



## **Organizations and Individuals in Support of Arizona Mother Found to Have Committed Child Neglect for Legally Using Medical Marijuana to Treat Hyperemesis Gravidarum During Her Pregnancy**

### **Amici Organizations:**

#### **National Advocates for Pregnant Women**

Amicus Curiae National Advocates for Pregnant Women ("NAPW") is a nonprofit organization that advocates for the rights, health, and dignity of all people, focusing particularly on pregnant and parenting women, and those who are most likely to be targeted for state control and punishment. Through litigation, representation of leading medical and public health organizations and experts as amicus, and through organizing and public education, NAPW works to ensure that people do not lose their constitutional, civil, and human rights as a result of pregnancy. The organization also conducts research and has published a peer-reviewed study on prosecutions of and forced medical interventions on pregnant women. NAPW believes that health and welfare problems, including substance use disorders, should be addressed as health issues not as crimes, and promotes policies that actually protect maternal and child health as well as families.

#### **Academy of Perinatal Harm Reduction**

Amicus Curiae Academy of Perinatal Harm Reduction is a source for evidence-based, stigma-free education and support. Our mission is to improve the lives of pregnant and parenting people who use substances. Our collaborative approach provides a fresh framework for multi-disciplinary, critical analysis of the most current research.

#### **Americans for Safe Access Foundation**

Amicus Curiae Americans for Safe Access Foundation ("ASA") was founded in 2002 and now has over 150,000 active supporters in all 50 states. ASA is the largest national member-based organization of patients, medical professionals, scientists and concerned citizens promoting safe and legal access to cannabis for therapeutic use and research. ASA works to overcome political, social and legal barriers by creating policies that improve access to medical cannabis for patients and researchers through legislation, education, litigation, research, grassroots empowerment, advocacy and services for patients, governments, medical professionals, and medical cannabis providers.

#### **Arizona Attorneys for Criminal Justice**

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Amicus Curiae Arizona Attorneys for Criminal Justice (“AACJ”), the Arizona state affiliate of the National Association of Criminal Defense Lawyers, was founded in 1986 in order to give a voice to the rights of the criminally accused and to those attorneys who defend the accused. AACJ is a statewide not-for-profit membership organization of criminal defense lawyers, law students, and associated professionals dedicated to protecting the rights of the accused in the courts and in the legislature, promoting excellence in the practice of criminal law through education, training and mutual assistance, and fostering public awareness of citizens’ rights, the criminal justice system, and the role of the defense lawyer. AACJ has a strong interest in enforcement of the Arizona Medical Marijuana Act, and in furtherance of that interest, it has filed amicus curiae briefs in every major criminal case before the Arizona Supreme Court and also in cases before this court.

### **Arizona Center for Women’s Advancement**

Amicus Curiae Arizona Center for Women’s Advancement (“ACWA”) is Arizona’s first think tank and advocacy organization dedicated to women’s issues and organizations. ACWA conducts research on the status of women and girls in Arizona and the best practices that effectively address the challenges we identify. ACWA also has an active advocacy arm, which represents women’s organizations and interests at the Arizona Legislature. We have helped to lead Arizona’s Reproductive Rights Coalition. We also work to assure resources and support for struggling families: pre-natal health care, education, child care, safety net services, pay equity, and more.

### **Arizona Justice Alliance**

Amicus Curiae Arizona Justice Alliance (“AJA”) was established in 2012 as a network of groups working on issues related to criminal justice and prison issues. The mission of Arizona Justice Alliance is to identify and recommend changes to Arizona’s justice-related laws and practices to preserve and enhance public safety, reduce prison populations, and decrease corrections spending so that state resources can be invested in critical services that prevent crime, protect citizens and fulfill state priorities.

### **Arizona National Organization for Women**

Amicus Curiae Arizona National Organization for Women (“NOW”) through legislative, political and educational initiatives works to advance women's rights and address NOW's core issues. NOW's six main issues are: 1. Eliminating discrimination and harassment in the workplace, schools, the justice system, and all other sector of society; 2. securing reproductive justice for all women; 3. Ensuring full civil and human rights for the LBGTQIA communities; 4. Ending all forms of violence against women; 5. Eradicating racism, sexism and homophobia; 6. Promoting equality and justice in our society. This lawsuit comes squarely within NOW's priority number 2.

