



**Testimony for the Senate Judicial Proceedings Committee
February 6, 2020**

**SB 255 – Correctional Services – Pregnant Incarcerated Individuals –
Substance Abuse Assessment and Treatment**

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The ACLU of Maryland supports SB 255, which addresses a critical issue at the intersection of criminal justice reform and reproductive health. Specifically, this bill would require correctional units to screen pregnant incarcerated individuals at intake for substance use disorder, and refer them to reproductive and behavioral health care providers for full assessment, and with their consent, medication treatment. Correctional units would also be required to refer pregnant individuals upon release to behavioral and reproductive health care providers in the community. In so doing, this bill balances the competing interests of bodily autonomy and the safety and wellbeing of pregnant individuals under the care of correctional facilities.

The ACLU-MD, Maryland General Assembly, and Maryland Court of Appeals¹ are concerned with stigmatizing a pregnant individual's substance use, and have rejected efforts to further punish someone whose substance use may potentially put their pregnancy at risk. Instead, we recognize that this difficult issue is addressed most effectively through treatment, de-stigmatization, and support.

While this bill requires facilities to conduct an initial screening of a pregnant individual in state custody, it allows the individual themselves to choose whether to start or continue medication treatment, and ensures that decisions regarding a pregnant inmate's health and reproductive care are made by the individual with qualified medical professionals.

Just as important is the opportunity to refer women to community health providers upon release. Many women who are incarcerated in Maryland are already primary or sole caregivers to children. This bill is a proactive step to ensure women have the services and support they need for themselves and their families.

For the foregoing reasons, we urge a favorable report on SB 255.

¹ *Kilmon v. Maryland*, 905 A.2d 306 (Md. 2006)