



## Building Healthy Families by Promoting Drug Treatment

Access to substance abuse treatment for pregnant women struggling with addiction is a serious issue that affects families and communities around New Mexico over multiple generations.

Fear and stigmatization often discourages pregnant women from seeking drug treatment, and in some cases may even prevent them from entering prenatal care.

This Memorial will bring together a **taskforce hosted by the Governor's Women's Health Council** to protect families by investigating barriers and supporting increased access to treatment for pregnant women with drug addictions.

### What are the Benefits of Treatment vs. Prosecution?

The state needs to enable women to access the services that do exist and create new ones to address the needs of women in rural areas with inadequate resources.

Criminal arrests and prosecutions of pregnant women struggling with drug addictions or other health problems is contrary to law, scientific research, and the overwhelming consensus judgment of medical practitioners and their professional organizations.<sup>i</sup>

*The threat of arrest and prosecution prevents many pregnant women from seeking prenatal care and substance abuse treatment.*

The threat of punishment prevents many pregnant women from telling their health care providers any information about drug use - out of fear that the disclosure will lead to possible criminal sanctions<sup>ii</sup>. This information is essential to the delivery of appropriate prenatal care and referral to substance abuse treatment.

Prominent public health and medical organizations agree that a punitive approach to drug use during pregnancy has been shown to erode women's willingness to seek health care or to confide in their health care providers if they do seek such care.

Encouraging women to seek prenatal care and substance abuse treatment promotes the state's dual interests in protecting and promoting healthy families.

Organizations that support treatment, not prosecution of pregnant women include:

*American College of Obstetricians and Gynecologists – NM Section, NM Public Health Association, NM Nurses Association, American College of Physicians, National Association of Social Workers, National Association of Social Workers - NM, the American Academy of Pediatrics, and the New Mexico Women's Agenda.*

The taskforce will address ways state agencies can better target and coordinate existing resources and collaborate on strategic plans to identify local and state substance abuse issues and resources for pregnant women using substances.

<sup>i</sup> Southern Regional Project on Infant Mortality, A Step Toward Recovery: Improving Access to Substance Abuse Treatment for Pregnant and Parenting Women 21 (1993); American Medical Ass'n, Legal Intervention During Pregnancy, 264 JAMA 2663, 2667 (1990); American Society of Addiction Med., Bd. of Directors, Public Policy Statement on Chemically Dependent Women and Pregnancy (Sept. 25, 1989); United States General Accounting Office, ADMS Block Grant: Women's Set Aside Does Not Assure Drug Treatment for Pregnant Women 5, 20 (1991); G. Annas, Protecting the Liberty of Pregnant Patients, 316 New Eng. J. Med. 1213, 1214 (1987)

<sup>ii</sup> American Medical Association, Legal Intervention During Pregnancy. Court-ordered medical treatments and legal penalties for potentially harmful behavior by pregnant women, 264 JAMA 2663, 2667 (1990); S.R. Kandall, Substance and Shadow: Women and Addiction in the United States 278-79 (1996).