### **Central Arizona National Lawyers Guild**

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Amicus Curiae Central Arizona National Lawyers Guild is an association dedicated to the need for basic change in the structure of our judicial, political, and economic system. We seek to unite the lawyers, law students, legal workers, and jailhouse lawyers of Central Arizona in an organization which shall function as an effective political and social force in the service of the people, to the end that human rights shall be regarded as more sacred than property interests. Our aim is to bring together all those who regard adjustments to new conditions as more important than the veneration of precedent; who recognize the importance of safeguarding and extending the rights of workers, women, farmers, and minority groups upon whom the welfare of the entire nation depends; who seek actively to eliminate racism; who work to maintain and protect our civil rights and liberties in the face of persistent attacks upon them; and who look upon the law as an instrument for the protection of the people, rather than for their repression.

### **Do Less Harm LLC**

Amicus Curiae Do Less Harm LLC is Dr Mishka Terplan's solo organization focused on education related to addiction medicine and the provision of expert testimony for pregnant and parenting individuals involved in the criminal justice system where drugs are part of the charge and conviction.

### **Doctors for Cannabis Regulation**

Amicus curiae Doctors for Cannabis Regulation (“DFCR”) serves as a global voice for physicians and other health professionals who support cannabis legalization and science-based regulation. DFCR promotes public education, research, and advocacy to support legislative changes necessary for improved public health, social justice, and consumer protections.

### **Drug Policy Alliance**

Amicus Curiae Drug Policy Alliance (“DPA”) is a 501(c)(3) nonprofit organization that leads the nation in promoting drug policies that are grounded in science, compassion, health, and human rights. Established in 1994, DPA is a non-partisan organization with tens of thousands of members nationwide. DPA is dedicated to advancing policies that reduce the harms of drug use and drug prohibition and to seeking solutions that promote public health and public safety. DPA is actively involved in the legislative process across the country and strives to roll back the excesses of the drug war, block new, harmful initiatives, and promote sensible drug policy reforms. The organization also regularly files legal briefs as amicus curiae, including in other cases pertaining to pregnant women who use drugs.

### **Ibis Reproductive Health**

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Amicus curiae Ibis Reproductive Health is an international nonprofit organization with a mission to improve women’s reproductive autonomy, choices, and health worldwide. Our core activity is clinical and social science research on issues receiving inadequate attention in other research settings and where gaps in the evidence exist. Our agenda is driven by women’s priorities and focuses on increasing access to safe abortion, expanding contraceptive access and choices, and integrating HIV and comprehensive sexual and reproductive health services. We partner with advocates and other stakeholders who use our research to improve policies and delivery of services in countries around the world.

### **If/When/How: Lawyering for Reproductive Justice**

Amicus curiae If/When/How: Lawyering for Reproductive Justice organizes the legal profession, provides direct legal support and uses litigation and policy strategies to transform the law so that everyone has the rights and resources to determine if, when, and how to create and sustain a family. If/When/How works to dismantle policies and practices that punish people for addressing their reproductive health care needs. Such punishment undermines individual and community health, and needlessly destroys families. If/When/How joins to urge the court to rectify the harm, rooted in stigma and misinformation about pregnancy and cannabis, that has been caused by the proceeding below.

### **Inez Casiano National Organization for Women**

Amicus Curiae Central Phoenix Inez Casiano National Organization for Women was founded in 2016 with six core issues: 1. Eliminating discrimination and harassment in the workplace, schools, the justice system, and all other sector of society; 2. securing reproductive justice for all women; 3. Ensuring full civil and human rights for the LBGTQIA communities; 4. Ending all forms of violence against women; 5. Eradicating racism, sexism and homophobia; 6. Promoting equality and justice in our society. This issue comes squarely in priority number 2. This chapter has consistently advocated for reproductive justice in many different ways.

### **Legal Action Center**

Amicus Curiae Legal Action Center (“LAC”) is a national public interest law firm, with offices in New York and Washington, D.C., that performs legal and policy work to fight discrimination against and promote the privacy rights of individuals with criminal records, substance use disorders, and/or HIV/AIDS. LAC has done a tremendous amount of policy advocacy work to expand treatment opportunities for people with substance use disorders and to oppose legislation and other measures that employ a punitive approach, rather than a public health approach, to addiction. LAC has also represented individuals and substance use disorder treatment programs who face discrimination based on inaccurate and outmoded stereotypes about the disease of addiction.

