

HF1026 Morrison/SF1182 Benson: Amending Reporting of Prenatal Exposure to Controlled Substances



Mandatory reporting of controlled substance use after prenatal screenings leads to distrust of providers and avoidance of prenatal care during pregnancy.

HF1026/SF1182 would amend those requirements to eliminate barriers to accessing prenatal care and improve access to addiction services.

Currently Minnesota has some of the most penalizing statutes in the country regarding mandatory reporting of pregnant women who are suffering from substance abuse. These laws create barriers and often punitive consequences for pregnant individuals. Substance use reporting during pregnancy dissuades women from seeking prenatal care and may unjustly single out the most vulnerable, particularly women with low incomes and women of color.

Pregnant women deserve access to addiction services without threat of arrest or criminal punishment. Addiction is a chronic, relapsing biological and behavioral disorder with genetic components. The disease of substance addiction is subject to medical and behavioral management in the same fashion as hypertension and diabetes. Although the type of drug may differ, individuals from all races and socioeconomic levels have similar rates of substance use disorder and addiction.

Women who use drugs are already likely to receive little to no prenatal care. By continuing this punitive policy of mandatory reporting, we are further limiting access when individuals may need it most.

Drug enforcement policies that deter women from seeking care are contrary to the welfare of the mother and fetus.

Seeking obstetric–gynecologic care should not expose a woman to criminal or civil penalties, such as incarceration, involuntary commitment, loss of custody of their children, denial of welfare benefits for their children, or loss of housing.

A 2015 MN DHS survey found that:

20% of mothers with opioid use weren't diagnosed until delivery or after.

Mothers of newborns with neonatal abstinence syndrome (NAS) are

12 times more likely to have not received any prenatal care.

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