

APA Official Actions

Position Statement on Assuring the Appropriate Care of Pregnant and Newly-Delivered Women with Substance Use Disorders

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Issue:

Several state governments have criminalized maternal substance use through a variety of legal and legislative means. Women have been prosecuted and incarcerated for using substances during their pregnancy on the grounds of “prenatal child abuse,” including those that experience miscarriage or stillbirth. This criminal legal approach has no proven benefits for maternal or infant health and disproportionately impacts Black, Indigenous, and People of Color (BIPOC) and low-income individuals. Furthermore, it likely confers additional harms to both women and children by serving as a deterrent to women seeking prenatal care and substance use treatment, increasing the rate of maternal-child separation, and broadly increasing stigma related to this issue. This legal-prosecutorial approach has been associated with increased infant mortality, increases in child abandonment, and a decrease in women seeking care.

APA Position:

- 1. The APA opposes the criminalization of addiction, a chronic medical condition, as a primary tool to address perinatal alcohol, tobacco, and other substance use disorders. Substance use during pregnancy should be addressed as a treatable medical condition. Addiction should not be considered child abuse or neglect nor should it be a sufficient basis for civil or criminal charges.**
- 2. The APA opposes mandatory reporting of substance use and/or a positive drug screen alone in pregnant and newly-delivered women, absent additional facts and/or factors that would constitute a basis for child abuse or neglect reporting.**

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