



National Advocates  
for Pregnant Women

N A P W

## **NORTH CAROLINA SENATE BILL 297: PUNISHING PREGNANT WOMEN HURTS WOMEN AND BABIES**

In 2015, the North Carolina Legislature is considering Senate Bill 297. If passed, this bill would allow the state to arrest and prosecute women whose babies are “born addicted to or harmed by the narcotic drug.” SB 297 will not keep babies healthy or help North Carolina families, but it will make it more likely that those who need support and treatment will not receive it.

SB 297 is dangerous to mothers and babies.

- Every major public health and medical association in the U.S. agrees: punishing pregnant women drives them away from prenatal care, drug treatment, and honest communication with health care providers. Undermining the health of pregnant women and their babies makes no sense at all.
- SB 297 is especially dangerous because it allows the state to prosecute pregnant women who successfully enroll in drug treatment, even though it is an important part of prenatal care for women struggling with addiction. A pregnant woman who starts and finishes drug treatment might receive a lighter sentence, but it is no defense to being arrested, prosecuted, and convicted of this crime. There is also no affirmative defense for women who seek but are turned away from treatment, nor is it clear that women in ongoing medication-assisted treatment can raise this defense.
- Doctors recommend that pregnant women who struggle with narcotic addiction take medication, like methadone or buprenorphine, because abruptly quitting can increase the risk of pregnancy complications. SB 297 would allow the state to punish pregnant women for doing exactly what doctors advise them to do to protect their pregnancies.

SB 297 does nothing to increase access to drug treatment.

- It is not easy for pregnant women to find drug treatment in North Carolina. Of the 433 drug treatment facilities in North Carolina, only 84 say they serve pregnant women. Even if a pregnant woman can find a treatment program, she may not be able to enroll because she cannot afford to pay for it, or find childcare for her other children, or have transportation to get to and from the program. SB 297 does not allocate any funding to increase treatment or to make existing treatment accessible and affordable for women who want it.

SB 297 will hurt families.



- SB 297 would allow the state to arrest and jail mothers if their babies are diagnosed with Neonatal Abstinence Syndrome (“NAS”). NAS is a treatable and temporary group of side effects that newborns may exhibit after birth if their mothers take prescribed or unprescribed narcotic drugs during pregnancy. The side effects of NAS subside more quickly if babies get to breastfeed, have skin-to-skin contact with their mothers, and room in with them after birth. Arresting new mothers during this critical time hurts their babies and disrupts bonding between mother and child.

SB 297 will put all women at risk of being investigated, but will hurt poor women and women of color the most.

- If SB 297 becomes law, then all women whose babies test positive for narcotics—prescribed or unprescribed—are at risk for being investigated. But experience teaches that this law would not be imposed fairly, and instead, poor women and women of color will disproportionately be investigated, arrested, charged, and convicted.

### **PROMOTE HEALTH, NOT PUNISHMENT.**

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