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### **Movement for Family Power**

Amicus Curiae Movement for Family Power works to end the Foster System's policing and punishment of families and to create a world where the dignity and integrity of all families is valued and supported. One cannot fight against the policing of families without squarely attacking mass child removals, family separation tactics, and surveillance that is waged on Black/Latinx/Indigenous and low income mothers through drug war policies.

### **NARAL Pro-Choice Arizona**

Amicus Curiae NARAL Pro-Choice Arizona is the Arizona chapter of NARAL Pro-Choice America, an organization whose network of state affiliates and chapters are dedicated to protecting and expanding reproductive freedom for all people. NARAL Pro-Choice Arizona represents more than 50,000 members statewide. For more than 50 years, NARAL has worked to guarantee that every person has the right to make personal decisions regarding the full range of reproductive choices, including preventing unintended pregnancy, bearing healthy children, and choosing legal abortion. Ensuring that pregnant people can make these decisions free from punishment is a critical piece of our mission.

### **National Coalition for Child Protection Reform**

Amicus Curiae National Coalition for Child Protection Reform (NCCPR) is an organization of professionals from the fields of law, psychology, social work, and journalism who are dedicated to improving child welfare systems through public education and advocacy. NCCPR is a tax-exempt non-profit organization founded at a 1991 conference at Harvard Law School. NCCPR is incorporated in Massachusetts and headquartered in Alexandria, Virginia. Further information about the organization is available on its website, [www.nccpr.org](http://www.nccpr.org)

### **National Council of Jewish Women Arizona**

Amicus Curiae National Council of Jewish Women Arizona is a grassroots organization that advocates for social justice within a reproductive justice framework. We are key members of the Arizona Reproductive Rights Coalition working to block legislation that would criminalize pregnancy and restrict access to the full spectrum of reproductive healthcare. Along with our National organization, our fundamental mission is to protect reproductive, constitutional and human rights and freedoms.

### **National Perinatal Association**

Amicus Curiae National Perinatal Association ("NPA") is a non-profit that works to give voice to the needs of pregnant people, infants, their families, and their healthcare providers so that collectively we can have the greatest positive impact on perinatal care in the United States. Additionally, NPA brings together

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people who are interested in perinatal care to share to listen and learn from each other. Our diverse membership is comprised of healthcare providers, parents & caregivers, educators, and service providers - all driven by their desire to support and advocate for babies and families at risk across the country.

### **National Women’s Health Network**

Amicus Curiae National Women’s Health Network (“NWHN”) was founded in Washington, DC, in 1975 to improve the health of all women by developing and promoting a critical analysis of women’s health issues. NWHN advocates for healthcare policies and programs that meet the needs of women and their families and works to defend women’s sexual and reproductive health and autonomy against threats that seek to undermine women's ability to make the best decisions regarding their own health.

### **North American Society of Psychosocial Obstetrics and Gynecology**

Amicus Curiae North American Society for Psychosocial Obstetrics and Gynecology ("NASPOG")'s mission is to promote the study and clinical application of the neurobiologic and psychosocial aspects of women’s health and well-being across the life span. The NASPOG's aim is broadly defined to include the psychological, psychophysiological, public health, socio-cultural, ethical and other aspects of such functioning and behavior. Membership is comprised of approximately 200 individuals drawn from the fields of obstetrics and gynecology, psychiatry, psychology, nursing, social work, anthropology, and other related disciplines.

### **Pima County Defender’s Office**

Amicus Curiae the Office of the Pima County Public Defender is the second largest indigent defense agency in Arizona tasked with defending those accused of felony offenses. The office represents many thousands of clients every year in criminal cases, in juvenile delinquency cases, and in dependency and termination proceedings in Pima County Juvenile Court. Its lawyers represent many parents who are approved under AMMA to use medical marijuana, and many of these cases involve attempts by the Department of Child Safety to forbid parents from using medical marijuana, despite state law to the contrary.

