

## **Policing pregnancy is bad for public health**



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Pregnancy holds a special space in most societies; it is a biological necessity for species preservation and represents the promise of future generations. Pregnancy is thought by many to bestow upon women an extra layer of societal protection and care. Social conventions dictate that pregnant women be given priority seating on buses, trains and other forms of transport and in lines for rest rooms and priority rescue during natural disasters. We believe ourselves to be solicitous and helpful to pregnant women and accord them an extra measure of respect.

But in many ways in the United States the treatment of pregnant women has been and continues to be class specific. Poor and working-class women often find pregnancy a difficult time, especially if they have jobs that don't offer health care benefits, sick time or maternity leave. Those challenges can make pregnancy difficult enough without the extra worry of health care providers and/or aggressive prosecutors looking over your shoulders and sometimes even examining your urine to make sure you aren't engaging in activities they consider 'harmful' to your fetus. In the aftermath of the crack cocaine media hysteria of the 1980s, laws that were enacted to give more protection to women who were physically assaulted while pregnant - began to be used against pregnant women. Punitive prosecutors and anti-choice advocates promoted the idea that the most dangerous place for certain children is their mother's womb. It appears that we are seeing a similar response to the increasing use of opiates by pregnant women.

There is consensus in the medical community that addiction is a public health issue and that treating drug use during pregnancy as a crime undermines the health of both women and children. Yet, fetal rights advocates in some of the same states highlighted in the recent [NYT article](#) highlighting the increase in infant drug dependence, have convinced police, prosecutors and judges that addiction itself may be punished if the addict or drug user is a pregnant woman and that a pregnant woman's addiction should be treated as a form of civil child abuse. These cases and statutes are having a devastating effect on women's reproductive and human rights as well as public health, drug policy reform efforts, family life, and efforts for racial equality.

While hundreds of women have been arrested, thousands more have been subjected to punitive and counterproductive child welfare interventions that treat what women do or experience during pregnancy as evidence of civil child neglect or abuse.

An increasing number of states are using a single, unconfirmed, positive drug test on a new mother or baby as a basis for involving child welfare authorities in some cases resulting in the removal of the newborn from family custody. Women who have tested positive for drugs administered during labor, women in federally approved methadone treatment programs, and women whose drug use in no way compromises their parenting ability have had their children taken from them. Media hype and misinformation about the relative harms of illegal drugs distracts attention from far greater risks to maternal, fetal, and child health including poverty and lack of health insurance. False claims about the effects of illegal drugs have also contributed to hundreds of unjustified arrests of pregnant women and thousands of families undermined by punitive and unauthorized civil child welfare interventions.

Low-income women and women of color have been disproportionately targeted for these punitive interventions and are among those with the least access to drug treatment and other health services.