



THE COUNCIL ON MATERNAL AND INFANT HEALTH POSITION STATEMENT

CRIMINALIZATION OF SUBSTANCE-ABUSING PREGNANT WOMEN

The Council opposes any legislation that would mandate the criminal prosecution of mothers that deliver drug-affected babies. Drug dependence in pregnant women is a medical condition rather than criminal behavior as it is in all drug abusing individuals.

There is no medical justification to arrest women who deliver cocaine affected babies when the fetal abuse caused by tobacco and alcohol, both legal substances, is not significantly different. Drug addiction is an illness and there is no evidence currently available to demonstrate that the threat of criminalization will deter addictive behavior. Punitive measures may deter pregnant women from seeking prenatal care and drug abuse treatment.

Incarceration, if required, should occur in a treatment center, not in a penal institution.

Each year an estimated 7,000-12,000 Georgia babies are exposed to alcohol and other drugs before birth. There are approximately 200 babies born with fetal alcohol syndrome each year in Georgia. Among the significant care costs for drug exposed infants are foster care placement, medical care and social services.

Until there are treatment services available which will admit drug dependent women, their children and families, incarceration will exacerbate the problem. Currently in Georgia, the majority of private and public drug treatment facilities exclude pregnant women, or their admission policies do not assign high priority for prenatal patients. A drug dependent pregnant woman is at high risk for maternal and fetal complications. Therefore, these admission policies should be revised to meet this medical crisis.

The Council therefore advocates:

The funding of appropriate substance abuse treatment facilities and services for pregnant women and women with children. Legislation giving pregnant women priority admission to drug treatment facilities.

Adopted: Feb. 1994