### **Women’s Law Project**

Amicus Curiae Women’s Law Project (“WLP”) is a nonprofit public interest legal organization working to defend and advance the rights of women, girls, and LGBTQ+ people in Pennsylvania and beyond. Throughout its history, the WLP has played a leading role in the struggle to eliminate discrimination against people based on pregnancy and reproductive capacity, representing people and amici curiae in cases involving the improper application of state criminal, child abuse, and drug delivery statutes to pregnant people and to new mothers who have used substances during or after pregnancy. The WLP

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believes that it is both unjust and counterproductive to impose punitive sanctions on pregnant people for conduct affecting their own pregnancies.

### **Amici Doctors, Medical and Scientific Experts, and Advocates**

**Amicus Curiae Ashley Bennett, MD** is a pediatrician and child rights advocate. Dr. Bennett works to promote health equity and centers the best interests of children in decisions. Dr. Bennett opposes all policies that cause harm to infants, including those that harm the mother-baby dyad.

**Amicus Curiae Monica J Casper, PhD** is Professor Emerita at the University of Arizona and the Dean of the College of Letters and Professor of Sociology at San Diego State University. Dr Casper is a sociologist of women's health, specifically reproduction, and a bioethicist. She has written widely on reproductive justice and politics, with a forthcoming book on racial disparities in infant mortality. Evidence is clear that punitive policies harm women and children, whereas policies that embrace pregnant women's autonomy support health and life.

**Amicus Curiae Wendy Chavkin, MD, MPH** is a professor of public health and obstetrics-gynecology at Columbia University's medical center. She has conducted research, published extensively, served on national commissions and testified before Congress and state legislatures about policies regarding drug use during pregnancy.

**Amicus Curiae Debra DeBruin, PhD** is the Interim Director, Center for Bioethics, Maas Family Chair in Bioethics, Associate Professor, Director of Graduate Studies, Center for Bioethics Associate Professor, College of Liberal Arts Department of Philosophy at the University of Minnesota. She is a bioethics scholar who works on ethical issues related to coercive interventions in pregnancy, which include legal actions taken against individuals for alleged behavior during their pregnancies.

**Amicus Curiae Deborah Frank, MD** is a Professor of Child Health and Well Being at Boston University School of Medicine and has published numerous peer reviewed articles on prenatal exposure to marijuana, cocaine, alcohol, and tobacco and also on malnutrition and its impact during gestation and the well being of the child after birth. She has been a pediatrician for more than 40 years.

**Amicus Curiae Caitlin Gerdt, PhD, MHS** is the Vice President for Research at Ibis Reproductive Health. Caitlin leads the development and implementation of Ibis's research agenda, and serves on the Senior Management Team. Caitlin's methodologic expertise is in study design and implementation, impact evaluation, and causal inference methods; she has authored and co-authored over 20 peer-reviewed publications. Prior to joining Ibis, Caitlin served as an Epidemiologist with Advancing New Standards in Reproductive Health (ANSIRH) at the University of California, San Francisco. She received her undergraduate degree in Human Biology from Stanford University; a Masters in Health Sciences (MHS)

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in Population, Family, and Reproductive Health from the Johns Hopkins Bloomberg School of Public Health; and a PhD in Epidemiology from the University of California, Berkeley.

**Amicus Curiae Gabrielle Goodrick, MD** is the Medical Director of Camelback Family Planning in Arizona and a physician. She trained in Family Medicine at Phoenix Baptist Hospital and worked at Planned Parenthood for 5 years before opening her own private office. She supports people's choices concerning their health and that of their children because pregnant people along with their healthcare providers must be given the choice to make the best medical decisions for a good birth outcome. Dr Goodrick opposes any policy that hinders a person's choice concerning their health and that of their children.

**Amicus Curiae Gregg E Gorton, MD, DLFAPA** is a board-certified psychiatrist with expertise in addiction (board-certified) who--during his 36-year clinical and academic career--has been Associate Clinical Professor of Psychiatry at the University of Pennsylvania Perelman School of Medicine, Associate Professor of Psychiatry & Human Behavior at Jefferson Medical College, and Clinical Associate Professor of Psychiatry & Behavioral Science at Temple University Lewis Katz School of Medicine. He is a native Arizonan currently residing in Patagonia, Arizona, who has a career-long interest in medical ethics, addiction treatment, and psychological trauma, all of which have been subjects of his professional publications.

