

**151st General Assembly**  
**January 2020 to June 2022**  
**Health Care Industry Related Legislation**

To view the bill and current status, click on the Bill#.

**Delaware Senate Bills:**

**SS 2 for SB 1 with HA 1**

Introduced: 3/4/2022

An Act to amend Title 19 of the Delaware Code relating to **The Family & Medical Leave Insurance Program**. This Act, the Healthy Delaware Families Act, creates a statewide paid family and medical leave insurance program. Delaware employees can access up to 12 weeks of paid family and medical leave through the State's paid leave trust fund for a qualifying event, including for the following: (1) To address a worker's own serious health condition. (2) To care for a family member with a serious health condition. (3) To bond and care for a new child. (4) To address the impact of a family member's military deployment. This Substitute to Senate Bill No. 1 differs from Senate Bill No. 1 with regard to the eligibility determination process, covered relationships, length of leave, forms of leave covered, cumulative leave, eligibility criteria, implementation timeline, appeal process, departmental powers, and not requiring participation from certain smaller businesses. This Substitute differs from Senate Substitute No. 1 to Senate Bill No. 1 by making technical corrections, clarifying intent and providing greater statutory detail with regard to appeals, coordination of benefits, definitions, private plans, and departmental powers, and providing temporary flexibility regarding implementation. **HA 1** exempts any business that is closed in its entirety for 30 consecutive days or more per year. This amendment also adds the requirement that, before July 1, 2029, the Department submit a report the General Assembly and the Governor on the family and medical leave insurance program, including factors such as information and data on program usage, program efficiency, and recommendations for program improvements.

*Status: Signed into Law 5/10/2022*

*DHA Position: No Position*

**SB 15 with SA 1**

Introduced: 3/9/2021

An Act to amend Title 19 of the Delaware Code relating to **Minimum Wage**. This bill provides for gradual increases in the Delaware minimum wage to \$15 over a period of several years. **SA 1** makes a technical correction to clarify that the minimum wage will remain at its current level of \$9.25 per hour until January 1, 2022.

*Status: Signed into Law 7/19/2021*

*DHA Position: No Position*

**SB 17**

Introduced: 1/12/2021

An Act to amend Title 24 of the Delaware Code relating to the **Offer of an Ultrasound Before Terminating a Pregnancy**. This Act requires a physician to offer a patient ultrasound imaging and auscultation of fetal heart tone services before terminating a pregnancy and provides civil and criminal penalties for the failure of a physician to comply with this requirement. The patient is free to choose not to view the ultrasound or listen to the heartbeat. This Act is known as "The Woman's Ultrasound Right to Know Act."

*Status: Stricken in Senate*

*DHA Position: No Position*

**SB 20**

Introduced: 1/12/2021

An Act to amend Title 6 & 21 of the Delaware Code relating to **Parking**. This Act clarifies that a person with a special license plate or permit for persons with disabilities may park for an unlimited period where the length of time is otherwise limited and must be able to park in a metered parking space for at least 1 hour. This Act clarifies that it is a violation of the state equal accommodations law to prohibit parking as authorized for a person with a special license plate or permit for persons with disabilities. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Signed into Law 9/15/2021*

*DHA Position: No Position*

**SB 25**

Introduced: 6/3/2021

An Act to amend Title 24 of the Delaware Code relating to **Insurance Coverage and Reimbursement for Services Provided by a Chiropractor**. Chiropractic care is a drugless system of health care. It is uniquely positioned as a treatment for back pain and chronic headaches, which a peer-reviewed medical journal has indicated are alarming drivers of opioid-related deaths. Other peer-reviewed studies have indicated that chiropractic physician care reduces opioid usage rates, costs significantly less than the opioid treatment path, and contributes to preventing addiction and overdose death. In Delaware, back problems are a top-three cost driver and are among the most common conditions resulting in disability and lost productivity. This Act helps to address these issues in Delaware and improves access for Delawareans seeking opioid-free treatment by ensuring chiropractors are reimbursed at least at the level of Medicare and not at historically persistent lower rates.

*Status: Signed into Law 9/10/2021*

*DHA Position: No Position*

**SB 31**

Introduced: 1/12/2021

An Act concurring a proposed amendment to Article 1 of the Delaware Constitution relating to **Equal Rights**. This Act is the second leg of a constitutional amendment to add race, color, and national origin to § 21 of Article I of the Delaware Constitution to explicitly declare that protection against discrimination based on race, color, and national origin is one of Delaware's fundamental rights. The first leg of this constitutional amendment was Senate Bill 191 of the 150th General Assembly, published in Chapter 287 of Volume 82 of the Laws of Delaware. On passage of this second leg by this General Assembly this amendment will become part of the Delaware Constitution. Since the 14th Amendment to the United States Constitution was adopted on July 9, 1868, with Delaware ratifying it in 1901, at least 15 states have added a provision to their state constitution that prohibits the denial or abridgement of equal rights under the law based on race, color, or national origin. In 2019, Delaware amended the state constitution to prohibit the denial or abridgement of equal rights under the law based on sex, but no such prohibition exists as to race, color, or national origin. This Act requires a greater than majority vote for passage because § 1 of Article XVI of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly when the General Assembly amends the Delaware Constitution.

*Status: Became part of the Constitution on 1/28/2021*

*DHA Position: Support*

**SB 32**

Introduced: 1/12/2021

An Act to amend the Delaware Code relating to **Discrimination**. A 2019 study found the following: (1) Black women are 80% more likely to change their natural hair to meet social norms or expectations at work. (2) Black women are 50% more likely to be sent home or know of another Black woman sent home from work because of her hair. (3) Black women are 30% more likely to be made aware of a formal workplace appearance policy. Delaware law prohibits discrimination on the basis of race in a variety of settings. This Act makes clear that race also includes traits historically associated with race, including hair texture and a protective hairstyle, which includes braids, locks, and twists. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Signed into Law 4/13/2021*

*DHA Position: Support*

**SB 33**

Introduced: 1/12/2021

An Act to amend Title 26 of the Delaware Code relating to **Renewable Energy Portfolio Standards**. This Act modifies the Renewable Energy Portfolio Standards Act to do the following: (1) Continues increasing the required minimum percentage of electrical energy sales to Delaware end-use customers from renewable energy sources through 2035. (2) Makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. (3) Eliminates "cost-cap" mechanism for freezing the RPS and replaces it with a market-based mechanism. (4) Clarifies the rulemaking authority for this Act.

*Status: Signed into Law 2/10/2021*

*DHA Position: No Position*

**SS 1 for SB 35 with SA 1**

Introduced: 6/9/2022

An Act to amend Titles 11 and 19 of the Delaware Code relating to **Labor**. Like Senate Bill No. 35, this Act defines specific violations of wage payment and collection laws under Chapter 11 of Title 19 as wage theft, providing specific penalties for these violations, and creates a new criminal offense of wage theft, with a mechanism for the Department of Labor to refer completed investigations to the Department of Justice for prosecution. Clearly defining wage theft protects Delaware workers and Delaware taxpayers from employers who pay their employees “under the table” because this practice results in lost tax revenue to this State and exposes employees to personal risk in the areas of unemployment compensation and workplace injuries. The civil penalties collected for violations that are wage theft must be used for the enforcement of wage payment and collection laws under Chapter 11 of Title 19 and prosecution of the offense of wage theft under § 841D of Title 11. Senate Substitute No. 1 for Senate Bill No. 35 differs from Senate Bill No. 35 as follows: • Clarifies that Chapter 11 of Title 19 does not apply to independent contractors. • Defines the term "independent contractor" using the same definition that is used in Chapter 35 of Title 19 and specifically identifying as "independent contractors" a person licensed by the Department of Insurance or registered under Chapter 73 of Title 6 as a broker-dealer, agent, investment adviser, or investment adviser representative. It also allows the Department of Labor to designate additional occupations as an “independent contractor” through regulations. • Does not make any changes to the definitions sections of other chapters in Title 19. • Adds terms and definitions to § 1101 of Title 19 that are used in Chapter 11, with the same definitions for the terms as would have applied under the revisions to § 101 of Title 19 in SB 35. Like Senate Bill No. 35, this Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual and requires a greater than majority vote for passage because § 28 of Article IV of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to give criminal jurisdiction to inferior courts. **SA 1** corrects a typographical error.

*Status: Signed into Law 10/7/2022*

*DHA Position: No Position*

**SS 1 for SB 38**

Introduced: 3/4/2021

An Act to amend Title 11 of the Delaware Code relating to **Expungement of Records of Adult Arrest and Conviction**. In 2019, the 150th General Assembly enacted Senate Substitute No. 1 for Senate Bill No. 37, which reformed the adult expungement process in this State. After a year of implementing this new expungement process, Senate Bill No. 38 was introduced to make changes to clarify language or increase the efficiency of the process. Like Senate Bill No. 38, this Substitute does the following: (1) Clarifies that the adult expungement law under Subchapter VII of Chapter 43 of Title 11 of the Delaware Code does not apply to a juvenile adjudication of delinquency. (2) Clarifies that “pending criminal charges” does not include an alleged violation of Section 904 (e) or (f) of Title 4, Section 4764(c) of Title 16, or a Title 21 offense. (3) Clarifies that certain crimes that are not eligible for a mandatory or discretionary expungement under § 4372(f) of Title 11 are eligible for a discretionary expungement after an unconditional pardon is granted by the Governor. (4) Clarifies that the requirement that a person may not receive an expungement for 10 years after a prior expungement is to be applied prospectively to expungements granted after December 27, 2019. (5) Clarifies that the requirement that all fines, fees, and restitution be paid before an expungement is granted applies to the conviction for which the person is seeking the expungement, not all fines, fees, or restitution the person might owe. (6) Clarifies that a case terminated in favor of an accused is to be expunged even if a person has other prior or subsequent convictions that are not eligible for expungement. (7) Includes certain criminal contempt of court orders, criminal contempt of a protection from abuse order, and breach of release as misdemeanor crimes of domestic violence that are not subject to mandatory expungement. (8) Clarifies that a discretionary expungement that is sought after an unconditional pardon by the Governor is to follow the procedures for a discretionary expungement in § 4374(c) through (h) and (j) of Title 11 and is not to be restricted by any of the eligibility requirements or exclusions contained in § 4374 of Title 11. This Substitute differs from Senate Bill No. 38 as follows: (1) This Substitute removes the process for expunging certain cases that do not have a disposition. (2) While this Substitute also permits a person to include in a petition for discretionary expungement a crime that is eligible for mandatory expungement and to authorize Family Court and Superior Court to grant a mandatory expungement, this Substitute modifies that language.

*Status: Signed into Law 11/8/2021*

*DHA Position: No Position*

**SB 44 with SA 1**

Introduced: 1/21/2021

An Act to amend Title 16 of the Delaware Code relating to **Drug Overdose Fatality Review Commission**. This Act allows the Drug Overdose Fatality Review Commission ("Commission") to review all deaths related to a drug overdose, regardless of the type of drug implicated in the overdose death. This change will allow the Commission to obtain and review all medical records, including substance abuse and mental health records, when there is a death related to a drug overdose. This approach will allow the Commission to monitor the evolving nature of societal drug use over time and make recommendations that are proactive in reducing the harm from emerging trends. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. **SA 1** removes the word "all" from the current law. Currently, the Drug Overdose Fatality Review Commission ("Commission") uses a sampling method since there are so many overdose deaths to review each year. The removal of "all" allows the Commission to review every death if resources allow, but also reflects the current process that reviews a sample of the deaths.

*Status: Signed into Law 6/15/2021*

*DHA Position: No Position*

**SB 53**

Introduced 1/26/2021

An Act to amend Title 16 of the Delaware Code relating to **Criminal Violence Risk Assessment**. On November 3, 2015, the United States Centers for Disease Control and Prevention (CDC) published a report titled "Elevated Rates of Urban Firearm Violence and Opportunities for Prevention – Wilmington, Delaware" in which the CDC made 2 major recommendations: (1) the creation and adoption of a robust risk assessment tool and (2) an integrated, statewide data collection system. To date, no meaningful action has been taken at any level to implement the CDC's recommendations. This Act adopts the CDC's recommendations and directs the pertinent State agencies to implement these recommendations.

*Status: Introduced and Assigned to Health & Social Services Committee in Senate*

*DHA Position: No Position*

**SB 55**

Introduced: 1/28/2021

An Act to amend Titles 16 of the Delaware Code relating to **School Access to Epinephrine Autoinjectors**. This Act creates emergency access to epinephrine that allows an institution of higher education to acquire and stock a supply of epinephrine autoinjectors if an employee or agent has completed a training program. This Act allows the individual who has completed the training program to provide an epinephrine autoinjector to someone experiencing anaphylaxis for immediate self-administration or administer an epinephrine autoinjector to someone experiencing anaphylaxis. Before an individual administers an epinephrine autoinjector under this Act, the individual must notify EMS immediately, and after administration, must report the administration to the prescribing health-care provider. This Act also makes technical corrections to conform existing law to the creation of the new subchapter and to the standards of the Delaware Legislative Drafting Manual.

*Status: Signed into Law 8/10/2021*

*DHA Position: No Position*

**SB 58**

Introduced: 2/12/2021

An Act to amend Title 20 of the Delaware Code relating to **Public Health Emergencies**. This Act removes the State's authority to forcibly isolate, quarantine, vaccinate, or treat individuals against their will for COVID-19 during a state of emergency relating to COVID-19. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Introduced and Assigned to Executive Committee in Senate*

*DHA Position: Opposed*

**SS 1 for SB 59**

Introduced: 2/26/2021

An Act to amend Title 16 of the Delaware Code relating to **Membership of the Primary Care Reform Collaborative**. This Act revises the appointment process for members of the Primary Care Reform Collaborative who are not members

by virtue of position. Under this Act, these members are appointed by a government official to comply with the requirements of the Delaware Constitution. This Substitute differs from SB 59 by designating the President Pro Tempore of the Senate as the appointing authority for a self-insured employer, per the request by the Delaware Department of Insurance not to serve in that role.

*Status: Out of Committee in House*

*DHA Position: Opposed*

**SB 60 with SA 1**

Introduced: 2/12/2021

An Act to amend Title 16 of the Delaware Code relating to **Medical Marijuana**.

This Act allows nurse practitioners and physician assistants to recommend medical marijuana for adult patients. This Act does not require the Department of Health and Social Services to promulgate new regulations before implementing this Act because § 10113 of Title 29 exempts amendments to existing regulations to make them consistent with changes in basic law from the process otherwise required under Chapter 101 of Title 29. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. **SA 1**, 1. Corrects the title of advanced practice registered nurses. 2. Adds pediatric psychiatrists and developmental pediatricians to the list of specialists authorized to recommend medical marijuana for pediatric patients, which is consistent with current Department of Health and Social Services regulations.

*Status: Signed into Law 6/15/2021*

*DHA Position: No Position*

**SB 64 with SA 1**

Introduced: 2/26/2021

An Act to amend Title 21 of the Delaware Code relating to the **Removal of Ice and Snow from Vehicles**. This Act requires that accumulated snow and ice be removed from surfaces of a vehicle before it is operated and imposes a civil penalty for a violation. This Act also creates a civil penalty for each instance where snow or ice dislodges from a moving vehicle and causes property damage or physical injury but this penalty is not an exclusive remedy for property damage or physical injury. **SA 1** provides that the requirement that a person remove accumulated ice and snow from the exterior surfaces of a vehicle before operating the vehicle does not apply on a roadway with a speed limit of 25 miles per hour or less.

*Status: Out of Committee in House*

*DHA Position: No Position*

**SB 69**

Introduced: 2/26/2021

An Act to amend Chapter 268, Title 82 of the Laws of Delaware relating to **Death Certificates**. Under House Bill No. 354, which was enacted by the 150th General Assembly, death certificates may be electronically filed with the Delaware Vital Events Registration System until March 30, 2021. This Act removes the sunset provision, so that death certificates may continue to be electronically filed.

*Status: Signed into Law 3/30/2021*

*DHA Position: No Position*

**SB 73 with SA 1**

Introduced: 2/26/2021

An Act to amend Title 24 of the Delaware Code relating to **License to Practice Dentistry**. This Act permits an individual to practice dentistry for the Division of Public Health (Division) under a provisional license. Delaware law provides several routes for entering practice on an interim basis until full licensure can be obtained, however, none of these routes specifically permit hiring by the Division with the intent to practice in a state-supported dental clinic. This Act will assist the Division in recruiting dentists to serve those in need. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. **SA 1** adds a 6 month enactment date to the bill.

*Status: Signed into Law 9/30/2021*

*DHA Position: No Position*



**SB 76**

Introduced: 3/4/2021

An Act to amend Title 16 of the Delaware Code relating to **Fentanyl Testing Strips**. This Act authorizes the distribution of testing strips to determine the presence of fentanyl or fentanyl-related substances. Fentanyl testing strips could be distributed to the community along with opioid overdose reversal medication as a harm reduction strategy in the opioid addiction crisis. A number of states have authorized fentanyl testing strips distribution in recent years including Maryland, Rhode Island, the District of Columbia, and North Carolina. Twenty-seven states currently provide fentanyl testing strips through needle exchange programs. According to an April 2019 Delaware Health Alert published by the Department of Health and Social Services, fentanyl is a potent opioid that is increasingly being mixed into illicitly sold drugs, often without the buyer's knowledge. In Delaware, fentanyl was involved in 72% of overdose deaths during 2018, up from 58% in 2017 according to the state's Division of Forensic Science. During 2018, there were more fatal overdoses than any year on record with 400 deaths. This Act exempts fentanyl testing strips from the drug paraphernalia statute. This Act provides the limitations on liability for lay individuals and organizations in Section 1 of this Act because of the extraordinary epidemic of death that is occurring in Delaware as a result of fentanyl being mixed into illicit drugs. It is similar to liability exemptions under § 8135(b) of Title 10 and § 6801 of Title 16 of the Delaware Code for certain types of volunteers and Good Samaritans and is an exception to the general public policy against civil immunity.

**Status: Signed into Law 6/3/2021**

**DHA Position: No Position**

**SB 77**

Introduced: 3/4/2021

An Act to amend Title 16 of the Delaware Code relating to the **Community-Based Naloxone Access Program**. This Act clarifies that a lay individual who administers naloxone under the Community-Based Naloxone Access Program is protected from civil liability for rendering emergency care under § 6801 of Title 16, the general Good Samaritan law.

**Status: Signed into Law 6/3/2021**

**DHA Position: Support**

**SB 84**

Introduced: 3/9/2021

An Act to amend Title 16 of the Delaware Code relating to **Abuse, Neglect, Mistreatment, Financial Exploitation, or Medication Diversion of Residents or Patients**. This Act elevates medication diversion out of the definition of abuse for the sake of clarity and is not intended to change existing reporting obligations for facilities under Subchapter III of Chapter 11 of Title 16 of the Delaware Code ("Subchapter III"). This Act ensures reporting requirements are triggered for facilities and hospitals covered by Subchapter III if medication diversion occurs in the facilities or hospitals. Reporting is essential to the Department of Justice's ability to prosecute and recommend treatment, when appropriate, for the person committing medication diversion. Finally, this Act makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual, including standardizing the order of words in the phrase "abuse, neglect, mistreatment, financial exploitation, or medication diversion" to ensure consistency. Medication diversion poses a threat to patient and resident safety in long-term care facilities, psychiatric facilities, nursing facilities, and hospitals. Risks include patients and residents receiving inadequate pain relief, exposure to infectious diseases from contaminated needles and drugs, and potentially unsafe care. The Drug Enforcement Administration recognizes 5 classes of drugs that are frequently abused: opioids, depressants, hallucinogens, stimulants, and anabolic steroids. Opioid abuse is the major cause of medication diversion. Medication diversion is commonly underreported. The sooner medication diversion is reported, the sooner interventions can be made to protect the health and safety of a patient or resident and to provide drug treatment or other help to a healthcare worker.

**Status: Signed into Law 6/3/2021**

**DHA Position: No Position**

**SB 85**

Introduced: 3/18/2021

An Act to amend Title 12 of the Delaware Code Relating to the **Public Guardian**. This bill allows the Public Guardian to collect fees for services in accordance with standards to be established by the Guardianship Commission and approved by the Court of Chancery.

**Status: Signed into Law 7/30/2021**

**DHA Position: Support**

**SB 87 with SA 1**

Introduced: 3/18/2021

An Act to amend Title 16 of the Delaware Code Relating to **Anatomical Gifts and the Delaware Health Information Database**. This Act requires the Delaware Health Information Network (“DHIN”) to provide the Gift of Life program – the State’s approved organ procurement organization, or “OPO” – with access to data on potential anatomical donors when the data is needed to determine the suitability for organ, tissue and eye donation for any purpose identified in Delaware’s Uniform Anatomical Gift Act. This Act is the result of the 2019 report of the Joint Legislative Oversight and Sunset Committee’s task force under Senate Resolution No. 9 of the 150th General Assembly. **SA 1** adds language requested by the Gift of Life Program, to make Delaware law consistent with similar laws in other states.

*Status: Signed into Law 9/10/2021*

*DHA Position: Support*

**SB 88**

Introduced: 3/18/2021

An Act to amend Title 16 of the Delaware Code Relating to the **Delaware Health Information Network and the Protection and Use of Information**. This Act is the result of the 2019 report of the Joint Legislative Oversight and Sunset Committee’s task force under Senate Resolution No. 9 of the 150th General Assembly, which recommended permitting the Delaware Health Information Network (“DHIN”) to use clinical healthcare data in its possession for appropriate analytic and public health purposes. This Act largely tracks current law regarding the use of health care claims data that DHIN holds. It requires DHIN to promulgate regulations to permit appropriate health-care payers, providers, purchasers, or researchers to access clinical data in DHIN’s possession under terms and conditions that DHIN and its Board of Directors establish. This Act maintains and enhances language that requires DHIN to disclose individually-identifiable patient information only with direct patient consent or for purposes permitted by the federal Health Insurance Portability and Accountability Act of 1996 and associated regulations (“HIPAA”). This Act also provides additional protections to consumers, by codifying DHIN’s general practice of providing Delaware residents with access to their own health information and requiring DHIN to promulgate regulations giving residents the ability to require DHIN to provide that health information to third parties under appropriate terms and conditions. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Signed into Law 9/10/2021*

*DHA Position: Support*

**SB 94 with SA 1**

Introduced on: 3/30/2021

An Act to amend Title 29 of the Delaware Code and Chapter 265, Volume 82 of the Laws of Delaware relating to the **Freedom of Information Act**. Senate Substitute No. 1 for Senate Bill No. 243 (150th General Assembly) enacted § 10006A of Title 29, which allows an advisory body to hold a virtual meeting, if there is an anchor location that is open to the public, allows any public body to hold public meetings during a state of emergency, and clarified that public bodies must allow a member with a disability to attend a meeting electronically as a reasonable accommodation under § 4504 of Title 6, unless doing so would present an undue burden. Senate Substitute No. 1 for Senate Bill No. 243 sunsets on June 30, 2021. During the last year, citizens and members of public bodies have become comfortable with virtual meetings and attendance and participation in public meetings has increased because virtual meetings are more convenient and accessible to many citizens. Thus, this Act makes permanent changes to the Freedom of Information Act (“FOIA”), Chapter 100 of Title 29, that allow any public body to hold a virtual meeting if there is a physical anchor location where the public can attend the meeting in person and other notice and access requirements are met. Specifically, this Act does all of the following: 1. Repeals the current video-conferencing provision of § 10006 of Title 29 and the temporary provisions of § 10006A of Title 29 and replaces these sections with permanent virtual meeting requirements. 2. Maintains the requirement that a public body must allow a member with a disability to attend a meeting electronically as a reasonable accommodation except if doing so imposes an undue burden on a public body whose members are all elected by the public. 3. Requires that a virtual meeting conform to all requirements under FOIA, including adequate notice that includes information on how the public may view and provide comment, if public comment is accepted. 4. Provides that during a state of emergency, or to prevent a public health emergency, all public bodies may hold virtual meetings without an anchor location. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. This Act requires a greater than majority vote for passage because § 1 of Article IX of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend a charter issued to a municipal corporation. **SA 1** clarifies the requirement public bodies allow a

member of the public body to participate through an electronic means of communication as a reasonable accommodation and that the undue burden exception under disability law applies to all public bodies.

