

FASD Policy: From “Big Picture” to Grassroots

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Part I

FASD: Good Laws with
Intended Consequences

Goals for Discussion

- Good laws
 - Good Results
 - No unintended consequences that are harmful
- No Ineffective Laws
- Use Law and Policy to advance the prevention of FASD; Provide treatment for FASD
- Maintain a clear research focus on alcohol and FASD
- STOP MERGER of NIDA and NIAAA

- **Grand Forks mom pleads guilty in drunk breastfeeding case**
- In an unusual case that's received international attention, a Grand Forks mother who police say was “extremely intoxicated” while breastfeeding her 6-week-old pleaded guilty to child neglect Tuesday.
- The charge carries a maximum penalty of five years in prison and a \$5,000 fine.

<http://www.grandforksherald.com/event/article/id/123887>

Ferguson v. City of Charleston

Supreme Court of the United States

South Carolina enacted a law that makes the use of an illegal or illicit substance during pregnancy a Class D felony.



Problem Statement

- Bad Laws (and policy) do not meet either the needs of community or those persons who are affected by FASD.
- Unintended consequences can harm; Can the law fulfill our intentions?
- Law is seldom based on knowledge created by research.
- Bad policy is often driven by strong emotion.

Looking at Law about FASD

- Research on effects and consequences of law and policy is limited.
- Anecdotal is not research.
 - Individual observations can harm if applied without understanding culture and circumstances.
 - Individual usually does not make good law for group.

A Taxonomy to Consider Public Health Law (including FASD related statutes)

- Underlying Premises:
 - Recognize a hierarchy in the severity of law.
 - Allocate resources to the creation of the law related to the level of interference with individual liberty or rights.
- Resources will include rigor of legislative scrutiny and consideration as well as level of research based evidence.

Laws regulate behavior of humans and agencies with varying degrees of rigor.

- Civil Statutes
- Criminal Statutes
- Regulations (policy implementation) are promulgated to assist agencies in complying with legislative mandates.
 - State
 - Federal (CFR)

