

## **Senate Legislative Oversight and Sunset Committee**

151<sup>st</sup> General Assembly  
Wednesday, May 12<sup>th</sup>, 2021  
10:00am – 11:00am  
Virtual Meeting

### **Meeting Attendance:**

#### **Committee Members Present:**

Senator Kyle Evans Gay  
Senator Bryant L. Richardson  
Senator Brian Pettyjohn  
Senator Stephanie Hansen  
Senator Marie Pinkney

#### **Staff:**

Taylor Hawk  
Jesse Chadderdon  
Mary Grace Colonna  
Scott Goss  
Keri Rapa

#### **Attendees:**

Senator David Sokola  
Melanie Levin, Office of Women's Advancement & Advocacy  
Deborah Moreau, Public Integrity Commission  
Cheri Boyer, Planned Parenthood of Delaware  
Matt Bittle, Delaware State News  
Donna Austin  
Amanda McAtee, Division of Research  
Mark Eichmann, WHYY  
Margaret Chou, DE ACOG  
Alanna Mozeik, DPH  
Debbie Hamilton, Hamilton Goodman Partners  
Nandi Randolph, Delaware Family Policy Council  
Brenda Wise, State of DE  
Sara Poore, Delaware State Senate  
Javonne Rich, ACLU of Delaware  
Mark Brainard Jr., Joint Legislative Oversight and Sunset Committee  
Lisa Goodman, Hamilton Goodman Partners  
Elizabeth Zubaca, Hamilton Goodman Partners  
Monica Beard, Delaware United  
Mary Kate McLaughlin, Faegre Drinker LLP  
Kim Lowman, OWAA  
Carrie Cole, ByrdGomes

### **Agenda:**

#### **I. Introduction**

Senator Gay commenced the meeting by reviewing the committee's authorization and virtual logistics, including public participation.

Senator Gay conducted attendance and certified that all members were present.

Ms. Colonna reviewed protocols and technological instructions.  
Senator Gay brought the March 31<sup>st</sup> committee meeting minutes up for review.

Senator Hansen motioned to approve the minutes.

Senator Pinkney seconded.

The minutes were approved at 10:04am.

**II. Senate Bill 108 (Richardson): AN ACT TO AMEND TITLE 10 AND TITLE 24 OF THE DELAWARE CODE RELATING TO THE OFFER OF AN ULTRASOUND AND AUSCULTATION SERVICES BEFORE TERMINATING A PREGNANCY.**

*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 Right to Know Act." This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Senator Gay read the bill's title and invited the sponsor, Senator Richardson, to speak on the legislation.

Senator Richardson requested that the bill be delayed as he was not expecting its hearing.

Senator Gay asked if Senator Richardson was making a motion to lay the bill on the table.

Senator Richardson confirmed that he was.

Senator Gay stated that the legislation was approaching its twelfth legislative day and it had been on the agenda for over a week. Senator Gay noted that the senators had gathered for the purposes of reviewing the bill.

Senator Richardson discussed the history of the legislation. Senator Richardson stated that when a similar bill was heard in the 149<sup>th</sup> general assembly, 47 individuals signed up to speak in favor of it and 15 signed up to speak in opposition. Senator Richardson recounted that only fifteen minutes were allocated to hear the legislation. Senator Richardson stated that the bill was being scheduled for a hearing to exclude people who would be interested in discussing the bill. Senator Richardson stated that although the agenda had been posted for a week, he had many things going on, such as other committees. Senator Richardson stated that he found this notice and the amount of time allocated to the issue inadequate.

Senator Gay stated that she was not a member of the General Assembly in the 149<sup>th</sup> GA. Senator Gay stated that she tried to adhere to the twelve legislative days rule, where a bill should receive a hearing within twelve legislative days of being introduced. Senator Gay stated that notice of the meeting had been posted, sent to committee members and the public, and the meeting's agenda had been spoken about on the Senate floor the day prior. Senator Gay stated that there was no intention to exclude anyone, noting that the meeting had been held in the same manner as all other committee meetings since January. Senator Gay recognized the senator's frustration with previous years but asked for focus on the present moment. Senator Gay stated that the bill was getting its fair hearing in the Senate Sunset Committee, to which it was assigned by the Pro Tem.

Senator Richardson stated that the Sunset Committee was not the committee where SB 108 should have been heard. Sen. Richardson believed it should have been heard in the Health and Social Services Committee. Sen. Richardson found the assignment to be antagonistic to those interested in the issue.

Senator Gay stated that Senator Richardson should speak to Senate leadership about his concerns, as neither the Chair nor the committee members had been involved in that decision. Senator Gay stated that the committee had gathered to hear the bill. Senator Gay stated that Senator Richardson's frustration with the assignment had no bearing on the committee's ability to assess the merits of the bill.

Senator Richardson requested that a future hearing date be set for SB 108.

Senator Gay stated that the committee had gathered to hear the bill and she did not see any reason not to hear the bill.

Senator Richardson disagreed and requested that a future hearing date be set for SB 108.

Senator Gay asked if Senator Richardson wanted to discuss the bill or if the senator wanted the Chair to open the floor for public comment.

Senator Richardson discussed patients' rights, stating that when doctors explain the risks of a procedure it is the patient's decision to continue. Senator Richardson stated that doctors have an obligation to explain all risks, even 1% risks. Senator Richardson stated that he did not believe that this was being done in clinics that perform abortions. Senator Richardson stated that many women will chose to keep their child if they see the ultrasound. Senator Richardson stated that the fetus is a living breathing, through the mother, being that is being destroyed. Senator Richardson stated that the issue was serious and should be given adequate time for discussion. Senator Richardson discussed how the notice was inadequate, stating that even as a senator and the bill's sponsor, he was unaware it would be heard in the meeting. Senator Richardson requested that a future hearing date be set for SB 108.

Senator Gay stated that adequate and standard notice had been provided. Senator Gay stated that notice had been sent my email the previous Thursday and Senator Richardson had replied. Senator Gay stated that every other committee member was aware of what was on the agenda and the Chair wanted to be respectful of their time. Senator Gay concurred with Senator Richardson's statement that senators often have multiple meetings and are double booked, recognizing that the committee members had set aside the time to be present. Senator Gay stated that this was the time allocated for SB 108 to be heard.

Senator Richardson stated that his reply the prior Thursday stated that he could not attend because of a Banking committee meeting.

Senator Gay stated that Senator Richardson had attended the meeting and was present to speak for the bill.

Senator Richardson stated that he was present at the Sunset committee because he could not find the link to the Banking and Business meeting.

Senator Gay stated that she wished Senator Richardson was present to speak on the bill because this was the time allotted for it. Senator Gay stated that she had heard Senator Richardson's concerns.

Senator Richardson asked that Senator Gay elaborate on the meaning of her statements. Senator Richardson asked if the Chair meant there would be no hearing for the bill.

Senator Gay asked for Senator Richardson to mind the tone of his statements. Senator Gay asked for mutual agreement to keep a collegial manner. Senator Gay stated that she had shared the facts of what had occurred. Senator Gay stated that procedurally the bill was introduced and, in accordance with Senator Gay's best efforts, scheduled for a hearing within twelve legislative days. Senator Gay noted that they had a busy schedule and many breaks coming up. Senator Gay stated that the meeting's agenda was duly noticed to the committee and the public, announced on the Senate floor. Senator Gay stated that treating the bill differently than other bills did not seem like an appropriate measure. Senator Gay stated that the committee had gathered to hear the bill and there was nothing preventing them from performing their duties. Senator Gay asked if Senator Richardson had anything else to add about SB 108.

Senator Richardson committed his best effort to maintaining a professional demeanor in his remarks, as requested. Senator Richardson stated that children were dying, women's lives were being ruined, and there are solutions. Senator Richardson stated that if they would require doctors to offer ultrasounds there would be a better chance for the woman to keep the child. Senator Richardson stated that the issue was emotional for him. Senator Richardson stated that 47 people had been in favor of the bill in the 149<sup>th</sup> GA and if there had been public notice, there would be more than 20 people in attendance.

Senator Gay raised issue with one of Senator Richardson's statements and clarified that there had been public notice.

Senator Richardson rephrased his statement to "adequate public notice."

Senator Gay asked what had been different about the notice for this bill. Senator Gay stated that there had been adequate public notice for the bill and it had not been treated differently than any other bill. Senator Gay asked that they focus on the merits of the bill. Senator Gay stated that her understanding of Senator Richardson's explanation of the bill was that it would require a doctor to perform an ultrasound before an abortion.

Senator Richardson confirmed that was correct.

Senator Pettyjohn stated that the bill did not require an ultrasound but instead required the offer of an ultrasound.

Senator Gay thanked Senator Pettyjohn for his clarification.

Senator Pettyjohn stated that he had signed on as a cosponsor and believed it was wise for the offer to be made. Sen. Pettyjohn stated that informed consent was empowering to any individual getting any procedure. Sen. Pettyjohn stated that individuals should go into a procedure with full knowledge of what is happening and of the options on the table.

Senator Richardson introduced "The Reasonable Patient's Standard" and read from it, stating that whenever there is bias about a medical procedure, it tends to produce a bias in favor of under disclosing risk, thereby making the medical community's standard disclosure inadequate. Senator Richardson stated that the courts have ruled that as the patient must bear the expense, pain, and suffering of any injuries from medical treatment, they have the right to know all material facts pertaining to the treatment, not dependent on the self-imposed standards of the medical profession. Senator Richardson stated that true consent is the exercise of choice, which entails an opportunity to knowingly evaluate the options available and the risk of each. Senator Richardson stated that although a physician may feel strongly about the correct course of action, it is the prerogative of the patient to determine the direction in which their interests lie. Senator Richardson stated that even complications occurring 1% of the time needed to be disclosed. Senator Richardson stated that fifteen states and D.C. had adopted the "Reasonable Patient's Standard," 19 had adopted an informed consent doctrine based on the fiduciary relationship between the physician and the patient, and 10 states had combined both approaches. Senator Richardson stated that giving the patient a laundry list of potential risk was insufficient under both standards. Senator Richardson stated that it was physicians' responsibility to ensure patients adequately understand the relevant risks and options and have sufficient time to consider them. Senator Richardson stated that these requirements were from court decisions. Senator Richardson stated that these requirements were especially important in situations involving teenagers, who have developmental limitations which might prevent a patient from fully comprehending and weighing the information as quickly as would an adult. Senator Richardson stated that these patients may require more assistance in reviewing the benefits, risks, and options. Senator Richardson stated that failure to assure that a patient has an adequate understanding of the risks and sufficient time to evaluate the choice is negligence. Senator Richardson stated that there was much more he could say on the issue, emphasizing the life and death nature of the matter. Senator Richardson stated that he had spoken to a number of women who had had abortions and regretted them. Senator Richardson stated that he knew there was redemption through Jesus Christ but there was risk associated with the procedure, children died, and the women have to live with the consequences. Senator Richardson stated that doctors should not be negligent in presenting this information to a woman and it was disgraceful to the state of Delaware that this was occurring. Senator Richardson stated that it was disgraceful that the bill was not being given an adequate hearing so that members of the public could weigh in.

Senator Gay stated that the bill had been given adequate notice and continuing to say that it hadn't was not fact. Senator Gay stated that the bill's subject matter had been introduced twice. Senator Gay stated that there were issues scheduling the bill and Senator Richardson had issues with the process both times. Senator Gay stated that the process had been consistent and a forum had been provided. Senator Gay stated that everyone in Delaware had equal access to the Zoom Webinar. Senator Gay asked if Senator Richardson had evidence of negligent conduct.

