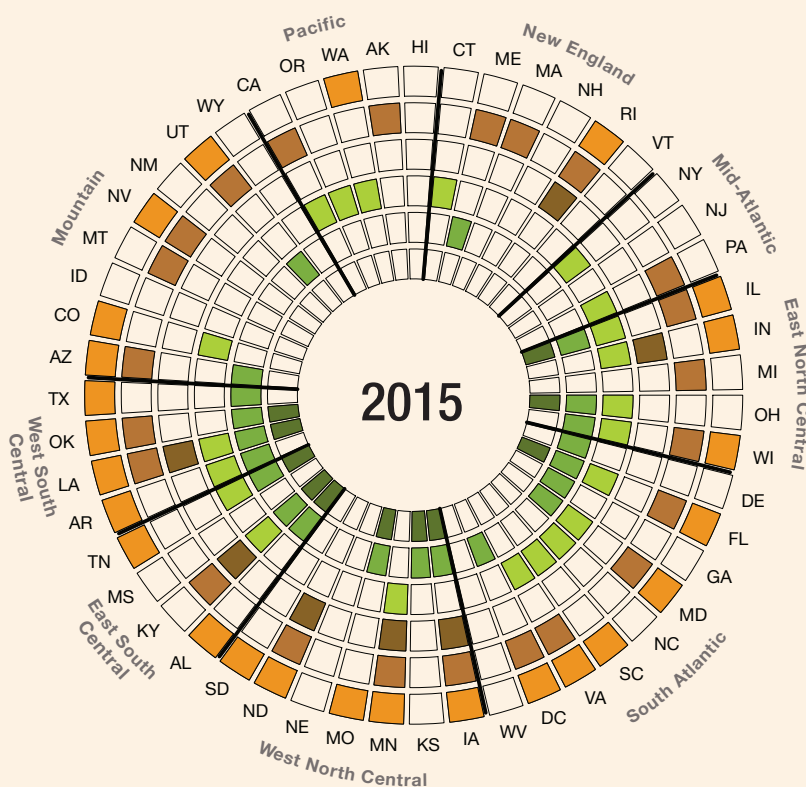
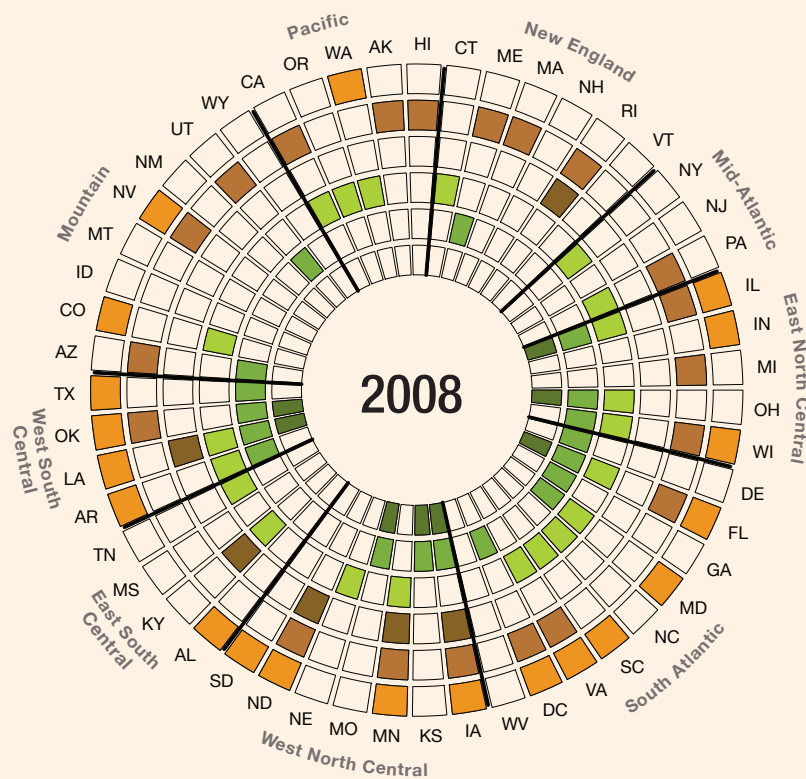
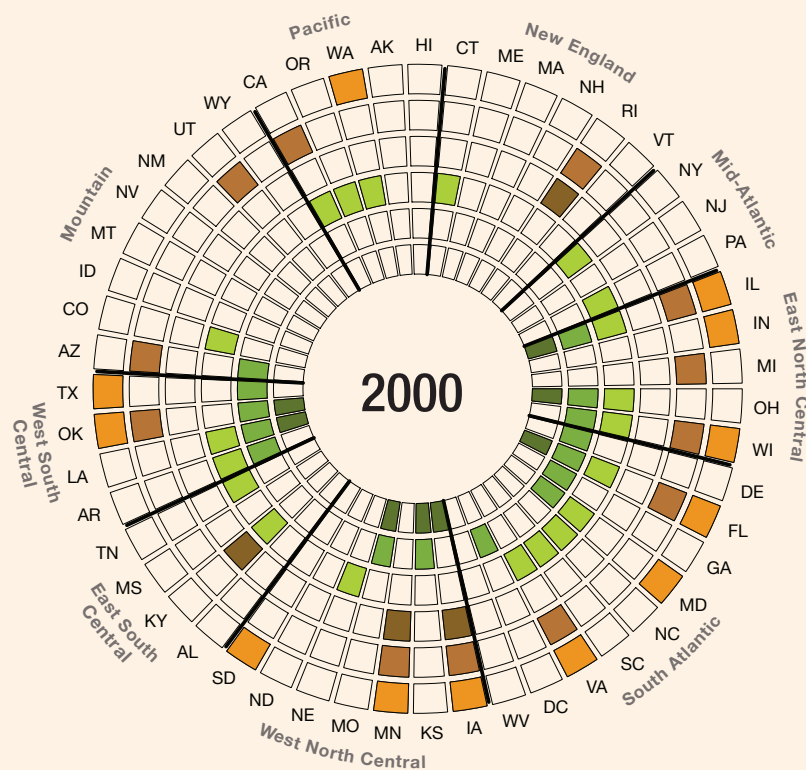