Levels of Action in Civil Statutes

Government
Performs

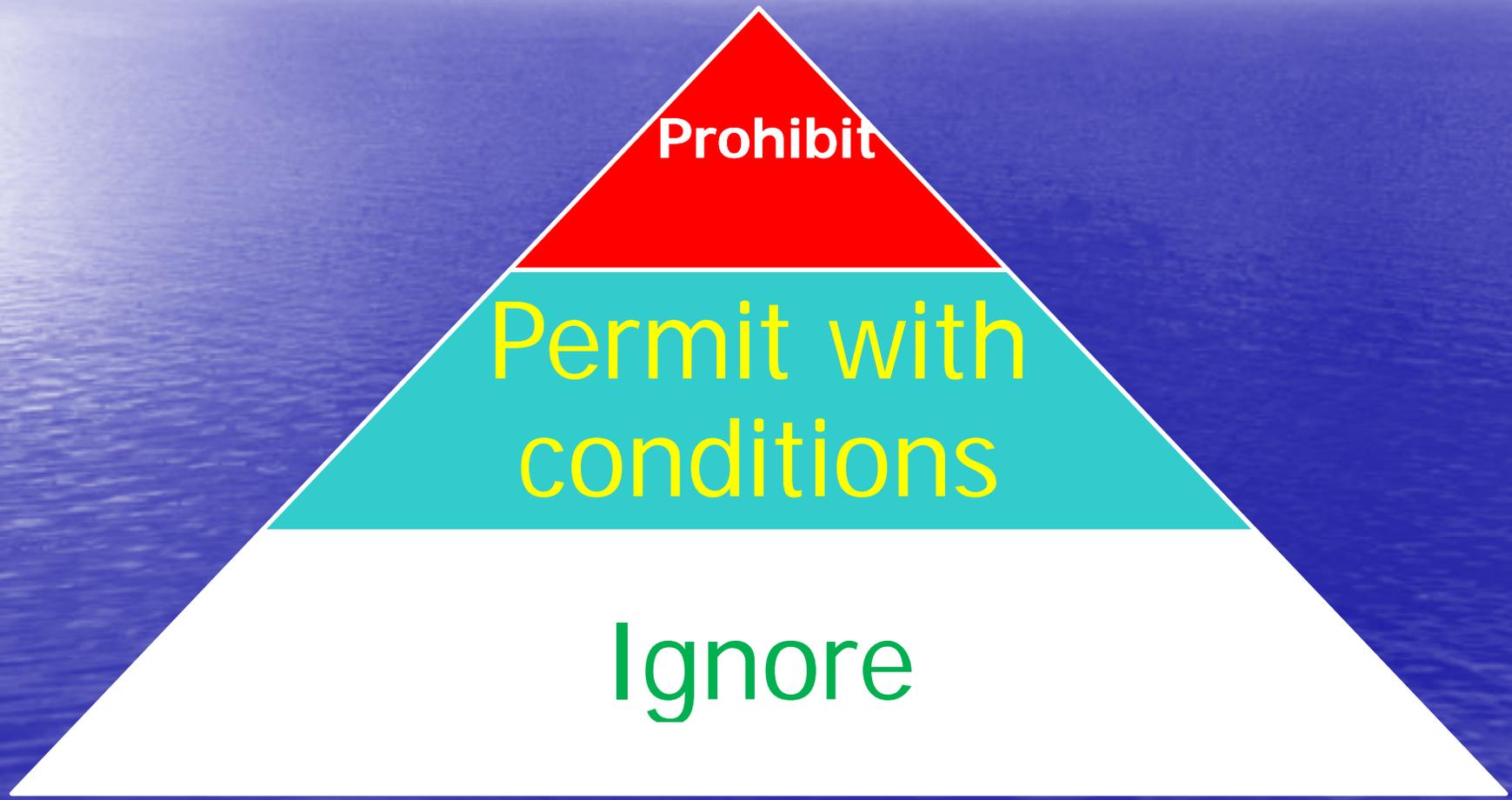
Government
Requires Performance

Government Assists or
Facilitates Performance

GOV'T PERMITS

Government Ignores

Statutory Classes for Criminal Laws



The Top of Each Pyramid

- Is the most expensive level in effort and dollars in terms of **visible** tax dollars
- Interferes the most with individual autonomy and choice.

However, the top levels of the pyramids are not necessarily supported by adequate legislative attention or good research.

WE have NOT justified some of the statutory consequences.

Can we consider linking levels of evidence to statutory requirements?

- The first example of spending a lot of resources with little research is filing criminal charges against the pregnant mother.
- Criminal vs civil order to treatment

Civil Statutes Re: FASD

- Support and fund research
- Education
- Issuance of Marriage Licenses
- Service of Alcohol to pregnant women
- Warning labels on alcohol beverages
- Warning signs in alcohol serving areas
- Provision of services to pregnant women
- Provision of services to persons with a FASD
- Adoption provisions

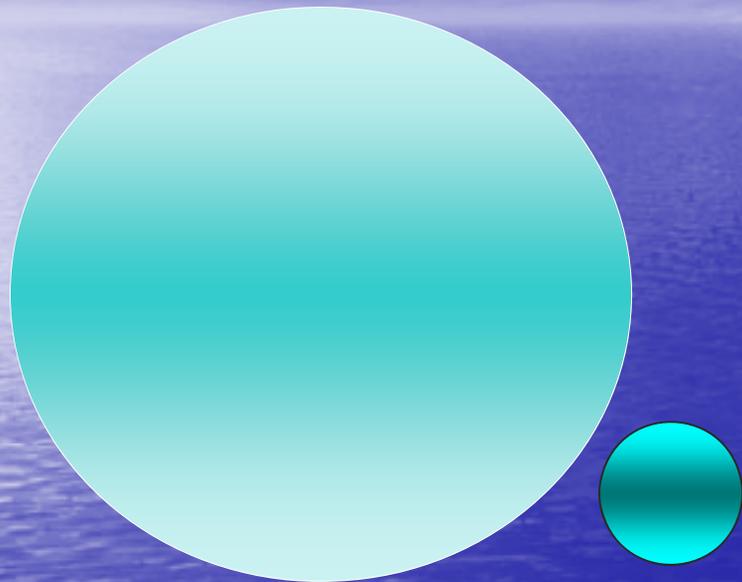
Criminal Statutes

- What do we want to prohibit?
- What do we want to treat in criminal justice system?
- **The criminal justice system is the most expensive venue.**

