



## Bioethics Public Policy Report January 16, 2024

### State by State

- An Indiana State court judge has dismissed sociology professor Tamara Kay's defamation lawsuit against the school newspaper of the University of Notre Dame, *The Irish Rover*. Kay had filed the lawsuit in response to an article which had reported Kay's public abortion advocacy. In response, the *Rover* filed an anti-SLAPP (Strategic Lawsuit Against Public Participation) motion, and Judge Steven David decided that the defamation suit "failed as a matter of law," not even meeting the bare minimum evidentiary findings that would allow a jury to make a determination of the case on the merits. For further information, click [here](#).
- The Ohio House of Representatives voted 65-28 (along party lines) to override Republican Governor Mike DeWine's veto of a bill banning "gender-affirming care" for minors. Governor DeWine had attempted to justify his decision to veto as "about protecting human life," notwithstanding the inconclusiveness of the claims that such care prevents suicide. For further information, click [here](#).
- Vermont has euthanized the first out-of-state citizen under their "assisted suicide" program. Lynda Bluestein, a resident of Connecticut suffering from ovarian cancer, had sued Vermont in 2022 for its residency requirement for its program, claiming violations of "the Constitution's commerce, equal protection, and privileges and immunities clauses," ultimately leading to a settlement. Just two months after the settlement, Republican Governor Phil Scott signed into law a bill expanding euthanasia to nonresidents. For further information, click [here](#).
- Kentucky State Senator Whitney Westerfield (R) filed a bill, Advancing Lives for Pregnancy and Healthy Alternatives Act (ALPHA Act), allocating \$551 million that would provide incentives for families to bring their pregnancies to term rather than obtain abortions. Senator Westerfield said, "If the woman that is thinking about abortion because she's worried she can't make ends meet, suddenly is able to make ends meet, maybe she won't consider abortion first." For further information, click [here](#).
- The New Hampshire House of Representatives passed a bill banning genital mutilation surgeries on troubled "transgender" minors by a margin of 199-175, with 12 Democrats voting in favor. While other forms of "gender-affirming care" for minors are still allowed, this bill would ensure that no mutilating surgery could be performed until a person reaches the age of majority. For further information, click [here](#).
- Planned Parenthood has voiced opposition to a New Jersey bill that would require minors to obtain parental consent before using social media. Democratic Assemblyman

Herb Conaway introduced the bill in November, citing the damage to mental health that social media tends to cause, especially among children and young people. Planned Parenthood, in a letter to New Jersey legislators, said, “Any restrictions to accessing the internet will cut off entire populations—oftentimes the most vulnerable populations—who need access to information,” specifically mentioning LGBTQ youths and minors seeking “reproductive health care.” For further information, click [here](#).

### **Federal Courts**

- The Supreme Court has allowed the State of Idaho to continue to enforce its prohibition on almost all abortions pending a legal challenge from the Biden administration. The Court will still hear arguments from both the Department of Justice and the State in April regarding whether the Emergency Medical Treatment and Labor Act (EMTALA) requires Idaho hospitals to perform emergency room abortions. For further information, click [here](#).
- The Fifth Circuit issued a decision stating that doctors do not have to perform emergency room abortions under EMTALA. The decision comes ahead of arguments scheduled before the Supreme Court on whether EMTALA applies to emergency room abortions in the Ninth Circuit in light of the State of Idaho’s pro-life laws. For further information, click [here](#).
- The Archdiocese of Denver argued in federal court that its exclusion from the State’s universal preschool program is unconstitutional discrimination on the basis of religion. For further information, click [here](#).

### **National**

- Six House members, three Republicans and three Democrats, unveiled a plan for nationwide paid family leave according to a four-pillar legislative framework. The first pillar, the “Public-Private Partnership Paid Leave Pilot,” would assist States in establishing their own paid leave programs. The second pillar, “Coordination and Harmonization of Paid Leave Benefits Across States,” would create uniformity among States’ programs. The other two pillars are “Small Employer Pooling for Paid Leave Insurance” and “Paid Leave Tax Credits for Small Businesses and Working Families.” To read the proposed framework, click [here](#). For further information, click [here](#).
- The Department of Health and Human Services (HHS) is investigating Dr. Eithan Haim for blowing the whistle on secret transgender procedures being performed on minors at his hospital in Texas, where such procedures are illegal. For further information, click [here](#).
- Sens. James Lankford, R-OK, and Tim Scott, R-SC, introduced the “Families’ Rights and Responsibilities Act” in the Senate, with an identical bill being introduced by Rep. Virginia Foxx, R-NC, in the House of Representatives. The bill would affirm the “right of parents to direct the upbringing of their children as a fundamental right.” For further information, click [here](#).

### **Conscience/Religious Liberty**

- President Biden’s Department of Health and Human Services (HHS) announced new rules whose aim is to “increase access to care and prevent discrimination,” but which, in effect, will seriously endanger conscience protections for doctors and nurses to refuse to perform abortions or transgender procedures. While there is legislation that still protects such rights, the new regulations have partially rescinded a 2019 Trump-era regulation that, if fully enacted, would have guaranteed enforcement of these protections by HHS’s Office for Civil Rights. For further information, click [here](#).
- The Diocese of Rockville Centre in Long Island, New York, is facing criticism after firing Michael Califano, a former third grade teacher at Maria Regina Catholic School, for posting pictures of himself kissing his boyfriend publicly on social media. The diocese declined to comment but did say that “the school did not end Mr [sic] Califano’s employment over his sexuality.” A petition has been circulating asking that the diocese reinstate him. For further information, click [here](#).

### **International**

- Brazil’s plummeting birthrate has led to a stark population decline of 5 million, following a trend seen throughout Latin America. Researchers believe that the cause of this is increase in higher education, women in the work force, and contraception. For further information, click [here](#).
- Scottish legislators have proposed a bill that would ban “conversion therapy” and could imprison parents opposing the “gender transitions” of their own children. Attempts to dissuade a child from such an action would be deemed “controlling,” “pressuring,” or “suppressing,” which could carry criminal sanctions. For further information, click [here](#).

### **Of Note**

- Bishop Robert Barron of the Diocese of Winona-Rochester joined Pope Francis in calling surrogacy a “grave injustice” which causes the “commercialization of women and children.” He noted, further, that “the child is reduced to terms of buying and selling as an object of human trafficking.” To read Bishop Barron’s statement, click [here](#). For further information, click [here](#).
- Rates of gender dysphoria across the United States surged between 2018 and 2022, increasing in all but one of the 50 States. Virginia rose by 274%, Indiana by 247%, and Utah by 193%. Only South Dakota saw a decrease, at 23%. For further information, click [here](#).

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