*Status: Signed into Law 6/30/2021*

*DHA Position: No Position*

**SB 105**

Introduced: 4/14/2021

An Act to amend Title 16 and Title 24 of the Delaware Code relating to **Pharmacists Administering and Dispensing Contraceptives**. This Act allows pharmacists to administer or dispense contraceptives under a standing order from the Division of Public Health. At least 11 states, the District of Columbia, and the U.S. Virgin Islands allow pharmacists to dispense contraceptives without a prescription from another health-care practitioner. This practice is supported by the American College of Obstetricians and Gynecologists. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Signed into Law 10/14/2021*

*DHA Position: No Position*

**SB 107 with HA 1**

Introduced: 4/14/2021

An Act to amend Title 18, Title 29 and Title 31 of the Delaware Code relating to **Insurance Coverage of Insulin Pumps**. This Act requires that individual, group, State employee, and public assistance insurance plans provide coverage for a medically necessary insulin pump at no cost to a covered individual. **HA 1** creates exemptions for 2 types of health plans because this requirement conflicts with the current federal requirements for catastrophic and high deductible health plans. Both exemptions apply only if this requirement conflicts the federal law governing the type of health plan. A high deductible health plan (HDHP) is an insurance policy that has a higher deductible and lower premiums than traditional insurance plans. The Internal Revenue Code establishes the requirements for HDHPs, which include minimum deductibles and maximum out-of-pocket expenses. Under the Affordable Care Act, HDHPs may provide preventive care benefits without a deductible or other requirements, if the benefit is described as preventive care under § 1861 of the Social Security Act or determined to be preventive care in guidance issued by the Department of the Treasury. The most recent IRS guidance regarding preventive care benefits that are permitted to be provided by HDHPs includes insulin but does not include insulin pumps. Thus, this amendment exempts high deductible health plans if providing coverage under this Act if doing so would cause the plan to fail to be treated as a high deductible health plan under § 223(c)(2) of the Internal Revenue Code. Catastrophic health insurance plans are only available to people under age 30 and are not included in group health insurance. Catastrophic plans have low monthly premiums and very high deductibles because the individual insured under the plan must pay for most routine medical expenses. While catastrophic health insurance plans cover some preventive care, federal law limits the preventive care services that can be included in these plans and currently excludes the coverage required under this Act.

*Status: Signed into Law 10/14/2021*

*DHA Position: No Position*

**SB 108**

Introduced: 4/14/2021

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**. 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.

*Status: Introduced and Assigned to Legislative Oversight & Sunset Committee in Senate*

*DHA Position: No Position*

**SB 109 with SA 1**

Introduced: 4/14/2021

An Act to amend Title 29 of the Delaware Code relating to **Medicaid Reimbursement Rates for Home Health-Care Services**. This Act requires that home health-care services for Medicaid long-term care services and support providers be reimbursed for services by Medicaid-contracted organizations at a rate equal to or more than the rate set by the Division



of Medicaid and Medical Assistance for equivalent services. This rate floor system is currently used for reimbursement rates for home health-care nursing services paid for by Medicaid-contracted organizations. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. **SA 1** corrects the names for the services covered by this Act.

*Status: Signed into Law 9/30/2021*

*DHA Position: Support*

### **SB 118**

Introduced: 4/27/2021

An Act to amend Title 16 of the Delaware Code relating to **Long Term Care Facilities and Services and the Delaware Health Information Network**. This Act is the result of the 2019 report of the Joint Legislative Oversight and Sunset Committee's task force under Senate Resolution No. 9 of the 150th General Assembly, which recommended requiring long-term care facilities to enroll in and provide summaries of care to the Delaware Health Information Network ("DHIN"). To improve quality and coordination of care across the State, this Act requires long-term care facilities to enroll in DHIN and provide summaries of care to DHIN. Under this Act, long-term care facilities that provide services in Delaware as of the date this Act is enacted must enroll in DHIN under § 1119D(a) of Title 16 no later than 30 days after the date of enactment, and must enter into an agreement with DHIN under § 1119D(b) of Title 16 no later than 90 days after the date of enactment. Long-term care facilities that begin providing services in Delaware after the date this Act is enacted must enroll in DHIN under § 1119D(a) of Title 16 no later than 30 days after beginning to provide the services, and must enter into an agreement with DHIN under § 1119D(b) of Title 16 no later than 90 days after beginning to provide the services.

*Status: Introduced and Assigned to Legislative Oversight & Sunset Committee in Senate*

*DHA Position: No Position*

### **SS 1 for SB 120**

Introduced 5/17/2021

An Act to amend Title 16 and 18 of the Delaware Code, Chapter 189, Volume 82 of the Laws of Delaware, and Chapter 392, Volume 81 of the Laws of Delaware, as Amended by Chapter 141, Volume 82 of the Laws of Delaware, relating to **Primary Care Services**. This Act is a substitute for Senate Bill No. 120. Like Senate Bill No. 120, this Substitute continues recent efforts to strengthen the primary care system in this State by doing the following: (1) Directing the Health Care Commission to monitor compliance with value-based care delivery models and develop, and monitor compliance with, alternative payment methods that promote value-based care. (2) Requiring rate filings limit aggregate unit price growth for inpatient, outpatient, and other medical services, to certain percentage increases. (3) Requiring an insurance carrier to spend a certain percentage of its total cost on primary care. (4) Requiring the Office of Value-Based Health Care Delivery to establish mandatory minimums for payment innovations, including alternative payment models, and evaluate annually whether primary care spending is increasing in compliance with the established mandatory minimums for payment innovations. (5) In Sections 2 and 3 of this Act, revising the appointment process for members of the Primary Care Reform Collaborative who are not members by virtue of position to comply with the requirements of the Delaware Constitution. These revisions are largely similar to those proposed in Senate Substitute No. 1 to Senate Bill No. 59 (151st General Assembly) ("the Substitute"). As such, Section 2 is designed to take effect if the Substitute does not pass both chambers or passes but is not enacted; Section 3 is designed to take effect if the Substitute passes both chambers and is enacted. (6) Making technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual This Substitute differs from Senate Bill No. 120 as it does all of the following: (1) Adds a "whereas clause" stating that the Department of Insurance does not regulate Medicaid or employer-based plans provided under the Employee Retirement Income Security Act, or their rates. (2) Provides that rate filings for health benefit plans may not include aggregate unit price growth for nonprofessional services that exceed the greater of 2% or Core CPI plus 1% in 2024, 2025, and 2026. (3) Makes a technical correction to properly alphabetize definitions in Section 4 of the Act (relating to § 2503 of Title 18). (4) Removes "mental health and substance abuse disorder" from the definition of an "inpatient hospital". (5) Adds a definition of "professional services" and makes clear that "nonprofessional services", which are subject to the aggregate unit price growth limits of § 2503(a)(12) a. of Title 18, do not include professional services. (6) Amends the definition of "other medical services" to make clear the term includes the facility component of vision exams, dental services, and other services when those services are billed separately from the professional component. (7) Changes the date for mandatory minimums for payment innovations to support a robust system of primary care to January 1, 2026. (8) Make clear that the Office of Value-Based Health Care Delivery is to annually evaluate whether primary care spending is increasing in compliance with the requirements of, and regulations adopted under, all of Title 18. (9) Requires the Office of Value-Based Health Care Delivery to collect data and develop reports to monitor and evaluate the percentage of

spending in primary care that is delegated to hospitals and related networks for care coordination through alternative payment models. (10) Removes the sunset date on provisions requiring individual, group, and State employee insurance plans to reimburse primary care physicians, certified nurse practitioners, physician assistants, and other front-line practitioners for chronic care management and primary care at no less than the physician Medicare rate. (11) Sunsets Sections 5 and 6 of this Act and § 2503(a)(12)a. of Title 18 as contained in Section 4 of this Act on January 1, 2027.

*Status: Signed into Law 10/1/2021*

*DHA Position: No Position*

**SB 128**

Introduced May 11, 2021

An Act to Amend Title 16 of the Delaware Code relating to the **Delaware Health Information Network chapter**. This Act is the result of the 2019 report of the Joint Legislative Oversight and Sunset Committee's ("JLSOC") task force under Senate Resolution No. 9 of the 150th General Assembly, which recommended amending the Delaware Health Information Network's ("DHIN") chapter to conform existing law with the standards of the Delaware Legislative Drafting Manual. This Act makes technical corrections to the DHIN chapter, including the following: - Using active voice where possible. - Using the singular where appropriate since, under § 304 of Title 1, "words used in the singular include the plural." - Converting block paragraphs into lists where possible, without changing the substance of the existing law, to enhance clarity and readability. - Replacing "party" with "person" for consistency since, under § 302 of Title 1, "person" is defined as including "corporations, companies, associations, firms, partnerships, societies and joint-stock companies, as well as individuals." This Act makes one substantive change to DHIN's chapter, in clarifying the circumstances under which the Governor may suspend or remove a member or otherwise consider a member as having resigned from the DHIN Board of Directors. Under this Act, the provision relating to suspension, removal, or resignation of a DHIN Board member is updated to be consistent with similar provisions for other boards. Section 8 of this Act does not take effect if Senate Bill No. 88 of the 151st General Assembly is enacted into law before January 1, 2023, and § 10312(3), Title 16 of Section 11 of this Act does not take effect if Senate Bill No. 119 of the 151st General Assembly is enacted before January 1, 2023. Both SB 88 and SB 119 are also the result of JLOSC's review of DHIN, and both address substantive matters. The enactment of SB 88 or SB 119 override the technical corrections made in this Act, and the effective date clauses in Sections 15 and 16 of this Act reflect that policy. This Act takes effective the January 1 after its enactment, to accommodate the enactment of the other bills currently pending before the 151st General Assembly relating to JLOSC's review of DHIN.

*Status: Signed into Law 9/10/2021*

*DHA Position: No Position*

**SS 1 for SB 134 with SA 1**

Introduced: 5/17/2022

An Act to Amend Title 16 of the Delaware Code relating to the **Use of Single-Service Plastic Implements & Polystyrene Containers in Food Establishments**. Senate Bill No. 134 prohibits a food establishment from providing consumers with a single-service plastic coffee stirrer, cocktail pick, or sandwich pick or with ready-to-eat food or a beverage in polystyrene containers. SB 134 also prohibits food establishments from providing single-service plastic straws, unless requested by a consumer. Senate Substitute No. 1 for Senate Bill No. 134 creates the same restrictions as SB 134, but updates and corrects terms and definitions, and includes additional exceptions for both polystyrene foam food service packaging and plastic straws. Section 1 of SS 1 for SB 134 also makes technical corrections to § 122(3)u. of Title 16, the authority under which the Department of Health and Social Services regulates food establishments. Substantively, SS 1 for SB 134 differs from SB 134 as follows: 1. Defines the term "compostable" using the standards under the Federal Trade Commission's guides for the use of environmental marketing claims and as established by the American Society for Testing and Materials. 2. Revises the term "polystyrene", and how it is defined, to clearly include only polystyrene foam, and also include both processes by which polystyrene foam can be made. 3. Revises the definition of "polystyrene foam food service packaging" to exclude coolers or ice chests used for the processing or shipping of seafood and containers used to contain, transport, or package raw, uncooked, or butchered meat, poultry, fish, seafood, or eggs. 4. Adds the term "food" to the list of terms that have the meaning defined in the Delaware Food Code because the Delaware Food Code definition of "food" includes beverages. 5. Revises the restrictions on providing plastic straws by creating exemptions for plastic straws provided to patients or residents of hospitals or long-term care facilities and for plastic straws that are attached to pre-packaged goods, such as juice boxes. 6. Revised the penalty section to align with the current penalties under the Delaware Food Code. 7. Delays the effective date of Section 2 this Act until July 1, 2023. **SA 1** does all of the following: 1. Excludes containers used to transport fruits or vegetables from the definition of "polystyrene foam food service packaging". 2. Exempts all of the following from the restriction on providing ready-to-eat food in polystyrene

foam food service packaging: • Fire companies. • Health-care providers that provide long-term, acute, and outpatient health-care services. • Nonprofit organizations, including religious institutions. 3. Corrects a drafting error.

*Status: Out of Committee in House*

*DHA Position: No Position*

**SB 136**

Introduced: 5/18/2021

An Act to amend Title 14, 16, 29 and 31 of the Delaware Code Relating to **Early Intervention Services**. This Act transfers responsibility for early intervention services for children ages birth to age 3 from the Department of Health and Social Services to the Department of Education and revises the Code to be consistent with federal law. The Individuals with Disabilities Education Act (IDEA) requires states to provide a comprehensive, coordinated, interagency, interdisciplinary early intervention services system for eligible infants and toddlers and their families. This Act requires that early intervention services be provided in compliance with all of the requirements of the IDEA, improves coordination between advisory bodies, and requires early intervention service providers to receive the same training on child abuse and the same background checks as school employees. Specifically, this Act does all of the following: Section 1. Creates a new Chapter 31A in Title 14 for the Infants and Toddlers Early Intervention Program. Section 2. Transfers responsibility for the Infants and Toddlers Early Intervention Program from the Department of Health and Social Services (DHSS) under Subchapter II, Chapter 2 of Title 16 to the Department of Education (DOE) under the new Chapter 31A of Title 14, and revises the Code as follows: 1. Aligns the Code with the requirements under the federal infants and toddlers program known as Part C of the IDEA. 2. Creates duplicate sections in Title 14 regarding the confidentiality of reports and prohibiting compulsory participation in the program consistent with existing sections in Title 16. 3. Adds standard organizational language for the Interagency Coordinating Council (ICC). 4. Requires the ICC to hold at least 1 joint meeting each calendar year with the Governor’s Advisory Council for Exceptional Citizens (GACEC) because the ICC and the GACEC are the 2 Delaware agencies that advise the Department of Education on implementation of the IDEA. Section 3. Makes corresponding changes to Subchapter I, Chapter 2 of Title 16 to reflect the transfer of responsibility for the Infants and Toddlers Early Intervention Program to DOE. Section 4. Adds the chair of the ICC as a member of the Early Childhood Council (ECC) and makes corresponding changes to the membership of the ECC to reflect the transfer of responsibility for the Infants and Toddlers Early Intervention Program. Section 5. Requires the GACEC to hold at least 1 joint meeting each calendar year with the ICC because the ICC and the GACEC are the 2 Delaware agencies that advise the Department of Education on implementation of the IDEA. Section 6. Requires early intervention service providers to receive the same child abuse and child safety awareness, prevention, detection, and reporting training as school employees. Section 7. Makes corresponding changes to § 7904 of Title 29 reflecting the transfer of the authority to charge a fee for a service provided by Child Development Watch from DHSS to DOE. Section 8. Requires early intervention service providers to receive the same background checks as other child-serving entities and makes corresponding revisions to the procedures to obtain and review the information received from these background checks. Section 9. Delays the implementation of this Act until July 1, 2023 to provide time for the transfer of the program, including the promulgation of regulations. Section 10. Provides that this Act is known as the “Infants and Toddlers Early Intervention Act”. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. This Act requires a greater than majority vote for passage because § 11(a) of Article VIII of the Delaware Constitution requires the affirmative vote of three-fifths of the members elected to each house of the General Assembly to impose a fee.

*Status: Signed into Law 9/30/2021*

*DHA Position: No Position*

**SB 138**

Introduced: 5/18/2021

An Act to amend Title 16 of the Delaware Code Relating to **Radiation Control**. This bill changes the requirements for members to be appointed to the Authority on Radiation Protection. It also allows for removal of a member by the Governor in certain limited circumstances and clarifies the number of members needed to constitute a quorum.

*Status: Signed into Law 7/30/2021*

*DHA Position: No Position*

**SB 139**

Introduced: 5/18/2021

An Act to amend Title 16 of the Delaware Code Relating to **Emergency Medical Services Oversight Council**. This bill changes the requirements for members to be appointed to the Delaware Emergency Medical Services Oversight Council.

The bill also clarifies that a member may serve for a term of up to three years and is eligible for reappointment and the number of members needed to constitute a quorum. In addition, the bill allows for removal of a member by the Governor under certain circumstances and clarifies that the Council may adopt bylaws for adopting operating procedures. The bill also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Signed into Law 9/30/2021*

*DHA Position: No Position*

**SB 140**

Introduced: 5/18/2021

An Act to amend Title 7 and 14 of the Delaware Code Relating to **Expanded Polystyrene Products and Single-Service Plastic Items**. This Act reduces risks to the environment and public health by doing the following: 1. Prohibiting the sale of containers, food service products, or packing material made of expanded polystyrene. 2. Prohibiting food establishments and public schools from providing ready-to-eat food and beverages in expanded polystyrene containers. 3. Limiting the use of single-service plastic items in food establishments. This Act allows restaurants to provide plastic straws at the request of a customer and does not apply to containers where the expanded polystyrene is wholly encased in more durable material. The term “food” includes beverages, under the Delaware Food Code. In addition, this Act encourages food establishments not to use or sell food that is pre-packaged in expanded polystyrene containers. This Act takes effect beginning July 1, 2022, except for public schools, for which it takes effect beginning with the 2022 – 2023 school year.

*Status: Introduced and Assigned to Environment & Energy Committee in Senate*

*DHA Position: No Position*

**SB 141**

Introduced: 5/18/2021

An Act to amend Title 13 of the Delaware Code Relating to **Termination and Transfer of Parental Rights in Adoption Proceedings**. This Act is the result of over 6 years of work and collaboration among the Family Court, Department of Justice, Department of Services for Youth, Children, and their Families, the Office of the Child Advocate, private adoption agencies, and the Family Law Section of the Delaware Bar Association to modernize Delaware’s termination of parental rights (“TPR”) statute. This Act makes numerous technical and substantive revisions to conform and update the TPR statute with current practices and procedure, provide clarity to and ease of use for certain portions of the statute, and conform the TPR statute with the standards of the Delaware Legislative Drafting Manual. Notable changes include: (1) Several changes to the grounds for terminating parental rights: elimination of the ground of mental incompetence, addition of murder or manslaughter of the other parent as a ground, and creation of a new ground for parents in private TPR proceedings who have failed to alleviate circumstances causing their children to be dependent or neglected in their care after receiving notice and a reasonable opportunity to address the issues. (2) Reclassifying abandonment of a child under the Safe Arms program from an involuntary TPR to a voluntary consent. (3) Increasing the standard to terminate the rights of only 1 parent from “harmful to the child” to “serious physical or emotional harm to the child.” (4) Eliminating the requirement to note the gender of a child in a TPR petition and, except where necessary in the context of a provision, replacing gender-based identifiers (man, woman, mother, father) with “parent.” (5) Enumerating clear requirements for the contents of a social report and providing DSCYF and licensed agencies more time to complete the social report in non-DSCYF custody cases. (6) Relocating the required statement that a parent has been notified of the parent’s right to file a written notarized statement with the Office of Vital Statistics denying the release of identifying information under 13 Del.C. § 923(b) from the petition to the social report. (7) Eliminating DSCYF’s ongoing obligation to report to the Court after permanent guardianship or guardianship is granted and DSCYF holds parental rights, and codifying Family Court Civil Rule 220 relating to Post-Termination Placement Orders. (8) Clarifying that the Family Court has discretion whether to accept a TPR consent, DSCYF has sole discretion to plan with a parent if it has established a ground to be relieved from planning with that parent, and the time for filing an appeal begins to run after issuance of the Court’s written order. (9) Making technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual, including revising language to use the active voice rather than the passive voice.

*Status: Signed into Law 9/30/2021*

*DHA Position: No Position*

**SS 1 for SB 143**

Introduced: 4/6/2022

An Act to amend Title 30 of the Delaware Code relating to **Income Tax Credits**. Section 1 of this Act creates a nonrefundable individual income tax credit for qualified expenses incurred by a family caregiver (claimant) to assist a



qualified family member. To be qualified, a family member must be at least 62 years of age, reside in a private home or residence, require assistance with two or more daily living activities as certified by a qualified physician, and be an immediate family member of the claimant or related by marriage, blood, or adoption to a near degree. Subject to a number of limitations, a claimant may claim 50% of the costs of qualified expenses the claimant paid for in the year to which the claim relates. Qualified expenses include amounts spent to improve the claimant's primary residence to assist the family member, on equipment to help the family member with daily living activities, on counseling, support groups, or training relating to caring for a family member, and on obtaining other goods or services to help the claimant care for the family member. In addition, qualified expenses include any other item that relates directly to the health or safety of the family member, as determined by the Secretary of Finance after consultation with the Secretary of Health and Human Services. The maximum amount of credit that may be claimed each year for a particular family member is \$2,000 or \$1,000 if married spouses file separately. Only one claimant may make a claim under this section for a particular qualified family member. In addition, no credit may be claimed by a claimant whose taxable income in the year to which the claim relates exceeds \$75,000 if the claimant is single or is married and files separately or \$150,000 if the claimant is married and files jointly. Generally under the bill, qualified expenses may not include general food, clothing, transportation, or household repair costs, or amounts that are paid or reimbursed by an insurance company or the government. The credit first applies to taxable years beginning after December 31, 2022. Because the credit is nonrefundable, it may be claimed only up to the amount of the claimant's tax liability. Section 2 of this Act provides that the Department of Finance shall develop an annual report on the tax credit's usage. Section 3 of the Act provides that the tax credit will sunset after three years after its enactment into law, unless otherwise provided by an act of the General Assembly.

*Status: Assigned to Finance Committee in Senate*

*DHA Position: No Position*

#### SB 155

Introduced: 6/3/2020

An Act to amend Title 29 of the Delaware Code relating to the **Freedom of Information Act**. This Act revises the Delaware Freedom of Information Act (FOIA) to address how public bodies may respond to FOIA requests that are unreasonable, disruptive, or abusive; requires all public bodies to post notice of meetings electronically; and clarifies and simplifies how a citizen may challenge a public body's failure to comply with FOIA requirements. This Act does not change the definition of "public record." Specifically, this Act does all of the following: 1. It amends the examination and copying of public records provisions of FOIA to alleviate the significant time, resources, and financial burdens imposed on public bodies by FOIA requests that are unreasonable, disruptive, or abusive. This Act allows a public body to deny a request from a requestor whose intent is to disrupt the essential functions of the public body or abuse the process and allows a public body to charge administrative fees for all reviews, including the review and redaction of information exempt from FOIA. The review and redaction of information is often performed by non-attorney staff in conjunction with necessary review for exceptions and exclusions. 2. Allows a public body to post electronic notice of a meeting on a website maintained, or designated, by the public body. 3. It clarifies, simplifies, and makes uniform the remedies available to citizens when a public body fails to comply with FOIA obligations as follows: • Clarifies that Attorney General or Chief Deputy determinations are advisory and not appealable. • Clarifies the timeframes in which a citizen may file a FOIA petition with the Attorney General. • Eliminates the need for citizens to petition the Attorney General before initiating a lawsuit against an individual or entity that the Attorney General is obliged to represent because this appeal right was under-utilized and of limited utility given the limited record produced in the petition process. • Gives citizens 120 days to bring suit after a FOIA violation, except in that when a petition is filed, a petitioner may file a lawsuit the later of 120 days after the violation occurred or 30 days after issuance of the determination on the petition. • Provides the Superior Court with exclusive jurisdiction over all FOIA disputes, except that lawsuits involving claims for temporary, preliminary, or permanent injunctive relief when there is no adequate remedy at law must be brought in the Court of Chancery. • Clarifies that monetary damages may not be awarded for FOIA violations and requires that an award of attorney fees be reasonable. • Clarifies that a citizen may not file a petition with the Attorney General regarding a FOIA violation that is the subject of a pending lawsuit and that a pending petition is deemed withdrawn if the FOIA violation becomes the subject of a lawsuit. • Imposes a deadline for citizens to submit petitions to the Attorney General to ensure that citizens have sufficient time to pursue judicial remedies after the issuance of a written determination. • Requires the Attorney General or Chief Deputy to issue a written determination within 30 business days of receiving a petition, unless there are exceptional circumstances. This Act requires a greater than majority vote for passage because § 1 of Article IX of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend a charter issued to a municipal or educational corporation and this Act may amend a municipal or educational charter. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. **SA 1**, which requires that if a public body is denying a FOIA request on grounds



established under this Act, the public body must include a summary of the facts that are the basis for the denial in the agency's response. This amendment does not prevent or change the ability to appeal a denial of a FOIA request to the Department of Justice, was placed with the Bill.

*Status: Out of Committee in Senate*

*DHA Position: Opposed*

**SS 1 for SB 157**

Introduced: 6/15/2021

An Act to amend Title 21 of the Delaware Code relating to **Powers of Attorney, Electronic Signatures, and the Registration of Vehicles**. Delaware's Power of Attorney statute requires a notary to verify the signature on a document. Many financial institutions have difficulty having the customer appear before a notary for that notarization. There are several electronic signature verification processes that are available to businesses. This bill would create a Power of Attorney for motor vehicle business that would allow for electronic signature verification if the verification system is acceptable to the Department. This bill will enable businesses of all sizes to accelerate document turnaround time and reduce costs, while ensuring document security and privacy. The revised bill clarifies when a power of attorney becomes valid, the duration of the power of attorney, and removes any potential conflict with an appointed guardian's responsibilities.

*Status: Signed into Law 9/15/2021*

*DHA Position: No Position*

**SB 160**

Introduced: 6/3/2020

An Act to amend Title 18 of the Delaware Code relating to **Insurance and Line-of-Duty Disability Policies for Certain Emergency Responders**. This allows a policy to be purchased by the Insurance Coverage Office to cover cancer for active Volunteer Firefighters, Paid Firefighters, Fire Marshals, Fire Instructors, Fire Police, EMTs, and Paramedics of the State of Delaware exclusive of those in private sector. This policy will be funded by an assessment calculated based on reporting of gross premiums by insurers writing certain lines of insurance under § 705 of Title 18. The benefits will provide a lump sum for early and advance stages of cancer and monthly income benefits for 36 months.

*Status: Signed into Law 8/10/2021*

*DHA Position: No Position*

**SB 161 with HA 1**

Introduced: 6/3/2020

An Act to amend Title 11 & 16 of the Delaware Code relating to **Safe Arms for Babies**. According to the Children's Bureau within the Administration for Children & Families, U.S. Department of Health & Human Services, all 50 states plus Washington, D.C. and Puerto Rico have enacted infant safe haven laws that allow a parent to surrender a newborn without fear of prosecution. These laws vary in terms of where an infant can be surrendered. Delaware is among 16 states that only permit a baby to be surrendered to a hospital. Twenty-five states allow surrenders at fire stations and 25 states permit surrenders to personnel at police stations or other law enforcement agencies. This Act adds police stations to the designated safe havens where an individual may surrender a baby. This Act makes conforming amendments to other laws of this State based on this addition. Additionally, this Act codifies a portion of the original Safe Arms for Babies law, Chapter 187 of Volume 73 of the Laws of Delaware, that requires the Department of Health and Social Services to take certain actions related to the law. Finally, this Act makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. **HA 1** makes clear that an individual may not surrender a baby at a Delaware State Police station.

