



Bioethics Public Policy Report December 5, 2023

State by State

- According to reports from the Guttmacher Institute, there were zero abortions in the State of Indiana in August of this year. An Indiana law passed earlier this year limits abortion in almost all circumstances, with limited exceptions for rape, incest, and fatal fetal abnormalities. There was also an increase in abortions in Indiana's neighbor States, but it is unclear if this was due to Indiana's abortion laws. For further information, click [here](#).
- A recent study found that States with pro-life laws restricting abortion in the wake of *Dobbs* saw an average increase of 2.3% in total births. Larger states saw higher increases, likely due to the geographical distance and cost for traveling out-of-state to obtain abortions. For further information, click [here](#).
- The Texas supreme court heard oral arguments in *Zurawski v. State of Texas*, a case brought by several women and physicians challenging the Texas abortion ban, which makes exceptions only where it is necessary to save the mother's life or where there is "a serious risk of substantial impairment of a major bodily function." A Travis County court extended this exception to cases where the baby was likely to die soon after birth. The standard under the current law is the "reasonable medical judgment" of the physician, however the plaintiffs are arguing that the law should be interpreted to have a "good faith" judgment standard, instead, which threatens giving doctors discretion to perform abortions under any circumstances. For further information, click [here](#).
- There are two court hearings in Wyoming slated for December that are expected to have a significant impact on the State's pro-life laws. The first is on December 12, before the Wyoming supreme court, with Reps. Rachel Rodriguez-Williams (R-Cody), Chip Neiman (R-Hulett), and Right to Life of Wyoming seeking to intervene as defendants in a lawsuit against the State over its abortion ban. The second is on December 14th, where a county judge will decide whether to issue summary judgment for the plaintiffs, who are challenging the State's abortion laws, or for the defendants, who are defending them, or, alternatively, to deny both motions and send the case to trial. The case is expected to go to the Wyoming supreme court, regardless of the outcome. For further information, click [here](#).
- Arkansas Attorney General Tim Griffin has denied an attempt to put a constitutional amendment provision on the ballot in the 2024 election. The group who attempted to get the "Arkansas Reproductive Healthcare Amendment" on the ballot is "Arkansas For Limited Government," and it was created specifically to the end of securing a constitutional "right" to abortion in the State. The group seeks to secure "access to abortion within 18 weeks of conception, or in cases of rape, incest, in the event of a fatal fetal anomaly, or when abortion is needed to protect the pregnant female's life or health." Griffin rejected the measure because of ambiguities in the terms "health" and "access." For further information, click [here](#).

Federal Courts

- Several groups have filed amicus curiae briefs in November for Sacred Heart of Jesus Parish's lawsuit against the State of Michigan in protest of a law forcing religious institutions to hire LGBTQ individuals. The suit was filed in December of 2022, when the Michigan legislature changed the Michigan Civil Rights Act to include discrimination on the basis of sexual orientation and gender identity, with no protections for religious institutions. The case was dismissed in the lower court, but Sacred Heart appealed to the Sixth Circuit, with Jewish and Muslim groups joining as amici curiae asking for an exemption under the coreligionist exception. The coreligionist exception gives religious institutions leeway in determining what kinds of roles "are so imbued with religious significance" as to require them to be filled by individuals of the same religion. For further information, click [here](#).
- Mid Vermont Christian School has sued Vermont after the State banned its students from participating in its tuition program. The ban comes after Mid Vermont Christian refused to give up its religious beliefs on human sexuality and gender. These beliefs also caused the Vermont Principals' Association to remove Mid Vermont Christian from the athletic association, since the school refuses to allow biological males to compete in girls' sports. For further information, click [here](#).
- After the Ninth Circuit held that Idaho must allow emergency room abortions under the Emergency Medical Treatment and Labor Act (EMTALA), the State of Idaho filed an appeal to the Supreme Court. Idaho's current Defense of Life Act only allows abortions to save the mother's life, but the federal government is asserting that this should extend to all emergency rooms. For further information, click [here](#).

National

- Rep. Josh Brecheen, R-OK, has introduced two bills, the "No Abortion Coverage for Medicaid Act" and the "No Taxpayer Abortions for Unaccompanied Minors Act." The first of these would restrict Medicaid funds for abortions to counter the Biden administration's policy of inviting States to use Medicaid funds to cover abortion. The second of these would prohibit the use of federal funds to obtain abortions for unaccompanied minors found at the border, directly countering another Biden administration policy. For further information, click [here](#).
- Sen. Ted Cruz, R-TX, and Rep. Andy Ogles, R-TN, introduced a bill in both houses of Congress called the "Safeguarding Free Speech Act." The bill would prohibit the use of funds to coerce employees into using preferred pronouns for their coworkers. The bill comes after President Biden's Department of Health and Human Services issued a "Gender Identity Non-Discrimination and Inclusion Policy for Employees and Applicants" in mid-October of this year. For further information, click [here](#).

International

- The socialist Spanish government is threatening to ban public recitation of the Rosary in response to Spanish Catholics' daily recitation on the steps outside of the Parish of the Immaculate Heart of Mary in Madrid. The group has been praying the Rosary in protest of the newly formed anti-Catholic socialist government in Spain. On December 8, the Feast of the Immaculate Conception, the leader of the parish

prayer group, José Andrés Calderón, announced a nationwide recitation of the Rosary to begin at 7:30PM local time. For further information, click [here](#).

- A case in the Inter-American Court of Human Rights (IACHR) has the potential to legalize abortion throughout Latin America. The pro-abortion lobby has seized a hard case of a woman who gave birth to a fatally disabled child in order to leverage abortion on demand. In a demonstration called by the National Front for Life, over 40 pro-life groups demanded that the judges not decide in favor of on-demand abortion. For further information, click [here](#).

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