Part II

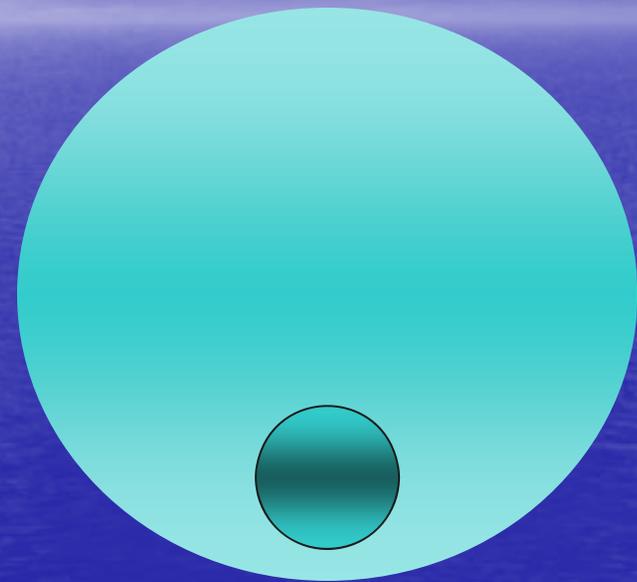
Integrating the Models

Two Competing Conceptions of FASD Policy



Little Sibling model

“Different world” focused solely on individual behavior change through education and health promotion.

