

Informed Consent Bill May 2023 Toolkit

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Post ASAP

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Background:

Black and Brown parents have the right to informed consent, autonomy, dignity and respect, however every day these rights are violated as hospitals drug test birthing people without consent and family regulation caseworkers police new parents.

Over the last four years, JMacforFamilies, the Bronx Defenders and Drug Policy Alliance have been in conversation with activists and advocates working to end the family policing system and center the humanity of people who use drugs and parent. To do this, we need an ecosystem of changes that reimagine family safety and wellbeing, and provide support rather than surveillance and separation. Among these changes needed is the dismantling of punitive test and report practices, which violates the rights of pregnant and parenting people, most especially Black and Latine, and exposes families to traumatic family separation.

That is why **we are calling on Senate Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, and local legislators to pass the Informed Consent Bill (A.109/S.320)**, which would move healthcare toward support and away from surveillance by requiring that medical providers obtain written and verbal informed consent before drug testing pregnant people, new parents and their newborns.

Take action and show your support today by:

- (1) Posting on social media using the text below urging the legislature to pass the Informed Consent Act ([A.109/S.320](#))
- (2) Calling your state representatives and urging them to co-sponsor the Informed Consent bill and pass it this session!

Hashtags

#ReimagineSupport #SupportNotSeparation #EndDrugTesting

[Read the Coalition's letter of support to pass the Informed Consent Act.](#)

Suggested Tweets

[Single tweets]

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Black & Brown parents have the right to informed consent, autonomy, dignity & respect. But every day these rights are violated as hospitals drug test birthing people with no consent—causing traumatic family separations.

Dignified care & support is a #ReproductiveJustice issue.

[Click to tweet this](#) 

NY families & Black birthing people deserve non-judgmental, radically open support. Keeping families together by removing barriers for pregnant people to access dignified prenatal care & support is a #ReproductiveJustice and #BirthEquity issue.

Join us: bit.ly/reimagine-support

[Click to tweet this](#) 

NY families deserve policies rooted in equity, fairness & compassion! Our goal is to shrink the pathways that funnel families into the family regulation system & to ensure that families currently navigating this system are treated with dignity & respect. bit.ly/reimagine-support23

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"Having a substance use disorder during pregnancy is not itself child abuse or neglect. Pregnant ppl w substance use disorders should be encouraged to get the care & support they need...w/o fear of going to jail or losing their children" @NIDAnews director

<https://www.statnews.com/2023/02/08/addiction-pregnancy-treatment-not-criminalization>

[3-post thread]

"Test and Report" drug tests with no consent are rooted in systemic racism and unfounded stereotypes that perpetuate forms of reproductive oppression for Black, Indigenous, Latine and other communities of color.

<https://www.nytimes.com/2023/04/14/health/black-mothers-pregnancy-drug-testing.html>

Keeping families together & removing barriers for pregnant people to access dignified prenatal care & support is a #ReproductiveJustice and #RacialJustice issue.

Tell @CarlHeastie and @AndreaSCousins NYS must pass the Informed Consent Act (A.109/S.320) now! #ReimagineSupport #SupportNotSeparation #EndDrugTesting

[5-post thread]

A drug test is NOT a parenting test. A positive drug test does not equal abuse or neglect, yet hospitals still target Black mamas for non-consensual drug tests and report positive results to the family regulation system. This is a violation of people's dignity and autonomy.

NY is grappling with racial disparities in healthcare and reckoning with practices that erode patients' trust in the very system tasked with providing care & support.

"Test and report" drives fear in engaging in prenatal care & puts families at risk of traumatic separation.

A positive drug test often doesn't lead to any referral to care or drug treatment, but yet hospitals routinely report positive drug tests to family regulation system agencies (CPS).

But NY & federal law make clear that a positive test alone ≠ harm & doesn't require a report!

Black and Brown folks are targeted for non-consensual drug tests while pregnant and during labor and delivery, a particularly special and crucial time for bonding. Early and ongoing separation can cause trauma that spans generations.

