

Good News

Bringing the Light of Christ to Missouri | Nov/Dec 2021

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Pro-life Laws in the Courts

Texas S.B. 8

The United States Supreme Court recently heard arguments on two challenges to the Texas heartbeat bill, S.B. 8. The court must decide whether Texas abortion providers and the U.S. Justice Department have the right to challenge the abortion law. S.B. 8 bans abortion after doctors can detect a fetal heartbeat, which can be at around six weeks. Under current Supreme Court precedent, states cannot ban abortion before fetal viability, around 24 weeks. However, the Texas law is not enforced by state officials, but rather by individuals who can sue an abortion doctor or anyone who aids in the abortion. Because of this enforcement mechanism, abortion providers have been unsuccessful thus far in blocking the law.

The threat of civil suits has thus far effectively halted abortions in Texas. However, there is a question as to whether using private enforcement of the law is politically and legally feasible in the long term. Even some of the court's conservative justices expressed concerns with the Texas law, with Justice Brett Kavanaugh wondering whether a state could limit Second Amendment rights under a similarly structured bill, and Justice Amy Coney Barrett asking a similar question regarding the First Amendment. If the court allows abortion providers to bring suit, the case would likely be sent back to the lower courts for review.

Missouri HB 126

The Eighth Circuit Court of Appeals recently conducted an en banc (meaning, before the full court) rehearing of its decision blocking provisions of Missouri's HB 126, also known as the Missouri Stands for the Unborn Act. The judges are set to decide whether HB 126's eight, 14, 18, and 20 week abortion bans, along with the law's ban on abortions based on race or Down syndrome diagnosis, are constitutional. Most of the questioning, however, focused on the Down syndrome portion of the law. The state, through Solicitor General John Sauer, argued that the provision is a regulation and not a ban. The distinction is important, as pre-viability bans are categorically unconstitutional under current Supreme Court precedent in *Roe v. Wade* and *Planned Parenthood v. Casey*.

A three judge panel of the Eighth Circuit Court of Appeals had previously upheld an injunction blocking portions of Missouri's 2019 pro-life law. The majority found that both the gestational age and Down syndrome provisions banned abortions prior to viability and were "categorically unconstitutional" under current Supreme Court precedent. However, one judge, David Stras, dissented on affirming the injunction on the Down syndrome provision, calling it a regulation instead of an outright ban.

The original ruling by the Eighth Circuit was in line with its previous ruling on a similar case in Arkansas. However, two of the three judges in that case issued concurring opinions restating their view that the Supreme Court should reconsider the viability standard in *Planned Parenthood v. Casey*.

Dobbs v. Jackson Women's Health Organization

The hearing on HB 126 comes as the U.S. Supreme Court is set to hear a direct challenge to *Roe* and *Casey's* rule that all pre-viability abortion bans are unconstitutional. The Court has set oral arguments in *Dobbs v. Jackson Women's Health Organization* for December 1, 2021. The case involves a Mississippi law that would ban abortions after 15 weeks—except in cases of medical emergency or severe fetal abnormality—based on the preborn child's ability to feel pain. The Court will likely have to decide whether all pre-viability abortion bans are unconstitutional and whether a court should consider a state's interest when reviewing such abortion bans.



Keep up with the latest pro-life news (and more Catholic news) by reading the MCC Weekly Update, delivered to your email inbox every Friday.



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Medicaid Enrollment Increasing in Missouri

As of November 1, nearly 13,000 individuals have qualified for health care under Medicaid expansion, according to the Department of Social Services. Approximately 275,000 Missourians are eligible for health care under the expansion. The state, which began accepting applications on August 1, said it needed two months to make necessary system updates and train staff, and began enrolling people on October 1. The state has up to 45 days to determine eligibility on applications.

The journey to get expanded Medicaid in Missouri began in August 2020 when Missouri voters adopted a constitutional amendment to extend Medicaid benefits to low-income citizens by July 1, 2021. But the legislature excluded expanded coverage from its fiscal year 2022 budget and in May, 2021, Gov. Mike Parson withdrew federal paperwork that set up the enrollment process. The issue went before a circuit court judge who held that the state was not required to implement expansion. Finally, the Missouri Supreme Court settled the issue when it ruled unanimously that Missouri must expand Medicaid to low-income residents.

Adults in Missouri aged 19 to 64 are now eligible for expanded Medicaid if their household incomes are 138 percent or less of the federal poverty guideline, which amounts to \$17,774 per year for a single person or \$36,570 per year for a family of four. Research shows that 49 percent of those working without health insurance are employed in the hospitality, retail and health care and social assistance industries.

Thirty-nine states (including the District of Columbia) have expanded Medicaid since Congress passed the Affordable Care Act in 2010. Currently, Medicaid is funded at 65% federal dollars and 35% state dollars. But with the expanded population, the federal government will cover 90% of the costs while states will cover 10% of the cost. It is estimated that Missouri's 10% share would cost about \$130 million (if 275,000 new enrollees are added). Missouri is expected to draw down an estimated \$968 million in federal funds as incentives from the COVID recovery acts to fund the 10% cost of expanding Medicaid.

How do I apply for Medicaid?

If you do not have health insurance or you need help paying for your health care, you may be eligible for coverage through Missouri's Medicaid program, called MO HealthNet.

There are four ways to apply for coverage:

- Apply through the online portal
- Apply by phone at 855-373-9994
- Complete an application on your computer
- Download & print application

To apply through the online portal or complete your application online, visit <https://mydss.mo.gov/healthcare/>



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Questions? Contact us!

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New Episode of MCC from the Capitol + MCC Messenger Focus on Care for Creation

As Catholics, we are called to care for God's creation. To do so, we must first appreciate the natural beauty of our world, and then recognize that this beauty is vulnerable to climate changes. What is at stake for our environment and our world as global leaders meet to discuss efforts to significantly reduce CO2 emissions to reach the goals set in 2015 in Paris? Find answers to this question and learn more about where our home state of Missouri currently gets its energy inside this MCC *Messenger* available at www.mocatholic.org.



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