

Senate Sunset Committee Meeting

150th General Assembly

Wednesday March 6th, 2019 at 2:30 pm
Senate Chamber

Agenda:

1. **HB 43 – Seigfried - An Act to Amend Title 24 of the Delaware Code Relating To Professions and Occupations.**
2. **SB 21 – Richardson - An Act to Amend Title 24 of the Delaware Code Relating To Unborn Children.**
3. **SB 19 – Richardson - An Act to Amend Title 24 of the Delaware Code Relating To the Offer of an Ultrasound before Terminating a Pregnancy**

Meeting Attendance

Committee Members:

Present:

Senator S. Elizabeth Lockman
Senator John Walsh
Senator Stephanie L. Hansen
Senator Anthony Delcollo
Senator Ernesto B. Lopez

Absent:

None

Staff:

Venessa Karpeh
Ryan Dunphy
Carolyn Martin-Pettaway
Debra Allen
Regine Price
Maria Faiola

Attendees (Only those who spoke):

David Mangler
Dr. Sheila Page
Kathryn Foster

Dr. Donna Harrison
Cheryl Siskin
Lesley Dean
Linda Barnett
Pat Rodell
Ruth Lyttle-Barnaby
Rachel Kent
Dr. Martha Simmons
Tina Mules
Dr. Agatha Beger
Barbara Logan
Dr. Margaret Chou
Deborah Demopolis
Melanie Ross Levin
Tony Bruno
Elyse Resnick
William Gorley
Amy Roe
Marian Palley
Cheryl Freeport
Nela Wintjen
Rebecca Jones

Minutes

Senator Lockman: Welcomed everyone at 2:40, then announced meeting would move to Senate chamber due to high amount of public present.

At 2:48 Senator Lockman welcomed everyone and began the meeting.

House Bill 43 AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS.

Sponsor: Representative Seigfried

Original Synopsis:

This bill eliminates the requirement under several provisions of Title 24 that applicants for professional licenses as well as adult entertainment establishments submit notarized applications. This bill would allow for a policy change at the Division of Professional Regulation to remove the notarization requirement for all licensing applications, which will make the application process more economically and logistically available.

Senator Walsh asked if there would be no paper copies of licenses.

David Mangler - Director of Division of Professional Regulation clarified that licenses would only be available online.

Senator Lopez asked to be a co-sponsor of bill.

**Senate Bill 21 AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE
RELATING TO UNBORN CHILDREN**

Sponsor: Senator Richardson

Original Synopsis:

The Act protects the life of the unborn child at a time when the potential for the child to survive outside the womb increases, especially with the advancement of medical procedures. Specifically, this Act repeals the current sections of the Delaware Code relating to termination of human pregnancy and enacts The Pain-Capable Unborn Child Protection Act. Substantial medical evidence exists that an unborn child is capable of experiencing pain by 20 weeks after fertilization. As set forth in this Act, the General Assembly has the constitutional authority to make this judgment under decisions by the U.S. Supreme Court decisions. In enacting The Pain-Capable Unborn Child Protection Act, Delaware is not asking the U.S. Supreme Court to overturn or replace the holding in Roe v. Wade. Rather, it asserts a separate and independent compelling state interest in unborn human life that exists once the unborn child is capable of experiencing pain.

Senator Richardson talked about future generations looking back at this time period and wondering how we could have let abortions happen. He said pro-life supporters do not gain financially but pro-choice advocates do benefit financially.

He introduced guest speakers, Dr. Sheila Page, Kristine Foster, and Dr. Donna Harrison, to explain why the State should get involved.

Dr. Sheila Page gave an overview of the science of humans and pain perception. Science, she said, cannot tell if it is right or wrong to destroy life. The definition of pain perception determines the results and pain directly correlates to tissue damage. She said very few pain perceivers reach the cortex of brain, the fundamental time when pain is precepted is 7.5 weeks gestation. At 10 weeks, all body parts we perceive of humans are beginning to develop.

Kathryn Foster- President of Americans United for Life stated that in 1973 there was very little medical information about abortion. Now, more information about the risks of mortality is available. She added that an abortion is dangerous after 28 weeks. Her risks of death from abortion go up the later a woman waits. 19 states have bills that prevent abortion past 20 weeks in the favor of women's health.

Senator Richardson gave information to put into the record. He asked to have Dr. Donna Harrison to be added to public comment list.

