



THE NATIONAL CATHOLIC BIOETHICS CENTER

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Bioethics Public Policy Report March 21, 2023

Catholic Resources

- On March 20th, the US Conference of Catholic Bishops' (USCCB) Committee on Doctrine published [Doctrinal Note on the Moral Limits to Technological Manipulation of the Human Body](#). In this statement, the committee acknowledged that while modern chemical, surgical, and genetic interventions have led to the cure of many illnesses, their misuse can be injurious to the true flourishing of the human person, particularly when they are used for so-called gender transitioning. According to the Doctrine Committee, puberty blockers, cross-sex hormones, and surgical procedures “do not respect the fundamental order of the human person as an intrinsic unity of body and soul, with a body that is sexually differentiated.” As such, “Catholic health care services must not perform interventions, whether surgical or chemical, that aim to transform the sexual characteristics of a human body into those of the opposite sex or take part in the development of such procedures” (no. 18). The NCBC has recorded a podcast on the statement titled [Digesting the Doctrinal Note on Gender](#).
- During an interview with Elisabetta Piqué of the Argentine daily newspaper *La Nación*, [Pope Francis](#) stated, “Gender ideology, today, is one of the most dangerous ideological colonizations. Why is it dangerous? Because it blurs differences and the value of men and women.”
- Contrary to the USCCB Doctrine Committee and Pope Francis (above), the German synodal way has approved the document [Dealing with Gender Diversity](#) which includes the following excerpts:
 - The depreciation of trans and intersex people, especially through the insinuation of a "gender ideology", must be stopped ... The recognition of gender diversity as part of creation strengthens an appreciative language that is always in the process of learning.
 - The normative gender anthropology based on natural law, and its legitimation by having recourse to Biblical creation stories, needs to be verified with the insights of modern Biblical studies and theology.
 - [A]ll ecclesial communities are recommended to allow intersex and transgender people to have equal access to or remain in an institute of consecrated life or in a society of apostolic life.
 - Access to the ecclesiastical ordination offices and pastoral professions must also be examined in each individual case for intersex and transsexual baptised [sic] and confirmed persons who sense a vocation for themselves and must not be excluded in general.

State by State

- [Tennessee](#) Governor Bill Lee (R) has signed bill [SB 1](#) which seeks to rein in radical gender ideology. The new law forbids “a healthcare professional, establishment, or facility [from] surgically removing, modifying, altering, or entering into tissues,

- cavities, or organs” of a minor or from “prescribing, administering, or dispensing any drug or device” to a minor “for the purpose of: (1) Enabling a minor to identify with, or live as, a purported identity inconsistent with the minor’s sex; or (2) Treating purported discomfort or distress from a discordance between the minor’s sex and asserted identity.” The bill passed the Tennessee House of Representatives by a vote of 77–16 and the Senate by a vote of 26–6. Click [here](#) for further information.
- [Tennessee](#) Governor Bill Lee (R) has also signed bill [SB 3](#) which aims to prevent drag shows from being seen by minors. The new law “creates an offence for a person who engages in an adult cabaret performance on public property or in a location where adult cabaret performance could be viewed by a person who is not an adult.” The bill defines ‘adult cabaret performance’ as “a performance in a location other than an adult cabaret that features ... male or female impersonators who provide entertainment that appeals to prurient interest.” This bill passed the Tennessee House of Representatives by a vote of 74–19 and the Senate by a vote of 26–6. Click [here](#) for further information.
 - [Minnesota](#) District Court Judge Patrick Diamond has ruled that USA Powerlifting unjustly discriminated against JayCee Cooper, a man who self-identifies as a woman, when it barred him from competing in a women’s weightlifting competition. The ruling demands that USA Powerlifting “cease and desist from all unfair discriminatory practices” and that the organization revise its policy on sexual orientation and gender identity to allow men to compete against women. The full text of the decision is available [here](#).
 - [Wyoming](#) Governor Mark Gordon has signed a law banning the prescription and use of the chemical abortion pill mifepristone. The new law states it is illegal to “prescribe, dispense, distribute, sell or use any drug for the purpose of procuring or performing an abortion.” Violations constitute a criminal misdemeanor punishable by a fine of up to \$9000 or up to six months in jail. Women who take the abortion pill will not be prosecuted.
 - [Utah](#) Governor Spencer Cox (R) has signed H.B. 467 which prevents new abortion facilities from obtaining a license in the state as of May 2, 2023 and bans abortions inside stand-alone abortion facilities beginning January 1, 2024. The new law requires that all abortions take place at hospitals or at stand-alone facilities that have the “quality to provide the same degree of safety as ... a general hospital licensed by the department.” The law also forbids out-of-state abortionists from dispensing abortion pills within Utah. The ACLU of Utah has indicated it may sue.
 - [Montana](#) District Court Judge Chris Abbott has permanently blocked a state law requiring children under age sixteen to get parental consent at least forty-eight hours before having an abortion. The parental notification law, which Abbott characterized as “unconstitutional and unenforceable,” had been in limbo for years. The judge also maintained the state legislature could pass another law if it chose to do so.
 - Following Walgreens’ [announcement](#) that it would not distribute the chemical abortion pill mifepristone in twenty pro-life states, [California](#) Governor Gavin Newsom (D) accused the chain of “caving to right-wing bullies.” In a subsequent tweet, Newsom stated, “California won’t be doing business with @walgreens — or any company that cowers to the extremists and puts women’s lives at risk. We’re done.” Walgreens has 586 stores in California. For further information and perspective, click [here](#) and [here](#).
 - Fairfax County, [Virginia](#), Circuit County Judge Richard Gardiner has ruled that frozen “leftover” IVF embryos can be legally considered property or “chattel.” Gardiner

