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DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

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:

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

3 § 801D. Policy.

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

9 § 802D. Definitions.

10 As used in this chapter:

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

16 (2) "Maternal health-care provider" means a physician, midwife, advanced practice registered nurse,
17 registered nurse, physician assistant, or other health-care practitioner acting within his or her lawful scope of
18 practice while attending a ~~woman~~ person who presents with signs of ~~maternal depression~~ perinatal mood and
19 anxiety disorder.

20 § 803D. ~~Maternal depression~~ Perinatal mood and anxiety disorder materials and information.

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

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

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

26 (1) Provide the materials and information developed under subsection (a) of this section to any ~~woman~~
27 person who presents with signs of ~~maternal depression~~ perinatal mood and anxiety disorder.

28 (2) Encourage any ~~woman~~ person who presents with signs of ~~maternal depression~~ perinatal mood and
29 anxiety disorder to share the materials and information with ~~her baby's~~ their child's family members or caregivers
30 and ~~her~~ their family members and caregivers.

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

32 (1) Provide upon discharge, the materials and information developed under subsection (a) of this section
33 to any ~~woman~~ person who presents with signs of ~~maternal depression~~ perinatal mood and anxiety disorder.

34 (2) Encourage any woman who presents with signs of ~~maternal depression~~ perinatal mood and anxiety
35 disorder to share the materials and information with ~~her baby's~~ their child's family members or caregivers and ~~her~~
36 their family members and caregivers.

37 §804D. ~~Maternal depression~~ Perinatal mood and anxiety screening.

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

SYNOPSIS

This Act modernizes and expands the concept of maternal mental health by replacing the definition of maternal depression with the more encompassing definition of perinatal mood and anxiety disorder. This Act contemplates treatment for any caregiver who may be affected by perinatal mood and anxiety disorder. This Act avoids use of gender-based pronouns as recommended by the Legislative Drafting Manual.

Author: Senator Gay