

In states with punitive Prenatal Substance Use Policies, prenatal substance use is either [i]:

- a criminal offense;
- defined as child abuse or neglect;
- grounds for termination of parental rights;
- used as evidence to substantiate reports of child abuse or neglect; or
- may result in being placed in a CPS registry.

PUNITIVE POLICIES HARM BABIES AND THEIR MOTHERS

Public health research consistently finds punitive state policies are associated with:

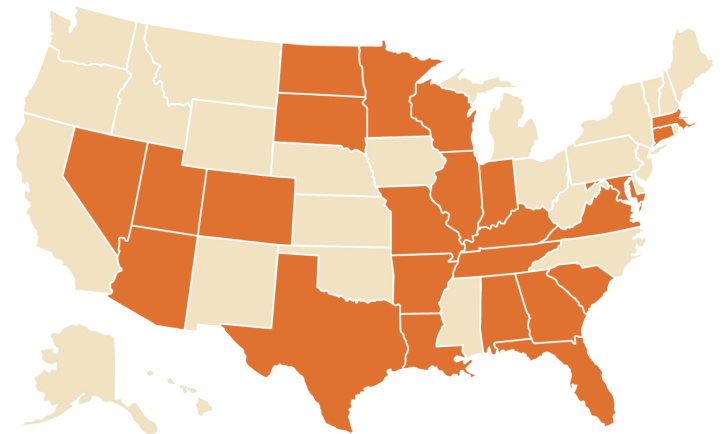
- Decreased rates of adequate prenatal care
- Decreased rates of psychosocial service use
- Decreased utilization of opioid agonist therapy
- Decreased engagement in substance use disorder treatment
- Increased rates of neonatal abstinence syndrome (NAS)
- Increased rates of opioid overdose



**PREGNANCY
JUSTICE**



Proud partners! Pregnancy Justice believes that no person should fear arrest or be subjected to government control or retribution as a result of pregnancy or any outcome of pregnancy.

States with Punitive Prenatal Substance Use Policies







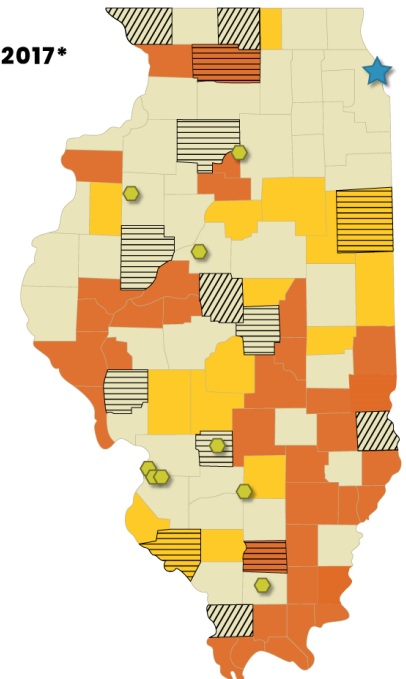
“Across the entire state, there is only one resource that offers comprehensive integrated prenatal care and substance use treatment, which is considered the gold standard of care” ***

Neonatal Abstinence Syndrome (NAS) Rate, County-Level, 2011-2017*

-  NAS rate 2-3x greater than state average
-  NAS rate greater than 3x state average

Maternity Care Access County-Level, 2022**

-  Inadequate Access (low to moderate)
-  No Access
-  OB unit closure, 2016-2022
-  “Gold Standard” Resource***



What is Neonatal Abstinence Syndrome?

Neonatal Abstinence Syndrome is a group of conditions caused when a baby withdraws from certain drugs from exposure to them in the womb before birth

WRAPAROUND SERVICES

CONTEXT MATTERS

In a System of Harm
"wraparound services"
emphasize/prioritize
COMPLIANCE

Best interest of
infant and interest
of mother are
treated as
antagonistic.



In a System of Care
"wraparound services"
emphasize/prioritize
RECOVERY

Children are
protected through
care/support of
their parents.



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HB 3 (AS AMENDED BY HCA #2):

- Repeals the 1989 expansion of the definition of a "neglected minor" to include a newborn with a positive toxicology result at birth; makes corresponding changes to the Juvenile Court Act of 1987 and the Adoption Act
- Establishes a privacy shield for pregnant and postpartum patients to engage in care services with confidence that disclosures they make will not be used against them by the State
- Makes a pathway for providers to connect their patients/clients to appropriate services without putting them at risk of judicial intervention

[i] Angélica Meinhofer, Allison Witman, Johanna Catherine Maclean, and Yuhua Bao. "Prenatal substance use policies and newborn health." *Health Economics* 31 (2022): 1452-1467.

*, *** Virginia A. Reising, Ashley Horne, and Amanda C. Bennett. "The interaction of neonatal abstinence syndrome and opioid use disorder treatment availability for women insured by Medicaid." *Public Health Nursing* 38 (2021): 98-105

** March of Dimes. *Nowhere to Go: Maternity Care Deserts Across the U.S.* (2022 Report). Arlington, VA: March of Dimes, 2022.

https://www.marchofdimes.org/sites/default/files/2022-10/2022_Maternity_Care_Report.pdf

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