



# Loertscher v. Anderson, 259 F.Supp. 3d 902 (W.D. Wis. 2017) (7th Cir.)

Topics Covered: Pregnant Women's Rights

## Issue

The issue in this case is whether a Wisconsin law, Wis. Stat. § 48.193, which allows government officials to take expectant mothers forcibly into custody if their consumption of drugs or alcohol poses “a substantial risk [to] the physical health of the unborn child,” is constitutional.

## AMA Interest

The AMA believes that criminal or civil sanctions for harmful behavior by a pregnant woman toward her fetus are inappropriate.

## Case Summary

A federal district court found that medical science is unable to ascertain the level of consumption of drugs or alcohol that would pose a substantial risk to the physical health of the unborn child. Accordingly, the court held, the law is, on its face, unconstitutionally vague.

The district court decision has been appealed to the United States Court of Appeals for the Seventh Circuit. Oral argument was held on October 26, 2017.

## AMA Involvement

The AMA, along with the Wisconsin Medical Society and several specialty medical societies, submitted an *amicus* brief to the Seventh Circuit. The brief argued that the law is, as the district court held, unconstitutionally vague.

United States Court of Appeals for the Seventh Circuit brief