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.

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

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 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.