

Pro-Life News in Brief

By Liz Townsend

Alabama Proposes New Abortion Clinic Regulations

After one abortion clinic was closed permanently in June and serious health violations were found in several others, the Alabama Bureau of Health Provider Standards has proposed new regulations governing abortion clinics. The bureau held a public hearing November 27 where it heard comments from both pro-life and pro-abortion groups, according to the Associated Press (AP).

The state currently has nine abortion clinics after Summit Medical Center in Birmingham was closed in June, the AP reported. Since then, officials have inspected the remaining clinics, and three of them have been placed on probation because of violations.

One clinic, New Woman All Women Health Care in Birmingham, agreed to go on probation in November after "inspectors found patients weren't given preoperative medication on time, the clinic hadn't verified whether pregnancy tests and ultrasound tests were conducted and, in the most serious violation, the clinic's administrator had ordered and diverted narcotics such as hydrocodone for her own use," according to the News.

State officials will now inspect abortion clinics once a year. Previously, clinics would go years without a site visit, the AP reported. In addition, under the new regulations the abortionist must remain on the premises until all patients have left, the abortionist must have admitting privileges at a local hospital or the clinic must have a contract with a local hospital to provide emergency care, "controlled substances or abortifacient medications" cannot be dispensed with only standing orders, and records of equipment maintenance must be kept.

The new regulations are expected to go into effect in early 2007, according to the News.

Lifesaving Treatment Could Mean Jail for British Doctors

A new British law that will go into effect in April 2007 allows people to write "advanced directives" refusing treatment if they become incapacitated. But doctors may face severe penalties if they violate the patient's directive even in an attempt to save a life, according to the Daily Mail.

"Doctors who refuse on clinical or other ethical grounds to implement an advance refusal of treatment face litigation and possibly criminal conviction," according to the Society for the Protection of Unborn Children web site. "[T]here remains a duty of care towards the patient. It would be unreasonable, and immoral, to force healthcare professionals to relinquish this responsibility because of their conscientious objection to implementing clinically inappropriate or unethical advance refusals."

The Mental Capacity Act of April 2005 will go into effect next spring. Under its regulations, people can write "living wills" detailing specific treatments they refuse to undergo if

incapacitated. These “treatments” could include artificial nutrition and hydration, the Daily Mail reported.

Guidelines issued by the British Department of Constitutional Affairs (DCA) in November make it clear that the living will must be enforced by doctors, even if the patient will die without the treatment. The law allows doctors to conscientiously object to the nontreatment, but they must withdraw from the case and allow another doctor to take over.

“If you are satisfied that an advance decision exists which is valid and applicable, then not to abide by it could lead to a legal claim for damages or a criminal prosecution for assault,” according to a DCA booklet called “Making Decisions: A Guide for People Who Work in Health and Social Care.”

In addition, the guidelines state that living wills are only to be used to reject care, not insist on it: “people cannot make an advance decision to ask for medical treatment—they can only say what types of treatment they would refuse.”

Many in Britain object to the provisions of the Mental Capacity Act and their fear that patients will die without having a true understanding of what they are refusing.

“Many people will have filled in advance decision forms in ignorance of their lethal implications and of alternative courses of action,” academic lawyer Jacqueline Laing of London Metropolitan University told the Daily Mail.

“The Act inverts good medical practice by criminalizing medical staff who intervene to save the lives of their patients with simple cures and, in certain cases, even food and fluids. Any conscientious opt-out is nullified by the threat of prosecution. The lethal direction of the Act and the cost-saving implications for the NHS should be obvious.”

Embryo Research May Be on Florida's 2008 Ballot

Two competing constitutional amendments may be on the ballot in Florida in 2008—one to appropriate \$20 million for research that destroys embryos, and one to ban it.

Making it difficult for either proposed initiative to become law is a new provision approved by voters in November that requires constitutional amendments to garner more than 60% of the vote, according to the Palm Beach Post. In the past 20 years, Florida voters have approved 64% of 81 proposed amendments with such a margin, the Tampa Tribune reported.

Several states have pledged millions of dollars for research that kills human embryos to harvest their stem cells. Voters in Missouri narrowly passed a constitutional amendment November 7 that will protect embryonic stem cell researchers from litigation and allow them to clone and kill human beings. In California, voters approved a grant program to provide \$3 billion to lethal research over 10 years.

Supporters of the proposed Florida amendment that would ban lethal embryonic stem cell research have gathered more than the required 61,000 signatures and presented their amendment proposal to the Florida Supreme Court. The constitutional amendment and ballot summary are identical, according to the Post: “No revenue of the state shall be spent on experimentation that involves the destruction of a live human embryo.”