*Status: Signed into Law 10/14/2021*

*DHA Position: Support*

**SB 162 with SA 1**

Introduced: 6/3/2020

An Act to amend Title 29 of the Delaware Code relating to the **Advisory Council to the Division of Developmental Disabilities Services**. This Act is a result of the Division of Developmental Disabilities Services Task Force ("the Task Force"), which was created under Senate Concurrent Resolution No. 62 and extended by House Bill No. 345, both of the 150th General Assembly. This Act fulfills 2 of the Task Force's many recommendations, by requiring that the chair or vice chair of the Advisory Council to the Division of Developmental Disabilities Services be an individual with a

developmental disability and amending the Advisory Council membership to include the following: - 7 representatives of families, service recipients, and self-advocates who currently receive services from the Division of Developmental Disabilities Services. - 5 representatives of a cross section of service providers in the developmental disabilities community who currently operate within the Division of Developmental Disabilities Services system, including residential service providers, day habilitation service providers, employment service providers, clinical service providers, behavioral or mental health service providers. - 5 professional advocates, representing the following organizations: Delaware Developmental Disabilities Council, State Council for Persons with Disabilities, Disabilities Law Program at Delaware Community Legal Aid Society, Inc., The Arc of Delaware, and Center for Disabilities Studies at University of Delaware. **SA 1** clarifies that a member who is serving in their capacity as a family member may continue to serve their appointed term on the Advisory Council after the passing of a family member who was receiving services. Doing so will allow members who wish to remain engaged in advocacy efforts and possess invaluable institutional knowledge to continue to serve on the Advisory Council.

**Status:** *Signed into Law 7/30/2021*

**DHA Position:** *No Position*

**SB 166 with SA 1**

Introduced: 6/3/2020

An Act to amend Title 16 of the Delaware Code and the Laws of Delaware relating to the **Distribution of Funds from the Prescription Opioid Impact Fee and Court Settlements**. Delaware has been irreparably harmed by the opioid crisis. In 2018, 400 people died of an overdose in Delaware, and in 2019, 431 people died of an overdose. Settlements from opioid distributors, manufacturers, and pharmacies are expected to provide significant monies over a substantial period of time to Delaware. These funds are intended to address to harm caused by the opioid crisis in our communities. This Act establishes the Prescription Opioid Settlement Fund (Settlement Fund) and Prescription Opioid Distribution Commission (Commission), to ensure that settlement money is used to remediate and abate the opioid crisis and is not diverted to other purposes. The Commission is part of the Behavioral Health Consortium and is established to ensure that decisions on how to spend funds are reached through consensus driven process that takes into account the views and experience of affected communities. The Behavioral Health Consortium will distribute money received by the Settlement Fund and the Prescription Opioid Impact Fund (Impact Fund), enacted by Senate Bill No. 34 of the 150th General Assembly, according to the recommendations of the Commission. The Commission shall seek input from the public and relevant stakeholders and shall convene a Local Government Committee to ensure that recommendations from counties and municipal governments are carefully considered. The terms of settlement agreements, bankruptcy plans, or other agreements for the payment of monies by defendants in opioid-related litigation will likely include terms that establish how the money must be spent. The Commission is required to adhere to those terms. The Commission must produce an annual report regarding the receipt and disbursement of funds. This Act preserves the status quo of the existing parties to litigation while limiting the ability for new local government opioid suits to be brought, because new lawsuits could limit the size of Delaware's recovery in global settlements that are expected to be reached. This Act repeals the sunset of the Prescription Opioid Impact Fee (Impact Fee) and Impact Fund It also repeals the report requirement for the Impact Fund because the information in that report will be included in the new report that the Commission must produce. This Act requires a greater than majority vote for passage because § 4 of Article VIII of the Delaware Constitution requires the affirmative vote of three-quarters of the members elected to each house of the General Assembly to appropriate funds to a county or municipality. This Act also requires a greater than majority vote for passage because § 1 of Article IX of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend a charter issued to a municipal corporation. **SA 1** requires that the co-chairs of the Joint Finance Committee also approve disbursements from the Prescription Opioid Settlement Fund. This amendment also makes technical corrections.

**Status:** *Signed into Law 10/14/2021*

**DHA Position:** *No Position*

**SB 193**

Introduced: 6/22/2020

An Act to amend Title 29 of the Delaware Code relating to **The Revised Uniform Law on Notarial Acts. This Act adopts the Uniform Law Commission's ("ULC") Revised Uniform Law on Notarial Acts ("Revised Uniform Law")**. As our State continues to recover from COVID-19, chief among the changes in the Revised Uniform Law relevant to our State's current situation are those that permit notarial acts to be performed for a remotely located individual, an individual who is not in the physical presence of the individual performing the notarial act. These revisions include recent amendments made by the ULC to respond to areas the law needed to address discovered during the COVID-19 pandemic,

including the need to have tangible documents ink-signed and notarized and the administration of oaths taken by remotely located individuals. Adoption of this Act will expand on Governor Carney's authorization for remote notarization to be performed by licensed Delaware attorneys by allowing all notarial officers authority to perform remote notarization. In addition to including provisions similar to those from the Uniform Law on Notarial Acts that provide integrity in the process of performing notarial acts, the Revised Uniform Law does the following: (1) Provides the authority to notarize electronic documents on par with notarization of tangible documents, including authority for the Secretary of State to regulate notarization of electronic documents. (2) Requires a notary public to maintain a journal of all notarial acts the notary public performs. (3) Adopts new licensing procedures for notaries public, including minimum requirements for commissioning and grounds to deny, suspend, or revoke commissions. (4) Prohibits a notary public from acting in a deceptive or fraudulent manner. Current Delaware law on notarial acts is an adoption of the Uniform Law on Notarial Acts, approved by the Uniform Law Commission in 1982. This Act would bring Delaware law on notarial acts into conformity with at least 19 other states, including Pennsylvania and Maryland, which both currently allow remote notarization and notarization of electronic records.

*Status: Stricken in Senate*

*DHA Position: No Position*

**SB 205**

Introduced 1/6/2022

An Act to amend Title 14 of the Delaware Code relating to the **Provisions of Free Feminine Hygiene Products**. The Bill expands the availability of free feminine hygiene products at all public and charter schools.

*Status: Signed into Law 6/14/2022*

*DHA Position: Support*

**SS 1 for SB 208**

Introduced: 3/31/2022

An Act to amend Title 19 of the Delaware Code relating to **an Employer's Failure to Pay Wages**. Senate Bill No. 208 clarifies that an employer is liable to an employee for liquidated damages if the employer does not make wages available on the next payday after an employee quits, resigns, is discharged, suspended, or laid off. Senate Substitute No. 1 for Senate Bill No. 208 revises these clarifications so it is clear which sections of existing law, §§ 1104 and 1107 of Title 19, provide the basis for an employer to have reasonable grounds to dispute that an employee is owed wages, and like SB 208, does not make any changes to existing law regarding when an employer may withhold or divert any portion of an employee's wages: 1. Section 1104 of Title 19 requires that in a dispute over the amount of wages, the employer must pay all wages conceded by the employer to be due and the employee may pursue a claim for any balance claimed. 2. Section 1107 of Title 19 prohibits an employer from withholding or diverting any portion of an employee's wages unless required or empowered to do so by state or federal law. Since 1979, Regulation 1328 of Title 19 of the Delaware Administrative Code has provided that an employer may, under written agreement, withhold wages for a cash advance or the value of goods and services, but withholding wages for damaged or unreturned property is a violation of § 1107 of Title 19. Specifically, Senate Substitute No. 1 for SB 208 differs from SB 208 by doing the following: 1. In subsection (a), includes the changes from Senate Amendment No. 1 to SB 208, which clarify the manner that final wages earned by a former employee must be provided and a date by which that payment must be made. The date by which an employer must pay final wages changes current law by extending the time, allowing an employer to make this payment the later of the next regular pay cycle or 3 days after the last day the employee worked. 2. In subsection (b), clarifies that §§ 1104 and 1107 of Title 19 provide the reasonable grounds that may be a basis for an employer to dispute that an employee is owed wages. 3. In subsection (c), revises the correction of the grammar in existing law so that it is clear that an employer is not in violation of Chapter 11 of Title 19 if the employer is unable to prepare payroll due to a labor dispute, power failure, weather catastrophe, epidemic, fire, or explosion. Like SB 208, this Substitute Bill also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual and revises the section heading to accurately describe the content of the section.

*Status: Signed into Law 10/7/2022*

*DHA Position: No Position*

**SB 210**

Introduced 1/6/2022

An Act to amend Title 16 of the Delaware Code relating to the **Delaware Achieving a Better Life Experience Program**. This Act responds to the promulgation of final federal regulations, 85 FR 74010, for state-sponsored savings programs under section 529A of the Internal Revenue Code, the Stephen Beck, Jr., Achieving a Better Life Experience Act of 2014

("ABLE"), through which contributions may be made to the account of an eligible individual with a disability to meet qualified disability expenses. The federal regulations, among other things, resolve questions related to who may establish and exercise signature authority over an ABLE account. The final regulations clarify that an eligible individual with legal capacity may delegate signature authority to any other person and provide a hierarchy of persons who may establish or exercise signature authority over an ABLE account for an individual without legal capacity. The final regulations also clarify that expenses incurred at a time when a designated beneficiary is neither disabled nor blind are not qualified disability expenses. The Act makes changes to Chapter 96A of Title 16 of the Delaware Code for the sole purpose of conforming the Code to these aspects of the final regulations.

*Status: Signed into Law 4/28/2022*

*DHA Position: No Position*

**SB 211 with SA1, SA 2**

Introduced: 1/11/2022

An Act to amend Title 19 of the Delaware code relating to **Employment Practices**. This Act prohibits employers from requesting or requiring that an applicant for employment disclose the applicant's age, date of birth, or dates of attendance or graduation from an educational institution in an initial application for employment, unless the employer is requesting the information because of a bona fide occupational qualification or to comply with state or federal law. **SA 1** expands upon the reasons that an employer can request or require prospective employees to disclose their age, date of birth, dates of attendance at, or date of graduation from, an educational institution to include circumstances where the information is required by any regulatory, licensing, or certifying body or organization. **SA 2** adds definitions for terms used in Senate Bill 211 that are being added to Section 711, Title 19 of the Delaware Code. The amendment also makes explicit the standard for an employer to establish that age constitutes a bona fide occupational qualification or need.

*Status: Signed into Law 9/8/2022*

*DHA Position: No Position*

**SB 213**

Introduced 1/18/2022

An Act to amend Title 16 of the Delaware Code relating to **Health & Safety**. This bill adds representation from the Division of Medicaid and Medical Assistance (DMMA) to the Delaware Healthy Mother and Infant Consortium and the Overdose System of Care Committee.

*Status: Signed into Law 7/27/2022*

*DHA Position: No Position*

**SB 218 with SA 1**

Introduced: 1/26/2022

An Act to amend Title 18 of the Delaware Code relating to the **Living Donor Protection Act**. This Act, known as the Living Donor Protection Act, prohibits discrimination based on an individual's status as a living organ or tissue donor in the offering, issuance, cancellation, coverage, price, or other condition of an insurance policy, including a life, health, disability, or long-term care insurance policy. At least 20 states have similar laws, including Maryland, New Jersey, and Pennsylvania. **SA 1** permits insurers to consider an individual's organ donation as part of their medical history in the underwriting process, without it being the sole basis for determining underwriting eligibility.

*Status: Signed into Law 4/28/2022*

*DHA Position: No Position*

**SS 1 for SB 222 with HA 2**

Introduced: 5/19/2022

An Act to amend Title 18 of the Delaware Code relating to **Rates**. This Substitute differs from Senate Bill No. 222 as follows: (1) By clarifying the definition of "Core CPI" by including "over-the-year", which is used by the United States Bureau of Labor Statistics to make clear the calculation is year-over-year and not year-to-date. (2) By clarifying that the Commissioner will use the bimonthly indices developed by the United States Bureau of Labor Statistics ending with the bimonthly index issued in January of the applicable rate filing year. (3) By setting, in Section 2 of this Act, the Core CPI for rate filing year 2022 at 2.7%. As a result, under § 2503(a)(12)a.1. of Title 18 of the Delaware Code, the allowable aggregate unit price growth for rate filing year 2022 is 3.7%, which is the Core CPI, or 2.7%, plus 1%. **HA 2** changes the Core CPI for rate filing year 2022 (insurance plan year 2023) from 2.7% to 4.5%.

*Status: Signed into Law 6/14/2022*

*DHA Position: Support with inclusion of HA 2*

**SB 225**

Introduced: 1/27/2022

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2023; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.

This Bill is the Fiscal Year 2023 Appropriations Act.

*Status: Introduced and Assigned to Finance Committee in Senate*

*DHA Position: No Position*

**SB 226**

Introduced: 1/27/2022

AN ACT MAKING A ONE-TIME SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE 30, 2023 TO THE OFFICE OF MANAGEMENT AND BUDGET. This Act appropriates \$215,857,400 to provide one-time funded projects through the Office of Management and Budget.

*Status: Introduced and Assigned to Finance Committee in Senate*

*DHA Position: No Position*

**SB 235**

Introduced 3/3/2022

An Act to amend Title 24 of the Delaware Code relating to **Unborn Children**. The Act protects the life of the unborn child at a time when the potential for the child to survive outside the womb increases, especially with the advancement of medical procedures. Specifically, this Act repeals the current sections of the Delaware Code relating to termination of human pregnancy and enacts The Pain-Capable Unborn Child Protection Act. Substantial medical evidence exists that an unborn child is capable of experiencing pain by 20 weeks after fertilization. As set forth in this Act, the General Assembly has the constitutional authority to make this judgment under decisions by the U.S. Supreme Court. In enacting The Pain-Capable Unborn Child Protection Act, Delaware is not asking the U.S. Supreme Court to overturn or replace the holding in Roe v. Wade. Rather, it asserts a separate and independent compelling state interest in unborn human life that exists once the unborn child is capable of experiencing pain.

*Status: Introduced and Assigned to Legislative Oversight & Sunset Committee in Senate*

*DHA Position: No Position*

**SB 242**

Introduced: 3/8/2022

An Act to amend Title 16 of the Delaware code relating to **Health & Safety and Voluntary Admission Procedure**. When a youth who is experiencing foster care and living in an out-of-home placement has a need for residential psychiatric treatment, there can be a delay in gaining voluntary admission to a facility due to the Division of Family Services needing to obtain the youth's parent or legal guardian's consent for treatment. This can lead to a youth waiting in an emergency department bed or other inappropriate setting while waiting for the proper consent to be signed. In some cases, when a youth's parent or legal guardian cannot be located, the youth must be involuntarily committed in order to obtain residential treatment, even when the youth is going willingly. This bill allows the Department of Services for Children, Youth & Their Families, Division of Family Services Director or Deputy Director to sign the request for voluntary admission to a psychiatric treatment facility for a youth in foster care. In the case of a youth in foster care whose parent or guardian's legal parental rights have not been terminated, the Division of Family Services works collaboratively with the youth's parent to get consent on medical treatment and decisions. This bill would enable youth experiencing foster care to access psychiatric treatment voluntarily when their parent or legal guardian is not available to consent to the treatment on their behalf. This bill also allows the Director or Deputy Director of the Division of Family Services to make a written discharge request on behalf of the youth receiving voluntary treatment.

*Status: Introduced and Assigned to Health & Social Services Committee in Senate*

*DHA Position: Support*



**SB 244**

Introduced: 3/10/2022

An Act to amend Title 19 of the Delaware code relating to **Unemployment Compensation**. Under current Delaware law, if a labor dispute constitutes a lockout, employees are immediately eligible for unemployment benefits. Additionally, current law permits an individual to collect unemployment benefits beginning the third week of a labor dispute, other than a lockout. This Act mandates that the 2-week disqualification period does not apply if either: (1) The labor dispute is caused by the failure or refusal of the employer to comply with an agreement or contract between the employer and the individual, including a collective bargaining agreement with a union representing the individual, or a State or federal law pertaining to hours, wages, or other conditions of work. (2) The employer hires a permanent replacement worker for the individual's position. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Introduced and Assigned to Labor Committee in Senate*

*DHA Position: No Position*

**SB 245**

Introduced: 3/10/2022

An Act to amend Title 8 of the Delaware code relating to **the Professional Service Corporations and Title 24 of the Delaware Code relating to Professions and Occupations**. This Act creates additional partnership and employment opportunities, as Opposedd to the current framework of employment-only opportunities within the corporate employment setting, and gives the same parity to Delaware physical therapists, physicians, and podiatrists as exists in all other 49 states who already permit this. This Act permits physical therapists, physicians, and podiatrists to organize as a professional corporation on the basis that they are licensed professionals "legally authorized to render... qualified related professional services." Further, this Act enables professional fees to be divided with physical therapists, physicians, and podiatrists who practice within the same corporate entity. Finally, this Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Introduced and Assigned to Judiciary Committee in Senate*

*DHA Position: No Position*

**SB 247 with SA 1**

Introduced: 3/16/2022

An Act to amend Title 24 of the Delaware code relating to **Professions and Occupations and the Interstate Occupational Therapy Licensure Compact**. By this Act, Delaware would join the Interstate Occupational Therapy Licensure Compact (OT Compact). The OT Compact is an interstate compact, or a formal agreement among states, to facilitate the interstate practice of occupational therapy. Under the OT Compact, Occupational Therapists (OTs) and Occupational Therapy Assistants (OTAs) who are licensed and in good standing in a Compact member state may practice in other Compact member states via a "compact privilege," which is equivalent to a license. This will remove the need for practitioners to get an individual license in each state where they want to practice. The OT Compact is the same in form and function as other occupational licensure compacts like the Nurse Multistate Licensure Compact (adopted by Delaware, 24 Del. C. Ch. 19A), the Physical Therapy Compact (adopted by Delaware, 24 Del. C. Ch. 26C) and the Interstate Medical Licensure Compact (adopted by Delaware, 24 Del.C. Ch. 17A). The OT Compact authorizes in person practice and telepractice based on a valid, unrestricted home state license in other Compact member states for both Occupational Therapists (OTs) and Occupational Therapy Assistants (OTAs) The American Occupational Therapy Association is leading the initiative in collaboration with the National Board for Certification in Occupational Therapy. The National Center for Interstate Compacts at the Council of State Governments facilitated the development of the OT Compact and is providing technical assistance. The OT Compact has been adopted by ten states: Colorado, Georgia, Maine, Maryland, Missouri, New Hampshire, North Carolina, Ohio, Virginia, and Wisconsin. The OT Compact is pending before the legislatures of thirteen other states. The OT Compact establishes a licensure data system allowing for instantaneous verification of licensure information. The Compact also establishes an interstate commission, composed of member state officials, to carry out the Compact's purposes. **SA 1** makes two technical corrections.

*Status: Signed into Law 8/4/2022*

*DHA Position: Support*

**SB 252**

Introduced: 6/28/2022

AN ACT MAKING APPROPRIATIONS FOR CERTAIN **GRANTS-IN-AID FOR THE FISCAL YEAR ENDING JUNE 30, 2023**; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AMENDING THE FISCAL YEAR 2023 APPROPRIATIONS ACT; AMENDING

THE FISCAL YEAR 2023 ONE-TIME SUPPLEMENTAL APPROPRIATIONS ACT; AND AMENDING CERTAIN STATUTORY PROVISIONS. This Act provides supplementary appropriations to certain Grants-in-Aid recipients for Fiscal Year 2023. Section 1 – Government Units and Senior Centers – \$28,201,165 Section 2 – One-Times and Community Agencies – \$32,531,876 Section 3 – Fire Companies – \$8,162,724 Section 4 – Veterans Organizations – \$498,141 GRAND TOTAL – \$69,393,906

*Status: Signed into Law 6/30/2022*

*DHA Position: No Position*

**SB 253**

Introduced: 3/22/2022

An Act of amend Titles 16 of the Delaware Code relating to **Influenza Immunizations**. This bill provides flexibility for nursing and assisted living facilities to make hiring decisions contingent on staff influenza vaccination status.

*Status: Signed into Law 6/14/2022*

*DHA Position: Support*

**SB 254**

Introduced: 3/23/2022

An Act to amend Title 30 of the Delaware Code relating to the **Motor Fuel Tax**. This Act suspends the state taxes on motor fuel in this State for 30 days.

*Status: Introduced and Assigned to Executive Committee in Senate*

*DHA Position: No Position*

**SB 255**

Introduced: 3/31/2022

An Act to amend Titles 13 & 16 of the Delaware Code relating to the **Voluntary Admission Procedure**. When a youth who is experiencing foster care and living in an out-of-home placement has a need for inpatient psychiatric treatment, there can be a delay in gaining voluntary admission to a facility due to the Division of Family Services needing to obtain the youth's parent or legal guardian's consent for treatment. This can lead to a youth waiting in an emergency department bed or other inappropriate setting while waiting for the proper consent to be signed. In some cases, when a youth's parent or legal guardian cannot be located, the youth must be involuntarily committed in order to obtain inpatient treatment, even when the youth is going willingly. This bill allows the Department of Services for Children, Youth & Their Families, Division of Family Services Director or Deputy Director to sign the request for voluntary admission to a psychiatric treatment facility for a youth in foster care. In the case of a youth in foster care whose parent or guardian's legal parental rights have not been terminated, the Division of Family Services works collaboratively with the youth's parent to get consent on medical treatment and decisions. This bill would enable youth experiencing foster care to access psychiatric treatment voluntarily when their parent or legal guardian is not available to consent to the treatment on their behalf. This bill also allows the Director or Deputy Director of the Division of Family Services to make a written discharge request on behalf of the youth receiving voluntary treatment.

*Status: Signed into Law 9/21/2022*

*DHA Position: Support*

**SB 257**

Introduced: 4/6/2022

An Act to amend Title 24 of the Delaware Code relating to a **Multistate Professional Counselor Licensure Compact**. This Act is an interstate compact called the Multistate Professional Counselor Licensure Compact, and it facilitates the interstate practice of licensed professional counseling. The Counseling Compact allows a counselor who is licensed in their home state and has not had any encumbrances on their license within the last 2 years to obtain the ability to practice counseling in other states participating in the Compact if the counselor satisfies the requirements, including completion of a criminal background check. A counselor must comply with the rules of any state in which they are practicing. Any state in which the counselor practices has the authority to remove the counselor's ability to practice in their state for a specific period of time, impose fines, and take other actions necessary to protect the health and safety of its citizens. If the counselor's home state license becomes encumbered, the counselor will lose the ability to practice interstate under the Compact until their home state license is no longer encumbered and at least 2 years have passed. Additionally, the Compact establishes protections, including data sharing requirements between participating states to enhance the exchange of licensure, investigative, and disciplinary information among participating states. The Compact establishes a

commission to administer the Compact and establishes that each participating state will have one delegate that serves on the Commission. The Compact also has a special provision to make it easier for active duty military personnel or their spouses who are counselors to practice counseling despite frequent moves. Counselors do not have to participate in the Compact to practice; counselors may choose to only apply for their state's license or to apply for licenses in other states without going through the Compact. The Counseling Compact must be enacted in 10 states to become effective. As of March 26, 2022, the Counseling Compact has been enacted in 6 states. The Compact is pending in 16 other states.

*Status: Signed into Law 8/4/2022*

*DHA Position: Support*

**SB 265**

Introduced: 4/13/2022

An Act to amend Title 18 of the Delaware Code relating to Ensure Fairness in **Cost-Sharing for Prescription Drugs**. The bill requires that third-party cost-sharing assistance utilized by patients is applied toward the covered person's health insurance deductibles and any out-of-pocket limits. Additionally, the bill defines what constitutes a "cost-sharing requirement" as well as how to calculate the assistance when applying to the patient's deductibles and out-of-pocket limits. This bill applies to both carriers and pharmacy benefits managers with an effective date of January 1, 2024.

*Status: Stricken in Senate*

*DHA Position:*

**SB 267 with HA 1**

Introduced: 4/14/2022

An Act to amend Title 18 of the Delaware Code relating to Ensure Fairness in **Cost-Sharing for Prescription Drugs**. The bill requires that third-party cost-sharing assistance utilized by patients is applied toward the enrollee's health insurance deductibles and any out-of-pocket limits. Additionally, the bill defines what constitutes a "cost-sharing requirement" as well as how to calculate the assistance when applying to patient's deductibles and out-of-pocket limits. This bill applies to both carriers and pharmacy benefits managers with an effective date of January 1, 2024. **HA 1** resolves a technical error.