Senator Richardson stated that there were people who could address that, although the senator was unsure, they were in attendance. Senator Richardson expressed doubt that adequate notification was given, stating that this may have

affected the absence of individuals who could provide the requested evidence. Senator Richardson expressed disappointment that the bill had been scheduled for this meeting after he had stated he could not be present. Senator Richardson expressed confusion on why the Chair would not allow the bill to be tabled for a hearing at a later date with adequate notice. Senator Richardson stated that it was the second time that he had attempted to have a hearing on a bill of this nature.

Senator Gay stated that she would not continue to have the process manipulated to prolong a hearing. Senator Gay stated that the bill was ready for a hearing. Senator Gay observed that Senator Richardson had introduced the legislation. Senator Gay suggested that Senator Richardson speak to her about scheduling next time. Senator Gay stated that everything she had done with this committee and this bill as she had done throughout the entire General Assembly thus far. Senator Gay stated that she was, unfortunately, unable to fix the senator's lack of readiness for the hearing. Senator Gay suggested that they move to public comment and carry out the process the committee had gathered to carry out.

Senator Richardson stated that individuals from Planned Parenthood in public comment would paint a different picture of the issue. Senator Richardson consented to moving to public comment.

Senator Gay opened the floor to public comment.

Cheri Boyer, Planned Parenthood of Delaware, spoke in opposition to SB 108, stating that the American College of Obstetricians and Gynecologists deemed that ultrasounds prior to abortions were medically unnecessary. Ms. Boyer stated that the procedure created an undue burden for women attempting to access safe and legal abortion care. Ms. Boyer stated that medically unnecessary restrictions disproportionately hurt those with a lack of access to quality health care such as low income people, people of color, and people in rural communities. Ms. Boyer stated that the requirement for an ultrasound and auscultation prior to termination of a pregnancy was not about appropriate medical care, as these requirements did not provide a benefit to a woman's health. Ms. Boyer stated that the requirements were examples of attempts to shame women seeking abortions. Ms. Boyer stated that the requirements had nothing to do with the procedure to terminate a pregnancy or informed consent. Ms. Boyer stated that Planned Parenthood of Delaware urged the committee to reject the attempt to mandate specific, unnecessary tests that ultimately interfere with the patient's legal right to the procedure. Ms. Boyer stated that the medical necessity of diagnostic testing was a decision that should be made between a patient and her physician.

Monica Beard stated that she was disappointed that the bill seemed to lack consultation with survivors of sexual abuse and assault. Ms. Beard, citing her own childhood experiences as a sexual abuse survivor, stated that she found routine medical appointments involving procedures such as pap smears and ultrasounds triggering. Ms. Beard stated that it was very difficult for her to get an ultrasound during her first pregnancy. Ms. Beard expressed dismay that the bill would mandate an ultrasound even when not required, noting that many women early in their pregnancy would receive transvaginal ultrasounds. Ms. Beard stated that undergoing a transvaginal ultrasound that was not required might be horrifying to someone who has experienced sexual assault. Ms. Beard stated that this feeling would be even worse if the cause was a law that required her to do so. Ms. Beard stated that her intention was to advocate on behalf of people like herself who found the procedures incredibly difficult.

Senator Pettyjohn clarified that the ultrasound was not mandatory in the bill. Senator Pettyjohn explained that the bill would make sure the provider offers the ultrasound but would not require a woman to have an ultrasound.

Melanie Levin, Office of Advancement and Advocacy for Delaware, spoke against SB 108, stating that the procedure was not medically necessary for patients and was a barrier to pregnancy termination access. Ms. Levin stated that while it had been speculated that ultrasound viewing would dissuade women from having an abortion, numerous studies had shown this to be untrue. Ms. Levin stated that increased access to contraception and reducing the financial burden of having children, such as through increased parental leave and increased minimum wage, reduced abortions. Ms. Levin stated that the bill would add significant liability for providers who violate the bill, including civil and criminal penalties, by not performing a procedure that they determine isn't necessary. Ms. Levin requested that the committee vote no on SB 108.

Margaret Chou, American College of Obstetricians and Gynecologists Delaware Chapter, stated that she had provided written testimony to members of the committee outlining the official position of her organization. Dr.

Chou stated that the bill did not address the concerns it intended to address. Dr. Chou stated that she had read about informed consent and checking if there is an ectopic pregnancy. Dr. Chou stated that a requirement to certify that an offer was made interfered with her relationship, work flow, and conversation with the patient. Dr. Chou stated that the bill was about a government mandate and not a patient. Dr. Chou stated that patients already have the right to know the medical information and complications. Ms. Chou stated that as a health professional, she had already put in safeguards against negligence. Dr. Chou stated that the bill would give the procedure of abortion special treatment and special protection. Dr. Chou stated that there would be many unintended harms if the bill was released and passed.

Javonne Rich, ACLU of Delaware, spoke against the legislation. Ms. Rich stated that Delaware had codified Row v. Wade in the state constitution in 2017 and made the right to abortion inherent for all Delawareans. Ms. Rich stated that the legislation would put barriers in the way of a person exercising that right unconstitutionally. Ms. Rich stated that the legislation was also unnecessary. Ms. Rich stated that the intention of the legislation would be to shame and intimidate people seeking abortion services. Ms. Rich stated that care providers already followed best practices when performing abortions. Ms. Rich stated that adding needless steps to that process would create unnecessary boundaries and financial consequences to the patient and care provider. Ms. Rich stated that threatening criminal or civil penalties if physicians did not offer ultrasounds was subjective and excessive. Ms. Rich stated that the ACLU of Delaware opposed the bill and any reiterations of it.

Senator Gay thanked committee members and the public for their thoughts. Senator Gay stated that the committee would accept written public comment from individuals as well. Senator Gay stated that she would hold the bill in committee for two additional days to give members of the public to provide written public comment. Senator Gay suggested to Senator Richardson that if there were advocates that he thought would like to share their public comment, their submission of written comments would be helpful.

Senator Richardson stated that true consent is the exercise of choice and the opportunity to evaluate knowledgeably all the options available and the risks attendant upon each. Senator Richardson stated that the bill would not talking about transvaginal or intrusive ultrasounds. Senator Richardson stated that the bill was talking about an ultrasound that would show the child moving inside the woman. Senator Richardson stated that he did not know why the U.S. was one of only seven nations that allowed the destruction and dismemberment of a child after 20 weeks. Senator Richardson stated that this put the U.S. in league with communist China, North Korea, and Russia. Senator Richardson stated that the conversation was not about the gestational age of the child but was concerned with the rights of a woman to make an intelligent choice whether or not to allow her child to be born and to live and to love, or to destroy the child inside of her womb, which should be the safest place for a child. Senator Richardson stated that some people argued that while they would not personally have an abortion, they could not legislative to prevent another woman from having an abortion. Senator Richardson stated that if an individual would not beat a dog, they would say that it was wrong for their neighbors to beat their dog. Senator Richardson asked about what kind of society would allow the destruction of 16 million unborn children. Senator Richardson stated that the U.S. was allowing immigrants and illegal immigrants into the nation. Senator Richardson stated that his grandfather was an immigrant and he loved immigrants. Senator Richardson stated that he loved the laws of the U.S. but did not love a law that said that individuals were allowed to destroy an unborn human being. Senator Richardson stated that that child had rights. Senator Richardson mentioned SB 3 from the 149<sup>th</sup> General Assembly which allowed the naming of stillborn children up to 20 weeks. Senator Richardson stated that this instance recognized the personhood of unborn children. Senator Richardson stated that it was inconsistent for the GA to then side with the people who profit from abortion. Senator Richardson stated that people defended slavery for a profit motive and slavery was ended because people knew a moral wrong was being committed. Senator Richardson expressed his gratitude that slavery was overturned. Senator Richardson stated that he looked forward to the day that the law protected unborn children. Senator Richardson stated that some people argued that individuals would go back to back room abortions if the state did not allow abortions. Senator Richardson stated that the bill did not even address preventing abortion. Senator Richardson stated that all the bill did was give women to right to choose and to make an informed choice. Senator Richardson stated that if the state made abortion illegal it would save more than a million children a year. Senator Richardson stated that it would be financially devastating to Planned Parenthood. Senator Richardson asked which side the GA would support between the women in Delaware who needed to make an informed choice and the people who profited from the death of children. Senator Richardson stated that the committee would hear from a number of people and that their inboxes would be full. Senator Richardson stated that they would not be able to absorb all the things that needed to be said on the issue. Senator Richardson stated that they needed to side with the

women. Senator Richardson stated that Planned Parenthood clinics were in poor communities, suggesting that Planned Parenthood believed the value of lives there were less than the value of lives elsewhere. Senator Richardson stated that the lives in these communities were not worth less than lives elsewhere. Senator Richardson stated that each and every life was precious. Senator Richardson stated that every life was created inside the womb with combined male and female DNA when the blastocyst attached itself to the side of the uterus and was left undisturbed. Senator Richardson observed that all attendees were developed and formed in this way. Senator Richardson stated that he prayed and hoped and pleaded with the members of the committee to allow the bill to have a full hearing on the Senate floor. Senator Richardson stated that the only fair thing to do for the women of Delaware was to give them the knowledge they need to make an informed choice. Senator Richardson thanked the committee for their time and patience.

Senator Gay thanked Senator Richardson. Senator Gay stated that they needed to acknowledge that the constitutional right to have an abortion had been codified in Delaware. Senator Gay stated that the bill would not change that. Senator Gay stated that the bill related to the offer of ultrasounds prior to an abortion procedure. Senator Gay stated that the other element of the conversation was transvaginal ultrasounds, which the bill spoke to until about eight to ten weeks. Senator Gay cited her experience as a woman, mother, and infertility patient having multiple transvaginal ultrasounds throughout her treatment because that was the only way to track the development of the embryo in the uterus. Senator Gay stated that the bill did not determine what the ultrasound needed to be.

Senator Pinkney expressed disapproval of Senator Richardson's choice to discuss enslavement inappropriately. Senator Pinkney stated that the comments on citizenship were irrelevant to the conversation and inappropriate. Senator Pinkney stated that while Senator Richardson appeared concerned about the lives of the children, the senator did not appear concerned about what happens to children if they are born to mothers who cannot take care of them and do not have the financial support. Senator Pinkney stated that the government failed mothers on a consistent basis and failed to make sure they had the support they needed to bring children into the world. Senator Pinkney stated that they had a poor foster care system, citing her personal experiences with foster care in the state as a foster parent and a product of foster care. Senator Pinkney stated that the systems were regularly failing children that Senator Richardson wanted to force women to bring into the world. Senator Pinkney stated that if the senator wanted to take care of children that they should make sure the state was taking care of the children that already existed and needed support and care. Senator Pinkney stated that it would not do anything for children if women are guilt tripped into bringing them into the world. Senator Pinkney stated that the sponsor had not yet discussed that the bill subjected providers to misdemeanors. Senator Pinkney mentioned Dr. Chou's testimony on the significant consequences on patient relationships. Senator Pinkney stated that this impact would have consequences in black and brown communities where the provider patient relationships were already in a delicate spot, as black and brown women already had a difficult time forming relationships and gaining access to providers. Senator Pinkney stated that Senator Richardson had inappropriately mentioned black and brown communities. Senator Pinkney stated that the senator mocked Planned Parenthood, most of which provided meaningful relationships for black and brown communities. Senator Pinkney stated that women walking into clinics were bombarded with people outside telling them that they were horrible human beings. Senator Pinkney stated that after they have found the strength to walk through the crowds, they then have to go into an office with the provider who will do their best to form a relationship. Senator Pinkney stated that the bill would tarnish that relationship by requiring a provider to offer an ultrasound. Senator Pinkney stated that women could ask for an ultrasound if needed. Senator Pinkney stated that there was not reason for the bill to impose this requirement. Senator Pinkney stated that abortions at 20 weeks are most often for a medical reason. Senator Pinkney stated that these instances did not involve a woman waking up and deciding to terminate the pregnancy on a whim. Senator Pinkney stated that women come to that decision delicately. Senator Pinkney stated that she had also had many conversations with constituents on the issue, noting that it was one of the first conversations she had knocking on doors as a candidate. Senator Pinkney stated that a woman in her neighborhood had only one question for her and it was on her stance on women's access to gynecological care. Senator Pinkney stated that the conversations she had had with constituents made clear that women do not come to the decision to terminate a pregnancy lightly. Senator Pinkney stated that women consider whether they are able to take care of a child, whether they are able to take care of children they already have, or whether they are medically able to carry the pregnancy. Senator Pinkney stated that the decisions were not made lightly or on a whim and adding a barrier and guilt would not help women. Senator Pinkney stated that the bill was unnecessary. Senator Pinkney stated that the committee received the agenda for the hearing on May 6<sup>th</sup> outlining that this was the only bill the committee would be discussing. Senator Pinkney stated that she had stayed up and prepared to discuss the

legislation. Senator Pinkney requested that Senator Richardson stop making it appear that the committee mislead the public in holding the hearing, as they had had the agenda for over a week.