The court will review the petition to determine if it covers only a single subject and if the ballot summary is “clear and accurate,” according to the Associated Press.

If the high court approves the proposed amendment, supporters would have to gather 600,000 signatures for the initiative to appear on the 2008 ballot.

An organization called Citizens for Science and Ethics (CSE) has been formed to bring the pro-life amendment to the ballot. "CSE is seeking to establish an ethical framework for state-funded research here in Florida," president Susan Cutaia said in a press release. "The promise of stem cell research can be reached through adult stem cells, umbilical cord blood stem cells, and placental-derived stem cells" rather than "forcing Florida's taxpayers to pay for something that many find ethically problematic."

Supporters of lethal research have also obtained the required signatures and presented the proposal to the state Supreme Court for review November 7.

The proposed constitutional amendment is 289 words long, with a ballot summary of 75 words, the Post reported. If passed, the state would be required to grant \$20 million per year for 10 years to "universities or nonprofit organizations for 'embryonic stem cell research,'" according to the Post.

Researchers Transform Umbilical Cord Cells into Lung Cells

Researchers at the University of Minnesota announced in the November 7 issue of *Cytherapy* that they had transformed umbilical cord stem cells into a specific lung cell, according to *Minnesota Daily*.

University scientists worked with BioE, a biomedical company that provided the stem cells and the funding for the study. They praised the potential of umbilical cord cells for research and eventual cures.

"They are not an embryonic stem cell, but have characteristics like an embryonic stem cell, and they are not an adult stem cell because they are much younger," Sarah Haecker, BioE vice president of corporate development, told the *Minnesota Daily*. "So they have the best of both worlds."

Using technology developed by BioE, researchers isolated the stem cells from umbilical cord blood and allowed them to develop in culture. They added a substance previously used to preserve already formed lung cells, *Minnesota Daily* reported, and soon saw the growth of type II alveolar lung cells. This was the first time such cells had been obtained from umbilical cord blood, according to a BioE press release.

The lung cells could be used now for research into the respiratory system and how it affected by smoking and pollution, and eventually to treat diseases like emphysema and cystic fibrosis, according to *Minnesota Daily*.

"In the future, we may be able to examine cord blood from babies who have lung diseases, such as cystic fibrosis, to do more research to understand how these diseases evolve as well as to develop better medical treatments," said David McKenna, assistant professor of lab medicine and pathology and medical director of the Clinical Cell Therapy Lab at the University of Minnesota Medical Center, Fairview, in a press release.

"Choose Life" Plates Now on Tennessee Cars

After over three years of court battles, drivers in Tennessee can now display the "Choose Life" license plates on their cars and contribute to a pro-adoption organization with their registration fees.

Over 1,000 people pre-ordered the plates, which have a picture of a smiling baby and the words "Choose Life." Drivers will pay \$35 for the tags (\$70 if personalized), and half of the profits will go to pro-life group New Life Resources, according to the Chattanooga Times Free Press.

After the pre-ordered plates are distributed, local county officials said they expect to sell many more. Hamilton County Clerk Bill Knowles told the Times Free Press that while he usually has 50 to 100 new specialty plates on hand, he has ordered 300 of the "Choose Life" tags. "I just know there is some interest," he said. "We've had some calls and inquiries about it."

The plates were approved by the legislature in May 2003, but the American Civil Liberties Union challenged them immediately, saying they violated the First Amendment because the state offers no pro-abortion tags, according to The Tennessean.

However, the 6th U.S. Circuit Court of Appeals ruled March 17 that the tags were constitutional. The U.S. Supreme Court ended the legal battle June 26 by refusing to rehear the appeals court decision.

Frozen Embryos Are Not "Unborn" Humans, Irish Judge Rules

An Irish judge ruled November 15 that frozen embryos do not have a right to life under the country's constitution, and therefore a woman cannot implant her embryos created for in vitro fertilization without her husband's permission.

"This ruling will anger the vast majority of Irish people who believe human life should be protected from the first moment of conception," Patrick Buckley, director of European Life Network, an Irish pro-life group affiliated with the British Society for the Protection of Unborn Children, said in a press release.

Mary Roche, 41, sought to have three frozen embryos implanted over her estranged husband's objections, according to the Irish Examiner. Her attorneys argued that despite his refusal, the embryos have a right to life under Article 40.3.3 of the constitution, which was approved by voters in 1983.

It states, "The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its law to respect, and as far as practicable, by its laws to defend and vindicate that right."