*Status: Signed into Law 10/26/2022*

*DHA Position: Support*

**SB 272 with SA 1**

Introduced: 4/28/2022

An Act to amend Titles 24 of the Delaware Code relating to **Professions & Occupations & the Audiology & Speech-Language Pathology Interstate Compact**. By this Act, Delaware would join the Audiology and Speech-Language Pathology Interstate Compact (the "Compact"). The Compact is an interstate compact, or a formal agreement among states, to facilitate the interstate practice of audiology and speech language pathology. Under the Compact, audiologists and speech-language pathologists (collectively, "practitioners") who are licensed and in good standing in a Compact member state may practice in any other Compact member states via a "compact privilege," which is equivalent to a license. This will remove the need for practitioners to get an individual license in each state where they want to practice. The Compact is the same in form and function as other occupational licensure compacts such as the Nurse Multistate Licensure Compact (adopted by Delaware, 24 Del. C. Ch. 19A), the Physical Therapy Compact (adopted by Delaware, 24 Del. C. Ch. 26C) and the Interstate Medical Licensure Compact (adopted by Delaware, 24 Del. C. Ch. 17A). The Compact authorizes in-person practice and telepractice based on a valid, unrestricted home state license in Compact member states. The Compact has been adopted by 17 states: Alabama, Colorado, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Nebraska, New Hampshire, North Carolina, Ohio, Oklahoma, Utah, West Virginia, and Wyoming. The Compact is pending before the legislatures of 9 other states. The Compact establishes a licensure data system allowing for instantaneous verification of licensure information. The Compact also establishes an interstate commission, composed of member state officials, to carry out the Compact's purposes. **SA 1** clarifies that all meetings of the Executive Committee shall be open to the public, and that all minutes and documents of meetings of the Commission, other than closed meetings, and recordings of Commission hearings on proposed rules or amendments, are available to members of the public upon request and at the requesting person's expense. This Amendment also makes several other non-substantive, clarifying changes to the bill.

*Status: Signed into Law 8/4/2022*

*DHA Position: Support*

**SB 277**

Introduced: 4/28/2022

An Act to amend Titles 16 & 24 of the Delaware Code relating to **Dentistry & Dental Hygiene**. This Act increases opportunities for federally qualified health centers ("FQHC") and government-operated dental clinics to serve the indigent and other underserved communities with dental care and improves flexibility with updated provisional licensing processes for FQHC and government-operated dental clinic applicants. This Act assists FQHCs and government-operated dental clinics in recruiting dentists to serve those most in need. This Act adds FQHCs to the Delaware Institute for Dental Education and Research Board. This Act creates the Dental Care Access Task Force ("Task Force") to examine and recommend a course of action to address all of the following: (1) Dental care access, including for underserved populations and communities. (2) Dental licensure practices and requirements. (3) Dental provider type and scope of practice. (4) Dental provider recruitment and retention strategies. (5) Dental insurance networks and coverage, including for the uninsured and underinsured. The Task Force must submit its report no later than February 1, 2023. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Signed into Law 8/30/2022*

*DHA Position: No Position*

**SB 280**

Introduced: 5/3/2022

An Act to amend Titles 16 of the Delaware Code relating to **Labor Peace Agreements & Medical Marijuana**. This Act requires medical marijuana compassion centers and safety compliance facilities that have 20 or more employees to have a labor peace agreement with 1 more bona fide labor organizations. This Act defines "labor peace agreement" as an agreement between an employer and a labor organization that, at a minimum, includes all of the following: 1. Prohibits the labor organization and members from engaging in picketing, work stoppages, boycotts, or any other economic interference with the business of the employer. 2. Prohibits the employer from disrupting efforts by the bona fide labor organization to communicate with and attempt to organize and represent employees. 3. Provides the labor organization access at reasonable times to areas in which the employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment.

*Status: Signed into Law 10/7/2022*

*DHA Position: No Position*

**SB 283 with SA 2, HA 1**

Introduced: 5/6/2022

An Act to amend Title 24 of the Delaware Code relating to **Continuing Education**. The Board of Medical Licensure and Discipline and the Board of Nursing are responsible for establishing continuing education requirements for medical professionals licensed by these Boards. This Act adds a requirement that practitioners licensed by these Boards who treat adults must complete one hour of continuing education in each reporting period on the topic of diagnosis, treatment, and care of patients with Alzheimer's disease or other dementias. This bill also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. **SA 2** removes the limitation that the Board of Nursing only mandate memory care education for nurses who treat adults. **HA 1** limits the continuing education requirement to professionals who work in adult or gerontology in a healthcare setting.

*Status: Signed into Law 9/8/2022*

*DHA Position: Opposed*

**SB 289**

Introduced: 5/9/2022

An Act to amend Title 11 of the Delaware Code relating to **Sexual Extortion**. This Act expands the scope of the sexual extortion law to include: a) compelling or inducing another person to produce a visual depiction of the person or another who is nude or who is engaging in sexual conduct, and b) threatening to reproduce, distribute, exhibit, publish, transmit, or otherwise disseminate a visual depiction of a person who is nude, or who is engaging in sexual conduct.

*Status: Signed into Law 8/19/2022*

*DHA Position: No Position*

**SB 292 with SA 1**

Introduced: 5/9/2022

An Act to amend Title 16 of the Delaware Code relating to **Naloxone and Other Opioid Antagonists**. An opioid antagonist is a medication approved by the United States Food and Drug Administration (FDA) for emergency reversal of

a known or suspected opioid overdose. Currently, naloxone is the only FDA-approved opioid antagonist, however, the FDA is expected to approve at least 1 new, more powerful opioid antagonist in 2022. The current naloxone program allows public safety personnel and trained lay people to receive and administer naloxone to individuals suspected of experiencing an opioid overdose. This Act allows the Department of Health and Social Services to expand the current program to include additional opioid antagonists. This Act also makes technical corrections to reflect that advance practice registered nurses have the authority to prescribe medication and to conform existing law to the standards of the Delaware Legislative Drafting Manual as follows: 1. Reorganizing the current Chapter 30G of Title 16 from a single Code section to a chapter with several Code sections so that similar provisions are grouped together. 2. Using consistent phrases and terminology. **SA 1**, which adds physician assistants to the definition of “health-care practitioner” so that they have the same immunity protection as physicians and advance practice registered nurses when prescribing or dispensing an opioid antagonist, was placed with the Bill.

*Status: Signed into Law 11/2/2022*

*DHA Position: Support*

### **SB 300**

Introduced: 5/9/2022

An Act to amend Title 24 of the Delaware Code relating to **Medical Practice**. This Act updates the mandatory reporting requirements for Delaware physicians with anxiety, depression, and other mental health challenges. These changes are necessary to ensure that physicians are able to seek treatment without undue stigma or fear of loss of medical licensure. The recommended changes to the statutory reporting requirements are aligned with national best practices recommendations of leading experts including the Joint Commission on Healthcare Accreditation and the Federation of State Medical Boards. The mandatory reporting changes in this Act are also aligned with the language of the current Delaware application for medical licensure, which appears to be more aligned with best practices and compliance with the requirements of the Americans with Disabilities Act of 1990 (Pub. L. 101-336. 26 July 1990). These changes are designed to appropriately balance the need to continue to maintain proper safeguards for patients in accessing safe, high quality health care services without causing undue stigma and negative licensure consequences for physicians. Finally, this Act deletes language in § 1731© of Title 24 of the Delaware Code that references the other professions or occupations regulated under Chapter 17 of Title 24 because these professions or occupations have their own requirements in other provisions of Chapter 17.

*Status: Signed into Law 7/29/2022*

*DHA Position: Support*

### **SS 1 for SB 301**

Introduced: 6/21/2022

An Act to amend Title 30 of the Delaware Code relating to **Organ Transplantation**. The purpose of this chapter is to provide incentives for resident Delaware taxpayers to donate organs and bone marrow for transplantation and for Delaware employers to grant paid time off to employees who donate organs and bone marrow for transplantation. To that end, the Act allows Delaware taxpayers to claim a tax credit of up to \$10,000 of unreimbursed medical expenses, travel expenses, lodging expenses, and lost wages that are related to a donation of an organ or bone marrow by the taxpayer or a dependent of the taxpayer. The Act also gives a tax credit to Delaware employers who provide employees who donate an organ or bone marrow with paid time off for the purpose of the transplantation, in the amount of 25% of the employee’s gross wages paid to the employee during the time missed from work, not including any amount paid to the person by the employer as traditional paid time off, for a period of up to 30 days of missed work for each donation. For qualified expenses used for a tax credit under the Act, to the extent otherwise allowable under Title 30, no tax deduction is allowed for either the donor or the employer. This Act is a substitute for and differs from Senate Bill 301 by providing that, expenses related to a donation of organ or bone marrow incurred in the taxable year before the transplantation took place must be claimed in the year transplantation took place. It also provides that lost wages, for purposes of the individual tax credit, do not include any amounts paid to the person as traditional paid time off, as other than traditional paid time off, as worker’s compensation benefits, or pursuant to Chapter 37 of Title 19. Similarly, gross wages, for purposes of the employer tax credit, do not include any amount paid to the person by the employer as traditional paid time off. The Act also provides implementation dates for the individual tax credit and the employer tax credit. Finally, the Act includes minor changes made for purposes of clarification.

*Status: Signed into Law 10/3/2022*

*DHA Position: Support*



**SB 305 with SA 1**

Introduced: 6/2/2022

An Act to amend Titles 7 and 29 of the Delaware Code relating to **Climate Change**. This Act, known as the Delaware Climate Change Solutions Act, follows the issuance of Delaware's Climate Action Plan in 2021, and establishes a statutory requirement of greenhouse gas emissions reductions over the medium and long term to mitigate the adverse effects of climate change due to anthropogenic greenhouse gas emissions on the State, establishing a mandatory and regularly updated plan to achieve those emissions reductions and develop resilience strategies for the State, and requires State agencies to address climate change in decision-making and rulemaking. **SA 1** clarifies that the legislation does not authorize State agencies to promulgate regulations beyond their statutory authority. Senate Bill No. 305 is intended to require State agencies to consider the State's greenhouse gas emissions reduction targets, the State Climate Action Plan, sea level rise scenarios, temperature scenarios, and precipitation scenarios, when promulgating regulations otherwise within their express statutory authority. **HA 1**, which gives the Energy Advisory Council the authority to review Climate Action Plan Implementation Programs developed by DNREC, was placed with the Bill.

*Status: Assigned to Natural Resources Committee in House*

*DHA Position: No Position*

**SB 316 with SA 1**

Introduced: 6/8/2022

An Act to amend Titles 18 and 29 of the Delaware Code relating to **Insurance Coverage of Diabetes Equipment & Supplies**. This Act caps the amount that an individual, group, or State employee plan may charge for diabetes equipment and supplies, other than insulin, at \$35 per month. This cap does not apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care, disability income, or other limited benefit health insurance policies. **SA 1** clarifies that the \$35 per month cap applies to health plans provided for state employees and eligible pensioners who are not entitled to services, rights, or benefit under the federal Medicare program. It also provides that the health plans may not impose cost-sharing under the covered individual's drug coverage.

*Status: Signed into Law 10/26/2022*

*DHA Position: Support*

**SB 321 with SA 1**

Introduced: 6/9/2022

An Act to amend Title 11 of the Delaware Code relating to the **Board of Pardons**. This bill broadens the scope of mental health practitioners who are authorized by statute to conduct examinations with inmates for purposes of advising the Board of Pardons on matters material to the Board's scope of review. This will enable licensed mental health practitioners and other clinical mental health professionals to participate in the process of evaluating and reporting upon an offender's mental health history, likelihood to re-offend, and other pertinent matters that will assist the deliberative process of the Board of Pardons. **SA 1** removes language that would have given discretionary authority to the Board of Pardons to appoint non-licensed mental health and medical providers to act as "examiners" as is otherwise specified in the original bill.

*Status: Signed into Law 11/2/2022*

*DHA Position: No Position*

**SB 322 with SA 1**

Introduced: 6/10/2022

An Act to amend Title 16 of the Delaware Code relating to **Health & Safety**. This bill ensures equal access to diaper changing tables in restrooms in public buildings regardless of the gender for which the restroom is designed. **SA 1** makes a technical correction to the bill and establishes an effective date of January 1, 2023.

*Status: Signed into Law 10/10/2022*

*DHA Position: No Position*

**SB 324**

Introduced: 6/14/2022

An Act to amend Title 20 of the Delaware Code relating to **Emergency Management**. This Act recognizes the statutory authority of the Governor to act in the event of an emergency or disaster. During protracted emergencies and disasters, particularly those lasting more than 60 days, good governance requires participation by the General Assembly to approve renewal of Emergency Orders. This approval requirement may be waived only when it is not possible for both houses of the General Assembly to convene a quorum. The Governor retains the authority to terminate Emergency Orders without

approval when the emergency or disaster has passed. Any new non-weather related emergency order issued within 6 months of the termination of a prior order and based upon substantially similar reasons shall be invalid unless approved by the General Assembly. Additionally, any non-weather related emergency order that requires the closure of any business, industry, religious, or non-profit facility must specifically delineate which type of business or facilities are to be closed.

*Status: Introduced and Assigned to Executive Committee in Senate*

*DHA Position: No Position*

**SB 332**

Introduced: 6/21/2022

An Act to amend Title 19 of the Delaware Code relating to **Employment Practices**. Because 9-1-1 dispatchers work mostly 12-hour shifts, they face scheduling difficulties for filling out their 40-hour-work week and covering shifts for sick workers. This Act allows their overtime to be calculated based on a 14-day pay period to give them flexibility in scheduling shifts and covering for sick co-workers.

*Status: Out of Committee in Senate*

*DHA Position: No Position*

**SB 338**

Introduced: 6/28/2022

An Act to amend Title 29 of the Delaware Code relating to **State Government**. This Act establishes the Office of Legislative Ethics for the General Assembly. The establishment of an Office of Legislative Ethics is necessary to ensure that potential violations of Delaware's laws or allegations of conflict of interest by the members of the General Assembly are fully investigated. The Board of the Office of Legislative Ethics will be made up of five respected members of the community with expertise in law and legislative ethics who will volunteer to serve. The Office of Legislative Ethics will be headed by an Executive Director who will also serve as the lead investigator. Any member of the public will be able to file a complaint or request the Office of Legislative Ethics to commence an investigation and can do so anonymously. The Act provides for the specific procedures to be followed once the Office of Legislative Ethics receives a complaint or request for investigation. The Act further provides for certain reporting to the General Assembly on a quarterly basis. The Act also adds the Office of Legislative Ethics to Delaware's whistleblower statute, ensuring that public employees who make a complaint to the Office of Legislative Ethics are afforded the same protections as employees reporting suspected violations to other reporting bodies. Finally, the Act removes the Office of Legislative Ethics and the Office of Legislative Ethics Board from the meaning of "public body" within Delaware's Freedom of Information Act.

*Status: Introduced and Assigned to Elections & Government Affairs Committee in Senate*

*DHA Position: No Position*

**SB 339**

Introduced: 6/28/2022

An Act to amend Title 20 of the Delaware Code relating to **Emergency Management**. This Act recognizes the statutory authority of the Governor to act in the event of an emergency or disaster. During protracted emergencies and disasters, particularly those lasting more than 60 days, good governance requires participation by the General Assembly to approve renewal of Emergency Orders. This approval requirement may be waived only when it is not possible for both houses of the General Assembly to convene a quorum. The Governor retains the authority to terminate Emergency Orders without approval when the emergency or disaster has passed. Any new non-weather-related emergency order issued within 6 months of the termination of a prior order and based upon substantially similar reasons shall be invalid unless approved by the General Assembly. Additionally, any non-weather-related emergency order that requires the closure of any business, industry, religious, or non-profit facility must specifically delineate which type of business or facilities are to be closed.

*Status: Introduced and Assigned to Executive Committee in Senate*

*DHA Position: No Position*

**SB 343**

Introduced: 6/29/2022

An Act proposing an amendment to Article 1 of the Delaware Constitution relating to the **Right to Personal Reproductive Liberty**. This Act is the first leg of an amendment to the Delaware Constitution to ensure that every Delawarean is afforded personal reproductive liberty. The Delaware Constitution is our founding legal document stating the overarching values of our society. This amendment is in keeping with the values espoused by the current Delaware Constitution. The Preamble to the Delaware Constitution states: Through Divine goodness, all people have by nature the

rights of worshipping and serving their Creator according to the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and property, and in general of obtaining objects suitable to their condition, without injury by one to another; and as these rights are essential to their welfare, for due exercise thereof, power is inherent in them; and therefore all just authority in the institutions of political society is derived from the people, and established with their consent, to advance their happiness; and they may for this end, as circumstances require, from time to time, alter their Constitution of government. Section 21 of Article 1 of the Delaware Constitution provides that, "Equality of rights under the law shall not be denied or abridged on account of race, color, national origin, or sex." The core value reflected in the Preamble and § 21 is that all people should be afforded all the benefits and protections bestowed by the government, and that the government should not confer special advantages on the privileged. The right to reproductive liberty is fundamental to the exercise of personal autonomy and involves decisions people should be able to make free from compulsion of the State. Enshrining this right in the Constitution is critical to ensuring equal protection and treatment under the law and upholding the right of all people to health, dignity, independence, and freedom. This Act would ensure that government does not create or perpetuate the legal, social, or economic inferiority of any class of people. This Act requires greater than a majority vote for passage because § 1 of Article XVI of the Delaware Constitution requires an affirmative vote of 2/3 of the members elected to each house of the General Assembly to amend the Delaware Constitution. Amending Delaware's Constitution requires 2 pieces of legislation, referred to as "legs," which are enacted in successive General Assemblies. This Act is the first leg of this amendment to the Delaware Constitution.

**Status: Introduced and Assigned to Executive Committee in Senate**

**DHA Position: No Position**

**SB 344**

Introduced: 6/29/2022

An Act to amend Title 6 of the Delaware Code relating to **Medical Debt**. This Act protects patients from unfair debt collection practices for medical debt, including prohibiting large health care facilities from charging interest and late fees, requiring facilities to offer reasonable payment plans, limiting the sale of debt to debt collectors unless an agreement is made to keep protections in place, providing minimum time before certain collections actions may be taken, limiting liability for the medical debt of others, and preventing the reporting of medical debt to consumer credit reporting agencies for at least one year after the debt was incurred. Violations of the provisions of this Act are considered violations of the Uniform Deceptive Trade Practices Act.

**Status: Introduced and Assigned to Banking, Business & Insurance Committee in Senate**

**DHA Position: DHA working on amendment**

**SB 347**

Introduced: 7/6/2022

An Act to amend Title 24 of the Delaware Code relating to **Unborn Children**. The Act protects the life of the unborn child at a time when the potential for the child to survive outside the womb increases, especially with the advancement of medical procedures. Specifically, this Act repeals the current sections of the Delaware Code relating to termination of human pregnancy and enacts The Pain-Capable Unborn Child Protection Act. Substantial medical evidence exists that an unborn child is capable of experiencing pain by 20 weeks after fertilization. As set forth in this Act, the General Assembly has the constitutional authority to make this judgment under decisions by the U.S. Supreme Court. In enacting The Pain-Capable Unborn Child Protection Act, Delaware is not asking the U.S. Supreme Court to overturn or replace the holding in Roe v. Wade. Rather, it asserts a separate and independent compelling state interest in unborn human life that exists once the unborn child is capable of experiencing pain.

**Status: Introduced and Assigned to Executive Committee in Senate**

**DHA Position: No Position**

## Delaware House Bills:

### HB 2

Introduced: 3/4/2021

An Act to amend Title 11 of the Delaware Code by **Repealing Provisions Relating to Abortion**. This bill repeals certain provisions in Title 11 relating to abortion including provisions which treat abortion differently than other medical procedures, and provisions which criminalize women and the sale of medical devices and medicines.

*Status: Stricken in House*

*DHA Position: No Position*

### HB 4 with HA 1

Introduced: 3/9/2021

An Act to amend Title 3 of the Delaware Code relating to **Rabies Control**. Section 1 clarifies the definitions for animal exposed to rabies, control and observation, exotic animals, human exposed to rabies, owner, rabid animal, rabies vector species, strict quarantine, scratch, and suspect rabid animal. Section 2 clarifies the reporting requirements for a medical practitioner, hospital, veterinarian, or other person with knowledge of a person or animal suspected of being exposed to rabies. Section 3 requires veterinarians providing rabies vaccines to be licensed veterinarians and removes the Department of Natural Resources and Environmental Control from the list of entities authorized to inspect a cat or ferret owner's certificate of a valid rabies vaccination. Section 4 provides that no licensed veterinarian or other person may vaccinate a native wild animal, a native wild animal hybrid, an exotic mammal or an exotic mammal hybrid with a rabies vaccine not intended for use in that animal except when specifically approved by the Department of Agriculture. Section 6 modifies the requirements for management of animals exposed to rabies including requirements for reports of suspected rabies exposure, requirements for release of quarantine, reporting of conditions of quarantine, disposition during quarantine, and surrender of dogs, cats, or ferrets for quarantine. Section 7 clarifies the responsibility and liability of an owner of an animal known or suspected to have exposed a human to rabies. Section 7 also establishes that law enforcement canines are not subject to being quarantined after biting a person if such bit occurred while the dog was being used for a law enforcement purpose. Section 10 removes the provision allowing the Director of Division of Public Health to require the reporting of all cases where humans were bitten by an animal known to transmit rabies. This Act also makes technical corrections to conform existing law to the standards of the Delaware Drafting Manual. **HA1**, clarifies that House Bill No. 4 has a 3/5 voting requirement due to the imposition of additional monetary penalties.

*Status: Signed into Law 6/3/2021*

*DHA Position: No Position*

### HB 7 with SA 1, HA 1

Introduced: 3/9/2021

An Act to amend Title 11 of the Delaware Code relating to the **Adult Correction Healthcare Review Committee**. This Act makes permanent and temporary changes to the Adult Correction Healthcare Review Committee ("ACHRC") which is a committee that serves in an advisory capacity to the Governor, General Assembly and the Commissioner of the Department of Correction on all matters relating to the provision of inmate health care services. The permanent changes include adding to ACHRC a healthcare professional who by virtue of the professional's training, education, and specialization hold expertise in correctional health and allowing either a psychiatrist or forensic psychologist to serve as a member. The temporary changes address the Department's response to COVID-19 from March 12, 2020 to March 30, 2021. This Act requires ACHRC to provide a report to the Governor, General Assembly and Commissioner a report regarding the efficacy and appropriateness of the Department's response identifying total numbers of correctional officers and inmates who tested positive and died from COVID-19 or COVID-19 related illnesses. The report also identifies the strengths, weaknesses, and opportunities for improvement and assesses the medical treatment provided to inmates who tested positive for COVID-19. The Act authorizes ACHRC to request records, consult with additional medical professionals and engage additional staff. Finally, for 2021 and 2022, the Chairpersons of the House and Senate Corrections Committees will be voting members of ACHRC but cannot designate another individual to attend meetings or vote. **SA 1** increases the size of the Adult Correction Healthcare Review Committee and adds as a member an organization that serves inmates and inmates' families. **HA 1** makes technical corrections to Senate Amendment No. 1 to House Bill 7.

*Status: Signed into Law 9/17/2021*

*DHA Position: No Position*



**HB 8 with HA 2, SA 1**

Introduced: 3/11/2021

An Act to amend Title 29 of the Delaware Code Relating to **Drinking Water**. This Act mandates that the Department of Natural Resources and Environmental Control and the Division of Public Health establish maximum contaminant levels for specific contaminants found in drinking water in this state. Such contaminants include PFOA and PFOS, which are man-made chemicals. In certain studies, these chemicals were found to be associated with increased risks of chronic diseases. The Environmental Protection Agency, thus far, has not established maximum contaminant levels, but have issued health advisories. The establishment of maximum contaminant levels is essential in order to protect the health and safety of all Delawareans from contaminants in drinking water. **HA 2** clarifies that the Division of Public Health will work in collaboration with the Department of Natural Resources and Environmental Control. This amendment also changes the time, from 6 months to 9 months, by which the Department and Division shall conduct public hearings on proposed regulations. Finally, this amendment requires the Division, in collaboration with the Department, to develop and revise on a periodic basis, the maximum contaminant level by reviewing assessments conducted by the EPA, information published in peer-reviewed journals, the state-side survey data, and findings and recommendations resulting from public meetings of the Delaware PFAS Steering Committee and the Delaware PFAS Team, both of which are defined in the amendment. **SA 1** removes references to a Delaware PFAS Steering Committee and Delaware PFAS Team.

*Status: Signed into Law 10/20/2021*

*DHA Position: No Position*

**HB 20 with HA 1**

Introduced: 12/4/2020

An Act to amend Title 14 of the Delaware Code relating to the **Provision of Free Feminine Hygiene Products**. This bill requires all public and charter schools which have students in grades 6-12 to provide free feminine hygiene products in 50% of the bathrooms used by students who can have a menstrual cycle. This bill also requires schools to publish on its website and post in its common areas the locations of the bathrooms where the hygiene products are provided. Finally, this bill provides that each school must consult with its school nurse regarding the products to be provided. **HA 1** changes the section of the Delaware Code being amended and the school year by which all public schools and charter schools must provide feminine hygiene products to students who can have a menstrual cycle from the 2020-2021 school year to the school year commencing in the fall of 2021. It also requires that feminine hygiene products be provided in ½ of bathrooms designated non-gender conforming.