Senator Richardson stated that there were 47 people scheduled to speak in favor of the bill the last time that it was brought up in the General Assembly. Senator Richardson stated that not one of those speakers spoke in favor of the bill today. Senator Richardson stated that if the bill had been adequately noticed to the public, then the only speakers would not have been members of the ACLU and Planned Parenthood. Senator Richardson stated that he did not believe these advocates were advocating for women's rights. Senator Richardson stated that they were advocating for abortion.

Senator Gay stated that there was adequate notice for the hearing. Senator Gay stated that the senator stating that there was inadequate notice did not change the fact that there was adequate notice. Senator Gay stated that the legislators had gathered to do their job, which was to show up for committee hearing prepared to speak and do due diligence. Senator Gay stated that they did not speak for or work for the groups that speak for or against the bill. Senator Gay stated that it was incumbent upon any Delawarean to be present where they wished to be present. Senator Gay stated that it was understandable if folks were not present, as the committee met at 10:00am during the day while folks have work and child care responsibilities. Senator Gay stated that this is why there would be a two day period before the bill was released from committee. Senator Gay stated that during this period the committee would accept written comment on SB 108 and the Chair would make written comment available to each and every committee member. Senator Gay stated that the bill would be released on Friday morning and they would accept the decision of the committee following that. Senator Gay stated that they could not continue to argue over effect. Senator Gay stated that she appreciated that Senator Richardson was not prepared that morning but that the senator's colleagues were prepared to do the work they had come to do.

Senator Richardson stated that when he responded to the notice the previous week, he had said that he could not attend the meeting and that he had a conflict with the banking and insurance committee. Senator Richardson stated that the Chair had held the meeting with the knowledge that the senator could not be present.

Senator Gay apologized if she missed a communication about the meeting. Senator Gay stated that in other situations, when conflicts occur and something needs to be moved around, a senator can make a request to move a meeting or change an agenda to make sure all members can be present when they need to be. Senator Gay stated that she did not know if Senator Richardson had a bill in the business and banking committee that day, but ventured that the senator did not because the senator was present and made time to support their bill. Senator Gay stated that if there were often conflicts with committees even in the building, noting that legislatures could have double or triple duty. Senator Gay stated that legislators do their best. Senator Gay stated that Senator Richardson could have asked to change the schedule but they did not speak about that. Senator Gay stated that she was glad that Senator Richardson was able to be present. Senator Gay stated that the senator's presence showed it was possible. Senator Gay stated that she was glad because the time was set aside to have ample opportunity to discuss the bill. Senator Gay stated that they had had an opportunity to discuss it and would continue to accept written public comment.

Senator Richardson stated that someone had discussed the economics of not being able to afford a child. Senator Richardson stated that his wife was the youngest of nine children. Senator Richardson stated that her father had to work twelve hours a day, seven days a week. Senator Richardson stated that her mother also worked to support the children. Senator Richardson stated that when one of his children was born after Roe v. Wade the doctor had asked if they were going to carry the child and continue the pregnancy. Senator Richardson stated that this lit a fire inside of him and it was a sensitive issue with him. Senator Richardson stated that they had carried that child and that child now lives in Washington, D.C. and is a Democrat. Senator Richardson stated that children need a chance. Senator Richardson stated that he was not introducing the bill to make it more difficult for women. Senator Richardson stated that he was introducing the bill so that women would have the right to know all the information they need to make an informed decision. Senator Richardson asked the committee members to pay attention to the testimony that would come in, especially on whether women are given adequate information about the risks associated with abortion. Senator Richardson stated that the bill would not force a transvaginal ultrasound upon a woman.

Senator Gay stated that every member of the committee was always willing to have more information rather than less. Senator Gay stated that if transvaginal ultrasounds were not involved in the bill, than an ultrasound at four weeks was not warranted because it would not provide any information at that time. Senator Gay stated that most



abortions took place before ten weeks and until eight weeks only the transvaginal ultrasound was going to give folks information on the developing fetus inside. Senator Gay noticed that there was a hand raised among the public attendees and while the chair would not reopen public comment the committee would recognize them before the meeting was adjourned.

Senator Pinkney stated that she had raised her hand to note the public attendee with their hand raised. Senator Pinkney stated that some of her remarks had been addressed. Senator Pinkney stated that she had no doubt women find the ability to love any child produced from their body. Senator Pinkney stated that this did not mean that they should force women to raise child in poverty because they have the ability to love a child.

Donna Austin stated that she took offense to the term fetus as someone who struggled with fertility. Ms. Austin stated that it was a baby. Ms. Austin stated that from the moment someone knew that they were pregnant they would cherish the baby in their body. Ms. Austin stated that it was a human inside. Ms. Austin stated that it had every right to live. Ms. Austin stated that the bill would not make the woman keep the baby but would give the woman a choice. Ms. Austin stated that those who were pro-choice wanted to give women a choice and this bill would give the woman the option and choice to hear the baby inside of her and to have all the facts on what was happening. Ms. Austin asked why they would shut the bill down in committee before allowing it to be released. Ms. Austin asked if the committee wanted women to be educated on what was happening inside their bodies. Ms. Austin expressed dismay at Senator Gay's comments to Senator Richardson while he was trying to educate women. Ms. Austin stated that she hoped the committee would release the bill. Ms. Austin stated that the bill deserved to be heard because it was nothing more than providing information. Ms. Austin stated that it did not guilt a woman into having a baby. Ms. Austin stated that it gave her facts and information. Ms. Austin stated that the committee wished to hide stuff, which was not O.K.

There was no additional public comment.

There were no further comments or questions from the committee members.

Senator Gay stated that the committee members would receive an email from her legislative assistant, Mary Grace Colonna, Friday morning. Senator Gay stated that the committee would accept and distribute public comment in the interim. Senator Gay stated that she appreciated the respectful discourse between members of the committee. Senator Gay stated that they were only going to get to the right road forward if they were informed and shared their perspectives with each other. Senator Gay stated that no members of the committee, all of whom she had worked with and respected, questioned the sincerely held beliefs of others. Senator Gay stated that it was through productive discourse that they were going to make the best determinations for the people of Delaware.

The meeting was adjourned at 10:05am.

SENATE BILL 108: AN ACT TO AMEND TITLE 10 AND TITLE 24 OF THE DELAWARE CODE RELATING TO THE OFFER OF AN ULTRASOUND AND AUSCULTATION SERVICES BEFORE TERMINATING A PREGNANCY.

	F	M	UF
Gay			
Pinkney			
Hansen			
Pettyjohn		M	
Richardson	F		
TOTAL	1	1	

## Appendix A: Written Testimony

Karen M. Ironside, CPA  
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Delaware Senator Richardson  
And all members of the Delaware Senate

Re: DE Senate Bill 108

The Womens Right to Know Act

I think too often a woman's choice to have an abortion is too quickly decided. Before the birth mother has the chance to absorb the fact that the fetus inside of her is a living, human being. Many women make the choice for an abortion and severely regret it, but, of course, then it is too late...

Please allow a woman the opportunity, albeit by suggestion of the Dr or otherwise, to reconsider what may be a lifelong regret and mistake from which she may never recover.

Please vote to pass Senate Bill 108 and allow a woman the ability to better understand any decision resulting in the termination of life.

Respectfully Submitted.

Karen M Ironside

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### **Public Comment from Christina Gafford submitted at 3:38 p.m. on Wednesday, May 12, 2021:**

I was disturbed to hear about proposed legislation requiring a physician to offer an ultrasound prior to an abortion with criminal penalty attached. I strongly oppose this legislation as it is against the medical standard of care and overly burdensome for both the physician and the patient. I support your opposition to the sponsoring Senator's attempt to manipulate the formal processes in place for committee hearings. That being said, since the sponsor wanted more public comment, please consider this my formal public comment opposing this proposed legislation. Thank you. Sincerely, your constituent, Christina Gafford, Esquire

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### **Public Comment from Patricia Sigler submitted at 4:20 p.m. on Wednesday, May 12, 2021:**

Please vote yes to SB 108. Sincerely, Pat Sigler

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**Public Comment from Henry R. Nyce submitted at 4:37 p.m. on Wednesday, May 12, 2021:**

Please allow Senate Bill 108 pass through committee so that the Senate will have the opportunity to vote on this bill. This bill would certainly help some unborn children have an opportunity for life if this bill were to pass.

Thank you for considering this letter from a Delaware resident.

Cheers & Blessings

Henry R. Nyce

14331 Shiloh Way

Laurel, DE 19956

302-875-7458

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**Public Comment from Mr. and Mrs. Robert Fischer submitted at 4:43 p.m. on Wednesday, May 12, 2021:**

Please move SB 108 out of your committee immediately and allow the bill to be debated and discussed among all Delaware State Senators.

Here is the bill for those cc'd who have not seen it yet. It is sponsored by State Senator Bryant Richardson: Bill Detail - Delaware General Assembly

Please help end the legal murder of unborn babies in the state of Delaware. If you do no vote appropriately on SB 108, you become totally complicit in the murder of innocent unborn babies.

Do you care what God thinks about you? Do you even believe in God?

Perhaps you do not care about the lives of unborn babies, but only about all the campaign contributions you receive from Planned Parenthood and its supporters?

Sincerely, respectfully, and prayerfully, Mr. and Mrs. Robert Fischer, Lewes, DE

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**Public Comment from Veronica O'Kane submitted at 5:57 p.m. on Wednesday, May 12, 2021:**

Dear Senator Kyle Evans Gay,

I thank you for the opportunity to comment on Senate Bill 108, the Woman's Ultrasound Patient's Right to Know Act.

I would like it to be known that I am in favor of this important bill.

I value all of the women of Delaware and their right to an informed consent rather than be hurt by an uninformed decision.

Sincerely,

Veronica O'Kane

Newark DE

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**Public Comment from Carolyn Marcello submitted at 5:58 p.m. on Wednesday, May 12, 2021:**

Dear Senator Kyle Gay,

I am writing in favor of SB 108. As a woman I would want to know about my choices. Please protect women and their babies.

Thank you,

Carolyn Marcello

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**Public Comment from Jeanette Akhter submitted at 5:59 p.m. on Wednesday, May 12, 2021:**

Subject: SB108

I oppose this bill.

Thank you,

Jeanette Akhter

Selbyville, DE

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**Public Comment from Anita Chariw submitted at 6:41 p.m. on Wednesday, May 12, 2021:**

Please support this bill which allows women to view the ultrasound of their baby. This bill is important to those of us who believe women should have the choice of either viewing or not viewing to make an informed decision.

