

Lawmakers should oppose Senate Bill 1629/House Bill 1600 and instead create effective, evidence based policies to support the health of women, their children and our communities!

January 26, 2016

Dear Tennessee General Assembly,

On behalf of the undersigned organizations and the hundreds of thousands of women and families we represent in Tennessee and throughout the country, we are writing in opposition to Tennessee's fetal assault law (TCA 39-13-107) and the legislation that has been introduced to extend this dangerous policy. Not only is this law not working to ensure that pregnant women and new mothers are able to access treatment, but it has been shown to have a harmful impact on women and families in Tennessee. This law should be allowed to sunset with no extensions, expansions or replacements.

This 2014 law says that a pregnant woman or a new mother can be thrown into jail if she gives birth to a baby harmed by the use of narcotics during pregnancy, but it has been used both to punish women who have used narcotic drugs and given birth to healthy babies, as well as women who have used no drugs at all. We understand the need to address the public health issue of neonatal abstinence syndrome (NAS)*, but the recommended protocol is to keep children with their mothers and to ensure access to medication assisted treatment and other recovery services and support – not to separate families and put women in jail.

Proponents of the law claimed it was aimed at getting women into treatment, but no new funding has been made available to increase access to appropriate services for people who have diagnosed drug dependency problems. Medication assisted treatment is the recommended protocol for pregnant women. There are only 12 licensed methadone centers throughout Tennessee and they do not accept TennCare or other health insurance. Additionally, only 11 of the 39 licensed residential detox programs will accept pregnant women. Waiting lists for care can have hundreds and even over 1,000 people on them at any given time.

Women are told that they can avoid jail time if they complete a treatment program, but in actuality they are being forced into the criminal justice system because they either cannot afford paying out of pocket for medication assisted treatment or they are turned away from treatment programs because there are not enough facilities available. Further, the law discourages women from seeking prenatal care and other critical health services out of fear of being arrested. Women's human rights are at stake when going to seek healthcare results in the threat of criminal sanctions – especially in light of the disparate impact that these kinds of policies have on low-income women and women of color.

Tennessee is spending tax dollars putting mothers through the costly criminal justice system when those funds could be used to expand access to evidence based treatment programs in Tennessee that provide care for pregnant women, as well as programs that allow older children to stay with their mothers. Lawmakers should also look at developing and funding pilot maternity and infant care programs in areas of the state with high NAS rates that is based on recommendations for infants with NAS symptoms and increases the quality, safety and value of newborn care in our state.

This letter includes recommendations that will help us all support the health of women, their children and our communities. We urge Tennessee lawmakers to oppose Senate Bill 1629 and House Bill 1600. Let this harmful law sunset and instead commit to more effective, evidence-based solutions to address pregnancy and drug use.

Sincerely,

ACCESS Women's Health Justice
Advocates for Youth
American Civil Liberties Union (ACLU)
American Civil Liberties Union of Tennessee (ACLU-TN)
Amnesty International
AWAKE
Catholics for Choice
Center for Reproductive Rights
Chattanooga Organized for Action
CHOICES: Memphis Center for Reproductive Health
Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR)
The First Year Foundation Incorporated
Forward Together
Healthy and Free TN
Just City
Law Students for Reproductive Justice - Vanderbilt
Memphis Women's Fund
Mercy Junction Justice and Peace Center
Multidisciplinary Intensive Support Treatment (MIST)
Nashville Feminist Collective
National Advocates for Pregnant Women (NAPW)
National Alliance for Medication Assisted (NAMA) Recovery of Tennessee
National Asian Pacific American Women's Forum (NAPAWF)
National Asian Pacific American Women's Forum – Nashville chapter
National Council of Jewish Women (NCJW)
National Council of Jewish Women (NCJW) – Tennessee section
National Institute for Reproductive Health

National Latina Institute for Reproductive Health
National Network of Abortion Funds (NNAF)
National Partnership for Women and Families (NPWF)
National Women's Law Center
Physicians for Reproductive Health
SisterReach
SisterSong: National Women of Color Reproductive Justice Collective
SPARK Reproductive Justice Now
Tennessee Association of Alcohol, Drug & other Addiction Services (TAADAS)
West Virginia Free
Women's Fund of Greater Chattanooga
Women's Foundation for a Greater Memphis

Stop jailing women, separating families and making drug treatment harder to get.

**NAS is a set of temporary and treatable symptoms of withdrawal experienced by some newborns that are prenatally exposed to opioids.*