

## Children's Health Protection Act

A recent report by the National Institutes of Health analyzed childhood health in all fifty states. It found that rising rates of pregnancy among older women has contributed to a growing number of birth defects, such as Down's Syndrome, in infants.<sup>1</sup>

To address this problem, Congress passed, and President Obama signed, the "Down's Syndrome Prevention Act". It mandates that all pregnant women over the age of 35 that visit a hospital must have their fetus tested for Down's Syndrome. State hospital inspectors are required to report any violations of this rule to the Federal Department of Health and Human Welfare. In addition, the Act incentives states to subsidize the full cost of abortions up to the point of viability for babies who test positive for Down's Syndrome by paying for 80% of the cost of these abortions through an increase in Medicaid funding.

The National Institutes of Health report also found that the state of Pennsylvania has the worst rates of infant mortality, birth defects, and child poverty in the nation. In response to this report, the Pennsylvania legislature held a series of hearings to determine why the state was last in the nation in these important areas of children's health.

The legislature determined that contributing factors to the high rate of childhood poverty in state included:<sup>2</sup>

- a) The high rate of teenage pregnancies in the state. These children are more likely to be born into poverty than children born to older mothers.
- b) The high rate of out-of-wedlock pregnancies among unmarried adults.

The legislature determined that contributing factors to the high rate of birth defects and infant mortality in the state included:<sup>3</sup>

- a) High alcohol and cigarette usage among pregnant women, both of which can cause high rates of miscarriages and birth defects.
- b) The high rate of cigarette usage in homes with young children. This secondhand smoke can cause ear infections, asthma attacks, and Sudden Infant Death Syndrome (SIDS).
- c) The high rate of infant delivery at home rather than in hospitals. Studies show that home deliveries are significantly riskier to both babies and mothers than deliveries in hospitals.<sup>4</sup>
- d) The lack of emergency room facilities in rural health clinics.

To address these problems, the state of Pennsylvania passed the "Children's Health Protection Act". It has two sections:

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<sup>1</sup> See, e.g., <http://www.nytimes.com/2007/01/09/health/09preg.html>

<sup>2</sup> See, e.g., <http://www.thenationalcampaign.org/why-it-matters/pdf/poverty.pdf>

<sup>3</sup> See, e.g., <http://www.cdc.gov/reproductivehealth/tobaccousepregnancy/>

<sup>4</sup> See, e.g., <http://ftp.iza.org/dp6879.pdf>

### **I. Reducing childhood poverty**

- 1) In order to prevent teenage pregnancies, children under the age of 18 may not engage in any sexual activities.
- 2) Unmarried persons that are 18 and older must use birth control when engaging in sexual activities.

### **II. Reducing birth defects and infant mortality**

- 1) No persons may smoke tobacco-products or drink alcohol while pregnant. Also, no persons may smoke within 6 feet of children under the age of five years old.
- 2) All babies must be delivered in hospitals by licensed doctors.
- 3) All hospitals that deliver babies must have emergency room facilities and an intensive care unit.

Violations of the Children's Health Protection Act are subject to a \$10,000 fine and up to one year in prison.

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