However, Justice Brian McGovern ruled that this article was meant to apply to abortion, and therefore only included an embryo "which has implanted in the womb, a foetus" under the definition of "the unborn," according to the Irish Times.

"This is a faulty and inadequate judgement and, if it is not challenged, the Courts will have effectively overturned the democratically expressed wishes of the people," Buckley said.

He pointed to the Irish text of the article, which takes precedence over the English translation. "In Irish the text refers to 'na mbeo gan breith'—literally 'the living without birth,'" said Buckley. "This recognises the right to life of all embryos and makes no distinction between an embryo before or after implantation."

Justice McGovern said that the Irish parliament (the Oireachtas) or the people must pass legislation specifically defining rights for frozen embryos. "It is not for the courts to decide whether the word unborn should include embryos in vitro," McGovern said, according to the Times. "That is a matter for the Oireachtas, or for the people, in the event that a constitutional amendment is put before them."

Mary Roche's attorney Alan Daveron told the Times that she was "very disappointed" in the ruling. The fertility clinic will continue to store the embryos "for the time being," the Times reported, as Roche considers an appeal.

Connecticut Awards \$20 Million for Embryonic Stem Cell Research

Awarding the first grants after the legislature approved the \$100 million Stem Cell Research Fund in 2005, Connecticut will give \$20 million to researchers who will destroy human embryos for their stem cells.

The Stem Cell Advisory Committee, meeting in Hartford November 21, approved about \$12 million to scientists at the University of Connecticut, over \$6 million to Yale University researchers, and \$1 million to a professor at Wesleyan University, according to the Hartford Courant.

The grants will be used to build special centers for embryonic stem cell research in order to separate it from other federally funded projects being done at the universities; to study "how stem cells become different types of nerve cells"; and to research "how human embryonic stem cells progress to bone and connective tissue," the New Haven Register reported.

Although ultimately rejecting it for problems with related proposals, the committee gave high marks to a proposed study that sought to clone human embryos for their stem cells, according to the Courant.

Xiangzhong Yang, director of the University of Connecticut's Center for Regenerative Biology, told the Courant that "both reviewers and committee members expressed support for his plans to conduct somatic cell nuclear transfer, or cloning, in Connecticut." Yang was able to apply for a grant even though he is a member of the Stem Cell Advisory Committee that administers the funds.

"It is still my dream to make Connecticut a leading state in the nation for nuclear transfer," Yang told the Courant. He said he will seek other sources of funds or reapply for a state grant next year.

While Yale received large grants, the dean of the School of Medicine said that some of its grants that focused on research in animals were rejected. "Apparently, the committee was more interested in human embryonic stem cell proposals, he said," according to the Register.

British Court Orders Brain-Injured Woman to Be Given Last Chance

Postponing a decision on a family's request to withdraw food and fluids from a brain-injured patient, High Court judge Sir Mark Potter ordered doctors to give her a drug that has been claimed to "wake up" patients.

Patients thought to be in a persistent vegetative state (PVS) have been given zolpidem, a sleeping pill, and subsequently regained consciousness, according to the Daily Telegraph.

The family of a 53-year-old woman identified as "J," diagnosed as in a PVS since suffering a massive brain hemorrhage in August 2003, petitioned the court to withdraw her artificial nutrition and hydration, The Guardian reported.

However, after testimony from Prof. Keith Andrews of the Royal Hospital for Neuro-disability in Putney, Potter ruled in November that J should be offered the medication that gives her a "glimmer of hope, a possible upside, with no real downside in terms of patient welfare," the Press Association reported.

"It seems to me that the appropriate course is to sanction a short course of zolpidem in the near future with a view to a speedy return to this court for final disposal should the trial produce no positive or beneficial effect on J," Potter wrote in his decision.

A scientific trial of the effects of zolpidem on 30 PVS patients is currently being conducted in South Africa, according to the Telegraph. The first reported patient to wake after taking the drug is Louis Viljoen of Johannesburg, who emerged from PVS in 1999.

His general practitioner, Dr. Wally Nel, has since used the drug on 250 patients, and 60% of them have responded "beneficially," the Telegraph reported. Viljoen has continued to take decreasing amounts of zolpidem and is improving.

"He was the first but it has worked for others," Nel told the Telegraph. "I really hope and pray that it works for this woman. The longer the brain rests, the better your chances of it working are. There is nothing I would like more than for it to work for her."

Judge Potter ordered a three-day course of zolpidem for J, but it was unclear when the treatment would begin, according to the Press Association.