Thank you Anita Chariw 1165 Creekside Drive Wilmington DE 19804 302-463-6003

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**Public Comment from James Reap submitted at 6:58 p.m. on Wednesday, May 12, 2021:**

As a Delaware resident and US citizen, I respectfully ask that you reconsider and support SB108, The Women's Right to Know Ultrasound Act. This bill will provide for an informed decision making process that protects both women and babies!

James J Reap, family and friends!

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**Public Comment from Mary Lou Sinkey submitted at 7:02 p.m. on Wednesday, May 12, 2021:**

In fairness to the citizens of Delaware and the unborn I demand that this Friday, SB108, The Women's Right to Know Ultrasound Act, be voted out of committee and heard at a future date. It is imperative that it be given more address.

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**Public Comment from Christine H Miller submitted at 7:09 p.m. on Wednesday, May 12, 2021:**

Dear Legislator, Please vote in favor of a Woman's Right To Know-SB 108. This is medical procedure that a woman should have all information available to her in making her decision. Thank-you for your consideration.

Sincerely,

Christine H Miller

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**Public Comment from Nicole Colling submitted at 7:10 p.m. on Wednesday, May 12, 2021:**

Senator Gay, If you care about the health and safety of women, please vote SB 108 OUT of committee! Women have a right to know what happens in an abortion! This is a no-brained for ANY other type of procedure.

Sincerely,

Nicole Collins

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**Public Comment from Teresa LoPorto submitted at 7:29 p.m. on Wednesday, May 12, 2021:**

Dear Joint Legislative Oversight and Sunset Committee Chair,

It baffles me how anyone would oppose giving a woman the chance to see an ultrasound of her pregnancy IF SHE WANTS TO. If my sister had been given the opportunity to see an ultrasound of her pregnancy maybe she wouldn't have lived with regret for her TWO abortions for the last 30 yrs. If you really care about women you'll vote SB 108 out of committee on Friday.

Yours truly,

Teresa LoPorto

PS my sister was never able to have any other children

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**Public Comment from Mary Ann McLane submitted at 7:29 p.m. on Wednesday, May 12, 2021:**

Good evening! I have just learned that SB108, The Women's Right to Know Ultrasound Act, will be voted on this Friday. I am strongly in favor of this bill since it stipulates that informed consent is essential for such an important decision as continuing a pregnancy. Since an ultrasound is the medical gold standard for visualizing life in the womb and determining a more accurate gestational age, it would seem not only needed but "why haven't we done this before" kind of legislation. Since Senator Richardson, its sponsor, did not get the chance to fully provide all the information needed by the committee regarding citizen support for this measure, I urge the committee to do that first! Acting otherwise speaks volumes about the care this committee has (or does not have) regarding total, complete informed consent for women's health issues.

Mary Ann McLane, PhD, MLS(ASCP)

171 Westminster Village

Dover DE 19904

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**Public Comment from Kevin Heenan submitted at 9:05 p.m. on Wednesday, May 12, 2021:**

I really have to ask the question, "Why would a woman who has promised to serve her constituents want to keep another woman from the opportunity to have all the information available in order to make an informed decision about a life changing event?" Now a Doctor cannot offer to show something to a patient that the Doctor already has? They do ultrasounds prior to abortions so they know how to proceed just as in any other surgical procedure. Seems to me that one can vote their conscience or their wallet since anyone who would oppose this only does so because the woman might change her mind and then they lose the money they would have made from the procedure.

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Whoever does God's will is my brother and sister and mother

Kevin Heenan

28344 Seaford Rd, Laurel, DE 19956

home 302-404-0540

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**Public Comment from Barry Marvel submitted at 9:07 p.m. on Wednesday, May, 12, 2021:**

Ms. Gay:

I see that you volunteered for child advocacy. Will you advocate for unborn children also. Please allow this bill to leave committee for a full senate vote. I sense that you are a woman of great knowledge and worthy of respect. I don't know you but I have been led many times, at no understanding of my own to pray for you. I suspect you had a grandmother or some other distant relative that was a devout and devoted Christian and person of prayer that prayed for you. Thank you in advance for a positive answer to my request.

Respectfully  
Barry Marvel a Newark resident

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**Public Comment from Leslie Dean submitted at 9:28 p.m. on Wednesday, May 12, 2021:**

My name is Leslie Dean. I am a Registered Nurse in the state of Delaware and Maryland. I am a Forensic Nurse Examiner and an Obstetrical Nurse Sonographer

I am also the expert witness for SB 108 The Woman's Right to Know Act.

I would like to share as a Registered Nurse, and a woman who was not given the benefit of Informed Consent. I have been a nurse for 40 years and have sat at many patient's bedsides preoperatively or pre-procedure and reviewed the informed consent forms with them. A form that includes all the possible side-effects, consequences, test results and imaging that allows a patient to make an informed decision for their body. This is their right, and it is a negligence of duty, if we don't review it. It empowers the patient with facts about his condition and allows him to enter into his procedure with confidence and knowledge there will be no surprises afterward.

I need to ask you, as a committee, to help me understand why this is required in every other field of medicine except the realm of abortion. Why is it a positive, desired outcome to empower a patient with knowledge everywhere else but hide the facts in an abortion procedure. It almost feels like the belief is --women aren't smart enough to make their own informed choices. A person empowered is a person with knowledge. A woman's choice should be an empowered decision.

I once asked an abortion provider this question, and was told it would confuse the patient, or sadden them to see the live fetus. I came away from that conversation asking myself where that logic came from. Let me ask any of you: If your wife or husband had cancer, would you want their doctor using this logic? Would you believe it to be acceptable for the doctor to lie to them about their diagnosis because they might be sad if they learned they have cancer? Or they might be confused? I doubt it. I have had two abortions. I asked both doctors very specific questions: Is there a heartbeat, and is it formed yet. Both times I was fed the same lie. A few years later when pregnant with my son, I saw him on ultrasound. Beating heart. Arms and legs. Same age as those I had aborted. I can't express the degree of anger and betrayal I felt. I would never have made the choice I made had I been told the truth. Don't allow this to happen to another woman. Treat abortion as every other medical procedure. Don't remove a woman's choice. Empower her with all the facts.

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**Public Comment from Karen Smiga submitted at 10 p.m. on Wednesday, May 12, 2021:**

Honorable Senators,

"Why support SB 108" (the Women's Right to Know Act)??

I think every person, since each of us rightfully wants what's best for ourselves, would also want the accompanying "right to know" about things that affect "what's best for ourselves." And those who in addition graciously want "what's best for others," would then want THEM to have that same "right to know."

For women, who have the awesome gift and responsibility of carrying Life, it becomes critical to have the "right to know" in order to assure "what's best for" both herself and the life she carries.

Therefore, in support of "the right to know" what's best for both those of us who carry life and for the life within us, I sincerely ask that you please vote YES to SB 108 in both Committee and in the full Senate.

Thank you for considering my thoughts as the mother of four wonderful children who are now grown and making substantial contributions as teachers, a nurse, and an Air Force JAG attorney.

Respectfully,

Karen Krymis de la Maza Smiga

Frederica

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**Public Comment from Darlene Rhoads submitted at 10:31 p.m. on Wednesday, May 12, 2021:**

From a registered voter in DE, I fully support the bill. I was unable to conceive a child but attended several ultra sounds with friends who have given birth to healthy, loved children. I am 100% pro-life and if hearing that heartbeat saves one baby from being aborted, then it's worth it! Even if a woman is unable to be a mother, there are plenty of women who would be willing to step up to the plate. I admire Sen. Richardson and stand behind him 100% on his stances on life! A baby, a life is a gift from God. Please help this bill be passed. Darlene Rhoads 38777 Sea Gull Rd SELBYVILLE DE 19975 djrhoads1984@gmail.com 410-370-0416

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**Public Comment from Monica Hill submitted at 10:45 p.m. on Wednesday, May 12, 2021:**

Elected officials of the State of Delaware,

I am writing in response to Senate Bill 108, the Woman's Ultrasound Patient's Right to Know Act. As I understand this bill, it allows a woman to make an informed decision about what her choices are.

Why would anyone stand in opposition of informing a woman, empowering a woman, allowing her to make a decision based on facts?

There is NO reason to keep a woman from the truth. None. Do not defeat this legislation.

Vote in favor of women. Vote yes on Senate Bill 108.

Sincerely,

A woman who values being informed.

~Monica Hill

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**Public Comment from Richard J. Focht submitted at 11:42 p.m. on Wednesday, May 12, 2021:**

To the Members of the Joint Legislative Oversight and Sunset Committee,

I respectfully urge you to vote SB108, the Act To Amend Title 10 And Title 24 Of The Delaware Code Relating To The Offer Of An Ultrasound And Auscultation Services Before Terminating A Pregnancy, out of committee this Friday (5/14/2021). This bill truly offers the parents of a child in utero the freedom to make a fully informed decision about the life, or death, of the human being they have created. This is genuinely a pro-choice piece of legislation, offering the parents the freedom to consent to, or decline, the opportunity to learn more about the unique individual person they are making this critical decision for.

As a society, and a country, we need the special talents and gifts of every human being that our Creator deems we require in our time. This piece of legislation not only has the potential to save the lives of the most innocent human beings among us, but may also spare the parents of those children a lifetime of suffering that can result from a partially informed decision.

Again, I urge you to vote this bill out of committee and onto the floor for a vote by the representatives of the people of Delaware.

I commend Senator Bryant Richardson for alerting the public to the questionable actions of this Committee today.

Respectfully,

Richard J. Focht

17477 Taramino Place

Lewes, Delaware 19958

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**Public Comment from Anthony Rinaldi submitted at 2:33 a.m. on Thursday, May 13, 2021:**

SB108, The Woman's Right To Know Act, deserves to be heard by the full senate, please LET IT OUT of committee based on its merit.

This bill DOES NOT take away the option to have an abortion. SB108 is about offering women the information they need to make an informed choice. It deserves to be heard by the full senate.

SB108 is reasonable and empowers women. An ultrasound is already performed on a women to determine how far along she is in pregnancy. The former abortion doctor for Planned Parenthood stated this in the House hearing. The nurse who used to work for Planned Parenthood testified in that hearing that she was instructed to "pinch the pages together" as to not show women the ultrasound. This intentional hiding of the facts is rooted in an insatiable pro-abortion position because it certainly is not pro-choice and it's definitely not pro-woman. Please let this out for a full senate vote.

In any other medical procedure -- even removing a tooth -- a patient is shown the image of what's going on and what's being removed. The image is then shown to the patient to explain and given facts about the procedure. In the abortion procedure the woman is deliberately kept in the dark, and sometimes lied to about the development of her baby. Many women testified to this in the House hearing. Please correct this wrong in Delaware. Support SB108!

SB108 is about women being offered facts to be fully informed before consenting to such a life-altering decision. Why are you stopping this legislation?

SB108, the Woman's Right to Know Act simply requires an abortion provider to ASK a patient if she would like to see the ultrasound prior to the abortion procedure. That's it. The patient has the choice. Ultrasounds are routinely done prior to an abortion in order to see how far along the pregnancy is because to not offer an ultrasound would be malpractice. It's NOT OK to deliberately hide this ultrasound from women.

There are thousands of women who carry with them, to this day, the devastation of abortion. Women deserve to know all the facts. This deliberate withholding of critical medical information is wrong and devaluing of women. Let SB108 out of committee.

SB108 does not remove a woman's choice, it simply allows her to make an informed choice.

Please vote YES on SB108, the Woman's Right to Know Act!

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**Public Comment from Florence A. Beck submitted at 3:34 a.m. on Thursday, May 13, 2021:**

Dear Senator Kyle Gay,

I would like to know how the committee votes on SB 108. How may I get a list of the Friday voters ?

