

LAWS OF DELAWARE  
VOLUME 84  
CHAPTER 423  
152nd GENERAL ASSEMBLY  
FORMERLY  
SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 106

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO MATERNAL MENTAL HEALTH.

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

Section 1. Amend Chapter 8D of Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 801D. Policy.

The maternal mental health-care policy of this State shall serve to increase the likelihood that a ~~woman~~ person who has given birth and ~~demonstrates~~ experiences symptoms of ~~maternal depression perinatal mood and anxiety disorder~~ will receive the necessary mental health treatment. The goal of this policy is to provide sufficient resources of information and support, including patient screening ~~soon after childbirth, during pregnancy, and in the postpartum period~~ for ~~women~~ people with ~~maternal depression perinatal mood and anxiety disorder~~ to decrease child abuse or neglect and the need for inpatient treatment.

§ 802D. Definitions.

As used in this chapter:

(1) "~~Maternal depression~~" "Perinatal mood and anxiety disorder" means a wide range of emotional and psychological reactions that a ~~woman~~ person may experience during pregnancy or after ~~childbirth, childbirth~~, ~~as the range of reactions is defined in the Diagnostic and Statistical Manual of Mental Disorders.~~ The reactions may include: feelings of despair or extreme guilt; prolonged sadness; lack of energy; difficulty concentrating; fatigue; extreme changes in appetite; or thoughts of anxiety and worry, ~~suicide~~ suicide, or harming the baby.

(2) "Maternal Perinatal health-care provider" means a physician, midwife, advanced practice registered nurse, registered nurse, physician assistant, or other health-care practitioner acting within his or her lawful scope of practice while attending a woman person who presents in pregnancy or the postpartum period, ~~with signs of maternal depression~~.

§ 803D. ~~Maternal depression~~ Perinatal mood and anxiety disorder materials and information.

(a) The Department shall develop written materials and information about ~~maternal depression perinatal mood and anxiety disorder~~.

(1) The materials and information shall include the symptoms and methods of coping with ~~maternal depression perinatal mood and anxiety disorder~~ and treatment resources.

(b) Maternal health-care providers shall do all of the following:

(1) Provide the materials and information developed under subsection (a) of this section to any ~~woman person~~ who presents in pregnancy or the postpartum period. ~~with signs of maternal depression.~~

(2) Encourage any ~~woman person~~ who presents in pregnancy or the postpartum period ~~with signs of maternal depression~~ to share the materials and information with ~~her baby's~~ their child's family members or caregivers and ~~her~~ their family members and caregivers.

(c) Hospitals and other health-care facilities shall do all of the following:

(1) Provide upon discharge, the materials and information developed under subsection (a) of this section to any ~~woman person~~ who presents in pregnancy or the postpartum period. ~~with signs of maternal depression.~~

(2) Encourage any ~~woman person~~ in pregnancy or the postpartum period ~~who presents with signs of maternal depression~~ to share the materials and information with ~~her baby's~~ their child's family members or caregivers and ~~her~~ their family members and caregivers.

§804D. ~~Maternal depression~~ Perinatal mood and anxiety screening.

Maternal health-care providers shall begin evaluations and take action when they recognize symptoms of ~~maternal depression in a woman or family, including when care for a baby suffers or other symptoms as defined in the Diagnostic and Statistical Manual of Mental Disorders.~~ perinatal mood and anxiety disorder, when a person screens positive for perinatal mood and anxiety disorders, or when they observe that care for a child suffers.

Approved September 24, 2024