



For over 40 years, almost all states have enacted policies addressing alcohol use during pregnancy. These laws are categorized as punitive if they seek to control pregnant women's behavior, or supportive if they seek to provide information or treatment to pregnant women. The most common laws are:

SUPPORTIVE POLICIES:

- **Mandatory warning signs:** Require that notices be posted in settings where alcoholic beverages are sold
- **Priority treatment:** Mandate priority access to substance abuse treatment for pregnant women who abuse alcohol
- **Prohibitions against criminal prosecution:** Prohibit the use of results of medical tests as evidence in the criminal prosecution of women who may have caused harm to a fetus or a child
- **Reporting requirements:** Mandated or discretionary reporting of suspicion of or evidence of alcohol use or abuse by women during pregnancy for data collection or treatment referral purposes

PUNITIVE POLICIES:

- **Reporting requirements:** Mandated or discretionary reporting of suspicion of or evidence of alcohol use or abuse by women during pregnancy for child welfare purposes
- **Child abuse/child neglect:** Addresses the legal significance of a woman's conduct prior to the birth of a child and of damage caused in uterus, and, in some cases, define alcohol use during pregnancy as child abuse or neglect
- **Civil commitment:** Mandatory involvement or commitment of a pregnant woman to treatment or mandatory involuntary placement of a pregnant woman in protective custody of the state for the protection of a fetus from prenatal exposure to alcohol

Over the last 40 years, state policy environments related to alcohol use during pregnancy have become increasingly punitive.



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