

LAWS OF DELAWARE
VOLUME 83
CHAPTER 368
151st GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 345

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO MEDICAL CARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 65, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6536A. Medical care.

(a) The Department shall make reasonable accommodations for the provision of available midwifery or doula services to pregnant or postpartum women who have given birth in the last 6 weeks who are subject to the custody of the Department at Level IV or V. Persons providing midwifery or doula services must be granted appropriate facility access, must be allowed to attend and provide assistance during labor and childbirth where feasible, and must have access to the woman's relevant, otherwise protected health-care information if the woman seeking midwifery or doula services authorizes disclosure.

(b) The Department shall provide written notice to all pregnant and postpartum women subject to the custody of the Department at Level IV or V of the availability of midwifery and doula services.

(c) Definitions – As used in this section:

(1) "Doula services" means services provided by a trained doula and designed to provide physical, emotional, or information support to a pregnant woman before, during, and after delivery of a child. Doula services include the following:

- a. Support and assistance during labor and childbirth.
- b. Prenatal and postpartum educations.
- c. Breastfeeding assistance and lactation support.
- d. Parenting education.
- e. Support in the event that a woman has been or will become separated from her child.

(2) "Midwifery services" means medical aid rendered by a midwife to a woman during prenatal, intrapartum, or postpartum stages, or to a woman's newborn outside of the correctional facility up to two weeks of age.

(3) "Midwife" means a midwife licensed under Chapter 17, subchapter XIII, Title 24 or a certified nurse midwife licensed under Chapter 19, Title 24.

(d) Subject to the availability of funds, the department shall provide midwifery or doula services to pregnant or postpartum women who have given birth in the last six weeks who are subject to the custody of the Department at Level IV or V.

(e) Nothing in this section prevents the Department from adopting policy guidelines for the delivery of midwifery or doula services to pregnant or postpartum women subject to the custody of the Department at Level IV or V. Services under this section may not supplant health care services routinely provided to women subject to the custody of the department at Level IV or V.

Approved July 25, 2022