It seems that pro-choice legislators will not give women their "choice"

to allow or decline the viewing of their own ultra sound..

In the old days, the saying goes "something is rotten in Denmark".!

Thanks for giving the Senator a chance.

Florence A. Beck

2515 Mc Cawber Dr.

Wilmington, 19808

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**Public Comment from Kathleen Coleman submitted at 6:26 a.m. on Thursday, May 13, 2021:**

Dear Chair of the Joint Oversight and Sunset Committee,

Please hear my vote for the SB 108 Women's Right to Know Ultrasound Bill. There is no harm attached to it. It allows women informed choice. All the power is in her hands and the right to know the truth and all its ramifications is what freedom is about. Please vote, yes,

I worked for 15 years with women making decisions about their pregnancies. These decisions are terrifying in the moment for some women and agonized over. There is nothing simple about decisions when your expectations and reality clash. But, the hardest conversations were the ones where a woman regretted an abortion decision in the past because she "didn't know". She didn't know



her baby had a heartbeat. She didn't know the extent of development. The miniature child aborted caused her terrible trauma and pain and agony of "if only" haunted her. This bill could eliminate some of that trauma. Please vote for the mental health and informed consent that all women deserve.

Kathleen Coleman  
19 Woodridge Dr.  
Hockessin, DE

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**Public Comment from Barbara Heagy submitted at 6:56 a.m. on Thursday, May 13, 2021:**

This is a dirty trick you have played on Senator Richardson. To go on having a hearing WITHOUT HIM there and his supporters of the bill is a cheap trick done on purpose. You do take an oath to uphold life, liberty, and justice right??? This is an informed consent issue, one that even allows for the woman to decline viewing the ultrasound! What are you and Planned Parenthood afraid of? That if these young mothers-to-be see the ultrasound, they will see that truly this is a human life, one that is alive and moving around? Perhaps they will know the truth then and will not kill their baby? You know, every single one of us will have to answer to God some day for any and all parts we had in either defending life or taking it, and that includes sneaky tricks to pass a bill. God have mercy on us all!! Sincerely, a defender of the most innocent in the womb!

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**Public Comment from William K Messmer submitted at 8:53 a.m. on Thursday, May 13, 2021:**

I want to go on record as a resident of Seaford Delaware, That I support the passage of SB 108.  
Thank you,  
William K Messmer

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**Public Comment from Kathleen Singles submitted at 9:08 a.m. on Thursday, May 13, 2021:**

This is an important bill which needs to pass, women are only asked if they want to see the ultrasound-If I was having a tooth removed it would require an x-ray, shouldn't we give women the same right? This is also a travesty of democracy in our small state of Delaware. Since when do votes take place without the author of the bill?

Please act now,

--

Kathleen Singles  
RYT. M.Ed.

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**Public Comment from Gloria Burton submitted at 7:38 a.m. on Thursday, May 13, 2021:**

Please support SB 108! A young women, who is in the midst of the crisis of finding herself pregnant, needs all the information she can get in order to make a wise decision, after having already made a big mistake. This bill does not mandate that she choose in favor of any procedure but gives her the CHOICE, thus, "the right to choose". This could be on of the biggest decision a young women will ever have to make. As adults, in a position to guide young people, isn't helping them to make good decisions our job. Please support SB 108 so that she will not live to regret a decision made in the throes of despair.

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**Public Comment from Marvin Jones submitted at 7:58 a.m. on Thursday, May 13, 2021:**

Vote for women's right to know 108

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**Public Comment from Nancy W. Frick submitted at 9:34 a.m. on Thursday, May 13, 2021:**

To all of you who hold life in your hands:

EVERY person deserves the right to make a decision based on ALL OF THE INFORMATION

AVAILABLE. This is no less important when a woman is deciding to proceed with a pregnancy or to end it though abortion. This bill gives them that opportunity.

*Would you make a life-changing decision without all of the facts???*

**SUPPORT SB108**

Nancy W. Frick  
2520 Deepwood Drive  
Wilmington, DE 19810  
302-529-5738

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**Public Comment from Vicki Santoro submitted at 9:49 a.m. on Thursday, May 13, 2021:**

Good morning! As a retired nurse and patient advocate, I applaud Senator Richardson for SB108. Just the title of it speaks volumes - "The Women's Right to Know". This bill needs to be voted out of committee tomorrow. Why is it that you would desire to see women treated so poorly as patients? In this day of medical transparency and empowerment of the patient, every patient has the right to know and learn about their condition and actually are obligated to do that. We are speaking about a physician taking five minutes to show a woman her ultrasound and to let her hear the fetal heartbeat - a normal request. Years ago, when I worked in the Emergency Department at Wilmington Hospital, I cared for a young woman who was hemorrhaging after having had an abortion at Planned Parenthood. She was taken to the operating room where it was discovered that her uterus had been ruptured. As it turned out, she did not have a uterine pregnancy, but an ectopic pregnancy (pregnancy in the fallopian tube). The bleeding could not be controlled from the ruptured uterus, and she died. Her brother, who was with her, couldn't understand, because he told us that she had an ultrasound prior to the procedure. It is about time that we look for ways to protect women and not constantly put them in harms way. Where is your humanity when it comes to women? Please vote SB108 out of committee tomorrow.

Respectfully,  
Vicki Santoro

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**Public Comment from Lynn Mey submitted at 10 a.m. on Thursday, May 13, 2021:**

Dear Senator Gay,

As Chair for the committee to review SB108, I heard last night that this bill, sponsored by Senator Richardson, will be voted on Friday to determine if it will be passed out of committee, so I am providing my input via email. Please support this bill.

I have surveyed both pro-choice and pro-life constituents, and ALL ARE IN SUPPORT OF THIS BILL because it empowers women with CRITICAL INFORMATION TO MAKE A MORE INFORMED DECISION about their health!

As Delaware legislation unanimously APPROVED your bill on MAY 5th, 2021, as MATERNAL HEALTH AWARENESS DAY, SB108 will also help women faced with an unplanned pregnancy by providing them with key information when faced with this critical life-altering choice.

I urge you to please support this bill.

Also for my understanding on process for reviews of Delaware legislation, is it unusual that a bill is reviewed even if the bill's sponsor cannot be present? As chair, I'm assuming that this role is to ensure that there are standards followed for legislation committee reviews, so I am just wondering if Delaware government practice is to hold reviews when those who are accountable for presenting the proposal are not present. Thank you for sharing how the practice for reviews are managed.

Thank you for listening,  
Sincerely,  
Lynn Mey

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**Public Comment from Nancy Protin submitted at 10:04 a.m. on Thursday, May 13, 2021:**

My Name is Nancy Protin, and I am a witness for SB 108-The Woman's Right to Know Act.

I was 23 years old and pregnant and had just left my boyfriend.

I was scared and could not see any other way out. I know now this is called "crisis thinking" and I needed someone to help me get to critical thinking!

I drove to the clinic by myself. The doctor came in, with the nurse. He told me to relax, put my feet in the stirrups, saying he would give me a shot to numb me. He told me the only thing I would feel after that was pressure.

I was told nothing about the baby growing inside me or given the facts.

He gave me the shot, turned on the "suction machine" and asked the nurse to start the sonogram. I heard him catch his breath then shut off the machine.

He then told me he was going to insert "sticks" in my cervix to expand it because I was too far along.

He didn't tell me why he was using these sticks, he only said it would cause some cramping. He didn't tell me what "too far along" meant. How old was my baby? I was too scared to ask questions.

I went back for the procedure and was released with NO instructions. NO explanations.

I bled so heavily for 10 days I knew something had to be wrong.

Why was so much information withheld from me? Could it be because if I had known the truth I would have made a different decision and left with my \$1400 cash?

Why wasn't the sonogram done before the procedure and offered to me? If you think that abortion should be treated like any other medical procedure then please vote YES on this bill.

Women deserve the right to know all the facts before making a decision to abort a baby.

Thank you so much for taking the time to read this. Have a good day!

Nancy S. Protin

Middletown, DE

410-900-6566

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**Public Comment from Corey Thomas submitted at 10:05 a.m. on Thursday, May 13, 2021:**

Dear Senator Gay,

When I saw an email regarding this vote tomorrow I decided to drop everything to write you a quick note about my support for SB 108. As a woman, I can imagine the reaction that many young girls and women experience with an unplanned pregnancy. I myself witnessed a close friend during high school take a positive pregnancy test. While abortion has become a political issue and strong emotions run on both sides, I think what is often overlooked is caring for the woman at that moment of crisis. What she needs most is information about what this enormous decision means for her. Truly caring about that woman means giving her the dignity to make her own decision that she alone must live with. Many women feel pressured into an abortion and rush into the procedure only to later experience guilt and regret. Truly caring about a woman's right to choose requires giving her the opportunity to understand the choice she is making and the respect to make the decision for herself. Anything less than that is simply allowing others to manipulate these women.

I urge you to vote in support of SB 108 in support of all of the brave, intelligent women and girls that deserve the right to make an informed decision. Thank you for your consideration on this matter.

God Bless,

Corey Thomas

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**Public Comment from Rodger Pearce submitted at 10:27 a.m. on Thursday, May 13, 2021:**

Dear Committee Members,

I wish to express my support for SB 108. I have read the text and see no language that will be restricting a woman's choice to have an abortion.

I see in the text it still allows to not have an ultrasound in the case of "Medical Emergency" since this would delay needed medical attention to the patient. *(2) For purposes of this section, "medical emergency" means that condition which, on the basis of the physician or other medically authorized person's good faith clinical judgment, so complicates the medical condition of the pregnant patient as to necessitate the immediate termination of her pregnancy to avert her death or for which delay will create serious risk of substantial and irreversible impairment of a major bodily function.*

And also allows a patient to decline an ultrasound.

*(3) The patient may choose not to view the ultrasound image or listen to the fetal heart tone.*

So in my opinion this bill is allowing and requiring from a physician ALL information provided to a patient so the patient can make an informed decision.

Why not allow a patient to have access to ALL information? Again, the patient can decline it.

I don't see a reason why there would be opposition to this bill. It gives more information to the patient, why wouldn't that be advantageous in any medical procedure. Is just because it involves abortion change the idea of having full medial information before a procedure?

So please vote in support of this bill in your Committee.

Thank you for your service to Delaware.

Respectfully,

Rodger Pearce

23004 Seagull Lane

Georgetown, De. 19947

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**Public Comment from Kathleen Migliaccio submitted at 10:36 a.m. on Thursday, May 13, 2021:**

We the citizens of Delaware that vote you into office want sb108 a womans right to know passed

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**Public Comment from Marge Gibson submitted at 11:07 a.m. on Thursday, May 13, 2021:**

Why would you or anyone be against allowing a person to make an INFORMED choice?

Marge Gibson

68 Emily Pintail Dr

Bridgeville, DE 19933

[margegibson@comcast.net](mailto:margegibson@comcast.net).

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**Public Comment from Carol Richardson submitted at 11:36 a.m. on Thursday, May 13, 2021:**

What an upset you allowed this to be heard unfairly without both sides being heard. The Ultrasound Patient's Right to Know Act offers the patient the right to see the ultrasound, only offers, she has the right to chose. Why not let the women chose in this case? I am very concerned you are making decisions so one sided. Are you sure you are callable of doing this job for all the people?