*Status: Signed into Law 4/8/2021*

*DHA Position: Support*

**HB 21**

Introduced: 12/4/2020

An Act to amend Title 24 of the Delaware Code relating to an **Advanced Practice Registered Nurse Compact**. This Act adopts the Advanced Practice Registered Nurse Compact. The Compact benefits the public by improving continuity of care, increasing license portability for advanced practice registered nurses, and increasing access to APRN care. Under the Compact, APRNs licensed in a Compact member state may practice in another Compact member state. In adopting the Compact, the state-based licensure system is preserved but communication between states is enhanced. This Act takes limited effect for the purpose of establishing and convening the Interstate Commission of APRN Compact Administrators (Commission) to adopt rules relating to its operation when 7 states have enacted it into law.

*Status: Signed into Law 8/4/2021*

*DHA Position: Support*

**HB 31**

Introduced: 3/4/2021

An Act to amend Title 11 of the Delaware Code by **Repealing Provisions Relating to Abortion**. This bill repeals certain provisions in Title 11 relating to abortion including provisions which treat abortion differently than other medical procedures, and provisions which criminalize women and the sale of medical devices and medicines.

*Status: Signed into Law 9/17/2021*

*DHA Position: No Position*

**HB 33 with HA 1, SA 1**

Introduced: 12/11/2020

An Act to amend Title 24 of the Delaware Code relating to **Physician Assistants**. This bill changes the relationship between physicians and physician assistants from supervisory to collaborative, in recognition of the evolving role of physician assistants and reflecting the education, training, and experience required for licensing, which emphasizes the team-based practice model. The bill retains a 1:4 ratio of physician assistants to physicians, unless a regulation of the Board increases or decreases the number. This limit of 1:4 does not apply to physicians and physician assistants who practice in the same physical office or facility building, such as an emergency department. This bill adds 2 physician assistants members recommended by the Regulatory Council for Physician Assistants to the Board of Medical Licensure and Discipline in lieu of 2 public members. The bill authorizes physician assistants to participate as uncompensated volunteers in public or community events. **HA 1**, makes technical corrections to House Bill 33 to conform it to the requirements of the Legislative Drafting Manual and clarifies that the Regulatory Council for Physician Assistants is authorized to recommend, not elect, individuals from its membership for appointment to the Board of Medical Licensure and Discipline by the Governor. **SA 1** strikes House Amendment 1 to House Bill No. 33 in its entirety and makes technical corrections to House Bill No. 33 to conform it to the requirements of the Legislative Drafting Manual and clarifies that the Regulatory Council for Physician Assistants is authorized to recommend, not elect, individuals from its membership for appointment to the Board of Medical Licensure and Discipline by the Governor.

*Status: Signed into Law 4/13/2021*

*DHA Position: Support*

**HB 35**

Introduced on: 12/11/2020

An Act to amend Title 14 of the Delaware Code relating to **The Behavioral Health Professional of the Year**. This Act establishes a Behavioral Health Professional of the year award program throughout the State. Through this legislation, the state will formally honor and recognize the work behavioral health professionals, such as, school counselors, social workers, licensed clinical social workers, school psychologists, and school nurses.

*Status: Signed into Law 2/17/2021*

*DHA Position: Support*

**HB 39**

Introduced 12/18/2020

An Act to amend Title 18 of the Delaware Code relating to **Health Insurance**. This bill requires that inadvertent out-of-network services be included in individual and group health insurance policies as well as group and blank health insurance policies. This bill defines inadvertent out-of-network services are those services that are covered under a policy or contract of health insurances but are provided by an out-of-network provider in an in-network facility, or when in-network health care services are unavailable or not made available to the insured in the facility. Inadvertent out-of-network services also includes laboratory testing ordered by an in-network provider but performed by an out-of-network laboratory.

*Status: Introduced and Assigned to Health & Human Development Committee in House*

*DHA Position: Support*

**HB 40**

Introduced 12/18/2020

An Act to amend Title 24 of the Delaware Code relating to the **Offer of an Ultrasound before Terminating a Pregnancy**. This Act requires a physician to offer a patient ultrasound imaging and auscultation of fetal heart tone services before terminating a pregnancy and provides civil and criminal penalties for the failure of a physician to comply with this requirement. The patient is free to choose not to view the ultrasound or listen to the heartbeat. This Act is known as "The Woman's Ultrasound Right to Know Act."

*Status: Introduced and Assigned to Health & Human Development Committee in House*

*DHA Position: No Position*

**HB 47**

Introduced 1/7/2021

An Act to amend Title 14 of the Delaware Code relating to **Family Leave**. In the 149th General Assembly House Bill No. 64, amended Title 29, Section 5120 to ensure that mothers who are full time state employees may have up to 6 weeks of unpaid leave following the newborn(s) discharge from the hospital even if their FMLA benefits have been exhausted. This bill

clarifies that **school district employees** are entitled to the same unpaid leave.

*Status: Out of Committee in House*

*DHA Position: No Position*

**HB 48 with HA 1**

Introduced 1/7/2021

An Act to amend Title 16 of the Delaware Code relating to the **Delaware Healthcare Commission**. This Act establishes a Health Care Provider Loan Repayment Program for New Primary Care to be administered by the Delaware Health Care Commission. Under the loan repayment program, the Health Care Commission may award education loan repayment grants to new primary care providers of up to \$50,000 per year for a maximum of 4 years. Priority consideration may be given to DIMER-participating students and participants in Delaware based residency programs. Sites eligible to apply for grants on behalf of their new primary care providers must be located in underserved areas or areas of need and must accept Medicare and Medicaid participants. Grants to hospital sites must be matched on a dollar-for-dollar basis by the applicant hospital and the disbursement of grants from the program is contingent upon an initial, one-time contribution to the Health Care Provider Loan Repayment Program, in an amount Fiscal Year 21 appropriation of State funds up to a maximum of \$1 million, from Delaware health insurers. This Act also provides that the Delaware Healthcare Commission may award Health Care Provider Repayment grants on a prorated annual basis. **HA 1** clarifies that the disbursement of grants is contingent upon an initial, one-time contribution to the Health Care Provider Loan Repayment Program, in an amount Fiscal Year 22 appropriation of State funds up to a maximum of \$1 million, from Delaware Health insurers.

*Status: Signed into Law 8/10/2021*

*DHA Position: Support (ADHA Initiative)*

**HB 49**

Introduced 1/7/2021

An Act to amend Title 20 of the DE Code relating to **Emergency Management**. This Act recognizes the statutory authority of the Governor to act in the event of an emergency or disaster. During protracted emergencies and disasters, particularly those lasting more than 30 days, good governance **requires participation by the General Assembly to approve renewal of Emergency Orders**. This approval requirement may be waived only when it is not possible for both houses of the General Assembly to convene a quorum. The Governor retains the authority to terminate Emergency Orders without approval when the emergency or disaster has passed. Any new non-weather related emergency order issued within 6 months of the termination of a prior order and based upon substantially similar reasons shall be invalid unless approved by the General Assembly. Additionally, any non-weather related emergency order that requires the closure of any business, industry, religious, or non-profit facility must specifically delineate which type of business or facilities are to be closed.

*Status: Introduced and Assigned to the Administration Committee in House*

*DHA Position: No Position*

**HB 51**

Introduced 1/7/2021

An Act to amend Title 21 of the Delaware Code relating to **Driving a Vehicle While Under the Influence**. This Act clarifies Delaware's driving under the influence ("DUI") law related to intensive inpatient or outpatient drug and alcohol treatment for felony DUI offenders. The current law has resulted in differing interpretations regarding treatment; specifically, whether treatment must be completed while incarcerated (Level V) or at home confinement (Level IV), rather than at community supervision (Level III or Level II). This has resulted in extending incarceration for some offenders or requiring out-of-state offenders to reside in Delaware to complete the mandated drug and alcohol abstinence program and drug and alcohol treatment program under § 4177(d)(9) of Title 21. Specifically, this Act clarifies when the required intensive inpatient or outpatient drug and alcohol treatment, as approved by the Court or the Department of Correction, can take place. The required program may be completed while the offender is on any level of supervision, not just Level V or IV. The treatment program may also be completed by an offender after arrest and prior to adjudication. permits the Superior Court to sentence felony DUI offenders to commence intensive treatment at any level of supervision, including community supervision. This Act also requires offenders to complete treatment within 9 months of the date of sentence or the date of release from Level V or Level IV, unless the Superior Court has granted the offender an extension for good cause. If an offender does not complete the treatment as required, the Superior Court must impose the portion of the minimum sentence suspended by the Court for the offender's participation in the program.

*Status: Signed into Law 4/13/2021*

*DHA Position: No Position*

**HB 52**

Introduced 1/7/2021

An Act to amend Title 16 of the Delaware Code relating to **Immunity For Donated Food**. This Act makes Subchapter III consistent with the Bill Emerson Act by protecting a “gleaner” from civil or criminal liability as it relates to their donation of the gleaned food. Since the Bill Emerson Act only partially preempts state law on this subject, the State is free to provide greater protection than the Bill Emerson Act. Therefore, this Act does all of the following: 1. Extends to those who, in good faith, donate food to state agencies the same immunity from civil or criminal liability that is granted to those who, in good faith, donate food to nonprofit organizations. 2. Specifically includes within the definition of “food” both perishable food and wild game to make it clear that food, in all of its forms, is covered by this Act. Thus, under this Act, those donating deer to the Division of Fish and Wildlife’s Sportsmen Against Hunger program would be immune from civil or criminal liability as it relates to the donation. 3. Protects a person who, in good faith, provides services to a nonprofit organization or state agency related to the processing of wild game that is donated to a nonprofit organization or a state agency. The bill also clarifies the authority of Division of Public Health and Department of Agriculture relating to donated food.

*Status: Introduced and Assigned to the House Health and Human Development Committee in House*

*DHA Position: No Position*

**HB 62**

Introduced 1/7/2021

An Act to amend Title 6 of the Delaware Code relating to the **Prohibition of Excessive and Unconscionable Prices for Prescription Drugs**. This Act is based on a Model Act to Prevent Excessive and Unconscionable Prices for Prescription Drugs developed by the National Academy for State Health Policy. It prohibits manufacturers from raising the price of prescription drugs outside of certain market conditions that might justify a price hike. It is specifically limited to the prices charged to consumers in the State of Delaware for generic and off-patent drugs. It authorizes the Attorney General to investigate price increases identified by State agencies above a certain threshold. Manufacturers or distributors may be fined up to \$10,000 per day for sales which violate the Act. Each sale of a drug excessively and unconscionably priced constitutes a separate violation. A manufacturer or distributor is prohibited from withdrawing a generic or off-patent drug for sale in this State to avoid application of the Act.

*Status: Introduced and Assigned to the Economic Development/Banking/Insurance & Commerce Committee in House*

*DHA Position: No Position*

**HB 63**

Introduced: 1/11/2021

An Act to amend Title 16 of the Delaware Code relating to the **Childhood Lead Poisoning Prevention Act**. This Act requires the Department of Health and Social Services to provide staff support for the Childhood Lead Poisoning Advisory Committee. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Signed into Law 6/3/2021*

*DHA Position: Support*

**HB 65**

Introduced: 1/11/2021

An Act to amend Title 19, 29 and 30 of the Delaware Code relating to **COVID-19 Related Unemployment Benefits, Assessments and Rulemaking Authority**. This bill provides COVID-19 related relief to both claimants receiving unemployment benefits and employers who are assessed unemployment taxes and extends the end date of the Secretary of Labor’s COVID-19 related rulemaking authority. Section 1 waives the 13-week waiting period for the state to “trigger on” to pay extended unemployment benefits in periods of high unemployment. Section 2 establishes the 2021 new employer assessment rate, average industry assessment rate, and average construction industry assessment rate at the same rate as 2020 in order to avoid an increase in these rates as a result of the increase in unemployment claims due to COVID-19. Section 3 extends the provisions in H.B. 352 from the 150th General Assembly authorizing the Delaware Secretary of Labor to issue emergency rules amending the Delaware Unemployment Insurance Code to deal with the effects of COVID-19 and implement federal programs providing unemployment benefits to respond to COVID-19. Section 4 exempts unemployment compensation benefits received in 2020 from the calculation of Delaware adjusted gross income so that unemployment claimants will not have to pay state taxes on the benefits they received during the pandemic.

*Status: Signed into Law 2/8/2021*



*DHA Position: No Position*

**HB 77 with HA 2**

Introduced: 1/19/2021

An Act to amend Title 16 of the Delaware Code relating to the **Prohibition of Harmful Flame Retardants**. This Act prohibits the manufacture, sale, or distribution of children's products, upholstered furniture used in residences, and mattresses that contain harmful flame retardant chemicals. These flame retardants have been found to cause cancer, particularly to firefighters who are extinguishing fires that involve products that contain these chemicals. This Act does not apply to any of the following: 1. The sale of used products. 2. Furniture purchased for public use in public facilities 3. Thread or fiber used for stitching mattress components. 4. Children's products that are not primarily intended for use in the home. 5. Products being transferred to a vehicle at a warehouse or distribution center for delivery in another state. 6. Electronic components. This Act takes effect on July 1, 2021. **HA 2:** 1. Makes this Act consistent with California law by clarifying that for adult mattresses, the restrictions on the flame retardant chemicals and organohalogens only apply to foam. 2. Exempts used mattresses. 3. Clarifies the exemption for electronic components, making it applicable to the electronic components in children's products, mattresses, and upholstered furniture, using language consistent with the law in California and New York. 4. Provides a blanket exception that allows mattresses or upholstered furniture that can be sold in California to be sold in Delaware. 5. Changes the name of Chapter 25G and corrects spelling and terminology. 6. Changes the effective date to July 1, 2023.

*Status: Signed into Law 8/4/2022*

*DHA Position: No Position*

**HB 87**

Introduced: 1/27/2021

An Act to amend Title 11 of the Delaware Code relating to **Human Trafficking Interagency Coordinating Council**. This bill increases the membership of the Human Trafficking Interagency Coordinating Council to 24 members by adding representatives from the House of Representatives, the Senate, the Criminal Justice Council, the Department of Transportation, and the Division of Professional Regulation, a person who has been a victim of human trafficking, and a person who has prior experience working with victims of human trafficking in a legal or advocacy capacity. This bill also changes the quorum for the Council from 7 members to 13.

*Status: Signed into Law 6/15/2021*

*DHA Position: No Position*

**HB 88**

Introduced: 1/27/2021

An Act to amend Title 19 of the Delaware Code relating to **Minimum Wage**. This bill removes the training minimum wage and youth minimum wage, which takes effect 90 days after enactment.

*Status: Signed into Law 9/30/2021*

*DHA Position: No Position*

**HB 91 with HA 1**

Introduced: 1/28/2021

An Act to amend Titles 6 of the Delaware Code relating to **Prohibited Trade Practices**. This Act amends Delaware's Consumer Fraud Act (Subchapter II, Chapter 25, Title 6 of the Code), to give Delaware consumers and businesses the protection against unfair acts or practices in commerce that the General Assembly intended to give them when it enacted the Consumer Fraud Act. When the General Assembly enacted the Consumer Fraud Act in 1965, it stated, in what is now § 2512 of Title 6 of the Code, that the purpose of the Consumer Fraud Act is "to protect consumers and legitimate business enterprises from unfair or deceptive merchandising practices in the conduct of any trade or commerce in part or wholly within this State," and that "[i]t is the intent of the General Assembly that such practices be swiftly stopped." The act also amends § 2513(a) to add the term "receipt," to clarify that persons who provide goods or services at no charge to consumers—such as social media companies funded by advertising revenue—are not precluded from being held liable for engaging in consumer fraud simply because they may not directly sell or lease their goods or services to consumers. **HA 1** modifies the definition of "unfair practice" to more closely follow the definition of "unfair trade practice" currently used by the Federal Trade Commission and reflects negotiations with stakeholders regarding the Act.

*Status: Signed into Law 7/23/2021*

*DHA Position: Opposed*

**HB 95**

Introduced: 1/28/2021

An Act to amend Titles 18, 29, and 31 of the Delaware Code relating to **Insurance Coverage of Epinephrine Autoinjectors**. This Act requires that individual, group, State employee, and public assistance insurance plans provide coverage for epinephrine autoinjectors for individuals who are 18 years of age or under and must include at least 1 formulation of epinephrine autoinjectors on the lowest tier of the drug formulary developed and maintained by the carrier if the insurance plan has tiers.

*Status: Signed into Law 6/15/2021*

*DHA Position: No Position*

**HB 97**

Introduced: 3/4/2021

An Act to amend Title 6 of the Delaware Code relating to **Prohibited Trade Practices and Pay with Cash**. This Act prohibits the seller of consumer goods or services from refusing to accept cash payment, except in limited circumstances. It creates graduated civil penalties for violations and provides consumers a private right of action to recover double damages, including consequential damages, for a second violation of the law and triple damages for subsequent violations. The Division of Consumer Protection has authority to enforce the law.

*Status: Stricken in House*

*DHA Position: No Position*

**HB 100 with HA 2**

Introduced: 1/28/2021

An Act to amend Titles 14 of the Delaware Code relating to **Free Public Schools**. This Act establishes a mental health services unit for Delaware elementary schools. The unit is at a ratio of 250 full-time equivalent students grades K-5 for a full-time school counselor, school social worker, or licensed clinical social worker. Additionally, a unit ratio of 700 full time equivalent students for grades K-5 for employment of a full-time school psychologist. This Act defines "mental health services" as prevention, response, and coordination services delivered to students in elementary schools. Mental Health disorders are the most common health problem for school aged youth. According to the National Institute of Mental Health (NIMH), one in five youth are affected by a mental health disorder. Additionally, 50% of lifetime mental illnesses begin by age 14. Untreated mental illness leads to negative outcomes including increased risk of dropout, homelessness, substance abuse, other chronic illnesses, incarceration, and possibly suicide. According to the National Alliance on Mental Health, ninety percent of people who have taken their own life have had an underlying mental health condition, and suicides are on the rise. According to the Center for Disease Control and Prevention, suicides are now the second leading cause of death for youth ages 10-14. Delaware schools need trained and experienced mental health professionals to provide prevention and support programs and services to students. Currently, as reported by Delaware school districts, 86% of elementary schools do not employ a school social worker, and ratios of students to school counselors and school psychologists far exceed national best practices. This bill will lower ratios and increase access to mental health services for elementary school students. **HA 2** phases implementation of House Bill No. 100 out over three years in regard to school counselors, licensed clinical social workers, and school social workers. Current ratios of students to these professionals far exceed those recommended by leading counseling and mental health organizations. Gradual implementation is needed to allow Delaware school districts time recruit and retain these critical positions. This amendment also provides districts flexibility to allocate units where needed most, prioritizing disadvantaged students and students with special needs. Additionally, it adds district Pre-Kindergarten to the strategic plan. The amendment also makes technical corrections since there was duplication of many of the "Whereas" clauses.

*Status: Signed into Law 8/19/2021*

*DHA Position: Support*

**HB 105**

Introduced: 1/28/2021

An Act making appropriations for the **Expense of the State Government for the fiscal year ending June 30, 2022**; specifying certain procedures, conditions, and limitations for the expenditure of such funds; and amending certain pertinent statutory provisions.

*Status: Assigned to Appropriations Committee in House*

*DHA Position: No Position*

**HB 111**

Introduced: 2/19/2021

An Act to amend Title 18 of the Delaware Code Relating to **Insurance Discrimination Based on Pre-Exposure Prophylaxis Medication to Prevent HIV Infection**. Individuals who are at very high risk of getting HIV can take pre-exposure prophylaxis (“PrEP”) medication to reduce the risk of HIV transmission. PrEP medication reduces the risk of HIV transmission by up to 99% if taken daily. This Act prohibits discrimination because an individual takes PrEP medication in the issuance or renewal of disability, long-term care, and life insurance.

*Status: Signed into Law 6/15/2021*

*DHA Position: Support*

**HB 119 with HA 1**

Introduced: 6/3/2021

An Act to amend Title 1 of the Delaware Code Relating to **Legal Holidays**. This Act establishes Juneteenth as a State holiday. Juneteenth commemorates the emancipation of the last enslaved African Americans in the United States. The Act adds Juneteenth as a legal holiday and reduces the number of floating holidays from 2 to 1. The two floating holidays were created by the 145th General Assembly as replacements for Presidents Day and Columbus Day. This Act replaces the floating holiday that replaced Columbus Day with a legal holiday to celebrate Juneteenth. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. **HA 1** restores original language in § 501 of Title 1 directing the Office of Management and Budget to promulgate policies and procedures to implement 2 floating holidays. The Amendment clarifies that HB 119 designates Juneteenth a permanent legal holiday in this State not a floating holiday. This Amendment also corrects subsection numbering.

*Status: Signed into Law 10/27/2021*

*DHA Position: No Position*

**HB 122 with HA 2**

Introduced: 3/18/2021

An Act to amend Title 19 of the Delaware Code Relating to **Employment of and Wages Payable to Persons with Disabilities**. This Act is called the Jamie Wolfe Employment Act in recognition of Jamie Wolfe, a powerful disability rights advocate who worked tirelessly on behalf of people with disabilities for equal rights and equal access to education, housing, competitive and integrated employment, transportation and community-based services. The Act requires that authorization to pay individuals with disabilities less than the minimum wage required to be paid to other employees will be phased out by July 1, 2023. It is consistent with the goals of the Employment First Act enacted by the 146th General Assembly and with national trends. In September 2020, the United States Commission on Civil Rights recommended that 14(c) certificates be phased out. The Employment First Oversight Commission created in the Employment First Act is charged with the responsibility of developing and implementing a plan for the phase-out and ensuring that the needs of affected providers and employees with disabilities working at less than minimum wage are considered as the phase-out is implemented. **HA 2** strengthens the role of stakeholders in developing the 14(c) phase out plan by requiring the Employment First Commission to appoint a task force comprised of stakeholders, including national subject-matter experts, to develop the phase out plan as Opposedd to merely consulting with stakeholders. The Amendment also adds a requirement that the phase out plan include consideration of current sheltered workshop employees’ wishes to continue working in or near the same location and people with whom the employee is friendly or familiar. This amendment changes the date by which the Employment First Oversight Commission shall develop their implement their plan from July 1, 2023 to January 31, 2024 in order to afford ample time to convene and complete the tasks necessary. This amendment also includes in the plan assurance of adequate funding to support those employers once an individual is hired and the number of individuals who may lose a job opportunity as a result of a minimum wage increase. Finally, the amendment requires that the Commission provide the plan to the General Assembly.

*Status: Signed into Law 10/20/2021*

*DHA Position: No Position*

**HB 129**

Introduced: 3/23/2021

An Act to amend Title 14 of the Delaware Code relating to **Education**. This Act requires high needs elementary schools, including high needs elementary charter schools, to have school-based health centers. The State will pay the start-up costs for each school-based health center at 2 high needs elementary schools per year until each high needs elementary school has a center. High needs elementary schools are defined as any elementary school in the top quartile of 3 or more in percentage of low-income students, percentage of English learners, percentage of students with disabilities, percentage of

minority students, or having 90% of its students classified as low-income, English learners, or minority. This Act also allows high needs elementary schools having pre-existing school-based health centers to apply for reimbursement of previously expended funds necessary to establish said health center. To the extent that there are any public high schools without a school-based health center upon the effective date of this Act, the State will fund start-up costs for a center at such a public high school.

*Status: Assigned to Appropriations Committee in House*

*DHA Position: Support*

**HB 140**

Introduced: 6/30/2021

An Act to amend Title 16 of the Delaware Code relating to **End-of-Life Options**. This Act permits a terminally ill individual who is an adult resident of Delaware to request and self-administer medication to end the individual's life in a humane and dignified manner if both the individual's attending physician or attending advanced practice registered nurse (APRN) and a consulting physician or consulting APRN agree on the individual's diagnosis and prognosis and believe the individual has decision-making capacity, is making an informed decision, and is acting voluntarily. This Act uses terms and definitions that are consistent with other Delaware laws in Title 16, specifically Chapter 25 (regarding advance health-care directives) and Chapter 25A (regarding Delaware Medical Orders for Scope of Treatment). This Act also provides the following procedural safeguards: 1. No one may request medication to end life on behalf of another individual. 2. An individual cannot qualify for medication to end life under this chapter solely because of the individual's age or disability. 3. Both the individual's attending physician or attending APRN and a consulting physician or consulting APRN must confirm that the individual has a terminal illness and a prognosis of 6 months or less to live, has decision-making capacity, is making an informed decision, and is acting voluntarily. 4. The individual's attending physician or attending APRN must also provide specific disclosures to the individual to ensure that the individual is making an informed decision, including the presentation of all end of life options which include comfort care, palliative care, hospice care, and pain control. 5. The individual must be evaluated by a psychiatrist or a psychologist if either the attending or consulting physicians or APRNs are concerned that the individual lacks decision-making capacity. 6. The individual must complete a witnessed form requesting medication to end life and there are limitations on who can witness the signing of the form. 7. The attending physician or attending APRN must offer the individual the opportunity to rescind the request for medication to end life before writing a prescription for the medication. 8. Two waiting periods must pass before the attending physician or attending APRN may prescribe the medication to end life. 9. An insurer or health-care provider may not deny or alter healthcare benefits otherwise available to an individual based upon the availability of medication to end life or otherwise coerce or require a request for medication to end life as a condition of receiving care. 10. A health-care institution may prohibit a physician or APRN from prescribing medication to end life on the health-care institution's premises. 11. A request or prescription for or the dispensing of medication under this Act does not constitute elder abuse, suicide, assisted-suicide, homicide, or euthanasia. 12. People acting in good faith and in accordance with generally accepted health-care standards under this Act have immunity, but those acting with negligence, recklessness, or intentional misconduct do not have criminal or civil immunity. 13. The Department of Health and Social Services must develop rules and regulations to collect information regarding compliance with this Act, complete an annual statistical report of information collected under this Act, and may review samples of records maintained under this Act. This Act is known as "The Ron Silverio/Heather Block End of Life Options Law" in memory of Ron Silverio and Heather Block, who were passionate advocates that passed away without this option becoming available to them. **HA 1**, which does all of the following: 1. Removes the provision providing that the failure of a physician or APRN to inform an individual with a terminal illness information that medication to end their life in a humane and dignified manner is available is considered a failure to obtain informed consent for subsequent medical treatment. 2. Corrects typographical errors. 3. Clarifies the requirements for properly disposing of unused medications. 4. Allows the Department of State to also promulgate regulations or develop forms and protocols necessary under Chapter 25B of Title 16. 5. Allows a physician or APRN to refuse to prescribe medication under this chapter. 6. Delays the implementation of this Act until final regulations required under § 2511B of Title 16 have been promulgated or July 1, 2023, whichever occurs earlier, was placed with the Bill.

