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Rep. Heffernan & Sen. Pinkney & Sen. Lockman &
Sen. S. McBride & Sen. Townsend & Sen. Brown
Reps. Baumbach, Bentz, Bolden, K. Johnson, Kowalko,
Morrison, Wilson-Anton; Sens. Gay, Hansen, Lopez,
Pettyjohn, Richardson, Sokola

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 345

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO MEDICAL CARE.

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

1 Section 1. Amend Chapter 65, 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 – As used in this section:

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

16 a. Support and assistance during labor and childbirth.

17 b. Prenatal and postpartum educations.

18 c. Breastfeeding assistance and lactation support.

19 d. Parenting education.

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

21 (2) “Midwifery services” means medical aid rendered by a midwife to a woman during prenatal, intrapartum,
22 or postpartum stages, or to a woman’s newborn outside of the correctional facility up to two weeks of age.

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

25 (d) Subject to the availability of funds, the department shall provide midwifery or doula services to pregnant or
26 postpartum women who have given birth in the last six weeks who are subject to the custody of the Department at Level IV
27 or V.

28 (e) Nothing in this section prevents the Department from adopting policy guidelines for the delivery of midwifery
29 or doula services to pregnant or postpartum women subject to the custody of the Department at Level IV or V. Services
30 under this section may not supplant health care services routinely provided to women subject to the custody of the
31 department at Level IV or V.

SYNOPSIS

This Act ensures pregnant women and women who have given birth within the past six weeks who are subject to the custody of the Department of Corrections at Level IV or V have access to midwifery and doula services by requiring the Department to make reasonable accommodations for provision of available midwifery or doula services. This Act requires the Department to establish and provide midwifery services subject to the availability of funds designated for that purpose. This Act also requires the Department to provide written notice to pregnant and postpartum women subject to the custody of the Department at Level IV or V of the availability of midwifery and doula services.