

Position Statements of Medical Associations Opposing Criminal Sanctions for Pregnant Women With Substance Abuse Problems

Criminal sanctions or civil liability for harmful behavior by the pregnant woman toward her fetus are inappropriate.

American Medical Association Policy Statement, *Legal Intervention During Pregnancy*, 264 JAMA 2663, 2670 (1990)

Punitive measures taken toward pregnant women, such as criminal prosecution and incarceration, have no proven benefits for infant health

American Academy of Pediatrics, Committee on Substance Abuse, 1994 to 1995, *Drug-Exposed Infants*, 96 Pediatrics 365-66 (1995)

Putting women in jail, where drugs may be available but treatment is not, jeopardizes the health of pregnant women and that of their existing and future children.

American College Obstetricians & Gynecologists, *At-Risk Drinking and Illicit Drug Use: Ethical Issues in Obstetric and Gynecologic Practice*, ACOG COMMITTEE OPINION, No. 422, Dec. 2008, at 6

Pregnant women should not be punished for adverse perinatal outcomes. The relationship between maternal behavior and perinatal outcome is not fully understood, and punitive approaches threaten to dissuade pregnant women from seeking health care and ultimately undermine the health of pregnant women and their fetuses.

American College of Obstetricians & Gynecologists, *Maternal Decision Making, Ethics, and the Law*, ACOG COMMITTEE OPINION, No. 321, Nov. 2005, at 9

American Psychiatric Association opposes the criminal prosecution and incarceration of pregnant and/or newly delivered women on child abuse charges based solely on the use of substances during pregnancy. . . The best way to prevent abuse and neglect in this situation is adequate treatment for the mother and family.

American Psychiatric Association, *Care of Pregnant and Newly Delivered Women Addicts: Position Statement*, APA Document Reference No. 200101 (2001)