STATE POLICIES RELATED TO Substance Use in Pregnancy



- Punitive
- Reporting
- Testing
- Targeted program
- Priority access
- Protected from discrimination

About These Policy Wheels

Policy wheels provide a visual overview of policy evolution and geographic concentration. The policy wheels shown here were created for six state policies related to substance use in pregnancy.^{1,2} Each wheel shows which policies were in effect in which states as of the year 2000, 2008, or 2015, respectively.

The shades of orange indicate punitive or potentially punitive policies that

- 1. define substance use in pregnancy as child abuse or neglect, criminalize it, or consider it grounds for civil commitment (“punitive”)
- 2. require reporting of suspected prenatal substance use to officials at local health and human services departments (“reporting”)
- 3. mandate testing of infants with suspected prenatal substance exposure or pregnant women with suspected substance use (“testing”).

The shades of green indicate treatment-supportive policies that

- 1. create or fund targeted programs for pregnant and postpartum women with substance use disorders (SUDs) (“targeted program”)
- 2. prioritize pregnant women’s access to SUD treatment programs (“priority access”)
- 3. prohibit discrimination against pregnant women in publicly funded SUD treatment programs (“protected from discrimination”).

Policy Trends

The policy wheels show the evolution from 2000 to 2015 of state policy environments related to substance use in pregnancy. The number of states that had no policies specific to substance use in pregnancy dropped from 16 in 2000 to 10 in 2015. Punitive or potentially punitive policies were more commonly enacted than were policies supporting treatment for pregnant women with SUD; overall, there was no clear geographic pattern. In 2015, 25 states considered SUD in pregnancy to be child abuse, grounds for civil commitment, or a criminal act—nearly double the number in 2000. In contrast, there was only a modest increase in the number of states (from 29 to 33) with at least one treatment-supportive policy; the increase occurred predominantly between 2008 and 2015 and was concentrated in the East South Central region.

By 2015, the number of states that had only punitive or potentially punitive policies had increased from 6 to 8, while the number of states that had only treatment-supportive policies had declined from 17 to 8. The number of states with both types of policies doubled, from 12 in 2000 to 25 by 2015.

Methods and References

Information on these six policies, including effective dates, was obtained from the Guttmacher Institute,³ which annually reviews the LexisNexis database, routinely monitors state legislature and state agency websites, and conducts follow-up phone calls with policymakers, as needed. The RAND team supplemented these data with information from published studies, ProPublica, and the National Conference of State Legislatures.⁴⁻⁶

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