Carol Richardson

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**Public Comment from Lee Murphy submitted at 11:42 a.m. on Thursday, May 13, 2021:**

We are writing to voice our strong support of SB108 Woman's Right to Know Act, which simply requires the medical professional the OPTION of seeing an ultrasound of her unborn child to a woman contemplating abortion. The decision on whether to see an ultrasound pales in comparison to the decision to abort the baby. How anyone in good conscience could vote against this measure,

or against allowing the lead sponsor of the bill, Senator Richardson, the right to defend it, is hard to fathom

On a personal note, most of the women we know who have had an abortion at some time in their life have regretted it, more so as they got older. Many felt that they were not given any real options by the medical professionals they dealt with and felt rushed and pressured to abort. We need to protect all Delaware citizens and this unobtrusive bill providing more information on all options open to women is a good start.

Further, we have heard from dozens of the nearly 197,000 people who voted for Lee for U.S. Congress in November 2020 that they support this bill. We write to you on behalf of them as well. Lee has left personal messages for Senators Gay, Hansen and Pinkney on this issue today and asks that they call him back to discuss at 302 229 9380 any time today.

Respectfully,  
Lee Murphy

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**Public Comment submitted by James Anderson at 12:10 p.m. on Thursday, May 13, 2021:**

Honorable Senator,

I strongly urge you to support the hearing and passage of Senate Bill 108.

This legislation is essential for a women's right to know and her physical and mental well being.

Thanks you and God Bless,

James J. Anderson,  
Millsboro, DE 19966

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**Public Comment from Lorrie Gloede submitted at 12:17 p.m. on Thursday, May 13, 2021:**

Senator:

It is a common courtesy among legislators that when one of them is double-scheduled for committee hearings, and he is a lead sponsor on a Bill being heard, the Bill hearing can be rescheduled. That is not what happened to Senator Bryant Richardson, the lead sponsor for SB 108, The Woman's Right-to-Know Act. The committee hearing was held, even though he had told the chairman, a first-year legislator, that he had pledged to be at another committee meeting at that time. This lack of respect for a colleague and the fact that a first-year legislator is chairman of a committee, sets a very disturbing precedent in my opinion. Senate decorum is very important, which is one reason a first-year senator should not be chairman of a committee. It takes time to learn the ins and outs of the process, which lends itself to seeing that everything is above-board. (This applies to the House as well.) For example, was notification of the time and date of the committee meeting purposely delayed so that proponents of the Bill would have less chance of attending? Were those opposed notified in plenty of time to attend? This type of thinking can be avoided when courtesy and respect are shown. Another aspect that is disturbing to me is that meetings are held on Zoom. For a committee meeting, there should be no problem with social distancing and wearing masks. There is something to be said for eye contact, body language, and the atmosphere in a room, which one does not get on Zoom. Now, finally, to the Bill itself. What is wrong with a doctor being required to simply ask a woman contemplating an abortion if she would like to see her ultrasound? This information can help reinforce her decision or cause her to change her mind. If you don't have an agenda, there should be no problem with this; if you do, you are fearful. Informed consent used to be required for many issues. It protects everyone. I am a better patient when I know and understand a prescribed procedure or treatment. It is interesting to note that those who advocate for choice when it comes to abortions, are showing that they are really

advocating for no choice in any part of the abortion process if they vote no to this Bill. Please VOTE YES TO SB 108 and release it from committee. Thank you. Lorrie Gloede [ljog1@yahoo.com](mailto:ljog1@yahoo.com)

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**Public Comment from William Puglise submitted at 12:29 p.m. on Thursday, May 13, 2021:**

Dear legislative committee members,

As a voting resident of the state of Delaware I am outraged at the way SB108 was handled yesterday. To hear a bill without its author, Sen. Bryant Richardson, present and to deny him the opportunity to present his supporting documentation is contrary to fair legislation. I support the call to take SB108 out of committee so that it can be reviewed and processed in the manner that it deserves. This action regarding such an important issue appears to be a total disregard for decency and fairness. It also appears to be a backhanded way of pushing your personal agenda through in an opportunistic fashion. Please do the responsible and decent thing and give Senator Richardson a chance to present his bill properly.

William Puglise (voting resident)  
1525 Bon Ayre Cr  
Smyrna De

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**Public Comment from Mary Martin submitted at 12:31 p.m. on Thursday, May 13, 2021:**

My name is Mary Martin and I am a witness for SB 108 – The Woman’s Right to Know Act. Tragically, I had three abortions. The first one was when I was merely 19 years old. I was terrified because I knew my very devoted Catholic father would kill me. I had proudly stayed a virgin all through High School. And now I was faced with this.

The fear and shame were too much. I made my decision. I had to abort. My friends told me it was not a baby anyway. I chose to go to the clinic alone. A woman, realizing I was scared, approached me. I asked if it was really a baby. The woman quickly replied, “Oh, no, no, honey, the heartbeat has not even started yet. At this stage it is just a mass of tissues.” When the terrible deed was done, I left as soon as the procedure was finished. No one to tell me what to expect. No one to encourage me.

I went on to do what many women do. Self-medicated. Numb the pain anyway I could. I don’t remember much about my second abortion because alcohol and cocaine had become my best friends. Deadened that guilt and shame. A lot of negative life changes were snowballing. So, when I turned up pregnant again, I chose another abortion. This one was in 1986. But this time it was much more traumatizing. The doctor was rude and curt. He asked if I was sure I wanted to have the abortion since I was farther along than I should be. I was sure. The doctor was very mean and contemptuous. It felt like he hated me. I got physically sick when it was over and ended up literally crawling out the door. Deep down I knew the lie I was told—the mass—was really a baby.

I fell deep into a destructive lifestyle and in 1990 I got pregnant again by a drug dealer. Even though we married, I knew I could not have his child and never told him I was pregnant, so I had abortion number 3. I don’t remember the facility or the doctor. It all felt mechanical. I was at rock bottom and my life was in shambles. It took hard work to become the woman I am now.

I would love to get those years back. How different my life would have been if I had been told the truth about my baby. I never would have made the choices I did if they had been honest. If I had seen a sonogram of my baby. If someone believed I had enough sense to make my own choice, and not have it made for me.

Sincerely,  
Ms. Mary M. Martin

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**Public Comment from John Radell submitted at 12:39 p.m. on Thursday, May 13, 2021:**

Dear Committee Members,

We are writing in support of SB 108 Woman's Ultrasound Patient's Right to Know Act. As we can all agree, women's health issues are important and should be addressed with the best options for treatment of illnesses and procedures. Doctors also tell us full testing and getting the maximum and best information prior to any procedure is essential to a successful procedure. That is why SB108 is so critical to women's health. No one of good faith would deny a women's right to know all there is before entering any procedure.

To deny them this right would only be to further a political agenda and not woman's health agenda. It is for that reason we support SB 108. It provides women with full knowledge and understanding so that they can make their own decision based on medical facts and not political rhetoric.

God bless you,

John Radell

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**Public Comment from Ann Fryberger submitted at 12:56 p.m. on Thursday, May 13, 2021:**

Dear Senator Gay, I would like to request SB 108 be tabled and heard at a later date. I do not believe adequate communication was given to those in favor of the bill, as Senator Richardson himself was unaware the hearing would take place on the morning of Wed, May 12. Please hold the hearing at a later date and allow adequate time for those who wish to speak. Respectfully, Ann Fryberger

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**Public Comment from Bill Gourley submitted at 1:43 p.m. on Thursday, May 13, 2021:**

Dear Senators and Representatives,

Tomorrow, Friday, May 14, SB108, The Women's Right to Know Ultrasound Act, will be up for a vote before the Joint Legislative Oversight & Sunset Committee. As the pro-life father of two daughters, I sincerely and passionately implore you to vote in support of Senator Richardson's bill. Please do the right thing and help women with a "Yes" vote on SB108.

There are no negatives to SB108, only positives. It doesn't *force* an abortion-minded mother to view an ultrasound of her baby before she makes a life and death decision; it simply offers her the *choice* of seeing an ultrasound so she has all the information possible before she makes her decision final. It can save her from a lifetime of regrets and wondering about what might have been.

Planned Parenthood (PP) opposes this bill, yet they claim to be offering women "choice" about their pregnancies. Withholding information from a mother about the developing baby within her is the opposite of choice. Uninformed choice is no choice at all. PP opposes this bill for the same reason they do everything in their power to shield their abortion-minded clients from the pro-life sidewalk counselors at their clinics. Information and truth are a threat PP's abortion business model.

Ultimately, your decision to support or oppose SB108 is a moral one. It is one of those times when morality and politics converge and are inseparable. So you must ask yourself: Will I stand for informing women – if it is their choice – by letting them see an ultrasound of their developing babies? Or will I stand for denying them that opportunity? It's an easy moral choice. I trust you know that too. Thank you for listening.

Sincerely,

William J. Gourley, Jr.

1401 William Penn Lane  
Wilmington, DE 19803  
Phone/fax: (302)764-6597  
Cell: (302)530-6404  
Email: [bill.gourley@verizon.net](mailto:bill.gourley@verizon.net)

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Dear Chairwoman Kyle,

As a resident here in Delaware I strongly request that you table SB108 this Friday and let all constituents be present for an even discussion on the rights of women to gain full knowledge of their pregnancy and even the opportunity to see their ultrasounds. Please realize that many of us still value our right to life and have to be the unborn infant's voice.

I thank you for reading this and please have an kind heart and postpone the vote.

Rosemary Battistoni

1515 Bon Ayre Cir.

Smyrna, DE. 19977

Tel. 910 363 4500

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**Public Comment from Katrina Stubbs submitted at 2:22 p.m. on Thursday, May 13, 2021:**

Hello,

My name is Katrina Stubbs, and I am a witness for SB 108 – The Woman’s Right to Know Act. At 19 years old and a senior in high school, I was pregnant. Having unprotected sex was the second worst thing I could have done at that time. Having my abortion was the first.

I did not talk to anyone. I did not know what to do. For weeks/months I was going back and forth with so many questions. I had so many dreams.

The doctor asked me, "what do you want to do?" I cried and felt like the only way out was an abortion. I was scheduled within days.

I was given no facts, information to consider, and no one helped me make an informed decision.

The doctor told me nothing about risks or any facts about the life growing inside me. Nothing.

I felt alone in every way.

After the procedure, I felt horrible. The entire time I was vomiting non-stop, even before I left the hospital. I knew what I did was wrong. I cried all day.

I finally got counseling to help me heal. I called the father of the child and told him what I did, because all this time he was not aware of the abortion I had. He had no choice either.

That abortion was the biggest mistake of my life.

I am 49 years old and have not had any more children. I will never know if that abortion is the cause. That's the risk that comes with abortion, a risk I was not informed about. I was not even told how far along I was. A woman has the right to know, in any procedure, what exactly is being removed from her body, the risks of removing it, and how it will be removed, especially when it is a life. Please put a stop to this deliberate withholding of information when women need it most.

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**Public Comment from Kathy Hughes submitted at 2:28 p.m. on Thursday, May 13, 2021:**

Dear Senator,



Please be advised that I am totally against every aspect of this proposed bill. I won't go into tremendous detail because I believe that you have all heard the arguments before about interfering with a woman's control over her own body and the relationship she has with her physician. The only inference that I can take from this bill is that it is designed to be intimidating to the patient and will only traumatize her. The onus on the physician to perform this incredibly demeaning, invasive and psychologically damaging procedure is cruel. A doctor's relationship with his patient and him/her following that patient's wishes should remain sacred. Penalizing by civil and criminal penalties is abhorrent.

