



**HB1126:
Patron: Delegate S. Chris Jones**

NARAL Pro-Choice Virginia Position: OPPOSE

HB 1126 amends the Code of Virginia to include pregnant women as possible perpetrators of intentionally causing an abortion or miscarriage, and classifies such an act as a Class 4 Felony.

Background Information:

Delegate Jones and others frequently cite the case of Tammy Skinner, who tragically shot herself in the stomach while pregnant in 2006, as the motivation behind this legislation. From the *Virginia Pilot* on March 1, 2006:

Cases in which a pregnant woman inflicts injury on a fetus are “very, very rare,” said Dr. Leah Bush, assistant medical examiner for the Tidewater Health District in Norfolk. “I have never had a woman shoot herself in the stomach to kill her unborn child, and I’ve been doing this for 20 years,” she said....Diane Sanford, head of Women’s Healthcare Partnership in St. Louis and a noted expert on pregnancy and postpartum mental health, agreed with Bush. “Yes, it’s fairly rare for pregnant or postpartum women to take the life of their child,” Sanford said. “Usually, it occurs when someone has a psychotic breakdown.” That’s what Tammy Skinner’s father, Larry, thinks happened to his daughter. He said that she has been suffering from depression for some time and that it worsened in 2001, when her 23-year-old stepsister died of brain cancer.¹

Our Position:

NARAL Pro-Choice Virginia believes that the General Assembly has the opportunity to take a **preventative rather than punitive approach** to this tragic situation by focusing instead on increased access to the diagnosis and treatment of depression in pregnant and postpartum women.

During pregnancy, about 20% of women experience depressive symptoms and about 10% of those women have a major depressive episode.² A variety of state and regional reports indicate that mental health providers are in short supply in Virginia and that mental health resources are not evenly distributed geographically, leaving many women suffering from perinatal depression without care.

- The Virginia Department of Health’s Loving Steps Program serves pregnant women and women between pregnancies that are primarily low income living in the cities of Norfolk, Petersburg and the county of Westmoreland. These women are at risk of having a poor birth outcome due to a multitude of risk factors, including depression.
- In the past two years, 376 of the 399 (94%) women receiving services through the Loving Steps program were screened for depression using the Edinburgh Postnatal

¹ “Woman Charged with Shooting Self to Cause Abortion,” The Virginia Pilot, March 1, 2006. <http://hamptonroads.com/node/71871>

² Virginia Department of Health’s Continuing Medical Education materials, “Perinatal Depression: Awareness in Action, Making a Difference,” which was available online until January 2007 at www.perinataldepression.org.

Depression Scale. Of the 376 women screened, 127 (34%) were positive for perinatal depression. Clients with a positive screen for depression were referred to a community mental health provider, but only 49 of the 127 women (39%) completed their referral.³

Depression during the perinatal period can have devastating consequences, not only for the women experiencing it but also for the woman's children and family.

- The Virginia Perinatal Provider Survey, conducted by the Virginia Department of Health in 2005, found that more than 85% of health care providers believe that perinatal depression can lead to very poor outcomes for both the mother and child.
- Researchers have found that depression during pregnancy can raise the risk of delivering an underweight baby or a premature infant because some women with depression have difficulty caring for themselves during pregnancy.⁴
- Postpartum depression can continue to affect the infant by causing delays in language development, problems with emotional bonding to others, behavioral problems, lower activity levels, sleep problems, and distress.⁵

Most cases of perinatal depression are preventable or treatable, but resources for assessment and treatment are lacking.

- According to the Virginia Perinatal Provider Survey, 78% of health care providers agreed that perinatal depression often goes undiagnosed.⁶
- The signs of depression often go unrecognized or untreated because pregnancy can cause similar symptoms, such as tiredness, problems sleeping, stronger emotional reactions, and changes in body weight.

³ Information provided by administrators of the Loving Steps Program, Virginia Department of Health.

⁴ U.S. Department of Health and Human Services, "Depression During and After Pregnancy," available at <http://www.4women.gov/faq/postpartum.htm>

⁵ *Ibid.*

⁶ Dr. Jenn Leiferman. *Perinatal Healthcare Provider Survey Results*. Virginia Department of Health, 2005.