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HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 426

AN ACT TO AMEND TITLE 11 RELATING TO MEDICAL SERVICES.

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

1 Section 1. Amend § 6536A, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 6536A. Medical care.

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

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

12 (c) *Definitions.* —

13 As used in this section:

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

17 a. Support and assistance during labor and childbirth.

18 b. Prenatal and postpartum ~~educations.~~ education.

19 c. Breastfeeding assistance and lactation support.

20 d. Parenting education.

21 e. Support in the event that a woman has been or will become separated from her child.

(2) “Midwife” means a midwife licensed under subchapter XIII of Chapter 17 of Title 24 or a certified nurse midwife licensed under Chapter 19 of Title 24.

(3) “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 2 weeks of age.

(d) Subject to the availability of funds, the ~~department~~ Department shall provide 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.

(e) The Department shall ensure that pregnant women subject to this section are able to meet with a doula or midwife to create a written birth plan surrounding the birth of their child. The birth plan shall include the following:

(1) Preferred methods of pain management during and after birth.

(2) A statement recommending the preferred caretaker of the newborn child.

(3) A statement on whether the woman intends to express breast milk and a plan on how the woman will do so.

~~(e)~~ (f) 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.

(g) The Department shall publish an annual report with the following information regarding pregnant and postpartum women subject to the custody of the Department at Level IV or V:

(1) The number of women eligible for doula and midwife assistance pursuant to this section.

(2) The number of times a doula or midwife is requested.

(3) The number of times a doula or midwife is provided.

(4) The reason why a doula or midwife is not provided if these services are requested.

(5) The number of birth plans created.

(6) The number of times lactation support is offered to each pregnant or postpartum woman.

(7) The number of times the doula or midwife is able to attend a birth and reasons why a doula or midwife are not able to attend a birth.

(8) The number of times a doula or midwife provided post-partum assistance.

SYNOPSIS

This Act ensures that pregnant women in DOC custody, at Level IV or V, are able to meet with a doula or midwife to create a birth plan surrounding the birth of their child. Among other things, the birth plan must include a statement

identifying a preferred childcare provider and whether the new mother wishes to express breast milk for the child. This Act further requires that the DOC publish an annual report regarding the use of doula and midwifery services within the DOC. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.