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DEVELOPMENTS AND TRENDS IN THE LAW

Question:

How are states regulating the use of drugs and alcohol during pregnancy?

In March 2001, the United States Supreme Court announced its decision in *Ferguson v. City of Charleston*, which struck down the Medical University of South Carolina's policy of testing the urine of pregnant women for cocaine without consent, and reporting positive results to local authorities. The Court held that involuntary drug testing of pregnant women violated the Fourth Amendment's prohibition on unreasonable searches and seizures. In light of the Court's decision, the future of state regulation in this area is unclear. The following article by Jean Reith Schroedel and Pamela Fiber considers how states currently approach the regulation of drugs and alcohol during pregnancy and how the Supreme Court's decision may affect the future. Following their piece is a synopsis of each state's existing case and statutory law on the subject, which has been produced by the *Journal's* editorial staff.