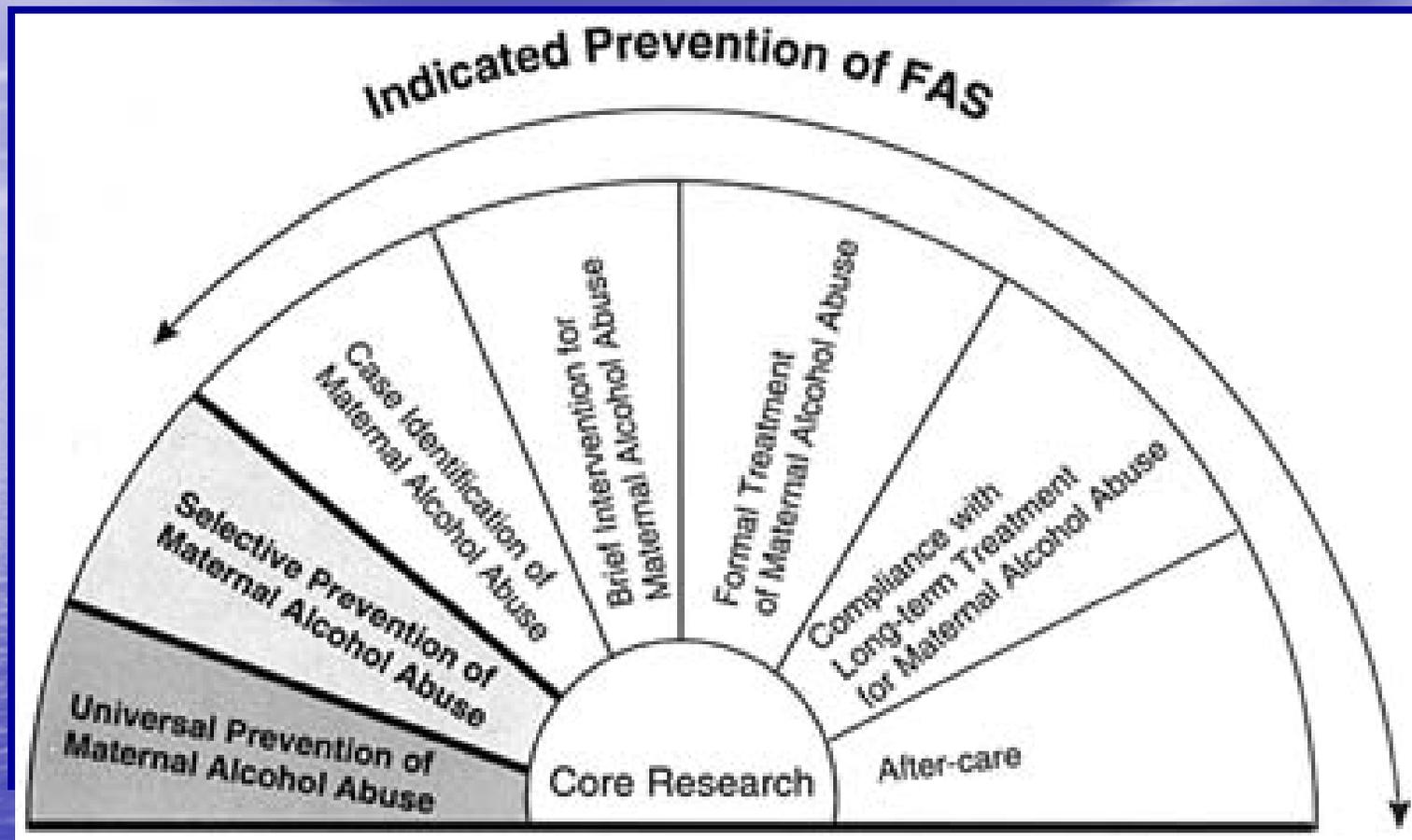


Integrated model

Specialized focus within - and consistent with - broader public health model of alcohol problem prevention.

The Case for Integration

- Alcohol use levels before pregnancy are a strong predictor of alcohol use during pregnancy (MMWR, 2009)
- About 50% of pregnancies in the United States are unplanned (Henshaw, 1998)
- Many women who continue hazardous drinking during the early, critical gestation period do so before awareness of pregnancy (Floyd, Decouflé, & Hungerford, 1999)
- Binge drinking among young women has been on the increase, with reports of girls aged 12-14 bingeing more than boys that age (Naimi, *et al.*, 2003; Miller, *et al.*, 2007)
- States with higher drinking rates have increased likelihood of alcohol-exposed pregnancies (CDC, 2004; Nelson, *et al.*, 2004; SAMHSA, 2008)



The intervention spectrum for fetal alcohol syndrome.

(Stratton, Howe, & Battaglia, 1996; adapted from Institute of Medicine, 1994)

Integrating Levels of FASD Prevention

Targeted prevention & intervention strategies, at the:

- ◆ Universal
- ◆ Selected
- ◆ Indicated levels

(Stratton, Howe, & Battaglia, 1996)

+

Population-level strategies which reduce overall levels of alcohol consumption & risky drinking patterns among women of childbearing age.

- ◆ Increased taxes
- ◆ Regulation of alcohol outlet density
- ◆ Maintaining limits on hours/days of sale
- ◆ Enhanced enforcement of MLDA
- ◆ Dram shop liability
- ◆ Maintaining state alcohol monopolies

Integration: FASD-Specific Effects

Intervention	General	FASD-Specific
Increasing alcohol taxes	Strong evidence of effectiveness	<i>Zhang (2010)</i> <i>Sen & Swaminathan (2005)</i>
Regulation of alcohol outlet density	Strong evidence of effectiveness	<i>Sen & Swaminathan (2005)</i>
Enhanced Enforcement of Laws Prohibiting Sales to Minors	Sufficient evidence of effectiveness	<i>Fertig & Watson (2009)</i>
SBIRT	Best Practice: WHO Effective: Cochrane Collaboration <i>(Kaner, et al., 2007)</i>	<i>Tsai, Floyd, & Bertrand (2007)</i>

Women as Growth Market

“And by the mid 1970s, the women’s market had become a hot prospect for several reasons. Since fewer women drank than men, the female market possessed a healthy growth potential”

The invisible alcoholics: Women and alcohol abuse in America (1980), p. 67



Women as Growth Market



“Alesha Dixon, singer and ‘Strictly Come Dancing’ judge, was in Dublin today to help launch the drink. ‘It’s my kind of drink; effortlessly stylish, really feminine and sophisticated,’ she said.

<http://www.irishpressreleases.ie/2011/04/06/alesha-dixon-teams-up-with-diageo-to-launch-eve/>



