

# National Advocates for Pregnant Women

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We are still celebrating the fact that Mississippians soundly rejected the so-called “personhood” measure that would have given fertilized eggs, embryos, and fetuses separate legal rights. We know that when people understand that fetal separatist measures hurt *all* pregnant women, they mobilize. But prosecutors are still trying to use the courts to put into place the same kinds of personhood measures – only in disguise.

On the eve of the Mississippi vote, the State Supreme Court issued an opinion that could, effectively, put into place the very thing Mississippi’s voters turned down: a law that treats fertilized eggs, embryos and fetuses as if they are separate legal persons, and gives the state power to hold pregnant women criminally liable for the outcomes of their pregnancies.

This case involves Rennie Gibbs, who suffered a stillbirth and was charged with “depraved heart” murder - a law never intended as a mechanism for punishing pregnant women who experience miscarriages and stillbirths. NAPW stepped in, helping to persuade the Mississippi Supreme Court to rule on the statute’s meaning.

Although the Mississippi Supreme Court had agreed to hear the case, a full 498 days later five members of Mississippi’s Supreme Court decided the appeal had been “improvidently” granted. In other words, the Court did an about-face and held that it will not determine if Ms. Gibbs has been charged with a real crime until *after she is forced to go through the ordeal of a trial*.

NAPW and local counsel are working to get the court to reconsider its decision, one that has implications for all pregnant women in the State. NAPW is also working hard to prevent Alabama’s courts from sneaking in the equivalent of a “personhood” measure.

In Hope Ankrom and Amanda Kimbrough’s cases, a mid-level appellate court held that the state’s “chemical endangerment” statute can be used to punish pregnant women who continue their pregnancies and use any amount of a controlled substance. Alabama’s chemical endangerment law makes it a crime for a “reasonable person” to expose “a child to an environment” in which he or she permits a child to be exposed to a controlled substance. The court ruled based on two dictionary definitions of the word “child” that include the unborn. For the record, NAPW has been unable to find any dictionary definition of the word “environment” that includes a pregnant woman’s womb.

As a result of the decision, even women who take controlled substances prescribed by their health care providers could be arrested under the law. Moreover, the health care providers who prescribed that medication could also be arrested.

This absurd, dangerous, and unconstitutional interpretation of the chemical endangerment statute not only expands the war on drugs to women’s wombs, but also creates the equivalent of a “personhood” measure by making every Alabama statute that uses the word “child” - including the state’s child abuse law - applicable to pregnant women in relation to the fetuses they carry.

NAPW is working with local counsel and numerous state based and national organizations to challenge the decision in Ms. Ankrom’s case and to ensure zealous advocacy for the 40-50 other women in the state who have already been charged under this law.

**Please join NAPW in fighting personhood measures . . . in whatever guise they appear.**