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HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 320

AN ACT TO AMEND TITLE 24 RELATING TO PRESCRIBING MEDICATIONS FOR THE TERMINATION OF PREGNANCY.

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

Section 1. Amend Chapter 17, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1790. Termination of pregnancy before viability not prohibited; termination of pregnancy after viability limited.

(a) A physician may terminate, assist in the termination of, or attempt the termination of a human pregnancy before viability.

(b) A physician may not terminate, attempt to terminate, or assist in the termination or attempt at termination of a human pregnancy otherwise than by birth after viability, unless, in the good faith medical judgment of the physician, the termination is necessary for the protection of the woman's life or health or in the event of a fetal anomaly for which there is not a reasonable likelihood of the fetus's sustained survival outside the uterus without extraordinary medical measures.

(c) A physician assistant or an advanced practice registered nurse may prescribe medication for the termination of pregnancy including Mifeprex, Mifepristone, and Misoprostol.

SYNOPSIS

In 2000, the United States Federal Drug Administration ("FDA") first approved the Risk Evaluation and Mitigation Strategy ("REMS") for Mifeprex; and approved the generic version of Mifeprex, Mifepristone, in 2019. A regimen approved by the FDA in 2016 for Mifeprex and Mifepristone includes the use of Misoprostol. Under the REMS approved by the FDA, healthcare providers who wish to prescribe Mifepristone, Misoprostol, or Mifeprex must complete a Prescriber Agreement before ordering and dispensing the medication. Physicians assistants and advanced practiced registered nurses (APRNs) are healthcare providers who are eligible to prescribe these medications under the REMS. This bill allows physician assistants and advanced practice registered nurses to prescribe medication for the termination of pregnancy including Mifeprex, Mifepristone, and Misoprostol.