



OFFICE OF THE HENNEPIN COUNTY ATTORNEY
MARY F. MORIARTY COUNTY ATTORNEY

March 20, 2025

Dear Chair Latz and Members of the Senate Judiciary Committee,

I write in strong support of SF 1289, authored by Senator Erin Maye Quade, which would ensure that pregnant people are not charged or convicted of a crime for conduct that would not be criminalized if they were not pregnant.

As the Hennepin County Attorney, I have recently implemented a policy that reflects this critical understanding. This policy states that the Hennepin County Attorney's Office will no longer criminally charge individuals for engaging in drug use during pregnancy. This policy is rooted in research and experience, which consistently show that criminalization does not address the underlying issues and, in fact, has detrimental effects on both maternal and infant health.

Criminalizing pregnant individuals for substance use or other behaviors that may occur during pregnancy only serves to deter them from seeking the medical care and treatment they need, including prenatal care, substance abuse treatment, and mental health care. The evidence is clear: threatening incarceration does not decrease substance use but exacerbates barriers to accessing care, increases risks to the health of both the parent and the infant, and perpetuates a cycle of trauma.

Research spanning over 25 years shows that perinatal substance use disorder is closely linked to depression, intimate partner violence, and childhood trauma. Furthermore, punitive measures disproportionately affect low-income individuals and communities of color, contributing to systemic inequities in health outcomes. The threat of criminalization leads many pregnant people to avoid seeking necessary care, worsening the very conditions we seek to address.

Moreover, criminalizing pregnancy ignores the nuanced realities of substance use and health outcomes. A variety of factors, such as domestic violence, poor nutrition, and inadequate healthcare, also contribute to poor birth outcomes. Prosecuting individuals for substance use during pregnancy fails to protect fetal life and instead harms the family unit, leading to potential separation from the infant, emotional trauma, and long-term consequences for the child.

I strongly urge the Committee to support SF 1289, as it represents a more compassionate and effective approach to addressing the complex issues surrounding substance use during pregnancy. This bill will help ensure that pregnant individuals are not criminalized for circumstances that may be driven by substance use disorder, abuse, or other health-related issues, and it will encourage them to seek the care and support they need to ensure better outcomes for both parents and infants.

Thank you for your consideration.

Sincerely,

Mary Moriarty
Hennepin County Attorney

Hennepin County Attorney's Office

A-12 Government Center, 300 South Sixth Street, Minneapolis, MN 55487

www.hennepinattorney.org