

Laws that punish drug use during pregnancy likely lead to worse health outcomes for families: Study

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Contrary to some claims, laws that criminalize or otherwise punish drug use during pregnancy are more likely to worsen rather than improve health outcomes, according to a paper by researchers at Columbia University Mailman School of Public Health. The study is the first to systematically review the literature on punitive prenatal drug laws—an increasingly common state policy strategy for addressing rising rates of prenatal drug use. The findings are [published](#) in the *International Journal on Drug Policy*.

The authors collected data on the number of states with laws that explicitly allow [criminal prosecution](#) and involuntary commitment or that revoke custody rights following allegations of drug use during pregnancy. They then evaluated existing studies testing whether the enactment of such laws was associated health improvements, either for pregnant people themselves or their babies.

Of the 16 studies reviewed, the authors found that contrary to the intent of legislation, most evidence suggested that punitive laws either had no beneficial effects or made things worse. For example, four of the reviewed studies tested whether the adoption of punitive laws was associated with reductions in neonatal drug withdrawal syndrome (NDWS)—a condition that can occur after exposure to opioids and other drugs in utero. Two of the studies found little change while the two others found increased NDWS after a punitive law was adopted.

"There has been considerable concern from within legal, medical and public health communities that punitive prenatal drug policies might increase potential harms. Our findings support this premise and suggest that such approaches constitute ineffective policy," said lead author Emilie Bruzelius, Ph.D., a postdoctoral research fellow in the Department of Epidemiology.

"Identifying effective policy strategies to support pregnant people with [drug use](#) disorder outside of the criminal-legal system is an important priority," noted Silvia S. Martins, MD, Ph.D., professor of Epidemiology at Columbia Mailman School, and senior author.

Co-authors include Melanie S. Askari, Sandhya Kajeepta, Lisa Bates, Seth J. Prins (Columbia University Mailman School of Public Health), Kristen Underhill (Cornell University Law School), and Marian Jarlenski (Pittsburgh School of Public Health).

More information: Emilie Bruzelius et al, Punitive legal responses to prenatal drug use in the United States: A survey of state policies and systematic review of their public health impacts, *International Journal of Drug Policy* (2024). [DOI: 10.1016/j.drugpo.2024.104380](https://doi.org/10.1016/j.drugpo.2024.104380)

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