



Ankrom v. Alabama; Kimbrough v. Alabama, 152 So.3d 397 (Ala. 2013)

Topics Covered: Pregnant Women's Rights

Outcome: Very Unfavorable

Issue

The issue in these cases was whether the word "child" in an Alabama criminal child endangerment statute should be construed to cover fetuses.

AMA Interest

The AMA opposes legislation that criminalizes maternal drug addiction.

Case Summary

Two pregnant mothers had ingested controlled substances, which were subsequently found in their newborn babies' blood streams. In each case, an Alabama criminal court convicted the mothers of child endangerment, although the child endangerment statute did not specifically cover acts of potential harm to fetuses. The cases were appealed to the Alabama Supreme Court and then consolidated.

A number of public health organizations, including several specialty medical societies, filed amicus briefs in the Alabama Supreme Court. Their briefs argued that an expansion of the child endangerment law to cover pregnant women who ingest illegal drugs, would on balance, be detrimental to the children's health, as such a law would deter expectant mothers from seeking prenatal care. The briefs also argued that it would be contrary to the intent of the Alabama legislature to construe the word "child" as including a fetus in the child endangerment law.

On January 11, 2013, the Alabama Supreme Court held that the child endangerment statute was intended to cover fetuses.

AMA Involvement

The AMA, along with the Medical Association of the State of Alabama, adopted some, but not all of the arguments in the amicus briefs. Specifically, the AMA and MASA adopted the arguments pertaining to public health and medical practice, but they disclaimed the arguments pertaining to legislative intent.

Alabama Supreme Court brief of Ankrom

Alabama Supreme Court brief of Kimbrough