**Amicus Curiae Erika Goyer** is a Family Advocate with the National Perinatal Association and the co-founder of the Academy of Perinatal Harm Reduction. They are a parent advocate, health educator, peer-to-peer support specialist, and community-based service provider who works with high-risk and underserved populations. Working under grants from the Health Resources and Services Administration (HRSA), Maternal Child Health Bureau (MCHB), and Children with Special Health Care Needs (CSHCN) programs they collaborate with community groups, universities, corporations, national organizations, and state agencies to improve outcomes for families of premature infants, babies born with special health care needs, children with special educational and developmental needs, and pregnant and parenting people affected by substance dependence.

**Amicus Curiae Carl Hart, PhD** is the Ziff Professor of Psychology in the Departments of Psychology and Psychiatry at Columbia University. Professor Hart has published numerous scientific articles in the area of neuropsychopharmacology. His research investigates the behavioral and neuropharmacological effects of psychoactive drugs in humans. Professor Hart has also published multiple books, including *“High Price: A Neuroscientist’s Journey of Self-Discovery That Challenges Everything You Know About Drugs and Society,”* which won the 2014 PEN/E.O. Wilson Literary Science Writing Award. His most recent book, *“Drug Use for Grown-ups: Chasing Liberty in the Land of Fear,”* is changing the national conversation on drug use. Professor Hart has appeared on multiple podcasts, radio and television shows. His essays have been published in several popular publications including *The New York Times*, *Scientific American*, *The Nation*, *Ebony*, and *Folha de S. Paulo* (Brazil’s leading newspaper).

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**Amicus Curiae Hytham M. Imseis, MD** is a Maternal-Fetal Medicine Specialist practicing in Charlotte, North Carolina. His career has been dedicated to caring for and advocating for pregnant women. He is very involved in the medical education of Obstetrician/Gynecologists across the United States for which he has won many teaching awards. He has served on the Women's Executive Board and the Ethics Committee at his hospital and has served as the Medical Director of the Mountain Area Perinatal Substance Abuse Program and the Mountain Area Health Education Teen Pregnancy Clinic. Dr. Imseis has published research articles in the American Journal of Obstetrics and Gynecology and in Obstetrics and Gynecology and currently reviews manuscripts for publication predominantly in the American Journal of Obstetrics and Gynecology and in Ultrasound in Obstetrics and Gynecology. Dr. Imseis also currently serves on the Board of Directors of National Advocates for Pregnant Women.

**Amicus Curiae Atsuko Koyama, MD, MPH** is a triple board certified pediatrician specializing in pediatric emergency medicine and adolescent medicine. As an emergency room physician, she cares for pregnant women with hyperemesis gravidarum, which if untreated can seriously compromise a woman's pregnancy. As a pediatrician, she advocates for the well being of infants and children and their families. She opposes policies and procedures that penalize pregnant women for medically indicated treatments and interfere with a mother's ability to care for her family.

**Amicus Curiae Mary Faith Marshall, PhD, HEC-C, FCCM** is the Director of the Center for Health Humanities and Ethics and Director of the Program in Biomedical Ethics at the University of Virginia School of Medicine, and co-founder of the Studies in Reproductive Ethics and Justice program at the University of Virginia School of Medicine. She was a member of the American College of Obstetricians and Gynecologists Committee on Ethics for eleven years, and is the first author of its Opinion #664, Refusal of Medically Recommended Treatment During Pregnancy. She is a member of the editorial board of the American Journal of Bioethics.

**Amicus Curiae Danielle Raiman Plummer, PharmD**, is a medication expert, patient advocate, three time survivor of Hyperemesis Gravidarum (HG), and is on the Board of Directors for the HER Foundation, a nonprofit that provides support, groundbreaking research, advocacy, and education on hyperemesis. Dr Plummer is passionate about creating personalized treatment plans using pharmacogenetics through her consulting business and blog to support women currently suffering with hyperemesis gravidarum, [www.hgpharmacist.com](http://www.hgpharmacist.com). She is passionate about improving treatment options for HG, both medically and socially.

**Amicus Curiae Dianne Post, JD** is an Arizona-based attorney who has worked in over 14 countries to design and implement fundamental legal, policy and programmatic reform on issues related to gender equality. Post works with vulnerable populations, especially women and children, in developing, transitional and developed countries to achieve their human rights and freedom from violence. Post is a gender expert in violence against women and children. She works with governments, foreign aid agencies,

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and other partners to create, reform or implement laws, train actors in the government and criminal justice sectors and empower vulnerable populations.