*Status: Out of Committee in House*

*DHA Position: Opposed*

**HB 141**

Introduced: 3/30/2021

An Act to amend Title 24 of the Delaware Code relating to **Advanced Practice Registered Nurses**. This Act is a Companion Bill to House Bill No. 21. It aligns the Delaware Board of Nursing statute with the APRN Compact to advance APRN practice through elimination of barriers and improving access to care for Delawareans. The Act removes



the requirement for a collaborative agreement for licensure purposes although employers and health care organizations may still require one. The Act amends the definitions of “APRN” and “full practice authority” so that they are consistent with national standards. The Act also removes the definition of “independent practice” since nationally, “independent practice” means having “full practice authority”. This Act grants full practice authority in conjunction with licensure and removes the current requirements for obtaining independent practice. The Act changes the composition of the APRN Committee to include 9 APRNs and clarifies the Committee’s purpose which is to make recommendations to the Delaware Board of Nursing regarding: APRN practices, the Compact and licensure.

*Status: Signed into Law 8/4/2021*

*DHA Position: Support*

### HB 150

Introduced: 3/18/2021

An Act to amend Title 4, 11, 16 & 30 of the Delaware Code Relating to the **Delaware Code Creating the Delaware Marijuana Control Act**. The Delaware Marijuana Control Act regulates and taxes marijuana in the same manner as alcohol. It allows adults over the age of 21 to legally possess and consume under 1 ounce of marijuana for personal use. It does not permit people to grow their own marijuana.

**HA 1** helps ensure a more standardized approach to the assessments and accreditation processes and helps to assure better product safety was placed with the Bill.

**HA 2** adds the requirement that marijuana testing facilities shall achieve accreditation within the first applicable licensing period was placed with the Bill.

**HA 3** changes the definition of "disproportionately impacted area". It also expands the definition of "locality" to include county governments. It imposes an obligation on the Commissioner to not impose regulations that would be an unreasonably impracticable burden to the industry. This amendment also alters language regarding small businesses promoting diversity. It adds requirements to the list of "best practices" and to the criteria for the competitive scoring process for all license types. It revises language regarding an applicant's plans for operations, training, and staffing, and alters the criteria for the competitive scoring process for open license types. It amends the definition of "social equity applicant". This amendment also removes the proposed statute § 1331, regarding Financial Assistance. It also makes a technical correction to the bill.

**HA 4** requires the Commissioner and the Department of Agriculture to maintain communication regarding the cultivation of hemp and marijuana. This amendment provides that the Commissioner may grant a social equity applicant a conditional license and sets out the requirements for maintaining the conditional license. This amendment also makes changes the Marijuana Regulation Fund and the Marijuana Control Enforcement tax. This amendment makes a technical revision to the expungement section of the bill so that it will not conflict with other pending legislative measures relating to expungement. Finally, this amendment makes minor technical corrections.

**HA 5** removes provisions relating to employers.

**HA 6** removes the establishment of the Social Equity Fund, and instead gives the Commissioner the authority to investigate opportunities for financial assistances that can be offered to social equity applicants.

**HA 7** adds requirements to the packaging and labeling of marijuana and marijuana products to enhance child safety.

**HA 8** requires the Marijuana Oversight Committee to publish data in its annual report concerning the number of applicants who have reported that they have been convicted of or adjudicated delinquent or are married to or the child of a person who has been convicted of or adjudicated delinquent of a marijuana-related offense. This amendment also requires an applicant for any license to provide a statement whether the applicant has been, or the applicant is married to or the child of a person who has been convicted of or adjudicated delinquent of a marijuana-related offense. The Commissioner cannot use the applicant’s statement into consideration but will provide that information to the Marijuana Oversight Committee so that it can include that data in its annual report. Finally, this amendment changes the criteria for a social equity applicant.

**HA 9** expands the definition of "locality" to include county governments.

**HA 10** removes the requirement that an applicant submit an attestation affirming the applicant has a project labor agreement or will utilize a project labor agreement for construction of a marijuana cultivation facility.

**HA 1, 2, 3, 4, 5, 6, 7, 8, 9, 10** were Placed with the Bill.

*Status: Out of Committee in House*

*DHA Position: Opposed*

**HB 154**

Introduced: 4/15/2021

An Act to amend Title 19 of the Delaware Code relating to **Discrimination in Employment**. This Act makes it an unlawful employment practice for an employer to discriminate against any individual because of their political affiliation or political belief.

*Status: Out of Committee in House*

*DHA Position: No Position*

**HB 157 with HA 1**

Introduced: 4/20/2021

An Act to amend Titles 16 of the Delaware Code relating to the **Uniform Controlled Substances Act**. This Act expands the definition of “prescription drug order” to include orders issued electronically. This Act also eliminates the condition on the issuance by a pharmacist, pharmacist intern or pharmacy student of a hypodermic syringe or needle without a prescription to someone who will self-administer medication or administer medication to a minor child by a parent or legal guardian, but only to persons age 18 or older. This Act repeals an existing paragraph in Title 16, § 4762(c) of the Delaware Code which makes it a Class G felony to deliver, dispose of or give away a hypodermic syringe or needle except as prescribed by Title 16, § 4762 of the Delaware Code. The Act also makes corrections to existing law to make it conform to the standards of the Legislative Drafting Manual. **HA 1** adds persons who are licensed allied health professionals in addition to those licensed by the Delaware Board of Nursing to the categories of conduct or persons excepted from the prohibition against providing hypodermic syringes or needles to persons under the age of 18 without a prescription and requiring that hypodermic syringes or needles be disposed of in a manner so as to render them unfit for reuse.

*Status: Signed into Law 9/15/2021*

*DHA Position: No Position*

**HB 160 with HA 1**

Introduced: 4/15/2021

An Act to amend Titles 18 and 24 of the Delaware Code relating to **Preserving Telehealth and Adopting the Interstate Medical Licensure Compact**. This Act, known as the Telehealth Access Preservation and Modernization Act of 2021, continues and enhances Delawareans’ access to telehealth and telemedicine services and, through the adoption of the Interstate Medical Licensure Compact, ensures that telehealth services can be provided through qualified medical practitioners in a streamlined and efficient pathway to licensure that meets the health care delivery system needs of the 21st century. With respect to telemedicine and telehealth, this Act consolidates the existing law relating to telehealth within a single new chapter applicable to all health-care providers authorized to practice telemedicine and participate in telehealth and makes permanent the telehealth flexibilities put in place for the Covid-19 pandemic. The Act carries through many of the changes embodied in the Covid-19 telehealth legislation passed by the 150th General Assembly in 2020 (HS 1 for HB 348 with HA1, signed 7/17/20), which will otherwise expire on July 1, 2021. The changes made in HB 348 that are made permanent by this Act include: 1. Removing all existing Title 24 statutory requirements that patients present in-person before telemedicine services may be provided. This Act continues the suspension of those requirements, but specifies that the requirement that a patient present in-person prior to the delivery of telemedicine services and telehealth is excused only under circumstances rendering an in-person examination impractical or when there is already an existing relationship established. 2. Modernizing the modality of permissible telemedicine and telehealth services; instead of limiting telehealth to interactions that must involve both audio and visual technology; this Act preserves flexibility for situations where patients do not have access to broadband connections or smartphones and need to consult with a physician by landline or audio-only cell phone, subject to existing professional standard of care requirements. Audio and visual visits will continue to be the preferable method for delivery of telehealth and telemedicine services. This Act also consolidates telehealth and telemedicine scope of practice, which currently appear in each separate chapters of Title 24 pertaining to regulated practitioners in order to provide consistent telehealth practice across license categories. This is increasingly important for facilitating integrated health-care services delivery, but it does not limit any of the existing authority of the State’s professional licensing boards in Title 24 to regulate their respective licensed professions and occupations. This Act adopts the Interstate Medical Licensure Compact (IMLC) in Delaware, joining the 29 States that are already members of the IMLC, including many of our neighboring states (Maryland is a member; Pennsylvania is in process of implementing the Compact; New Jersey has introduced IMLC legislation).

<https://www.imlcc.org/participating-states/> The long-term benefits of telehealth are best realized when accompanied by

cross-state medical licensure capabilities available through adoption of the Interstate Medical Licensure Compact. The Compact creates a voluntary, expedited pathway to state licensure for physicians who want to practice medicine in multiple states. An eligible physician can qualify to practice medicine in multiple states by completing one application within the Compact, and receipt of separate licenses from each state in which the physician intends to practice. The Compact does not change the scope of Delaware's authority to regulate physician practice under the existing Medical Practice Act. It simply creates another pathway for licensure. **HA 1** corrects the inadvertent omission of some strike through and underlining.

*Status: Signed into Law 6/23/2021*

*DHA Position: Support (ADHA Initiative)*

**HB 161 with HA 1**

Introduced: 4/15/2021

An Act to amend Titles 16 of the Delaware Code relating to the **Definition of Hospitals**. This Act adds an additional classification for surgical hospitals. House Bill No. 91 adopted by the 150th General Assembly (82 Del. Laws c. 73) revised the statutory definition of hospital and classified hospitals as either General, Long-term care, Psychiatric, or Rehabilitation. The existing classifications do not include surgical hospitals, those specialized hospitals providing surgical services at a level of care higher than freestanding surgery centers but whose patients do not require all of the services provided by "General" acute care hospitals. This Act will allow the Department of Health and Social Services to license and regulate surgical hospitals providing inpatient and outpatient surgical services to patients whose duration of stay is not expected to exceed 72 hours. This Act also makes technical corrections to existing law to make it consistent with the Legislative Drafting Manual. **HA 1** clarifies the services a surgical hospital must provide on-site which are similar to the services a general hospital must provide on-site in contrast to the services which are not required to be provided at long-term care, psychiatric and rehabilitation hospitals. General hospitals must have an emergency department with facilities and staff while surgical hospitals are only required to provide basic emergency care. Both General and surgical hospitals are required to provide diagnostic x-ray, clinical laboratory and operating room services all with facilities and staff.

*Status: Signed into Law 7/30/2021*

*DHA Position: Support*

**HB 177**

Introduced: 5/6/2021

An Act to amend Title 6 of the Delaware Code relating to **Prohibited Trade Practices Forbidding Discrimination Against Cash Payments by Consumers**. This Act prohibits the seller of consumer goods or services from refusing to accept cash payment, except in limited circumstances. Sales covered by this Act are those made at a retail store through an in-person transaction. The Act does not **apply** to sales of goods or services by electric or gas utilities, telephone, mail or internet sales, or for services provided at parking lots or garages. It creates graduated civil penalties for violations and provides consumers a private right of action to recover double damages, including consequential damages, for a second violation of the law and triple damages for subsequent violations. The Division of Consumer Protection has authority to enforce the law.

*Status: Stricken in House*

*DHA Position: No Position*

**HB 184**

Introduced May 13, 2021

An Act to Amend Title 16 of the Delaware Code relating to **The Newborn Screening Program**. This Act reduces the time frame to obtain a blood specimen from newborn infants from 72 hours to 24 to 48 hours after birth for screening for metabolic, hematologic, endocrinologic, immunologic and certain structural disorders. It also requires that blood specimens be destroyed once screening and testing is complete including confirmation of any diagnosis. It also provides that the Division of Public Health provide abnormal results only to the physician of record. It also requires all fees collected from newborn screening to be used to defray operating expenses associated with the Newborn Screening Program and for programs to ensure optimal health and development across the lifespan of the maternal and child health population. Finally, the Act makes several technical corrections consistent with the Delaware Legislative Drafting Manual.

*Status: Signed into Law 9/15/2021*

*DHA Position: Support*

**HB 186**

Introduced May 13, 2021

An Act to Amend Title 24 of the Delaware Code relating to **The Board of Podiatry**. This Act makes the Board member terms of appointment equal in length to each other by eliminating language pertaining to when a Board member is appointed to fill a vacant seat. This Act also changes the Board meeting requirement from at least once per quarter to at least once per calendar year. The ability to meet more frequently remains intact.

**Status: Signed into Law 9/17/2021**

**DHA Position: No Position**

**HB 192**

Introduced: 5/18/2021

An Act to amend Chapter 20 of the Delaware Code Relating to **Notarization**. Under the Governor's Eleventh Modification of the COVID-19 State of Emergency Declaration, and continuing upon passage of Senate Bill No. 247, remote notarization and witnessing by Delaware attorneys via audio-visual technology has been permitted. This provision is currently set to sunset on June 30, 2021. This Act extends the provision through June 30, 2022.

**Status: Introduced and Assigned to Administration Committee in House**

**DHA Position: No Position**

**HB 196 with HA 1**

Introduced: 5/19/2020

An Act to amend Title 14 and 31 of the Delaware Code relating to the **Parents Right to Know Act**. The Act places the Parents Right to Know Act in the Department of Education instead of the Department of Services for Children, Youth, and Their Families. This Act also clarifies the notice requirements. **HA 1** changes the minimum time the signed statement must be retained by the childcare facility from 3 years to 3 months.

**Status: Signed into Law 9/17/2021**

**DHA Position: No Position**

**HB 199**

Introduced: 6/17/2021

An Act Proposing an Amendment to Article 1 of the Delaware Constitution Relating to **Equal Rights**. In 2019, Delaware amended the state constitution to prohibit the denial or abridgement of equal rights under the law based on sex, and thereafter in 2020, race, color, and national origin were added. This Act is the first leg of a constitutional amendment to add sexual orientation, gender identity, and disability to Article I, § 21 of the Delaware Constitution to declare explicitly that protection against discrimination based on sexual orientation, gender identity, and disability is one of Delaware's fundamental rights.

**Status: Introduced and Assigned to Administration Committee in House**

**DHA Position: No Position**

**HB 200 with HA 2**

Introduced on: 12/4/2020

An Act to amend the Delaware Code relating to **Clean Water for Delaware**. Many of the State's waters do not meet water quality standards to support their designated uses, such as for drinking, swimming or supporting aquatic life. The Clean Water for Delaware Act establishes a framework for assessing needs and planning and implementing projects that support Delaware's efforts to improve the quality of the State's water supply and waterways. A Delaware Clean Water Trust account is created as a funding source for executing projects highlighted by this framework. The Trust account will have oversight from the Clean Water Trust Oversight Committee (the "Committee"). The Committee will draw upon recommendations from the Water Infrastructure Advisory Council, (WIAC), the county Conservation Districts', experts in the effected Cabinet agencies and other public input with the goal of assisting municipal and county governments and others in implementing affordable water quality projects. The Committee is required to develop and publish an Annual Report and multi-year Strategic Plan for Clean Water with annual updates. **HA 2** names the annual report that the Clean Water Trust Oversight Committee must produce "The Mulrooney Report" after former Representative Michael Mulrooney. This amendment adds that the Strategic Plan include a prioritized list of proposed projects including those projects with increased accessibility to lower-income and traditionally underserved communities. The amendment increases the number of members to The Water Infrastructure Advisory Council by adding a member representing the water utilities, the president of 1 of the conservation districts, and a member of the Farm Bureau, who shall serve as non-voting members, and at the pleasure of the Governor. The Amendment provides that these nonvoting members may



provide recommendations to the Council relating to stormwater, drainage, flood protection, resource and conservation development projects, agricultural and conservation cost share, cover crops, conservation reserve enhancement, and tax ditches. This amendment also makes clear that only the voting members of the Water Infrastructure Advisory Council can vote on motions, approve the 6-year water supply and wastewater infrastructure plan, the assessment, and recommendations for loans or grants. Finally, this amendment provides for at least 3 public meetings prior to publication of the initial Annual Report and Strategic Plan, and thereafter, at least 1 public meeting prior to publication of the Annual Report and annually updated Strategic Plan. All such meetings must comply with § 10004 of Title 29.

*Status: Signed into Law 7/22/2021*

*DHA Position: Support*

**HB 203**

Introduced: 5/19/2020

An Act to amend Title 20 and 29 of the Delaware Code relating to the **Suspension of the Delaware Freedom of Information Act (FOIA)**. This Act proposes to limit the Governor's abilities during a State of Emergency in regard to the Delaware Freedom of Information Act, exempting it from Title 20, Chapter 31. This Act also ensures that the reasons outlined in Title 29, §10003 for the public body requesting an extension to a FOIA request is an exhaustive list. This Act also adds Title 29, Chapter §10008, which states that the Governor may not suspend FOIA during a state of emergency without a showing that FOIA prevents, hinders, or delays the State's necessary actions in coping with the crisis at hand.

*Status: Introduced and Assigned to Administration Committee in House*

*DHA Position: No Position*

**HS 1 for HB 204**

Introduced: 3/17/2022

An Act of amend Title 31 of the Delaware Code relating to **Background Checks and Subsequent Criminal Histories for Potential or Current Employees of Child Serving Entities**. This Act removes the exemption for private schools and youth camps that allows them to use a name, rather than fingerprint, based background check or to choose not to do background checks at all for employees, contractors, or volunteers. The Act also provides that when the federal "rap back system" becomes available, the SBI may provide subsequent federal criminal history information for individuals who have had a background check performed. This Act also authorizes the Superintendent of State Police to promulgate regulations relating to re-use of a criminal background check. Authority is given to Department of Education to pay the costs of background checks for its employees. This bill also adds clarifications for when the Department of Education is the employer. This Act also corrects existing typos in § 309 of Title 31 and makes clarifying changes to the processing of background checks when the Department of Education is the employer.

*Status: Passed*

*DHA Position: Pocket Vetoed 12/9/2022*

**HB 205 with HA 3**

Introduced: 5/20/2021

An Act of amend Titles 19 & 29 of the Delaware Code relating to **Establishment & Management of the Expanding Access for Retirement & Necessary Saving Program**. This Act establishes the Delaware Expanding Access for Retirement and Necessary Saving ("EARNs") program to serve as a vehicle through which eligible employees may, on a voluntary basis, provide for additional retirement security through a State-facilitated retirement savings program in a convenient, cost effective, and portable manner. The EARNs program will be designed to serve small businesses who are unable to offer retirement plans to employees due to the cost and administrative burden. Because there are documented wealth gaps in Delaware, disproportionately impacting women and people of color, a state-facilitated savings plan aims to alleviate barriers small employers face in offering options, close the wealth gap among low to modest wage earners and keep Delaware competitive with neighboring states by attracting talented workers to Delaware. A state-sponsored savings plan, funded by employees, facilitated by employers, and overseen by the State, will offer one solution to the quickly emerging crises stemming from generations of workers without adequate savings. The Act creates the Delaware EARNs Program Board to oversee initial design and implementation of the program. The board will be disbanded no later than December 31, 2025, at which point all duties and functions of the board will be transferred to and assumed by the Plans Management Board. The effective date of the Act is contingent upon an appropriation by the General Assembly necessary to implement the Program. This Act also makes technical changes to the existing law to make it conform to the standards of the Legislative Drafting Manual. **HA 3** authorizes the EARNs Program Board to limit eligibility to participate in the Program to categories of employees whose participation would not cause an increase in administrative or management fees, clarifies the definition of "Specified tax-favored retirement plans", permits the Board to discuss choosing diverse

financial firms to act as providers of investment advisory services and authorizes the establishment of a grant program to support small businesses that might need economic support to purchase software or other services necessary to implement the Program. Additionally, the amendment authorizes the Board to engage the firm responsible for conducting annual audits, gives the Board exclusive authority to ensure compliance with program requirements, establishes enforcement and compliance procedures and makes certain other non-substantive changes.

*Status: Signed into Law 8/18/2022*

*DHA Position: No Position*

**HS 1 for HB 206 with HA 1**

Introduced: 5/3/2022

An Act of amend Titles 29 of the Delaware Code relating to **Background Checks for Employees, Contractors, & Volunteers of the Department of Health & Social Services**. This bill requires criminal background checks for any current or prospective employee, contractor, and volunteer of the Division of Health and Social Services (DHSS) who visits children in their homes and in the community and has regular, direct access to children or adolescents under the age of 18. The background check includes fingerprinting for Delaware and national background checks as well as a check of the Child Protection Registry. An individual who has a disqualifying criminal conviction or is on the Child Protection Registry at Level III or IV may not be an employee, contractor, or volunteer in any capacity that involves visiting children in their homes or the community or having regular, direct access to children. DHSS, if it chooses, may use its Background Check Center, which processes background checks for individuals working in home-care and long-term care facilities. It differs from the original bill in that it permits DHSS to use its Background Check Center to accomplish these additional background checks, specifies Child Protection Registry status that is disqualifying, and makes other minor technical changes. **HA 1** strikes a provision relating to sharing of background checks that is contrary to other law. It also strikes the list of disqualifying convictions from this subchapter and instead cross-references the list of convictions and associated length of prohibition contained in Title 31 for child-serving entities, to promote uniformity. It strikes a provision relating to the exemption of residential child-care from this subchapter because it is duplicative of § 7998(d)'s general exemption of those required to complete a background check under some other provision of law. Finally, the bill provides authorizing language for SBI and DSCYF to provide the required background check and child protection registry information to the appropriate entities to effectuate this Act.

*Status: Signed into Law 10/21/2022*

*DHA Position: No Position*

**HB 208**

Introduced: 6/3/2021

An Act of amend Title 24 of the Delaware Code relating to the **Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers**. This Act establishes updated, detailed standards for the practice of hearing aid dispensing. A new scope of practice definition delineates permissible and prohibited activities and identifies when referral to a physician is required. The Board is given the authority to establish by rule and regulation standards for the sale of hearing aids. This Act will provide clarity and guidance for the public and for hearing aid dispensers. These changes track statutory language used in neighboring states, such as Maryland, Pennsylvania, and New Jersey. This Act clarifies that a speech/language pathologist applicant must present a certificate of clinical competence issued by the American Speech-Language-Hearing Association (ASHA). Audiologist applicants are not subject to this requirement. The distinction is that ASHA evaluates the speech/language pathologist's practicum and clinical fellowship, which are requirements for licensure. In contrast, an audiologist applicant is only required to establish receipt of a doctoral degree. This Act revises the reciprocity requirements in the interests of clarity. This Act sets forth requirements for licensure of applicants who were educated outside of the United States. This Act states that a hearing aid applicant may be supervised by either an audiologist or hearing aid dispenser during the training period. This Act amends provisions relating to examination to comport with current practice. This Act provides that audiologists licensed prior to July 10, 2009 do not need to meet the educational requirement of a doctoral degree as long as they have maintained Delaware licensure. This Act requires licensees to update their addresses with the Board. Finally, this Act removes the definitions of audiology aide and speech pathology aide on the basis that the Board does not license aides. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Introduced and Assigned to Sunset Committee (Policy Analysis & Government Accountability) Committee in House*

*DHA Position: No Position*

**HB 209**

Introduced: 6/3/2021

An Act of amend Titles 29 and 19 of the Delaware Code relating to **COVID-19 Immunization Rights**. This Act protects the rights of individuals who do not receive COVID-19 vaccinations. This will prohibit the state, schools, political subdivisions, and certain recipients of state funds from denying access or services to such persons.

*Status: Introduced and Assigned to Administration Committee in House*

*DHA Position: No Position*

**HB 212 with HA 1, HA 2**

Introduced: 6/3/2021

An Act of amend Title 7 of the Delaware Code relating to **Recycling and Waste Reduction**. This Act provides a phased in approach to further the reduction of single-use plastic bags. This Act increases the minimum thickness for a plastic bag to qualify as a reusable bag from 2.25 mils to 10 mils effective January 1, 2022 and makes the restrictions applicable to stores regardless of size effective July 1, 2022. This Act also makes corrections to existing law to make it conform to the standards of the Legislative Drafting Manual. **HA 1** removes language allowing some plastic bags and returns to language that already allowed for bags containing prepared foods and baked goods. This Amendment removes the separate enforcement provisions in §6099A(h)(1) and (h)(2), thus placing enforcement under the Department's general administrative enforcement powers. **HA 2** moves the date § 6099A(a)(4) a. becomes effective from January 1, 2022 to July 1, 2022. This change makes the implementation of the restrictions on plastic bag use effective on the same date for both large and small stores.

*Status: Signed into Law 9/30/2021*

*DHA Position: No Position*

**HB 216**

Introduced: 6/3/2021

An Act of amend Title 20 of the Delaware Code relating to **Notarization**. Under the Governor's Eleventh Modification of the COVID-19 State of Emergency Declaration, and continuing upon passage of Senate Bill No. 247, remote notarization and witnessing by Delaware attorneys via audio-visual technology has been permitted. This provision is currently set to sunset on June 30, 2021. This Act extends the provision through June 30, 2022.

