



SPONSOR: Sen. Gay & Rep. Romer
Sens. Hoffner, S. McBride, Sokola, Sturgeon; Reps.
Baumbach, Morrison, Neal

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 301

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PROVIDING MEDICATION
ABORTION PRESCRIPTION DRUGS AND EMERGENCY CONTRACEPTION.

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

1 Section 1. Amend Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as
2 shown by underline as follows:

3 Chapter 90F. Access to medication for the termination of pregnancy and emergency contraception.

4 § 9001F. Definitions.

5 As used in this chapter:

6 (1) “Provider” means an individual who is authorized to prescribe medication for the termination of
7 pregnancy or emergency contraception within the individual’s scope of practice.

8 (2) “Student” means an individual that is enrolled in the university where student health services are provided.

9 (3) “University” means an institution of postsecondary education receiving state funds with campuses
10 physically located in Delaware.

11 § 9002F. Access to medication for the termination of pregnancy and emergency contraception.

12 Except as provided under § 9004F of this title, each university with a student health center shall offer both of the
13 following, on-site:

14 (1) Medication for the termination of pregnancy.

15 (2) Emergency contraception, whether it is available over the counter, with a prescription, or dispensed
16 consistent with the requirements of Chapter 25 of Title 24.

17 § 9003F. Provision of services.

18 A consultation to provide services under this chapter may be performed by a provider at the student health center
19 or by a provider who is associated with a university-contracted external agency.

20 § 9004F. Exceptions.

21 A university that has a student health center but is not equipped or staffed to provide medication abortion must do
22 all of the following:

23 (1) Provide information and referral services for medication abortion to students at the student health center.

24 The referral must be to qualified healthcare providers who can lawfully administer medication abortion.

25 a. The referral process must include providing students with contact information for at least 2 qualified
26 healthcare providers, including telehealth providers.

27 b. If a student requests telehealth services, the university shall provide a private space for the student to
28 engage in the telehealth appointment.

29 (2) Ensure the university health services website provides comprehensive information and resources for
30 students regarding reproductive services, including prenatal care and termination of pregnancy. The information must
31 include all of the following:

32 a. Instructions on scheduling an appointment with student health services for pregnancy testing and to
33 discuss pregnancy options.

34 b. Contact information for the university's mental health services.

35 c. Links and contact information for campus resources that assist with receiving requests for academic
36 accommodations, including absences, rescheduling exams, or adjusting other academic requirements during
37 recovery from pregnancy or a medical treatment.

38 § 9005F. Confidentiality.

39 A university shall keep confidential information that a student provides to the university regarding a request for a
40 referral for medication abortion, emergency contraception, or counseling regarding reproductive health care, to the extent
41 that the information is not already protected as confidential under the Health Insurance Portability and Accountability Act
42 (HIPAA) [42 U.S.C. 1320d-2].

43 Section 2. This Act takes effect on July 1, 2025.

SYNOPSIS

Like Senate Bill No. 301, this Act, Senate Substitute No. 1 for Senate Bill No. 301 requires public universities in this state to provide access to medication for the termination of pregnancy and emergency contraception. The medication and contraception must be provided on-site, but consultation to provide them may be performed by a provider at the student health center or by a provider who is associated with a university-contracted external agency. This Act takes effect on July 1, 2025.

Senate Substitute No. 1 for Senate Bill No. 301 differs from SB 301 as follows:

- Defines the term "student."

- Provides an exception for a university that does not have a student health center, including requirements that the university provide information and referral services to students and ensure that the university's health services website provides specified information relating to reproductive services.
- Adds a requirement that universities maintain confidentiality of information a student provides relating to a request for a referral.
- Removes references to private institutions of postsecondary education.

Author: Senator Gay