All NY families – especially Black and brown families – have the right to be healthy, happy, and whole, without fear of test-and-report surveillance. We have the power to build better.

NYS must pass Informed Consent (A.109/S.320) now! #ReimagineSupport #SupportNotSeparation

Suggested Instagram and Facebook caption:

New York families deserve policies rooted in equity, fairness, and compassion! Black & Brown parents have the right to informed consent, autonomy, dignity, and respect. But every day these rights are violated as hospitals drug test birthing people with no consent—causing traumatic family separations. It's time to #ReimagineSupport.

A positive drug test does not equal abuse or neglect, yet hospitals still target Black birthing people for non-consensual drug tests and report positive results to the family regulation system.

Black and Brown birthing people are targeted for non-consensual drug tests while pregnant and during labor and delivery, a particularly special and crucial time for bonding. Early and ongoing separation can cause trauma that spans generations.

NY is grappling with racial disparities in healthcare and reckoning with practices that erode patients' trust in the very system tasked with providing care & support. "Test and report" drives fear in engaging in prenatal care and puts families at risk of traumatic separation.

A positive drug test often doesn't lead to any referral to care or drug treatment for the parent, but hospitals routinely report positive drug tests to family regulation system agencies (CPS). But NY and federal law make clear that a positive test alone does not equal harm and doesn't require a report!

Join the Informed Consent Campaign in calling on the legislature and leaders @Carl.Heastie and @andrea.stewartcousins to pass the Informed Consent Bill (S.320/A.109). Our goal is to shrink the pathways that funnel families into the family regulation system and to ensure that families currently navigating this system are treated with dignity and respect.

#ReimagineSupport #SupportNotSeparation #EndDrugTesting

Graphics

 [DOWNLOAD GRAPHICS FOR POSTING](#)

Action Alert

Substance use DOES NOT define how much people **love and care for their children**, yet Black and brown folks are consistently targeted for non-consensual drug tests.

TODAY, join us in calling on New York lawmakers to honor the **dignity and autonomy** of all birthing people and new parents by passing the **Informed Consent Bill** now!



Take action: bit.ly/IC-Toolkit2023



Informed Consent Bill

A.109 / S.320

The Informed Consent Bill will require medical providers to obtain **informed consent** from pregnant and newly parenting people before drug testing them or their newborns.







Call/Email Script

- Find and call your Assembly member: bit.ly/NYSassembly
- Find and call your State Senator: bit.ly/NYSsenator
- CALL Senate Majority Leader Stewart-Cousins: 518-455-2585
- CALL Assembly Speaker Heastie: 518-455-3791

Hello,

My name is _____, and I am a constituent who lives in _____ [WHERE YOU LIVE].

I am reaching out to urge _____ [ELECTED'S NAME] to pass the Informed Consent Act (A.109/S.320), which would ensure that healthcare providers obtain written and verbal informed consent before drug testing birthing people, new parents, and their newborns.

Every year, thousands of birthing people and their babies are targeted with non-consensual drug tests, and then, in the case of positive tests, reported to the family regulation system—better known by some as the so-called “child welfare system.” This practice to “test-and-report,” exposes families to possibility of family regulation system intervention and traumatic family separation, undermines maternal-fetal health by making people afraid to access prenatal care, and results in trauma that spans generations.

Consistent with historic responses to substance use, Black and Brown and Indigenous pregnant people, new parents, and their newborns are disproportionately targeted for non-consensual drug tests – despite studies showing that the rates of substance use are largely equal across racial and ethnic groups.

New York hospitals lack standard practices, oversight, and accountability mechanisms in regards to drug testing. While some hospitals have adopted individual drug testing policies, a patchwork approach to a state-wide issue is not enough. Families deserve a standardized, state-wide solution to drug testing that respects the autonomy of themselves and their children, and recognizes that a drug test is not a parenting test.

Will _____ [ELECTED'S NAME] pass the Informed Consent Bill to protect pregnant and parenting people and keep families together?

Thank you,

_____ [YOUR NAME]