*Status: Signed into Law 6/30/2021*

*DHA Position: No Position*

**HB 219**

Introduced: 6/3/2021

An Act of amend Title 18 of the Delaware Code relating to **Pharmacy Benefits Managers**. Over 80% of pharmaceuticals in the United States are purchased through pharmacy benefits manager ("PBM") networks. PBMs serve as intermediaries between health plans, pharmaceutical manufacturers, and pharmacies or pharmacists, and PBMs establish networks for patients to receive reimbursement for drugs. Given the scope of PBMs in the healthcare delivery system, this Act is designed to provide enhanced oversight and transparency as it relates to PBMs. Specifically, this Act does the following: (1) If a PBM denies an appeal for reimbursement subject to maximum allowable cost pricing, requires the PBM to provide the national drug code number of wholesalers in Delaware that have the drug in stock below maximum allowable cost. (2) Authorizes a pharmacy or pharmacist to decline to dispense a prescription drug or provide a pharmacy service to a patient if the amount reimbursed by a PBM is less than the pharmacy acquisition cost. If a pharmacy or pharmacist declines to provide a drug or service, the pharmacy or pharmacist must inform the patient that the pharmacy or pharmacist did this because of the costs of providing the drug or service and provide the patient with a list of pharmacies in the area that may provide the drug or service. (3) Requires PBMs to provide a reasonably adequate and accessible pharmacy benefits manager network. (4) Increases transparency by requiring PBMs to provide reports to the Insurance Commissioner on network adequacy and the amount of rebates received by PBMs to provide reports to the Insurance Commissioner on network adequacy and the amount of rebates received by PBMs and distributed to insurers or patients. (5) Prohibits PBMs from engaging in certain conduct, such as spread pricing, false advertising, and reimbursing a pharmacist or pharmacy in an amount less than the PBM reimburses itself or an affiliate for the same drug or service. If a PBM engages in prohibited conduct, the Insurance Commissioner is authorized to deny, suspend, or revoke the PBM's registration under § 3355A of Title 18 or impose penalties or take other enforcement action under § 3359A of Title 18. (6) Clarifies that the Insurance Commissioner is authorized to deny an application for registration filed by a PBM. (7) Increases the registration and renewal fee to be paid by a PBM to better reflect the cost of the registration and renewal process and better align with the fee assessed by other states that require PBMs to register. (8) Transfers § 3359A of Title 18 (regarding penalties and enforcement) to a separate subchapter focused on prohibited practices, penalties, and

enforcement. In addition, this Act makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. Finally, this Act requires a greater than majority vote for passage because § 10 of Article VIII of the Delaware Constitution requires the affirmative vote of three-fifths of the members elected to each house of the General Assembly to increase the effective rate of any tax levied or license fee imposed.

*Status: Enact w/o Sign 10/26/21 (No action taken by Governor within prescribed time frame)*

*DHA Position: No Position*

**HB 222 with HA 1**

Introduced: 6/3/2021

An Act of amend Titles 16 & 18 of the Delaware Code relating to **Childhood Lead Poisoning Prevention**. Currently, blood lead level screening and testing rates are well below what the Division of Public Health would expect them to be based on the risk factors that determine when screening or testing is necessary. This Act simplifies the requirements and process for health-care providers and eliminates confusion that may be causing the low compliance rate for screening or testing. Specifically, this Act does the following: (1) Defines “screening” and “testing” for clarity. (2) Mandates screening, defined as a capillary blood test, at or around 12 and 24 months of age. (3) Clarifies insurance coverage for the costs of compliance with the Act. (4) Directs the Division of Public Health to report on elevated blood lead levels to the General Assembly annually and to develop regulations to implement and enforce the Act within 12 months of being enacted. (5) Makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. **HA 1** removes the requirement for the Division of Public Health to provide a childcare facility, public or private nurse school, preschool, or kindergarten access to the universal reporting system for blood lead level screening and testing results.

*Status: Signed into Law 6/30/2021*

*DHA Position: Support*

**HB 225**

Introduced: 6/30/2021

An Act of amend Titles 19 and 29 of the Delaware Code relating to **Paid Time Off to Vote**. This Act requires private and public employers in the State to give any employee who is scheduled to work at least 8 hours on an election day 2 hours of paid leave in order for the employee to exercise the right to vote. The Act excludes employees working for the federal government as well as any private or public employee who is party to a collective bargaining agreement. Employees must give employers 2 working days’ notice in advance of an election that the employee intends to use paid leave to vote. Employers must post notice of the rights created in the Act. For private sector employees, enforcement of the Act is through the Department of Labor; private sector employers who violate the Act will be subject to a civil penalty of a minimum of \$500 and maximum of \$1,000. A private employer who discriminates against an employee for exercising the rights created by the Act is liable for a civil penalty of \$1,000 to \$5,000. A public employee is entitled to bring an action for actual damages if the public employer takes an adverse action against the employee for exercising the right to paid leave to vote.

*Status: Stricken in House*

*DHA Position: No Position*

**HB 226 with HA 1**

Introduced: 6/3/2021

An Act of amend Titles 10 and 16 of the Delaware Code relating to **Immunity from Liability for Donated Food**. Subchapter III, Chapter 68, Title 16 of the Delaware Code (“Subchapter III”) was originally enacted in 1982. In 1996, President Clinton signed the Bill Emerson Good Samaritan Food Donation Act, 42 U.S.C. § 1791 (“Bill Emerson Act”). The Bill Emerson Act preempts Subchapter III to the extent of any conflict, known as “partial preemption”. This Act makes Subchapter III consistent with the Bill Emerson Act by protecting a “gleaner” from civil or criminal liability as it relates to their donation of the gleaned food. Since the Bill Emerson Act only partially preempts state law on this subject, the State is free to provide greater protection than the Bill Emerson Act. Therefore, this Act does all of the following: 1. Extends to those who, in good faith, donate food to state agencies the same immunity from civil or criminal liability that is granted to those who, in good faith, donate food to nonprofit organizations. 2. Specifically includes within the definition of “food” both perishable food and wild game to make it clear that food, in all of its forms, is covered by this Act. Thus, under this Act, those donating deer to the Division of Fish and Wildlife’s Sportsmen Against Hunger program would be immune from civil or criminal liability as it relates to the donation. 3. Protects a person who, in good faith, provides services to a nonprofit organization or state agency related to the processing of wild game that is donated to a nonprofit organization or a state agency. This Act removes the exemption from liability for donation of prepared food from Title 10



so that the exemption no longer appears in both Title 10 and Title 16. The Act also clarifies the authority of Division of Public Health and Department of Agriculture relating to donated food. **HA 1** removes language that suggests the Division of Public Health and the Department of Agriculture are available to inspect donated food upon request by nonprofit organizations accepting donated food.

*Status: Signed into Law 9/17/2021*

*DHA Position: No Position*

**HB 233**

Introduced: 6/8/2021

An Act of amend Title 24 of the Delaware Code relating to **Profession of Psychology**. This Act updates the Delaware Code relating to the Delaware Board of Examiners of Psychologists by amending the qualifications for licensure for reciprocity applicants. Currently reciprocity applicants, even those who have practiced many years in another state without blemish, are required to possess the same type of psychology doctoral degree as a new graduate. This bill would grant the Board greater flexibility when evaluating reciprocity applicants by allowing the Board to use an applicant's years of experience and training while licensed in another jurisdiction to compensate for any deficiencies in their education. If passed, the bill would align Delaware more closely with surrounding jurisdictions.

*Status: Signed into Law 9/17/2021*

*DHA Position: Support*

**HB 234 with HA 1**

Introduced: 6/8/2021

An Act of amend Title 31 of the Delaware Code relating to **Extension of Medicaid Coverage Through the First Year Postpartum**. This Act requires the Department of Health and Social Services, Division of Medicaid and Medical Assistance to take the necessary steps to expand Medicaid coverage to pregnant women from the current coverage of 60-days from the end of pregnancy under federal Medicaid regulations to 12 months from the end of pregnancy. As a consequence of the COVID-19 pandemic, pregnant women receiving Medicaid benefits cannot be dropped so comprehensive medical care and other health care services have continued beyond 60 days until 12 months after the end of pregnancy by virtue of the federal Determination that a Public Health Emergency Exists. This Act would continue that coverage after the Determination is not renewed. In the event that coverage under the Determination ends before the State Plan Amendment is approved, the State will be obligated to provide the cost of coverage for services provided to pregnant women during the period from 60 days until 12 months after pregnancy ends. Insurance coverage is a critical factor in determining women's access to affordable postpartum care and is a key strategy for reducing preventable maternal mortality. Extending the period postpartum during which insurance coverage is available will help close the disparity in the maternal morbidity and mortality rate, improve access for preventive services and comprehensive care for chronic conditions, including behavioral health, and accordingly, improve the overall health outcomes among Black women and women of other races. **HA 1** revises the method by which the Department of Health and Social Services shall extend Medicaid postpartum coverage clarifying that it is extended to 12 months via the state plan amendment option created by the American Rescue Plan Act of 2021. This Amendment also strikes Section 2, which made the Act effective upon enactment with respect to continuation of comprehensive coverage for postpartum patients as determined through the Renewal of the Determination that a Public Health Emergency exists as a result of the continued consequences of the COVID-19 pandemic.

*Status: Signed into Law 7/25/2022*

*DHA Position: Support*

**HB 247**

Introduced: 6/15/2021

An Act of amend Title 29 of the Delaware Code relating to **Limiting Mandates to Require Face Masks**. This Act lifts any ongoing face mask mandates relating to COVID-19. This Act will expire 1 year after its enactment.

*Status: Introduced and Assigned to Administration Committee in House*

*DHA Position: No Position*

**HB 261**

Introduced: 6/30/2021

An Act of amend Title 18 of the Delaware Code relating to **Common Summary Payment Form for Sensitive Health Care Services**. The ability of insured dependents and other insured members to receive confidential sensitive health care



services without the knowledge of the insured policyholder is greatly impeded through traditional billing processes utilized by health insurers. The most frequent form used is an explanation of benefit (EOB) sent to the policyholder after anyone covered under the policy receives care. The lack of confidentiality for sensitive health care services significantly impacts young adults between the ages of 18-26 years of age that are on their parents' health insurance plans and adults covered as dependents under abusive spouse or family member's plans. This results in dependents simply avoiding necessary health care for these sensitive health care services. This Act (1) requires health carriers to use a common summary of payment form, developed by the Department of Insurance, in collaboration with health insurers, for defined sensitive health care services; (2) prohibits the health carriers from specifying any defined sensitive health care services in the form; (3) allows health carriers to address the form to the insured member; (4) allows insured member to choose their preferred method of receiving said form; (5) allows the insured member to opt-out of receiving the form when there is no payment liability for the visit or service provided; (6) requires the Department of Insurance and Division of Public Health to educate health care providers and health carriers on the new law. The effective dates for guidance and education requirement are 3 and 6 months, respectively, after enactment.

*Status: Stricken in House*

*DHA Position: No Position*

**HB 262 with HA 1, HA 2**

Introduced: 6/3/2021

An Act to amend Title 6 of the Delaware Code relating to **Data Brokers and Consumer Protection**. This Act seeks to provide consumers with critical information about how their personal information is being used by data brokers. This Act requires data brokers to register with the Consumer Protection Unit of the Department of Justice and answer questions regarding their use of personal information that would be published online to inform consumers. A fee schedule is established based on the size of the data broker that would fund the enforcement of the statute. Entities or individuals who collect personal information but do not sell or license that personal data are not required to register. Registration only applies to data brokers who sell or license information. The Act prohibits acquiring or providing brokered personal information where it will be used for certain unlawful purposes, or where it was obtained through fraudulent means. The Act requires data brokers to protect brokered personal information. **HA 1** makes the following changes to the Act following meetings and discussions with stakeholders and consideration of the Act in committee: The amendment clarifies the definitions of "brokered personal information" and "business". The amendment changes the term "data broker" to "data market participant" throughout the Act. The amendment excludes from the definition of "data market participant" any entity to the extent that it is a financial institution or an affiliate of a financial institution subject to the federal Gramm Leach Bliley Act. The amendment relocates the definitions of "data collector" and "third-party data broker" within the Act. The amendment adds definitions for the terms "Consumer Protection Unit", "publicly available information", "sell", and "third-party service provider" used in the Act. The amendment limits the liability of data market participants, for certain conduct of third parties, to the data market participant's actual knowledge. The amendment clarifies that the Consumer Protection Unit of the Department of Justice has enforcement authority over all violations of subsections (a), (b), and (c) of Section 12D-102. The amendment clarifies that a business which does not sell or license brokered personal information does not have to register under the Act. The amendment provides examples of federal and State laws or regulations governing the protection, security, or integrity of brokered personal information that may provide a safe harbor for a data market participant's written information security program. The amendment eliminates the private right of action for violations of Section 12D-104. The amendment changes the name of the fund to be established by the Act. The amendment also makes technical corrections to the Act and conforms the language to the Delaware Legislative Drafting Manual. **HA 2** deletes the definition of "record". The amendment also clarifies that a business may voluntarily complete the registration form for purposes of being included in the searchable website. The Amendment also exempts contracts that provide that the licensed brokered personal information is to be used exclusively to prevent security incidents, identity theft, fraud, or criminal conduct. The Amendment also makes the effective date of the Act 1 year after enactment.

*Status: Status: Assigned to Banking, Business & Insurance Committee in Senate*

*DHA Position: No Position*

**HB 265**

Introduced: 6/28/2021

An Act making appropriations for certain **Grants-in-Aid for the Fiscal Year ending June 30, 2022**; specifying certain procedures, conditions and limitations for the expenditure of such funds; amending the Fiscal Year 2022 Appropriations Act; amending the Fiscal Year 2022 One-Time Supplemental Appropriations Act; and amending certain statutory provisions. This Act provides supplementary appropriations to certain Grants-in-Aid recipients for Fiscal Year 2022. Section 1 – Government Units and Senior Centers \$27,599,217 Section 2 – One-Times and Community Agencies

\$28,158,601 Section 3 – Fire Companies \$7,059,096 Section 4 – Veterans Organizations \$431,348 GRAND TOTAL  
\$63,248,262

*Status: Signed into Law 6/30/2021*

*DHA Position: No Position*

**HB 273**

Introduced 1/6/2022

An Act to amend Title 16 of the Delaware Code relating to **Synthetic Cannabinoids**. This Act updates the synthetic cannabinoids listed on Schedule I of the Uniform Controlled Substances Act by using broader language so that new synthetic cannabinoids created after the enactment of this Act fall within this definition without needing to be specifically listed. This Act requires a greater than majority vote for passage because § 28 of Article IV of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to give jurisdiction to inferior courts and possession of a controlled substance is a misdemeanor under § 4763 of Title 16.

*Status: Signed into Law 6/30/2022*

*DHA Position: No Position*

**HB 276**

Introduced 1/6/2022

An Act to amend Title 11 and 16 of the Delaware Code relating to the **Eligibility of Registered Qualifying Patients Under the Delaware Medical Marijuana Act to Purchase or Possess Firearms**. At least 36 states allow for the medical use of marijuana. However, federal firearm laws have not kept pace and currently prohibit an individual who is “an unlawful user of or addicted to any controlled substance” from possessing or purchasing a firearm. It is still unlawful under federal law to use or possess marijuana. This Act makes clear that an individual is not disqualified under Delaware law from possessing a firearm because the individual is a registered qualifying patient under the Delaware Medical Marijuana Act, if the registered qualifying patient is not a person prohibited under § 1448 of Title 11 of the Delaware Code. This Act makes also clear that a registered qualifying patient may engage in a firearm transaction between unlicensed persons under § 1448B of Title 11 if the transaction is exempt under § 1448B(c) of Title 11 and the registered qualifying patient is not otherwise a person prohibited under § 1448 of Title 11. A registered qualifying patient’s purchase of a firearm through a federal firearms licensee (“FFL”) is still prohibited under federal law. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Vetoed by the Governor*

*DHA Position: No Position*

**HB 277 with HA 1**

Introduced 1/6/2022

An Act to amend Title 10 of the Delaware Code relating to **Liability for Sexual Abuse of a Child by an Adult Employee of a School, Organization or Business**. This Act codifies the principle set forth in *Doe v. Bicking*, 2020 Del. Super. LEXIS 43, \*32, 2020 WL 374677 (Del. Super. Jan. 22, 2020) that recognizes that in cases of childhood sexual abuse by an employee of a school, organization, or business that serves or cares for children, the perpetrator often has authority and power over the child victim, which can be enabled by the perpetrator’s position in that institution. If a child is abused while the perpetrator is doing the perpetrator’s job, the employer should be responsible. This Act also changes the standard of culpability from “gross negligence” to “negligence” for public schools in civil claims based on childhood sexual abuse. Children who are sexually abused by private employer employees (e.g. daycare providers, private schools, etc.) have more protection than children abused by their teachers and coaches at public schools. There should be one standard of care that holds schools and businesses equally accountable when their recklessness, inattention, or failure to act causes a student to be sexually abused. This Act seeks to avoid future instances of the result in *Bates v. Caesar Rodney Sch. Dist.*, No. 13, 2021, 2021 Del. LEXIS 315 (Del. Oct. 6, 2021), a case which held that when a student is abused at school by a teacher, the school has no legal responsibility. This Act takes effect 90 days after its enactment into law. **HA 1** amends the State Tort Claims Act to ensure that victims of child sexual abuse by public school employees will have the same legal rights as victims of abuse by private institutions and their employees. This Amendment effectively changes the standard of culpability for public schools from “gross negligence” to “negligence” in civil claims based on childhood sexual abuse. Under current law, children who are sexually abused by employees of a private employer (e.g. daycare providers, private schools, etc.) have more protection than children abused by their teachers and coaches at public schools. There should be one standard of care that holds schools and businesses equally accountable when their recklessness, inattention, or failure to act causes a student to be sexually abused. This Amendment seeks to avoid future instances of courts dismissing childhood sexual abuse cases against public schools after finding that a complaint’s allegations of gross

negligence lacked evidentiary support, as occurred in *Bates v. Caesar Rodney Sch. Dist.*, No. 13, 2021, 2021 Del. LEXIS 315 (Del. Oct. 6, 2021) and *Collins v. Dutton*, No. S19C-01-045, 2019 Del.Super. LEXIS 571 (Del. Super Ct. Sussex County, Nov. 19, 2019).

*Status: Signed into Law 8/19/2022*

*DHA Position: No Position*

**HB 279 with HA 1**

Introduced 1/6/2022

An Act to amend Title 16 of the Delaware Code relating to **Certification of Central Services Technicians**. This Act establishes certification and continuing education requirements for central service technicians working in hospitals and freestanding surgical centers. Central service technicians are an important part of the healthcare team responsible for decontaminating, inspecting, assembling, disassembling, packaging, and sterilizing reusable surgical instruments and equipment. This Act requires individuals who perform the tasks of a central service technician to pass a nationally accredited examination and to hold either a certified registered central service technician credential or certified sterile processing and distribution technician credential within 18 months of hire. This Act grandfathers anyone working as a central service technician in a health care facility on or before January 1, 2023. **HA 1** deletes references to regulations and provides the Department of Health and Social Services with authority to determine if regulations should be adopted to implement and enforce the Act's provisions. The Amendment also clarifies that the Act takes effect on January 1, 2023.

*Status: Signed into Law 10/21/2022*

*DHA Position: Support (ADHA Initiative)*

**HB 280**

Introduced 1/6/2022

An Act to amend Title 16 of the Delaware Code relating to **Regulatory Provisions Concerning Public Health**. This Act commits discretion over the length of certified nursing assistant training and orientation programs to the Secretary of the Department of Health and Human Services. This change will facilitate the rapid certification of National Guard members as certified nursing assistants (CNAs) by allowing the Department of Health and Social Services to establish the total required classroom and clinical training and mandatory facility-specific orientation hours. Modeled after a Minnesota initiative, eligible guard members will participate in rapid certification programs through DelTech and be deployed to provide temporary staffing in long term care facilities experiencing staffing shortages under MOUs entered with the facilities. National Guard members have served as a critical part of the state's response efforts throughout the COVID-19 pandemic. Training and deploying National Guard soldiers to work as CNAs will help relieve staffing shortages in health care settings and facilitate the transfer of patients out of Delaware's hospitals to free up in-patient bed space.

*Status: Signed into Law 1/24/2022*

*DHA Position: Support (ADHA Initiative)*

**HB 283**

Introduced: 1/11/2022

An Act to amend Title 11 of the Delaware code relating to **Disbursing Money in the Fund to Combat Violent Crimes to the Human Trafficking Interagency Coordinating Council**. This Act funds the Human Trafficking Interagency Coordinating Council by disbursing to the Council \$100,000 each fiscal year from the Fund to Combat Violent Crimes. Under § 4101(h) of Title 11, the Fund to Combat Violent Crimes is funded by a \$15 penalty imposed on and collected from defendants for certain crimes or civil violations. The money within the Fund is divided between the Department of Safety and Homeland Security and local law-enforcement agencies for use in connection with initiatives to combat violent crime. No more than \$4,250,000 may be deposited into the Fund. Any amount more than \$4,250,000 reverts to the General Fund. In recent fiscal years, the Fund to Combat Violent Crimes has reverted excess funds to the General Fund. Because of the new disbursement of \$100,000 to the Human Trafficking Interagency Coordinating Council, this Act also increases the maximum amount of money that may be deposited into the Fund to Combat Violent Crimes by \$100,000 to \$4,350,000. This Act also adds to existing reporting requirements for the Human Trafficking Interagency Coordinating Council that the Council document how it spends disbursements from the Fund to Combat Violent Crimes. The Council must also provide the report to the Secretary of the Department of Health and Social Services. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Assigned to Appropriations Committee in House*

*DHA Position: No Position*

**HB 285**

Introduced 1/6/2022

An Act to amend Titles 19, 29 and 30 of the Delaware Code relating to **COVID-19 Related Unemployment Benefits, Assessments and Rulemaking Authority**. This bill provides COVID-19 related relief to both claimants receiving unemployment benefits and employers who are assessed unemployment taxes and extends the end date of the Secretary of Labor's COVID-19 related rulemaking authority. Section 1 exempts unemployment compensation benefits received in 2021 from the calculation of Delaware adjusted gross income so that unemployment claimants will not have to pay state taxes on the benefits they received during the continuation of the pandemic into 2021. This exemption was previously granted for 2020 state taxes. Section 2 holds the 2022 new employer assessment rate, average industry assessment rate and average construction industry assessment rate at the same rate as 2020 in order to avoid an increase in these rates as a result of the increase in unemployment claims due to COVID-19. Section 3 reduces the unemployment tax assessment rate for merit rated employers to the lowest of their earned rates for 2020, 2021 and 2022, in order to provide further tax relief for employers dealing with the economic effects of COVID-19, but does not provide this reduction for any employers who are paying the delinquency rate of assessment because of a failure to file quarterly assessment reports or failure to pay assessments. Section 3 also allows the Department the administrative authority to reduce employer assessment rates below the delinquency rate and provide responding credits, as necessary to correct administrative errors or address fraudulent claims charged to employers, except for employers who are charged the delinquency assessment rate because they have failed to file any quarterly tax report. Section 4 holds the taxable wage base at \$14,500 for 2022, which will reduce the amount of wages on which employers pay unemployment tax assessments into the UI Trust Fund for 2022. The Department has determined that the impact of this change on the UI Trust Fund balance is estimated to be \$11.4M in 2022. Sections 5 and 6 extend to December 31, 2022 the provision in HB 65, which authorized the Delaware Secretary of Labor to issue emergency rules amending the Delaware Unemployment Insurance Code to deal with the continuing effects of COVID-19 and implement federal programs providing unemployment benefits to respond to COVID-19.

*Status: Signed into Law 1/27/2022*

*DHA Position: No Position*

**HS 1 for HB 288**

Introduced: 4/5/2022

An Act to amend Title 19 of the Delaware Code relating to **Employer Paid Time Off to Vote**. This Act requires private and public employers in the State to give any employee who is a resident of Delaware and scheduled to work at least 7.5 hours on an election day 2 hours of paid leave, in order for the employee to exercise the right to vote in person. The Act excludes federal employees, individuals engaged in activities for education, charitable, religious, or nonprofit organizations when the employment relationship does not exist or where services are rendered to such organizations gratuitously, and employees who are party to a collective bargaining agreement in which paid time off to vote has been waived. Employees must give employers 2 working days' notice in advance of an election that the employee intends to use paid time off to vote. Employers must post notice of the rights created in the Act. Enforcement of the Act is through the Department of Labor. Employers who violate the Act are subject to civil penalties ranging from \$500-\$1,000 and from \$1,000-\$5,000 if found to have retaliated against an employee for exercising the rights created by this Act. Employees may bring a civil lawsuit for equitable relief and monetary damages. A prevailing employee may also recover costs and attorney's fees. **HA 1**, which limits paid time off to vote to a minimum of 2 hours if the employee does not have 2 consecutive nonworking hours in the time period between the opening and closing of the polls on the day of the election. This Amendment also clarifies that it will be effective after the Department of Elections advises the Register of Regulations that it has promulgated regulations to implement the Act, or 1 year, whichever occurs first, was placed with the Bill.