Women &
WHISKIES

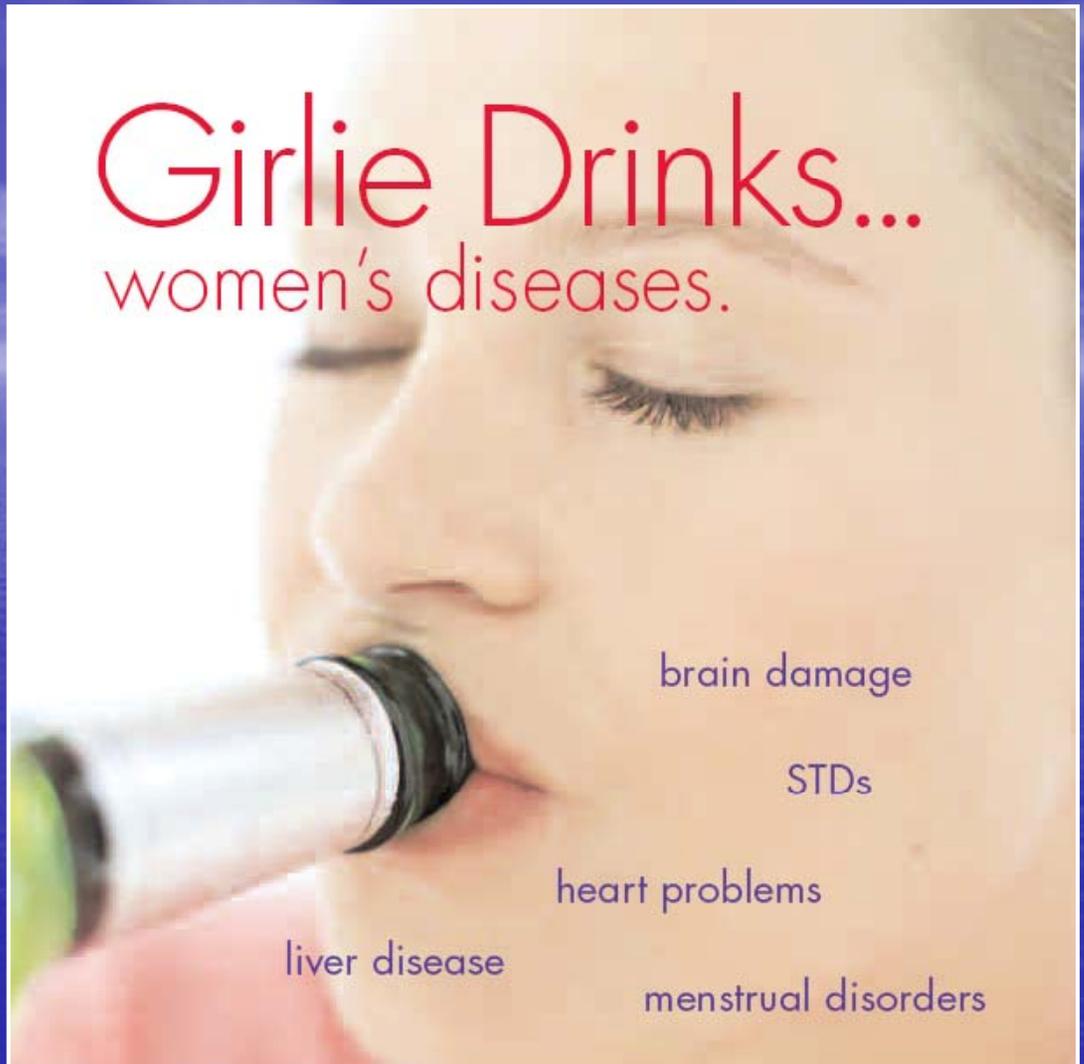
“One of my good friends was working a PR event in NYC recently called Women and Whiskies sponsored by Skyy Spirits. It combined successful women and strong liquor.”

<http://tasty-eating.blogspot.com/2010/12/event-women-whiskies.html>

www.facebook.com/womenandwhiskies

Alcopops & the Feminization of Binge Drinking

Girlie Drinks... women's diseases.



brain damage

STDs

heart problems

liver disease

menstrual disorders

A third of all girls older than 12 have tried a popular new alcoholic beverage. Known as "girlie drinks" or "alcopops," their sweet fruity flavor can't conceal the negative health consequences. Companies market these "starter drinks" to appeal to girls and young women. Don't be taken in.

American Medical Association
Physicians dedicated to the health of America



www.AlcoholPolicyMD.com



Action Steps

- **Support** efforts in your state to enact evidence-based, public health alcohol policies.
- **Connect & collaborate** with the broader alcohol prevention/treatment/recovery community.
- **Push back** against industry marketing attempts to increase consumption among girls and women.
- **Refuse** industry money. The price is too steep.

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