Public Comment

Dr. Donna Harrison- Executive Director of the American Association of Pro-Life

Obstetricians and Gynecologists: Supports the bill. Talked about protecting unborn children from the barbaric practices in effect. The purpose of abortion is to kill a human before birth. She talked about how unborn children react the same way as we do to pain. After 20 weeks it is never necessary to kill a child to save its mothers life. 85% of OB-GYNs do not carry-out abortions.

Cheryl Siskin: Opposes the bill. Talked about the parts of the bill that have not been discussed. She said that there is no monetary benefit to pro-choice people. Urged to vote against both bills today.

Lesley Dean: Supports the bill. She talked about her experience assisting with an abortion as a registered nurse.

Linda Barnett- American Association of University Women: Opposes the bill. She explained that she is not pro-abortion but sees abortion as an emergency measure for women to make a decision for themselves. She added that the right of a woman should be protected based on her own beliefs.

Pat Rodell- 40 Days for Life: supports the bill and explained that Dr. Nathanson founded the National Association for the repeal of abortion laws. She added that more than 85% of women who see their baby through an ultrasound change their mind.

Ruth Lyttle-Barnaby- President and CEO of Planned Parenthood DE: Opposes the bill. The need for abortion later in pregnancy can come up for a number of reasons. Women should have access to full information about their health and options. The bill does not include any exceptions for rape or incest. Women need support not barriers for safe abortions.

Rachel Kent: Supports the bill.

Dr. Martha Simmons: Oppose the bill. She explained that the American College of Obstetrics and Gynecologists found that pain does not develop until after 24 weeks and that abortion after 20 weeks is still safer than delivery.

Tina Mules: Supports the bill.

Dr. Agatha Berger, OB-GYN: opposes the bill in its current form, explaining that depriving women of safe practices negatively affects women's health.

Barbara Logan: Supports the bill.

Dr. Margaret Chou, OB-GYN- American conference of Obstetricians and Gynecologists and Medical Society of Delaware: opposes the bill, explaining that politicians should not be involved in this decision.

Deborah Demopolis: Supports the bill, adding that women should have access to all information before a major decision like abortion.

Melanie Ross Levin- Director of the Office of Women Advancement and Advocacy and Office of Governor opposes the bill. She added that this bill would be an unconstitutional restriction on women's rights.

Tony Bruno: Supports the legislation.

Elyse Resnick- Board chair of Planned Parenthood: Opposes the bill, adding that the bill is based on faulty science that has been debunked.

William Gorley: Supports the bill.

Marianne Palley- Board of directors of Planned Parenthood: Opposes the bill. Stated that SB 21 would undo the codification of Roe v Wade which passed SB5 in 2017.

Senator Richardson gave a report from The Journal of American Medical Association in 2005 from physician about abortions to be put into the record.

SB 19 AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE OFFER OF AN ULTRASOUND BEFORE TERMINATING A PREGNANCY.

Original synopsis:

This Act requires a physician to offer a patient ultrasound imaging and auscultation of fetal heart tone services before terminating a pregnancy and provides civil and criminal penalties for the failure of a physician to comply with this requirement. The patient is free to choose not to view the ultrasound or listen to the heartbeat. This Act is known as "The Woman's Ultrasound Right to Know Act."

Senator Richardson explained that this bill would allow women the right to choose with all the information they need. Talked about a website that women discuss their negative experiences of abortions. Before a woman makes the choice to get an abortion they should know all the facts.

Public Comment

Amy Roe: Opposes the bill. Her primary concern with the bill is that it does not offer a woman the option to deny an ultrasound. Her fear is that transvaginal ultrasound will be used. She has

the concern that women would not have the option to consent to a penetrative practice which falls under the definition of rape.

Cheryl Freeport: Supports the bill. She described the story about her great-niece who was born at 22 weeks and could feel pain when she was born.

Nela Wintjen: supports the bill, explaining that she turned down the offer to abort her child.

Rebecca Jones: supports the bill. She disclosed her experience with aborting her child. She mentioned that women who have had abortions have high rates of suicide.

Senator Richardson in his closing comments, asked the committee to release the bill for a full Senate hearing.

Senator Lopez thanked everyone who spoke and gave testimony and thanked Senator Lockman. He mentioned that it was troubling to hear the word “shame” directed at a Senator, adding that no Senator is looking to shame women. He encouraged these discussions to continue with mutual respect.

Senator Lockman thanked everyone for their comments and asked that any additional testimonies should be submitted via email to Venessa.Karpeh@delaware.gov

Meeting adjourned at 4:15.

HB 43 - Reported Out of Committee – 1 Favorable - 4 On Its Merits

SB 21 – Not enough signatures to release from Committee

SB 19 – Not enough signatures to release from Committee