**Amicus Curiae Mical Raz, MD, PhD, MSHP** is the Charles E. and Dale L. Phelps Professor in Public Policy and Health at the University of Rochester, and is a board certified physician in internal medicine at University of Rochester Medical Center. She completed her residency in Internal Medicine at Yale New Haven Hospital in 2015, followed by a Robert Wood Johnson Clinical Scholars Fellowship at the University of Pennsylvania. Dr Raz's research interests lie in child welfare reform and her written scholarship has received numerous awards. Her latest book "Abusive Policies: How the American Child Welfare System Lost its Way" was published in late 2020.

**Amicus Curiae Amanda Reiman, PhD, MSW** was a professor at UC Berkeley for over ten years where she taught courses on substance abuse treatment and social work as a profession. She has been conducting social science research with cannabis for almost 20 years. There is no evidence that medical cannabis use is associated with child neglect. However, there is a great deal of research showing the negative impacts of removing a child from the home without substantiated claims of abuse or neglect. Family disruption in this case, would be the most harmful outcome for all involved.

**Amicus Curiae Louise Roth, MA, PhD**, is a Professor of Sociology at the University of Arizona. Dr Roth's work explores how organizations and laws influence justice and quality of life for women. Her research uses mixed methods to analyze the effects of organizational and legal structures on gender inequality in employment and on maternity care practices. Her book, *The Business of Birth: Malpractice and Maternity Care in the United States* and related articles in *Social Problems* and the *Journal of Health and Social Behavior*, Roth uses quantitative data on the effects of state-level laws and qualitative data from in-depth interviews with obstetricians, midwives, malpractice attorneys, hospital administrators, and health insurance executives to understand the relationship between the legal environment and birth outcomes like early induction and cesarean delivery.

**Amicus Curiae Lisa Sangoi, JD** is the co-founder and co-director for the Movement for Family Power. Lisa is committed to working in service of growing a movement for child welfare and foster system reform and abolition. Lisa has had the honor of working on a number of campaigns to roll back laws, policies and practices that punish women and mothers. She has also had the privilege of providing legal representation to women targeted by the child protection and criminal legal systems through trial and appellate advocacy. Given the intersection of the drug war and the child welfare system, Lisa spends quite a bit of time learning about drug use, pregnancy and parenting, and she regularly consults on related child welfare cases and legislation throughout the country.

**Amicus Curiae Amy Schumer** was diagnosed with hyperemesis gravidarum during her pregnancy. Schumer is an award-winning comedian and the executive producer of the HBO Max documentary miniseries "Expecting Amy" which follows her pregnancy and her experience with hyperemesis gravidarum. Through the documentary series she highlights how debilitating the condition can be.

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**Amicus Curiae Lois Shepherd, JD** is the Wallenborn Professor of Biomedical Ethics at the School of Medicine's Center for Health Humanities and Ethics and a Professor of Law and Public Health Sciences. She is an expert in the fields of health law and bioethics. Joining the faculty of the University of Virginia in 2008, she has a primary appointment in the School of Medicine's Department of Public Health Sciences and a secondary appointment in the School of Law. She is based in the Center for Health Humanities and Ethics, where she directs the Center's programs in medicine and law and is a co-director of Studies in Reproductive Ethics and Justice.

**Amicus Curiae Mishka Terplan MD, MPH, FACOG, DFASAM** is board certified in both obstetrics and gynecology and in addiction medicine. His primary clinical, research and advocacy interests lie along the intersections of reproductive and behavioral health. He is Associate Medical Director at Friends Research Institute, Deputy Chief Clinical Officer at the Department of Behavioral Health, District of Columbia, and adjunct faculty at the University of California, San Francisco where he is a Substance Use Warmline clinician for the National Clinician Consultation Center. Dr. Terplan has active grant funding and has published over 120 peer-reviewed articles with emphasis on health disparities, stigma, and access to treatment. He has spoken at local high schools and before the United States Congress and has participated in expert panels at CDC, SAMHSA, ONDCP, OWH, FDA and NIH primarily on issues related to gender and addiction.

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