!” Click [here](#) for further information.
- The [Los Angeles Dodgers](#) major league baseball team will present an award to the so-called Sisters of Perpetual Indulgence, a group of lesbian, gay, bisexual, transgender, etc. activist drag performers. The men in the group dress in costumes styled after the garb of Catholic nuns and mock the Catholic faith with the motto “Go forth and sin some more!”

## Federal Courts

- US District Judge John Gallagher (Allentown, Pennsylvania) has issued a preliminary injunction [allowing](#) the satanic temple to hold an “After School Satan Club” at a public middle school in the Saucon Valley (PA) School District. The organization’s lawsuit was brought by the American Civil Liberties Union and the ACLU of Pennsylvania, among others.

## International

- The first “three-parent” (DNA from three people) children have been born in the [United Kingdom](#). The techniques permitted in the UK are maternal spindle transfer (MST) and pronuclear transfer (PNT), and they are only permitted for couples who have a strong likelihood of passing down a mitochondrial disorder to their children. With MST, nuclear genetic material is removed from the mother’s eggs and transferred to donated eggs that have had their nuclear genetic material removed before being fertilized with the father’s sperm. With PNT, the mother’s eggs are first fertilized with the father’s sperm in a lab and then the nuclear genetic material is transferred to donated eggs that have had their nuclear genetic material removed. Both techniques involve IVF and, particularly with PNT, embryos are destroyed. Catholic Bishops Conference of England and Wales had previously objected to these processes. For bioethicist responses, including Marie Hilliard of the NCBC, click [here](#).
- The government of the [Australian](#) Capital Territory (Canberra) is looking to forcibly nationalize Calvary Public Hospital, a Catholic owned facility, after Little Company of Mary Health Care, the entity that owns it, stated the Vatican would have to approve any

sale. The government reportedly will force the compulsory acquisition of the hospital as well as its assets and incorporate them into the state-run health network. Staff at the hospital will become public employees. In a statement, Archbishop Christopher Prowse of Canberra and Goulburn maintained that the government's plan to annex the hospital was announced "without warning or discussion" and it left him "totally stunned and shocked." He added: "It is a very sad day when governments can simply decide to mount a take-over of any enterprise they like without any justification ... [it is] a very worrying precedent."

- [Portugal](#) has passed a new law legalizing assisted suicide and euthanasia. Under its provisions, people aged over 18 will be allowed to request assistance in dying if they are terminally ill and suffering "lasting" and "unbearable" pain. In addition, a doctor can euthanize a patient when "medically assisted suicide is impossible due to a physical disability of the patient." The new law has caused much division in the nation which is largely Catholic, and it was strongly opposed by President Marcelo Rebelo de Sousa.

### **Catholic Resources**

- Oklahoma City, OK is the latest US (arch)diocese to promulgate guidance regarding gender. On April 30th, Archbishop Paul Coakley released the pastoral letter [On the Unity of the Body and Soul: Accompanying Those Experiencing Gender Dysphoria](#). An excerpt from the letter reads: "While this letter will address the anthropology underlying the transgender movement, the purpose of the letter is to provide pastoral guidance on how the Church, its ministers and the lay faithful can accompany—walk with—those who struggle with their gender identity, especially those who identify as transgendered ... Christians are called to love each of them as our neighbor (Cf. Mark 12:31). To love others means at its heart to will and desire their good."
- Earlier this year, a group of Catholic women, mostly academics, wrote an open letter claiming, among other things that pro-life laws "hurt women and demean our dignity." Now a group faithful Catholic women health care professionals have responded through their own open [letter](#) titled "For a Life-Affirming Consensus." The health professionals state, in part: "We would welcome a 'comprehensive agenda' that would better genuinely support women and families. But we cannot in good conscience support that agenda if human rights violations like abortion are offered as a solution to unplanned or unwelcome pregnancies. Abortion is not healthcare, and it is not a solution to social and economic difficulties." They also invite the other group to a public forum to discuss abortion "in a frank and honest conversation that includes science, faith, and reason" and where "the harms of abortion to women will be laid bare." Click [here](#) for further information.

### **Latest "Bioethics on Air" Podcast**

- Episode 112: [Chemical Abortion and the Courts](#). Attorney and law professor Elizabeth Kirk joins Joe Zalot to discuss recent (April 2023) federal court cases dealing with the chemical abortion drug mifepristone.

### **Of Note**

- "The government knew it was playing with fire. Today it announced its decision to allow the living flame so Saint Francis can continue to serve God and its community, as

it always has.”—[Lori Windham](#), Vice President and Senior Counsel at The Becket Fund, on the federal government’s backpadding in the St. Francis Hospital South (Tulsa, OK) sanctuary candle issue.

- “Today when we celebrate the memory of the apparitions of the Virgin Mary to the little shepherds of Fatima, I am very sad, because in the country where Our Lady appeared, a law to kill has been enacted.”—[Pope Francis](#), responding to Portugal’s legalization of assisted suicide and euthanasia.
- “[T]he right to abortion could only be affirmed in the case that the embryo or fetus were nothing” ... [the unborn child is] a true undocumented person.”—Executive Commission of the [Spanish Bishops Conference](#) responding to a May 9 ruling by the country’s constitutional court upholding abortion as a legal right.

***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). 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.