

**House Bill 44 Correctional Services – Pregnant Incarcerated Individuals – Substance Use
Disorder Assessment and Treatment**

House Judiciary Committee

February 28, 2023

Position: SUPPORT

The Mental Health Association of Maryland is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health, mental illness and substance use. We appreciate this opportunity to present testimony in support of House Bill 44.

HB 44 requires correctional facilities to perform a substance use disorder screening of pregnant inmates at intake, and as appropriate, to refer those individuals to a behavioral health provider and a reproductive health provider. The bill also establishes requirements relating to the assessment, treatment, and release of pregnant incarcerated individuals with a substance use disorder.

The threat of criminal and civil child welfare actions against pregnant individuals with substance use disorders feeds an enduring and deadly barrier: fear. A policy of punishment has discouraged pregnant women from disclosing substance use problems and kept them out of prenatal care and social services when early therapeutic approaches can help recovery and provide support to their families.

At the same time, the number of women incarcerated has outpaced men – since 1978 it has increased nine-fold¹. Often female inmates do not learn of their pregnancy until entering a correctional facility². Hence, behavioral health and reproductive health supports at this juncture are critical. A pregnant inmate who is going to deliver for the first time may not know anything about prenatal care and requires support services to improve delivery outcomes.

An ongoing opioid epidemic in Maryland is resulting in more pregnant inmates with substance use disorders. These individuals require more attention and support to provide for a healthy pregnancy and delivery. HB 44 requires each correctional facility to use an evidence-based screening to diagnose a pregnant inmate for an opioid use disorder and then provide them with medication-assisted treatment if appropriate. As such, while incarcerated, the inmate will receive treatment to protect herself and the fetus. Upon release, HB 44 provides a pregnant inmate with a substance use disorder with an aftercare plan to continue with treatment. This requirement helps to connect them to providers and resources in the community to support their recovery.

For these reasons, MHAMD supports HB 44 and urges a favorable report.

¹<https://www.acog.org/About-ACOG/ACOG-Departments/State-Legislative-Activities/Incarcerated-Women?IsMobileSet=false> 2

²<https://www.ncchc.org/womens-health-care>