Respectfully,  
Kathy Hughes  
302-645-1817

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**Public Comment from Eileen C. Smith submitted at 3:13 p.m. on Thursday, May 13, 2021:**

Senator Gay,

I was disheartened to learn Senator Bryant Richardson was denied clear access to this meeting to speak regarding a bill He wrote. Seems rather counter productive to do, exclude the author? Over the years I have witnessed the Delaware Legislature move solidly into a population elimination mentality, Abortions , is your goal to excise a life as simply as removing a hemerobiid? In addition to someone from the Democratic party reintroducing another Euthanasia Bill..... is life so undervalued that elimination is seen as a positive. I have experienced the joy of accompanying my loved ones with Hospice.. it is a beautiful and soothing experience As healthcare consumers we get fully informed decisions before a procedure including a way out one such as Anesthesia Malignant Hyperthermia which doesn't happen often yet as patients we sign a wavier. I have scrubbed into so called simple Gyneocological procedure, uterous and engorged arteries and veins can and DO rupture during surgical interventions in the most advanced environments. Patients will see an ultra-sound of their gall stones pre-op why not pregnanc

Let Senator Richardson and supporters of this bill have an equal time period to speak from their point of view or has the basic Bill of Rights been altertered too, do we no longer have the Freedom of Speech? Please if you are discussing

a bill as serious as this make certain ALL the principles are included not just "friends whom wish to sway the vote.

Eileen C. Smith , RN, CNOR

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**Public Comment from Alec Josh Miller submitted at 3:43 p.m. on Thursday, May 13, 2021:**

Attention: Senators, Representatives & Chairpersons I am writing to request your sincere consideration and support of SB 108, a.k.a. "The Woman's Right To Know Act." I do not know what your beliefs and positions are regarding when life begins and whether or not it is permissible in God's eyes (we know that it is legally allowed in Delaware) to intentionally end the life of an unborn child. However, if you take the position that you are "pro choice" then it behooves you to vote in favor of SB 108, which offers the patient the CHOICE of viewing the ultrasound and hearing the heartbeat of her unborn child before moving forward with an abortion. The patient also has the choice to decline doing so - a bill cannot be more pro choice than that! This bill would give the patient the opportunity to make a more informed decision even if the doctor would otherwise choose not to offer it. Thanks for your consideration. Sincerely, Alec Josh Miller P.O. Box 66 Lewes, DE 19958

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**Public Comment from Lester and Jane Buxton submitted at 4:16 p.m. on Thursday, May 13, 2021:**

Honorable Cmte Chair Gay, Cmte members, Senators and Representatives,  
re SB 108 (currently before Senate Legislative Oversight & Sunset Cmte)

We strongly support SB 108. Every patient deserves access to complete and accurate medical information regarding their health care choices. Requiring the physician to offer ultrasound imaging and heart tone services before terminating a patient's pregnancy is an extremely important example of this. Every patient experiencing pregnancy needs access to this option in order to make an informed health care decision.

As you know, SB 108 does not require any patient to choose this option. It only provides the patient with a choice. We know that you all support choice. Therefore, we ask that you favorably vote SB 108 out of the Senate Legislative Oversight & Sunset Committee so that it may be placed on the Senate Ready List.

Thank you for your thoughtful consideration.

-- Lester & Jane Buxton

500 W 19th St Wilmington DE 19802

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**Public Comment from Linda Johnston submitted at 4:28 p.m. on Thursday, May 13, 2021:**

RE: SENATE BILL 108 -THE WOMEN'S RIGHT TO KNOW ACT In my opinion, not passing this bill violates the Patient's Bill of Rights and is also Medical Malpractice. My name is Linda Johnston and I am writing to urge the committee to approve Senate Bill 108 sponsored by Senator Bryant Richardson and Rep. Collins. After reading this bill, I was surprised to learn that we do not routinely offer a woman information about and the opportunity to have the ultrasound imaging and the auscultation of fetal heart tone before terminating a pregnancy. By not doing this routinely, the physician, clinical staff, etc, are WITHHOLDING important medical information that these services are available for a patient. It is also wrong and medically unethical to withhold medical information from a patient. Withholding information from a patient is considered malpractice. In my opinion it is also in violation of the Patient's Bill of Rights. Typically a patient's bill of rights guarantees patients information, fair treatment, and autonomy over medical decisions, among other rights. When we go to our physician, we expect to be treated with respect, and most of all, we expect an honest assessment of our medical condition and ALL services available. We do not expect to have information withheld. The physician has an obligation to totally inform the patient of all options available. We also have the right to accept or reject them. The bill itself states that the woman is free to choose NOT to view the ultrasound or listen to the heartbeat BUT THIS IS THE FINAL DECISION OF THE WOMAN. IT IS NOT UP TO THE PHYSICIAN TO WITHHOLD THE INFORMATION THAT IT IS AVAILABLE TO HER TO MAKE THAT DECISION. Our medical profession is indeed an honorable one. It takes a very special person to become a medical professional. Don't devalue this profession to the point where it is no longer respected by allowing physicians/medical professionals to withhold important information from their patients.. I urge you to pass this bill, it is every woman's right to be informed of and offered these services, just as it is every woman's right to refuse them if she so chooses. Thank you. Linda Johnston 26 Marathon Dr. Seaford, DE 19973 (302) 381-3815

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**Public Comment from Nick Boggs submitted at 4:48 p.m. on Thursday, May 13, 2021:** Dear Miss Colonna,

A familiar term these days is "follow the science". If we follow the science on human biology and development, we now know in the 21st century, that at the moment of conception, a fertilized egg has its own fully complete DNA profile like you and I, thereby making it a human being. No longer can one say it is just a "clump of cells". At this very moment, NASA is searching Mars for signs of life far less complex than is often aborted by tens of thousands of women every year in this country. In this 21st century, we can now deliver babies so prematurely that they fall within the range of being able to be legally aborted in most states. We now convict murderers of pregnant women on TWO counts of homicide IF that woman was intending on having the baby or not. We know now that black babies are aborted at hugely disproportionate rates than others babies. And we know now that Planned Parenthood as founded by Margaret Sanger, a known racist and ugenecist, intentionally set up abortion clinics in poor black neighborhoods.

Please help end the racist and senseless, killing of America's children due to bad science and the international misinformation given to young women at Planned Parenthood and other clinics.

Please pass SB108 so they know what they are doing, and who they are doing it to. Thank you.

Sincerely,

Nick Boggs

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**Public Comment from Ralph Scott III submitted at 6:37 p.m. on Thursday, May 13, 2021:**

Chairperson Senator Gay and Members of Delaware Senate Legislative Oversight & Sunset Committee

Almighty God created life. He knew all of Us before We were born. We, as all the unborn are His intention. A Woman's right to know, an ultrasound must be allowed, if not mandated, before Her life is altered, and innocent life is terminated.

Choose life. Thank God for the joy Our Mothers experienced.

Respectfully & Sincerely,

Ralph Scott III Scott's Furniture, Inc. P. O. Box 157 18451 Sussex Hwy. Bridgeville, DE 19933 302-337-8274 [scottsfurniture@verizon.net](mailto:scottsfurniture@verizon.net)

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**Public Comment submitted by Connie Sites at 9:40 p.m. on Thursday, May 13, 2021:**

Dear Senator Kyle, I am contacting you to ask that you vote to allow SB108 to be released from committee for a full vote on the Senate floor. I have read SB108 and I have full understanding. In a brief summary: The bill states that ultrasound imaging and auscultation of the fetal heart beat be offered to the patient before termination of the pregnancy. This bill provides freedom of choice to the patient, which I thought was the goal in this entire abortion issue. It should not matter which side one falls on this heated topic; the goal of each side should be to allow the patient the right to choose. Over and over again, we are told that it is the women's right to choose what she wants to do with her body. Following that same thought, why is allowing a woman to obtain more information before making a decision that impacts her for a lifetime is not something we would all want? I have heard the argument repeated over and over again that we can not choose for the woman, so how can we choose not to give that woman all the pieces that she needs to make the an informed choice. This is time of fear, isolation and many times a lack of understanding for these women. If it is that the women's right to choose, then we need to allow the woman to have all the tools that we can provide to make an informed decision that impacts a life. Should we not trust these women? I believe that it is unfair for the elected Senators not to allow both sides of this abortion issue to be voiced. You represent the people and we want a voice. Thank you for your time

and consideration in this decision to allow SB108 be released from committee and heard before the full Senate. I know that you stand for freedom to choose. Sincerely, Constance Sites

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**Public Comment submitted by Lilian M. Rogers at 11:10 p.m. on Thursday, May 13, 2021:**

Dear Ms. Gay, Please let SB 108 out of Committee to be voted upon. This bill guarantees informed consent. It

protects a woman's right to choose based on reality, not propaganda and deception. I'm Planned Parenthood's website, that organization still tells folks that the unborn person is not a living human being- it is just a clump of cells. Well that may be what it looks like after they've crushed and grinded him or her up to into little pieces, but you, like many others have probably seen the ultrasounds of tiny unborn human babies. I know many friends who lament their abortions and have said to me, "If only someone told me the truth back then, I would not have had the abortion." This law gives women the right to see the same picture the abortionist will see when guiding the surgical instruments. Let's stop the dark secretiveness of this business and let the light of transparency in. Thank you. Lilian M. Rogers 39 Steele Rd. Dover, DE 19901 Sent from my iPhone

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**Public Comment submitted by Carol Kinsley at 6:45 a.m. on Friday, May 14, 2021:**

Whether to have an abortion must be a difficult decision. Women need to realize it's a human life they are destroying — a baby that, if they cannot or will not care for, someone else may desperately want. I believe doctors should be required to offer an ultrasound and auscultation of fetal heart tone before performing an abortion.

Yes, women have rights over their own bodies. But the time to choose is BEFORE having unprotected sex!

Please vote FOR Senate Bill 108.

Carol Kinsley

Seaford, Delaware

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**Public Comment submitted by Stephen Smickey at 9:07 a.m. on Friday, May 14, 2021:**

Dear Chairman Gay, I am contacting you this morning with an urgent and heartfelt appeal to you to support SB-108. I have been pastoring and caring for women in Delaware and throughout the Delaware Valley for over twenty-five years. I have seen first hand the life changing impact of abortion. The legislation proposed in SB-108 is smart and fair! It respects a woman's right to choose while at the same time honors the life that she is carrying in her womb. Please support SB-108! As Chairman I ask you to carefully consider whether or not this bill has been given proper time to be debated and commented upon by other legislators and/or the public. Please lead accordingly - for women and for the unborn children who have no voice yet. Sincerely,  
Stephen Smickley 1603 Shipley Road Wilmington, DE 19803

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**Public Comment from Mary Kelley submitted at 9:34 a.m. on Friday, May 14, 2021:**

SB 108

Please vote in favor of this bill. It will not force a woman to have an ultrasound, it will be an option. Considering the finality and possible lifelong regrets that can occur from terminating a pregnancy, what is wrong with giving someone as much information as possible before making this decision? According to Life Site News, more than 42 million abortions took place globally in 2019. Abortion was the single largest cause of death on the planet. Planned Parenthood revealed they aborted more than 345,000 babies in 2019-2020 alone. These are human beings that never even had a

chance. The baby could still end up being aborted, but at least they may have a fighting chance if the mother can make an informed decision. It does not make sense to me that there would be opposition to this bill, we are talking about a baby, a living person, according to the ultrasound and heartbeat. They have a right to be seen and heard. The mother has a right to that information.

Thank you.

Mary

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**Public Comment from Claire submitted at 9:44 a.m. on Friday, May 14, 2021:**

Please vote YES to SB 108

This bill supports and provides transparency to mothers regarding life for their child. It is statistically shown that over 70% of mothers who view their ultrasound, acknowledge the truth that they are carrying life. The abortionist would only be required to ask if the mother wants to view the ultrasound or not.

Many vulnerable women are under the control of abortionists. Life isn't always about what we want to hear, it's about what we need to hear. It is not shameful for mothers to hear the truth, it is necessary, and they have every right to do so. If they were previously in denial and misinformed, through an ultrasound they could at least see blatant, undeniable evidence that their child exists. Consequently, they would be fully informed while making their life or death decision.

