

LAWS OF DELAWARE
VOLUME 85
CHAPTER 100
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 3

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

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:

§ 6536B. Breastfeeding and lactation program.

(a) The Department shall create a breastfeeding and lactation program to support pregnant, post-partum, and lactating women in the custody of the Department. The Department shall develop policies and procedures for the program in partnership with a contracted breastfeeding organization. The program shall include:

(1) Policies for expressing breast milk, disposal of breast milk, and same-day storage of breast milk for later retrieval and delivery to an infant or toddler. Retrieval or delivery of breastmilk must be made by an approved person selected by the lactating inmate and approved by the facility administrator.

(2) Policies for providing and sterilizing manual or electric breast pumps and storage bags.

(3) Procedures for identifying a comfortable place to pump on a regular basis that is based on national best practices.

(4) A system for proper storage of the breast milk and transfer to the infant or toddler by an approved individual.

(5) A requirement that participants are in compliance with Department drug testing policies.

(6) The dispensing of prenatal vitamins to all lactating inmates.

(7) Procedures for providing medically appropriate support and care related to the cessation of lactation or weaning.

(8) Nutrition information and a meal plan, based on national best practices, that is specific to pregnant, post-partum, or lactating women.

(b) Information regarding the breastfeeding program and policies shall be posted in all locations in the correctional facility where medical care is provided and shall be communicated to all staff persons who interact with or oversee pregnant or lactating inmates.

(c) The Department shall publish an annual report with the following information:

(1) The number of women requesting breastfeeding support.

(2) The number of women participating in the breastfeeding and lactation program.

(3) The number of women denied participation in the breastfeeding and lactation program and the reasons why the women were unable to participate in the program.

(4) The number of women expressing milk only and the number of women expressing milk for storage and transport to an infant and toddler.

(5) The number of women unable to start or continue in the program due to a failed drug screening.

(6) The number of women who receive nutrition information and a meal plan specific to pregnant, post-partum, or breastfeeding women.

(d) The Department shall submit the annual report created under subsection (c) of this section, along with the annual report created under § 6536A of this title, to the Governor, the General Assembly, and the Director and the Librarian of the Division of Legislative Services not later than January 1.

Section 2. 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.

(h) The Department shall submit the annual report under subsection (g) of this section, along with the annual report created under § 6536B of this title, to the Governor, the General Assembly, and the Director and the Librarian of the Division of Legislative Services not later than January 1.

Section 3. This Act takes effect 1 year after its enactment into law.

Approved July 21, 2025