



Bioethics Public Policy Report December 19, 2023

State by State

- Last week, the supreme courts in Arizona, Wyoming, and New Mexico heard oral arguments concerning their abortion laws. Arizona's court will consider whether the State may enforce its pre-*Roe* abortion laws, which it never repealed, and which would prohibit abortion except to save the life of the mother. Wyoming's court will consider whether pro-life legislators and organizations may intervene in suits against the State's pro-life laws, which prevent chemical and surgical abortions in most cases. New Mexico's court will consider whether its constitution contains a right to abortion. For further information, click [here](#).
- The Texas supreme court paused an order that would have allowed a woman to obtain an abortion in the State after the child was diagnosed with trisomy. Following the court's decision, the woman went to New Mexico to obtain an abortion. For further information, click [here](#) and [here](#).
- Illinois Attorney General Kwame Raoul has said that his office will no longer enforce the Consumer Fraud and Deceptive Business Practices Act, a law passed last year that targets crisis pregnancy centers. Under this Act, these pro-life pregnancy centers were singled out as "deceptive" and "fraudulent" for speaking about the risks of abortion. For further information, click [here](#).
- Missouri has sued Washington University after the latter failed to hand over documents from its clinic, which provides "gender-affirming care" to children. The State had been investigating the pediatric transgender clinic, and Missouri State Attorney General Andrew Bailey says that he believes the Biden administration has been interfering. For further information, click [here](#).

Federal Courts

- The Supreme Court has granted certiorari to a case involving mifepristone, the abortion pill, which may reinstate bans on shipping it through the mail. This comes after the Fifth Circuit ruled that Risk Evaluation and Mitigation Strategy should be reinstated to reduce risks associated with mifepristone. For further information, click [here](#).
- The Supreme Court denied certiorari in a case challenging States' bans on conversion therapy, meaning that the 22 jurisdictions banning conversion therapy will be allowed to persist in their bans. Justices Clarence Thomas and Samuel Alito wrote dissenting opinions in the denial of certiorari, and Justice Kavanaugh dissented but did not write an opinion. The majority did not write any opinion explaining their denial. For further information, click [here](#).
- The Supreme Court has granted certiorari to a case involving thousands of women alleging physical and mental harm due to false advertising about abortion. For further information, click [here](#).

- The Sisters of Life won a lawsuit against the State of New York after the State passed a law allowing the attorney general to demand private information from pregnancy centers that do not perform abortions. The vicar general explained in an interview that it is important that the information be kept confidential for the sake of their ministry. To listen to the interview, click [here](#). For further information, click [here](#).
- Two pro-life organizations, Obria Group and Obria Medical Groups, have sued Washington Attorney General Bob Ferguson for investigating their private records, which they allege was unconstitutional and illegal. They allege pro-abortion and anti-Christian animus as the impetus for the illegal investigation. For further information, click [here](#).
- A Catholic farmer, Steve Tennes, won a settlement against the City of East Lansing after the city barred him from operating in a local farmer's market over a Facebook post where he expressed unwillingness to allow same-sex "weddings" on his property. For further information, click [here](#).

National

- The House of Representatives passed the National Defense Authorization Act by a compromise vote of 310-118. The package does not ban the use of military funds for abortions or sex changes, despite previous clashes between Republicans and Democrats over those provisions. President Biden is expected to sign the bill into law. For further information, click [here](#).
- The number of de-transitioning former transgenders is rising, and they are beginning to file malpractice lawsuits against the physicians who prescribed puberty blockers, hormone therapy, and mutilating surgeries in the furtherance of their initial "transition." Three women, Soren Aldaco, Chloe Cole, and Prisha Mosley, have sued the medical professionals who signed off on their "transitions" while they were still minors. For further information, click [here](#).
- The House Judiciary Committee questioned Assistant Attorney General for Civil Rights Kristen Clarke for allegedly discriminatory enforcement of the Freedom of Access to Clinic Entrances (FACE) Act. Rep. Chip Roy, R-TX, suggested that the policy of the Biden administration was unjustifiable in light of the rise of crime throughout the country. For further information, click [here](#).
- The FDA seems to be moving forward with testing the effects of "gender-affirming" drugs on minors as young as 13. The tests could lead to approval of estradiol, an estrogen hormone, in "gender-affirming care." For further information, click [here](#).

Conscience/Religious Liberty

- The Virginia supreme court ruled that Peter Vlaming, a Christian and a high school teacher, should be reinstated after he was fired for failing to refer to a transgender student by the student's "preferred pronouns." Noting that the state constitution "seeks to protect diversity of thought, diversity of speech, diversity of religion, and diversity of opinion," Justice Kelsey said, "Absent a truly compelling reason for doing so, no government committed to these principles can lawfully coerce its citizens into pledging verbal allegiance to ideological views that violate their sincerely held religious beliefs." For further information, click [here](#).
- Catholic legal expert Andrea Picciotti-Bayer has suggested that satanic displays, such as the one that was vandalized in the Iowa statehouse, may not receive First

Amendment protections in the same way as a genuine religious expression might because it is a mockery, not a genuine expression, of religion. For further information, click [here](#).

Of Note

- The Department of Health and Human Services is conducting an investigation into the University of Pittsburgh for unlawfully obtaining remains of aborted children for use in experimentation. For further information, click [here](#).
- In the wake of the passage of Issue 1 in Ohio this past election, Bishop Earl Fernandes of Columbus announced several initiatives in his diocese, calling for a “renewed effort” to “make abortion unthinkable, and the birth of a child not to be seen as a burden but a blessing.” He called, specifically, for an increase in prayer, fasting, and almsgiving, including offerings of Holy Hours and a call to abstain from meat on all Fridays. For further information, click [here](#).
- Guttmacher Institute reported that out-of-state abortion rates doubled over the last three years. Mary Szoeh, director of Family Research Council’s Center for Human Dignity, said that these numbers are “disheartening,” but nevertheless show the influence of pro-life legislation. For further information, click [here](#).

Bioethics Public Policy Report compiled by Justin Corman.

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