I am a ProLifer who has stood in front of planned parenthood, witnessing the flocks of mothers towards potential devastation- like sheep being led to slaughter. I am heartbroken that some of these mothers would have chosen life for their Baby, but were deceived and weren't even shown an ultrasound in order to make a fully informed decision. The only reason people would be against this bill, is if they are against mothers, babies, and life. What are they trying to hide? The Truth? If you truly believe in "pro-choice", then support this bill to help a mother make her own choice.

~Claire

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## Official Position Statement

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151<sup>st</sup> Delaware General Assembly

*House Bill 40 and Senate Bill 108 (Formerly 17) An Act to Amend Title 10 and 24  
of the Delaware Code Relating to the Offer of an Ultrasound and Auscultation  
Services Before Terminating a Pregnancy*

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**Effective Date:** April 27, 2021

**Adopted by:** Delaware Nurses Association Board of Directors

**Contact:** [executivedirector@denurses.org](mailto:executivedirector@denurses.org) or 302-733-5880

### **Introduction**

Registered Nurses (RNs) and Advanced Practice Registered Nurses (APRNs) serve a crucial role in the care of women and families. Nurses are present for preventative women's healthcare, prenatal care, labor, delivery, postnatal care, neonatal care and so much more. Nursing care extends to care of the woman undergoing a pregnancy termination. Nurses caring for women undergoing a pregnancy termination recognize the many facets of care, compassion and expertise required to provide superior service and the many complex emotions experienced during this time (Goss, 2002; Mainey, O'Mullan, Reid-Searl, et al., 2020). Nurses also play a critical role in providing information related to all options so the patient makes an informed decision regarding their care (New York State Nurses Association [NYSNA], 2018).

### **Statement of DNA's Position**

The Delaware Nurses Association opposes the passing and signing of House Bill 40 and Senate Bill 108 (formerly 17), introduced to the 151<sup>st</sup> Delaware General Assembly on December 18, 2020 and April 14, 2021 (respectively), titled "An Act to Amend Title 24 of the Delaware Code Relating to the Offer of an Ultrasound and Auscultation Services Before Terminating a Pregnancy." The decision to terminate a pregnancy is complex and ought to be based on the therapeutic relationship established between a licensed healthcare provider and the patient.



## Official Position Statement

Licensed healthcare providers, including Registered Nurses and Advanced Practice Registered Nurses, are trained to build rapport, assess the patient clinically, gather important healthcare data, provide information to allow the patient to make an informed decision, and respect patient preferences. Within the context of this relationship is where the decision on imaging, testing and plan of care needs to be made. Patients also have the right to a timely procedure. Over regulation surrounding the termination of a pregnancy can delay the procedure, adding to the overall acute and potential for post-traumatic stress experienced during this time (NYSNA, 2018). For these reasons, the Delaware Nurses Association opposes the passing and signing of House Bill 40 and Senate Bill 17.

### References

- Goss, G. L. (2002). Pregnancy termination: Understanding and supporting women who undergo medical abortion. *Nursing for Women's Health*. 6(1), 46-50. doi: 10.1111/j.1552-6356.2002.tb00018.x
- Mainey, L., O'Mullan, C., Reid-Searl, K., Taylor, A., & Baird, K. (2020). The role of nurses and midwives in the provision of abortion care: A scoping review. *Journal of Clinical Nursing*. 29(9-10), 1513-1526. doi:10.1111/jocn.15218
- New York State Nurses Association (2018). *Position state on the role and responsibility of the registered professional nurse in abortion procedures*. Retrieved from <https://www.nysna.org/position-statement-role-and-responsibility-registered-professional-nurse-abortion-procedures#YBBjmuiYqUk>

Re: SB 108

# Legislative Interference with Patient Care, Medical Decisions, and the Patient-Physician Relationship

## Statement of Policy

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Government serves a valuable role in the protection of public health and safety and the provision of essential health services. The American College of Obstetricians and Gynecologists (ACOG) supports this proper role of government. Laws that veer from these functions and unduly interfere with patient-physician relationships are not appropriate. Absent a substantial public health justification, government should not interfere with individual patient-physician encounters.

The patient-physician relationship is essential to the provision of safe and quality medical care and should be protected from unnecessary governmental intrusion. Efforts to legislate elements of patient care and counseling can drive a wedge between a patient and her health care provider, be that a physician, certified nurse-midwife, certified midwife, nurse practitioner, or physician assistant. Laws should not interfere with the ability of physicians to determine appropriate treatment options and have open, honest, and confidential communications with their patients. Nor should laws interfere with the patient's right to be counseled by a physician according to the best currently available medical evidence and the physician's professional medical judgment. ACOG strongly opposes any governmental interference that threatens communication between patients and their physicians or causes a physician to compromise his or her medical judgment about what information or treatment is in the best interest of the patient.



Laws that require physicians to give, or withhold, specific information when counseling patients, or that mandate which tests, procedures, treatment alternatives or medicines physicians can perform, prescribe, or administer are ill-advised. Examples of such problematic legislation include laws that prohibit physicians from speaking to their patients about firearms and gun safety; laws that require medically unnecessary ultrasound examinations before abortion and force a patient to view the ultrasound image; laws that mandate an outdated treatment protocol for medical abortion; and laws that prescribe what must be communicated to patients about breast density and cancer risk, contrary to current evidence-based scientific data and medical consensus.

This type of legislative interference affects all physicians, not just obstetrician-gynecologists.<sup>1</sup> For example, laws that require physicians to follow a specific medical protocol, singled-out by legislators in defiance of current accepted medical practice, are dangerous to patient health and safety. Such laws preclude physicians from offering the best evidence-based care to their patients. Even if the law or regulation is generally consistent with the clinical standard of care at the time of enactment, medical treatment protocols written into law are problematic. Medical knowledge is not static. As knowledge advances, these protocols, tests, and procedures will become outdated. Legislation should not override scientific progress.

ACOG opposes legislation that weakens the patient-physician relationship. We urge physicians to advocate against undue legislative interference in patient care. A patient's right to be counseled and treated by her physician according to the best available medical evidence and the physician's professional medical judgment must be protected.

## Reference

<sup>1</sup> Weinberger SE, Lawrence HC 3rd, Henley DE, Alden ER, Hoyt DB. Legislative interference with the patient-physician relationship. N Engl J Med 2012;367:1557-9.

*Approved by the Executive Board May 2013*

*Reaffirmed July 2016*

*Amended and Reaffirmed July 2019*

American College of Obstetricians and Gynecologists  
409 12th Street SW, Washington, DC 20024-2188

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May 12, 2021

The Honorable Kyle Gay  
Chair, Senate Legislative Oversight and Sunset Committee  
Delaware General Assembly  
411 Legislative Avenue  
Dover, DE 19901

**Re: Letter of Concern Regarding Senate Bill 108**

Dear Senator Gay,

I write to express ChristianaCare's concerns with Senate Bill 108, which will require physicians to offer patient ultrasound imaging and auscultation of fetal heart tone prior to the termination of a pregnancy. We believe this legislation will set a dangerous precedent, as medical decision making around the termination of pregnancies should be left to patients and physicians.

According to the American Congress of Obstetricians and Gynecologists (ACOG), *"Absent a substantial public health justification, government should not interfere with individual patient-physician encounters. Laws that require physicians to give, or withhold, specific information when counseling patients, or that mandate which tests, procedures, treatment alternatives or medicines physicians can perform, prescribe, or administer are ill-advised."* We agree that all medical discussions and decisions should be strictly made between a physician and patient. This bill will set mandates around patient-physician encounters that are concerning and will not enhance the health or safety of our patients. In addition, mandating unnecessary diagnostic testing will increase costs to health systems and patients that could be better utilized elsewhere.

We support a patient's right to utilize the help of their physician to make decisions around safe and legal abortions. However, we feel that Senate Bill 108 is harmful to those efforts. We urge you and members of the committee to also oppose this legislation. Thank you for your time and consideration.

Sincerely,

*Meredith Stewart Tweedie*

Meredith Stewart Tweedie, Esq.  
Vice President Government Affairs & Policy, Senior Counsel



## TALKING POINTS on STATE LEGISLATION

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### Government Mandates: Ultrasound and Abortion

#### *Legislative Landscape*

More than 25 states (as of January 2022) have passed ultrasonography requirements on the provision of abortion care. The earliest laws date to the mid-1990s. These laws require an ultrasound to be offered and/or performed prior to an abortion. These laws often contain additional requirements, such as a simultaneous explanation of what the ultrasound is depicting, and/or that the patient receive a detailed description of the image, view the image, or listen to Doppler cardiac tones. Many of these laws threaten clinicians with professional, civil, or even criminal penalties for not following the law's requirements.

Ultrasound mandates are unique in ways that should concern all physicians. The government is dictating specific diagnostic protocols physicians must follow before performing a medical procedure and how they must counsel patients.

### Talking Points

- **This bill sets a dangerous precedent by legislating specific diagnostic protocols physicians must follow before performing a medical procedure.** These decisions are between the doctor and patient, not the government's. Decisions about a patient's medical care and management are always best made between the patient and the expert in medical care, the clinician.
- **This bill will not enhance the health or safety of patients.** This bill substitutes a government mandate for a doctor's judgment. The government will require ultrasounds even though ultrasounds are not always necessary prior to an abortion. In cases where an ultrasound is not done, the clinician relies on evidence-based and effective approaches, such as a clinical exam and patient history.
- **Some patients are referred from outside clinics and have already had an ultrasound.** Mandating another one is an unnecessary duplication of an expensive test and adds financial stress to an already difficult decision.
- **All medical procedures must be done consensually within the privacy of a doctor's relationship with the patient – not by state intrusion.** A patient's decision about medical care must be voluntary – not dictated by government – and no procedure should be done

without a patient's consent. But under this bill, women requesting abortions would lose this autonomy.

- **This bill is about government mandates, not patient rights.** This bill is not about a woman's right to know all of the medical information before she makes a decision about a treatment plan or procedure. Women already have that right. As health professionals, we have a legal, professional and ethical obligation to share with the patient all relevant information about the range of health care choices that are available, the benefits and risks of treatments, and to respect the patient's decision. There is no evidence to suggest that doctors are not complying with this obligation prior to performing abortions. This bill is demeaning and disrespectful to the women of our state, and insulting to the doctors and nurses who care for them.
- **Patients must rely on their physicians' best medical judgment.** This bill misuses the long-standing practice of informed consent whereby a patient and her doctor openly discuss the diagnosis, prognosis and possible options – privately, without outside interference. This legislation interferes with the exercise of professional judgment and imposes unduly burdensome and questionable obligations on health care providers.
- **Mandating an unnecessary medical diagnostic test will increase costs to the health care system, including patients.** We urge lawmakers to consider legislation that would more appropriately utilize health care dollars to improve access to cancer screenings, preconception care and family planning for women and their families. ACOG would welcome a dialogue about maximizing limited resources to improve the health care of the women of our state.

*ACOG supports individuals' rights to make decisions about their pregnancy and the right to safe, evidence-based, legal abortion. The intervention of the Legislature into medical decision-making is inappropriate, ill-advised and dangerous.*

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#### **ACOG Supporting Documents:**

ACOG Practice Bulletin 223, *Medication Abortion Up to 70 Days of Gestation*, 2020.

ACOG Committee Opinion 815, *Increasing Access to Abortion*, 2021

ACOG Committee Opinion 612, *Abortion Training and Education* 2009.

ACOG Statement of Policy, *Abortion Policy*, 1993, reaffirmed July 2020.

ACOG Statement of Policy, *Legislative Interference with Patient Care, Medical Decisions, and the Patient-Physician Relationship*, July 2019