apparently used a 19th century law governing the treatment of slaves in stating his opinion. His ruling states, in part, “As there is no prohibition on the sale of human embryos, they may be valued and sold, and thus may be considered ‘goods or chattels.’” Critics characterize the judge’s use of slavery-era language as “repulsive” and “morally repugnant.” Click [here](#) for more information.

National

- In response to the US military’s announcement that it is expanding abortion access for service members, US Senator Tommy Tuberville (R-AL) is [blocking](#) the confirmations of flag and general officers. Secretary of Defense Lloyd Austin, at the behest of the Biden administration, announced in February that the military will provide three weeks paid leave and reimburse travel expenses for abortion. Austin claimed the policy will protect “readiness of the force.” As a show of support for Tuberville’s actions, twenty-two pro-life leaders sent a letter to Senate members stating, in part, “The mission of the U.S. military is to provide the military forces needed to deter war and ensure our nation’s security, not to pursue an abortion agenda being pushed by the Biden administration and their radical allies on the outside. Senator Tuberville understands the importance of the military, and he seeks to stop it from becoming an abortion facilitator that would encourage pregnant service women to choose a taxpayer subsidized abortion instead of giving birth to the child.”
- A [report](#) from the group Parents Defending Education has found that 5,904 public schools in 168 school districts across the US allow teachers to hide a student’s “transitioning” from his or her parents. Policies in these school allow—or even require—that not be informed that their child has changed his or her name and preferred pronouns, or begins using the bathrooms or locker rooms of the opposite sex.

Federal Courts

- The Second US Circuit Court of Appeals (New York) has [turned down](#) the appeal of Raymond Zdunski who claimed he was fired after refusing to attend a mandatory lesbian, gay, bisexual, transgender, and gender questioning so-called training program. Zdunski claimed the program “aimed at changing his religious beliefs about gender and sexuality,” and that participating in it “would have caused him to violate the religious teachings to which he adheres.” The court held that Zdunski failed to offer “sufficient evidence” for his claims.

International

- Experts from seventy five countries have signed the [Casablanca Declaration](#) calling for an end to commercial surrogacy. In the declaration, the signatories call on countries to: “prohibit surrogacy on their territory, deny any legal validity to contracts bearing the undertaking from a woman to carry and deliver a child, punish the individuals and corporations acting as intermediaries between the surrogacy mothers and the orderers [sic], prosecute the individuals entering into surrogacy on their territory, prosecute their nationals entering into surrogacy outside their territory, [and] act in favor of the implementation of a legal instrument bearing global prohibition of the surrogacy.”

- Responding to a [Kenyan](#) court ruling that allows lesbian, gay, bisexual, transgender, etc. groups to register as NGOs (non-government organizations), the Kenyan Council of Catholic Bishops (KCCB) stated the decision will promote homosexuality which is contrary to the national constitution and the moral values of the people. Most Rev. Martin Kivuva, KCCB chairman, stated, “We fault the determination of the Supreme Court of Kenya and declare it as an effort to towards the promotion of the LGBTQ ideology which seeks to destroy life. It is an attack on humanity.” He added, “This ideology is an attempt to undermine the family and cultural values which are rooted in the very nature of humankind. It also undermines the dignity of life which is at the core of our beliefs as a nation.” The KCCB is calling on the Kenyan Supreme Court to overturn the ruling.

Latest “Bioethics on Air” Podcast

- Episode 110: [Digesting the Doctrinal Note on Gender](#). NCBC ethicists Dr. Ted Furton and Dr. John Brehany join Joe Zalot to discuss the USCCB Doctrine Committee’s “Doctrinal Note on the Moral Limits to Technological Manipulation of the Human Body” and the impact it can have on Catholic health care.

Of Note

- “When our children tell us who they are, it is our job as grown-ups to listen and to believe them. That’s what it means to be a good parent.”—Minnesota Lt. Gov. [Peggy Flanagan](#) (D), after Governor Tim Walz (D) signed an executive order that declared Minnesota a “trans-friendly” state. For further information, click [here](#). For a video of Flanagan’s comments, click [here](#).
- “It is not ‘sinful’ to prohibit the mutilation of minors. It is not acceptable for the federal government to mandate that procedures like sex change operations be allowed for kids.”—Florida Governor [Ron DeSantis](#) (R) responding to Joe Biden’s comment that prohibiting so-called transitioning in children is “cruel” and “close to sinful.”

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.