

Resolution to Oppose the Mandatory Drug Testing of Pregnant Women

WHEREAS drug use and addiction is a public health issue, not a criminal one, and needs to be dealt with accordingly^{1,2}, and

WHEREAS it has been documented that the practice of drug testing pregnant women does not decrease rates of drug use, but instead results in the avoidance of prenatal care^{3,4}, and

WHEREAS the women who may be tested for drug use during pregnancy are the same women who especially need prenatal care because they often are also drinking alcohol, have little access to healthy foods, are smoking cigarettes, and are not taking or do not have access to prenatal vitamins^{5,6}, and

WHEREAS negative birth outcomes are generally more a reflection of poverty-associated deprivations than drug exposure⁷, and

WHEREAS while the intention of the physician may be to improve the woman's health through testing and reporting, it will most likely affect her eligibility for state assistance which in turn could gravely affect her health and access to care⁸, and

WHEREAS when medical professionals become involved in criminalizing their patients, the doctor-patient relationship is compromised⁹, and

WHEREAS the AAFP has policies supporting the autonomy of medical practice from legislative mandates that are not evidence-based (need footnote)

WHEREAS when women do test positive for drugs during pregnancy, they are often sent to jail or required to attend a rehabilitation program¹⁰, and

¹ Lynn M. Paltrow and Jeanne Flavin, "Arrests of and Forced Interventions on Pregnant Women in the United States, 1973–2005: Implications for Women's Legal Status and Public Health," *Journal of Health Politics, Policy and Law*, January 15, 2013, 1966324, doi:10.1215/03616878-1966324.

² Cheryl S. Broussard et al., "Maternal Treatment with Opioid Analgesics and Risk for Birth Defects," *American Journal of Obstetrics and Gynecology* 204, no. 4 (April 2011): 314.e1–314.e11, doi:10.1016/j.ajog.2010.12.039.

³ D. Orentlicher, "Legal Interventions During Pregnancy: Court-Ordered Medical Treatments and Legal Penalties for Potentially Harmful Behavior by Pregnant Women," *JAMA-Journal of the American Medical Association* 264, no. 20 (1990): 2663–70.

⁴ Committee on Substance Abuse, "Drug-Exposed Infants," *Pediatrics* 86, no. 4 (October 1, 1990): 639–42.

⁵ Michael C. Lu and Neal Halfon, "Racial and Ethnic Disparities in Birth Outcomes: a Life-course Perspective," *Maternal and Child Health Journal* 7, no. 1 (2003): 13–30.

⁶ Enid Logan, "The Wrong Race, Committing Crime, Doing Drugs, and Maladjusted for Motherhood: The Nation's Fury over 'Crack Babies'," *Social Justice*, 1999, 115–38.

⁷ Ibid.

⁸ Meda Chesney-Lind and Marc Mauer, *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* (New Press, The, 2003),

https://books.google.com/books?hl=en&lr=&id=RFERBgAAQBAJ&oi=fnd&pg=PR7&dq=Invisible+Punishment:+The+Collateral+Consequences+of+Mass+Imprisonment.&ots=kZmO7kAiAA&sig=2KGTOEqldelD6C9_JfqBbe2gf_s.

⁹ Abuse, "Drug-Exposed Infants."

WHEREAS very few rehabilitation programs will accept pregnant patients because there is high liability associated¹¹, and

WHEREAS for women who are sentenced to jail, the risk of miscarriage increases to one in three women¹², and

WHEREAS for women sentenced to prison, in addition to the risk of miscarriage, many women who do give birth in prison are either shackled or chained for all or most of the delivery process¹³, now therefore be it,

RESOLVED that in the interest of both patients and providers, the _____ State Academy of Family Physicians opposes the creation of legislation that requires physicians to do mandatory drug testing on pregnant women and be it further,

RESOLVED that the __AFP's delegates to the AAFP Congress of Delegates will present a resolution for the AAFP to oppose the practice of mandatory drug testing women during pregnancy.

¹⁰ Jeanne Flavin and Lynn M. Paltrow, "Punishing Pregnant Drug-Using Women: Defying Law, Medicine, and Common Sense," *Journal of Addictive Diseases* 29, no. 2 (April 16, 2010): 231–44, doi:10.1080/10550881003684830.

¹¹ Ibid.

¹² Anannya Bhattacharjee and Jael Silliman, eds., *Policing the National Body: Race, Gender and Criminalization in the United States* (Cambridge, Mass: South End Press, 2002).

¹³ "Shackling Incarcerated Pregnant Women: Shackling Incarcerated Pregnant Women," *Journal of Obstetric, Gynecologic, & Neonatal Nursing* 40, no. 6 (November 2011): 817–18, doi:10.1111/j.1552-6909.2011.01300.x.