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Sturgeon; Reps. Baumbach, Neal, Romer

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 300

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO CRISIS PREGNANCY CENTERS.

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

1 Section 1. Amend Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as
2 shown by underline as follows:

3 Chapter 25K. Limited services medical facilities.

4 § 2501K. Definitions.

5 As used in this chapter:

6 (1) "Client" means an individual who is inquiring about or seeking services at a limited services medical
7 facility.

8 (2) "Licensed medical provider" means a physician, physician assistant, advanced practice registered nurse,
9 radiologist, or ultrasound technician, each of whom is licensed or certified in this state and is practicing within the
10 provider's scope of practice.

11 (3) "Limited services medical facility" means a facility that meets all of the following criteria:

12 a. The facility has a primary purpose of providing pregnancy-related services.

13 b. The facility is not licensed by this state.

14 c. The facility does not have a licensed medical provider on staff or under contract who provides or
15 directly supervises, in person, the provision of each service provided at the facility.

16 d. The facility does 2 or more of the following:

17 1. Offers obstetric ultrasounds, obstetric sonograms, or prenatal care to pregnant individuals.

18 2. Offers pregnancy testing or pregnancy diagnosis.

19 3. Advertises or solicits clients with offers to provide prenatal sonography, pregnancy tests, or
20 pregnancy options counseling.

21 4. Has staff or volunteers who collect health information from clients.

22 5. Has staff or volunteers who are not licensed physicians, physicians assistants, advanced practice
23 registered nurses, licensed practical nurses, registered nurses, medical assistants, radiologists, or ultrasound
24 technicians but who dress in medical attire or uniforms that is typical of those professions, or are operating
25 without proper medical supervision under any of those professions' licensed authorities.

26 § 2502K. Requirements for a limited services medical facility; notice.

27 (a) A limited services medical facility shall disseminate to a client on site, and in print or digital advertising
28 materials including Internet websites, the following notice: "This facility is not licensed as a medical facility by the state of
29 Delaware and has no licensed medical provider who provides or directly supervises the provision of services."

30 (b) A limited services medical facility shall provide the on-site notice under this section in each of the following
31 languages:

32 (1) English.

33 (2) Spanish.

34 (3) Each language for which more than 10% of the overall population of this state speaks at home, as
35 measured by the U.S. Census. Where advertising materials are in a language other than English, the notice must be
36 provided in that language.

37 (4) Each language for which the limited services medical facility provides advertising materials.

38 (c) An on-site notice under this section must be a sign at least 11 inches by 17 inches and written in no less than
39 80-point type. The notice must be posted conspicuously at the entrance of the facility and in at least 1 additional area where
40 clients wait to receive services.

41 § 2503K. Enforcement.

42 A violation of this chapter is an unlawful practice under § 2513 of this title and a violation of Subchapter II,
43 Chapter 25 of this title.

44 Section 2. Severability. This Act is severable. If a provision of this Act or the application of this Act to a person or
45 circumstance is held invalid or preempted by federal law or regulation, the invalidity or preemption does not affect the
46 provisions or applications of this Act that can be given effect without the invalid provision or application.

47 Section 3. This Act takes effect 6 months after its enactment into law.

SYNOPSIS

This Act requires crisis pregnancy centers in this state to provide notice if the center is not licensed by this state as a medical facility and does not have a licensed medical provider who provides or directly supervises, in person, the provision of services. A violation of this Act is an unlawful practice under § 2513 of Title 6 and a violation of Subchapter II, Chapter 25 of Title 6.

Author: Senator Gay