



the
**Drug Policy
Forum**
of hawaii

LATE

March 13, 2008

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To: Committee on Human Services and Public Housing
Committee on Public Safety

From: Jeanne Ohta, Executive Director

Re: HB 2346 HD2 Relating to Endangering the Welfare of a Minor
Hearing: March 13, 2008, 1:15 p.m., Room 016

Position: Opposed

The Drug Policy Forum of Hawaii opposes this measure. In Louisiana and Alabama, similar measures have been used to prosecute mothers of newborn babies whose infants test positive for an illegal substance.

The problem is in the broad language of the measure which may also allow the prosecution of breast-feeding mothers. The measure also does not require injury to the child.

One of the barriers to women seeking prenatal care is fear of prosecution. Good public health policy encourages women to seek the medical care that they need when they are pregnant. Measures like these may be used to arrest women and thereby scare others from seeking medical care.

Hawaii currently has a perinatal clinic which provides prenatal care and other services for pregnant, substance-using women. This type of program recognizes the importance of a public health approach to the issue of pregnant drug-using women rather than a criminal justice approach. It also recognizes the value of providing services in a supportive environment rather than a punitive one. The clinic has been successful caring for mothers who then deliver babies who are drug-free.

We encourage the committee to hold this measure to avoid unintended consequences. Thank you for the opportunity to testify.