*Status: Assigned to Administration Committee in House*

*DHA Position: Opposed*

**HB 294**

Introduced: 1/27/2022

An Act to Amend Title 14 of the Delaware Code relating to **Health Examinations**. This Act requires each school district and charter school to provide each student in preschool, kindergarten, and in grades 2 and 4 an oral health screening by January 15 of each school year. The Division of Public Health (DPH) offers school-based oral screening and fluoride applications through the Delaware Smile Check program at no cost to the school district or charter school or to the student.

*Status: Introduced and Assigned to Education Committee in House*

*DHA Position: No Position*



**HB 295**

Introduced: 1/7/2022

An Act to amend Titles 3, 4, 8, 9, 11, 14, 16, 18, 19, 21, 24, 25, 29, 30 and 31 of the Delaware code, The Charter of Hartly, and the **Laws of Delaware relating to Technical Corrections.**

*Status: Signed into Law 2/16/2022*

*DHA Position: No Position*

**HB 299 with HA 2**

Introduced: 2/11/2022

An Act to Amend Title 6 of the Delaware Code relating to **Prohibited Trade Practices Forbidding Discrimination Against Cash Payments by Consumers.** This Act prohibits the seller of consumer goods or services from refusing to accept cash payment, except in limited circumstances. Sales covered by this Act are those made at a retail store through an in-person transaction. The Act does not apply to sales of goods or services by electric or gas utilities, telephone, mail or internet sales, or for services provided at parking lots or garages. It creates graduated civil penalties for violations and provides consumers a private right of action to recover double damages, including consequential damages, for a second violation of the law and triple damages for subsequent violations. The Division of Consumer Protection has authority to enforce the law. **HA 2** exempts from the definition of “retail store”, transactions for the rental of consumer goods, services, or accommodations for which posting collateral or security is typically required. This amendment also exempts transactions at any sporting or entertainment event, including music festivals. This Amendment also provides an exception to the prohibition against requiring consumer paying with cash to use automated machines that convert cash into prepaid cards. That exception is for food stores and retail establishments that provide a device on premises that converts cash into a prepaid card so long as the device meets certain requirements. This amendment also removes the provision creating a private right of action since the Division of Consumer Protection is authorized to interpret, implement and enforce the chapter. Finally, this amendment removes the provision prohibiting retail stores from having fewer checkout locations for consumers paying with cash than for consumers using non-cash methods.

*Status: Signed into Law 10/7/2022*

*DHA Position: No Position*

**HB 300 with HA 1**

Introduced: 2/11/2022

An Act to Amend Title 14 of the Delaware Code relating to **Free Public Schools.** This Act establishes a mental health services unit for Delaware middle schools. The unit is phased in over 3 years, beginning in FY2023, to arrive at a final ratio of 250 full-time equivalent students grades 6-8 for a full-time school counselor, school social worker, or licensed clinical social worker. Additionally, a unit ratio of 700 full time equivalent students for grades 6-8 for employment of a full-time school psychologist. This Act defines “mental health services” as prevention, response, and coordination services delivered to students in elementary schools. Mental Health disorders are the most common health problem for school aged youth. According to the National Institute of Mental Health (NIMH), one in five youth are affected by a mental health disorder. Additionally, 50% of lifetime mental illnesses begin by age 14. Untreated mental illness leads to negative outcomes including increased risk of dropout, homelessness, substance abuse, other chronic illnesses, incarceration, and possibly suicide. According to the National Alliance on Mental Health, ninety percent of people who have taken their own life have had an underlying mental health condition, and suicides are on the rise. According to the Center for Disease Control and Prevention, suicides are now the second leading cause of death for youth ages 10-14. Delaware schools need trained and experienced mental health professionals to provide prevention and support programs and services to students. This bill will lower ratios of students to counselors and increase access to mental health services for middle school students. **HA 1** makes technical corrections regarding how funding is calculated and accounted for under this Act. It also changes the Department’s report date from December 15th of each year to December 30th.

*Status: Signed into Law 8/3/2022*

*DHA Position: Support*

**HB 301 with HA 1**

Introduced: 2/11/2022

An Act to Amend Title 14 of the Delaware Code relating to **Mental Health Education Programs.** A 2017 survey of Delaware high school students found that during the 12 months before the survey the following occurred: (1) 27.6% of the students felt sad or hopeless almost every day for 2 weeks in a row so that they stopped some usual activities. (2) 16.1% of students seriously considered attempting suicide. (3) 12% of students made a plan about how they would attempt suicide. (4) 7.2% of students attempted suicide. This Act increases student awareness of mental health by requiring the



Department of Education, with the approval of the State Board of Education, to establish and implement statewide mental health educational programs for each grade, kindergarten through grade 12, in each school district and charter school in this State. Finally, this Act requires the Department of Education to annually report to the Governor and General Assembly regarding the implementation of this Act. **HA 1** enables flexibility to have the mental health curriculum taught by certified community mental health providers, as well as teachers where appropriate. It also makes conforming changes to other sections of Title 14.

*Status: Signed into Law 8/3/2022*

*DHA Position: Support*

**HS 1 for HB 302with HA 1**

Introduced 3/3/2022

An Act to Amend Title 11 of the Delaware Code relating to **Forgery of Proof of Vaccination**. House Bill No. 302 clarifies that the creation or possession of an altered or fake vaccination document is forgery in the second degree. This crime includes electronic vaccination documents because the existing definition of "written instrument" under § 863 of Title 11 includes electronic equivalents. This Act does not address electronic vaccination records because the existing crime of misusing computer system information, § 935 of Title 11, clearly covers tampering with computer records, which includes vaccination records. House Substitute No. 1 for House Bill No. 302 revises the language describing the altered or fake vaccination document so it cannot be read as requiring each of the details listed. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. **HA 1** makes forgery of a vaccination document a class A misdemeanor if it is a first offense by an individual involving a single written instrument. This Act requires a greater than majority vote for passage because § 28 of Article IV of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to give jurisdiction to inferior courts.

*Status: Signed into Law 10/21/2022*

*DHA Position: No Position*

**HB 303 with HA 2**

Introduced: 2/11/2022

An Act to Amend Title 18, 29, and 31 of the Delaware Code relating to **Mental Health**. This bill amends Chapter 33, Title 18 of the Delaware Code by adding a new § 3370E to require coverage of an annual behavioral health well check. This bill also amends Chapter 35, Title 18 of the Delaware Code by adding a new § 3571Z to require coverage of an annual behavioral health well check. This bill also amends Chapter 5, Title 31 of the Delaware Code by adding a new § 530 to require coverage of an annual behavioral health well check. This bill also amends Chapter 52, Title 29 of the Delaware Code by adding a new § 5215 to require coverage of an annual behavioral health well check. Finally, the bill creates an advisory committee of health professionals tasked with creating recommendations for implementation of the Act. The requirement for coverage of the behavioral health well check is effective January 1, 2023. **HA 2** does the following: Clarifies that the well visit should include use of a "group of developmentally appropriate mental health screening tools." Adds the President of the Delaware Health Care Association to the implementation advisory committee, as well as DHSS and the Insurance Commissioner as ex officio members. Clarifies that copays, network requirements, and other provisions of an insurance policy will apply to the mental health well visit as well. Changes the effective date from January 1, 2023 to January 1, 2024. Clarifies different ways a carrier may reimburse a provider for the annual behavioral health check by reference to equivalent values in a fee-for-service model.

*Status: Signed into Law 8/3/2022*

*DHA Position: Support*

**HB 305 with HA 1, HA 1 to HA 1**

Introduced: 1/11/2022

An Act to amend Title 4, 11, 16 & 30 of the Delaware code relating to **Creation of the Delaware Marijuana Control Act**. The Delaware Marijuana Control Act regulates and taxes marijuana in the same manner as alcohol. It allows adults over the age of 21 to legally possess and consume under 1 ounce of marijuana for personal use. It does not permit people to grow their own marijuana. Section 1: Amends Chapter 47 of Title 16 to provide that the offenses and penalties under Uniform Controlled Substances Act do not apply to marijuana-related conduct allowed under the Delaware Marijuana Control Act or the Delaware Medical Marijuana Act, Chapter 49A of Title 16. Section 2: Amends § 4764 of Title 16 to eliminate any penalty for possessing 1 ounce or less of marijuana for individuals over the age of 21 but maintains the existing civil penalty or civil citation for individuals under 21. Section 3: Amends § 4902A of Title 16 so that the definition of a registered safety compliance facility includes not just marijuana produced for medical use but also

marijuana produced under the Delaware Marijuana Control Act. Section 4: Amends Chapter 4 of Title 4 to expand the Division of Alcohol and Tobacco Enforcement's duties and powers to the Delaware Marijuana Control Act. Section 5: This section creates the Delaware Marijuana Control Act. Subchapter I contains definitions and general provisions. Where definitions or analogous provisions exist in the Delaware Code, the definitions are referenced and the language from existing statutes is used. This section of the Act permits individuals over age 21 to possess, use, purchase, or transport 1 ounce (28 grams) or less of marijuana, no more than 5 grams of which may be concentrated, by individuals 21 years of age or older if the individuals are in compliance with this chapter. It permits the operation of marijuana businesses if they operate under licenses granted under Chapter 49A of Title 16, but imposes the same limits on hours and holiday sales as apply to sales of alcohol. It prohibits the use of marijuana in public, by drivers or passengers in vehicles, and prohibits the smoking of marijuana anywhere that smoking tobacco or e-cigarettes is not permitted. Marijuana may not be sold in an establishment licensed to sell alcohol. It delineates the rights of property owners with respect to marijuana possession and consumption. There are specific provisions imposing the same penalties as with alcohol sales, for individuals under the age of 21 using false identification to purchase marijuana, and for businesses that fail to verify the age of marijuana consumers. This Act creates the Delaware Marijuana Control Act Oversight Committee. This Oversight Committee will coordinate the implementation of this Act with the Medical Marijuana Program, the Division of Public Health, the Division of Substance Abuse and Mental Health, and the public. The Oversight Committee will review the effectiveness of the Delaware Marijuana Control Act in regard to the safe operation of facilities licensed under this Act, the impact of this Act on public safety, and the impact of this Act on public health. The Commissioner must submit an annual report to the Governor and the members of the General Assembly setting forth all matters of interest and all statistics concerning marijuana regulation and control in the State including: the number of licenses of each variety issued with the State; including the name and address of each person licensed to cultivate, manufacture, or sell marijuana or marijuana products in the State; the amount of marijuana and marijuana products sold within the State; the number of licenses of each kind granted and the number cancelled during the year, and the outcomes and effective of the issuance of social equity licenses. Subchapter II creates the position of Marijuana Commissioner and an Appeals Commission. The Commissioner has the power to establish health and safety regulations for marijuana cultivation that are consistent with applicable rules and regulations established by the Department of Natural Resources and Environmental Control and the Department of Agriculture. The Commissioner must consult with the Division of Alcohol and Tobacco Enforcement before adopting or establishing policies that concern enforcement. Finally, they must coordinate with the Division of Small Business, Development, and Tourism so that potential businesses licensed under this Act have access to programs, particularly those that support small businesses owned by minorities, women, and veterans. Subchapter III sets up the regulations and licenses under the Delaware Marijuana Control Act. The Marijuana Commissioner has the authority to adopt regulations to implement this Act and includes specific requirements that marijuana establishments must meet to obtain licenses. Regulations must require that products containing marijuana use of a symbol and a standard measurement to be used on all marijuana products so they are easily identified as containing marijuana and consumers can identify the amount of marijuana in different products; be in opaque, child-resistant packaging; and contain a warning label explaining evidence-based harms from consuming marijuana, including the impact on developing brains. The regulations must also contain security requirements, testing requirements, advertising restrictions, and require that food products comply with State food safety laws. There are separate licensing requirements for retail marijuana stores, marijuana testing facilities, marijuana cultivation facilities, and marijuana product manufacturing facilities. Licensing requirements also differ between open licenses, social equity licenses, and microbusiness licenses. There is a \$10,000 biennial fee for most open licenses, with reduced licensing fees for microbusinesses and social equity licenses. Cultivation licenses are determined square footage of the grow rates. As part of the competitive scoring process the Commissioner will use to determine which applicant may obtain licenses to operate each type of marijuana establishment, applicants for open licenses will submit a business plan, an environmental and sustainability plan, as well as attestations affirming that (1) the applicant has a project labor agreement with a bona fide labor organization, and (2) the applicant has or will utilize a project labor agreement. Subchapter III establishes the criteria for a social equity applicant, requires the Commissioner to develop a financial assistance and technical assistance programming to aid social equity applicants. It also establishes the criteria for a microbusiness license. Subchapter VII provides the Commission the authority to refuse approval of changes in the ownership, officers, or directors, financial interest or lease in connection with any license. The subchapter also details the requirements when there is a change in ownership of a license or licensee, a change in officers and directors, and changes in the financial interest of a license or licensee. Subchapter VIII creates the Marijuana Regulation Fund and the Justice Reinvestment Fund. The Regulation Fund will consist of fees collected, penalties imposed, and taxes collected under this Act. It creates the marijuana control enforcement tax on retail marijuana in the amount of 15%. 7% of the tax revenue collected will be allocated to the Justice Reinvestment Fund, under the management of [state agency/division] where it will be used for projects to improve quality of life for communities most impacted by the prohibition of marijuana and "war on drugs" era policies. Section 6: Creates a State tax deduction for all ordinary and necessary expenses paid or

incurred by a marijuana establishment to reflect the inability of a business licensed under this Act to deduct these expenses from federal taxes and thus state taxes. This creates a more level playing field with other businesses. Section 7: Provides that the initial regulations required under this Act be adopted not later than 12 months after the effective date of this Act. Section 8: Removes possession of marijuana from the list of activities that prohibits a person from at the same time possessing a handgun. Section 9: Makes the provisions of the bill severable. Section 10: Makes the bill effective upon appropriation of funds for implementation. This bill differs from House Bill No. 150 in the following ways: Incorporates HA1 and 2 to HB150 regarding standardization of assessments and accreditation processes. Adds the requirement of a comprehensive business plan to the competitive scoring criteria for licenses. Incorporates HA4 to HB150, requiring ongoing communication between the Commissioner and the Department of Agriculture regarding marijuana and hemp cultivation, allowing for the grant of a conditional license for an applicant who is working to secure a physical location, making technical changes to the revenue administration portion of the Control Act. Incorporates HA5 to HB150 regarding rights of employers. Incorporates HA6 removing financial assistance for social equity applicants and instead authorizing the Commissioner to explore opportunities for public and private financial assistance. Incorporates HA7 regarding safety packaging requirements. Incorporates HA10, removing the requirement that an applicant submit an attestation affirming the applicant has a project labor agreement or will utilize a project labor agreement for construction of a marijuana cultivation facility. Directs 7% of the marijuana tax revenue to a Justice Reinvestment Fund to be used for programs and initiatives meant to restore and benefit communities most harmed by “war on drug” era policies. Removes expungement provisions, as they were rendered duplicative by the passage of Senate Bills 111 and 112. **HA 1** makes several technical corrections. **HA 1 to HA 1** removes language from House Amendment No. 1 that would have required the Commissioner to award licenses by lottery if there are more qualified applicants than there are licenses. **HA 7**, which is intended to ensure that the Delaware Marijuana Control Act does not impact or impose requirements on employers with respect to terms and conditions of employment including but not limited to accommodation, policies, or discipline was placed with the Bill.

*Status: Defeated in House*

*DHA Position: Opposed*

### **HB 309**

Introduced 3/3/2022

An Act to Amend Title 16 of the Delaware Code relating to the **Provision of Information about Lyme Disease**. This Act, modeled on similar laws in Virginia and Maryland, requires a health-care provider to provide notice to a patient at the time blood is drawn to perform a laboratory test for Lyme disease that explains the limitations of the test and instructs the patient to see their health-care provider if the patient continues to experience unexplained symptoms. This Act was previously passed by the 150th General Assembly in Senate Bill 15 and is the same except for the removal of the sunset provision.

*Status: Signed into Law 8/4/2022*

*DHA Position: Opposed*

### **HB 310**

Introduced 1/14/2022

An Act to amend the Laws of Delaware relating to **the Bond and Capital Improvement Act of the State of Delaware and certain of its Authorities for the Fiscal Year Ending June 30, 2022**. This Act amends the Fiscal Year 2022 Bond and Capital Improvements Act to (1) authorize the Department of Transportation to use Community Transportation Funds for one-time reimbursements for various projects; (2) redistribute Community Reinvestment Funds to the Department of Transportation; (3) clarify existing funds for Mental Health Services Units are to be distributed as a block grant; (4) authorize drainage project funds to be used for both the Meeting House Branch and Persimmon Park Place drainage projects; (5) reallocate funds for a shellfish aquaculture project; (6) reallocate funds from the Municipal Infrastructure Fund to the Delaware State Fair; (7) include repairs to the responsibilities of the Facilities Management Section; (8) authorize the Office of Management and Budget to acquire property for the Delaware National Guard; (9) authorize the Department of State to identify land for acquisition for the North Wilmington Library; (10) authorize the Office of Management and Budget to transfer a property to St. Anthony’s Community Center Inc.; (11) increase substitute pay to adjust for minimum wage increases; (12) reallocate funds from the Clean Water and Drinking Water State Revolving Funds to create a School Construction Market Pressure Contingency Fund; (13) reallocate funds from the Clean Water and Drinking Water State Revolving Funds for the Riverfront Development Corporation; (14) reallocate funds from the Clean Water and Drinking Water State Revolving Funds to the Urban Redevelopment program; (15) exempt the Delmar School District Parking Lot Project from prevailing wage requirements due to funding source; and (16) authorize local bond shares for the Appoquinimink School District.

*Status: Signed into Law 2/7/2022*

*DHA Position: No Position*

**HB 316**

Introduced 3/3/2022

An Act to Amend Titles 13 & 16 of the Delaware Code relating to the **Domestic Violence Coordinating Council**. This bill does all of the following relating to the Domestic Violence Coordinating Council. First, it adds the Chief Magistrate of the Justice of the Peace Court to the Domestic Violence Coordinating Council. Second, it removes the limitations on the use of voting by proxy by members of the Council. These limitations are unnecessary because § 2104(f) provides that the Council promulgate rules of procedure governing its operations so long as they are in accordance with Chapters 100 and 101 of Title 29. Thus, the Council, not the statute, should determine the rules necessary to govern its own operations. Finally, the bill adds the Fatal Incident Review Team of the Domestic Violence Coordinating Council to the list of entities that are entitled to receive protected health information without informed consent. The protected health information at issue is essential for the Fatal Incident Review Team to review. Due to federal law, certain providers are prohibited from providing such information even with a subpoena. However, these providers can provide the protected health information if the statute specifically permits such protected health information to be disclosed without informed consent.

*Status: Signed into Law 6/14/2022*

*DHA Position: No Position*

**HB 317**

Introduced: 2/11/2022

An Act to Amend Title 31 of the Delaware Code relating to **Medical Coverage for all Delaware Children**. This bill is the Cover All Delaware Children Act. This Act directs the Department of Health and Social Services to develop and operate a medical coverage program for children in Delaware who are not otherwise covered, including children who are not documented. A child resident in the state whose family income is low enough that they would qualify on that basis for Medicaid or CHIP coverage but is not eligible for Medicaid or other federally funded coverage, is eligible for coverage and medical care under this Act. This Act takes effect January 1, 2023. **HA 1**, which provides that the medical coverage for children who would be eligible under this section will be provided only within the limit of the appropriation made for the program in the annual appropriations act, or any supplement thereto. Should the number of applicants exceed the appropriation, the Department is authorized to maintain a waiting list. This amendment also adds a section that limits the expenditure for this program to \$1.5 million in FY2023, \$2.5 million in FY2024, and \$3.275 million in FY2025 and authorizes the Department to develop rules and regulations necessary to stay within the cap was placed with the Bill.

*Status: Assigned to Appropriations Committee in House*

*DHA Position: Support*

**HB 319**

Introduce 3/3/2022

An Act proposing an amendment to Article 1 of the Delaware Constitution relating to **Parental Rights**. There are presently at least 30 states that have a statute defining and protecting parental rights, or case law that interprets parental interests as a fundamental right. Delaware has neither. This proposal is the first leg of a constitutional amendment affirming that parents have a fundamental right to the care, custody and control of their children. The amendment contains two important protections with regard to government agencies asserting authority over children. The amendment would require government officials to prove that the proposed action was needed. If successful, government officials would be limited to taking the least intrusive means to accomplish their goal. This amendment would not shield neglectful or abusive parents, nor would it interfere with the obligation of government to protect the welfare of children. Since 2013, eight states have enacted laws defining and protecting parental rights. This measure shall be named the Parental Rights Protection Amendment.

*Status: Introduced and Assigned to Administration Committee in House*

*DHA Position: No Position*

**HB 320**

Introduced 3/3/2022

An Act to Amend Title 24 of the Delaware Code relating to **Prescribing Medications for the Termination of Pregnancy**. In 2000, the United States Federal Drug Administration ("FDA") first approved the Risk Evaluation and Mitigation Strategy ("REMS") for Mifeprex; and approved the generic version of Mifeprex, Mifepristone, in 2019. A

regimen approved by the FDA in 2016 for Mifeprex and Mifepristone includes the use of Misoprostol. Under the REMS approved by the FDA, healthcare providers who wish to prescribe Mifepristone, Misoprostol, or Mifeprex must complete a Prescriber Agreement before ordering and dispensing the medication. Physician assistants and advanced practice registered nurses (APRNs) are healthcare providers who are eligible to prescribe these medications under the REMS. This bill allows physician assistants and advanced practice registered nurses to prescribe medication for the termination of pregnancy including Mifeprex, Mifepristone, and Misoprostol.

*Status: Signed into Law 4/28/2022*

*DHA Position: Support (As a scope of Practice Initiative)*

### HB 321

Introduced 3/3/2022

An Act to Amend Title 18 of the Delaware Code relating to **Disapproval of Insurance Policy Forms**. This bill expands the Commissioner's authority to deny policy form filings that encourage misrepresentation, contain any unjust, unfair or inequitable provisions, or where the benefits provided are unreasonable in relation to the premium charged, to other lines of insurance not limited to life and health policies. This bill also makes technical changes to conform to the requirements of the Delaware Legislative Drafting Manual.

*Status: Signed into Law 6/14/2022*

*DHA Position: No Position*

### HB 324

Introduced 3/3/2022

An Act to Amend Title 11 of the Delaware Code relating to **Assault**. House Bill 214 enacted by the 148th General Assembly (80 Del. Laws c. 287) expanded the offense of Assault in the Second Degree to include the intentional assault of ambulance operators, rescue squad members, and nurses injured while performing work-related duties. As a result of increasing workplace violence directed against healthcare providers, this Act further defines Assault in the Second Degree to include other health care treatment providers and employees and hospital security personnel who are injured while performing their work-related duties.

*Status: Signed into Law 6/30/2022*

*DHA Position: Support (ADHA Initiative)*

### HB 325

Introduced: 1/27/2022

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2023; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; AUTHORIZING THE ISSUANCE OF REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING GENERAL FUNDS OF THE STATE; REPROGRAMMING CERTAIN FUNDS OF THE STATE; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN STATUTORY PROVISIONS. This Bill is the Fiscal Year 2023 Bond and Capital Improvements Act.

*Status: Introduced and Assigned to Capital Infrastructure Committee in House*

*DHA Position: No Position*

### HB 326

Introduced: 3/8/2022

An Act to Amend Title 14 of the Delaware Code establishing the **Delaware Education Right To Know Act**. This Act creates the Delaware Education Right to Know Act to give parents, guardians, and other education stakeholders more information and opportunities to evaluate public and charter school education in Delaware and to express concerns to school officials.

*Status: Introduced and Assigned to Education Committee in House*

*DHA Position: No Position*



**HB 334 with HA 2, SA 1**

Introduced 3/15/2022

An Act to Amend Title 24 of the Delaware Code relating to **Practice by Telehealth and Telemedicine**. This bill permits health-care providers who are licensed in a state other than Delaware to deliver health-care services by telehealth and telemedicine only if a health-care provider-patient relationship has been established in accordance with § 6003 of Title 24. **HA 2** does two things. First, it adds a new paragraph new subsection (c) to Section 6003 of Title 24 to clarify that health-care providers licensed in a state other than Delaware are authorized to deliver healthcare services by telehealth and telemedicine to patients in this State subject to the provisions of this chapter if the provider has a pre-existing provider-patient relationship that has been established in accordance with the existing statutory requirements. The amendment makes clear that the intent of House Bill No. 334 is not to remove the existing flexibilities contained in Sections 6003-6005 of Title 24. Second, this Amendment adds additional clarifying language to subsection (b) to Section 6003 of Title 24 to make clear that the applicable professional licensing boards for each health-care profession authorized for telehealth practice can require out-of-state providers who are licensed in a state that has adopted the applicable interstate licensure compact for the provider's license category to apply for and seek Delaware licensure under applicable interstate medical licensure compact. For health-care providers licensed in a state that has not adopted the applicable interstate compact for the provider's license category, the regulations can require written notice to the applicable licensing board. **SA 1** requires a health-care provider who is licensed in a state that does not have an interstate compact for the provider's field of medicine to obtain an interstate telehealth registration in this State before practicing telehealth in this State; Establishes a health-care provider's eligibility for an interstate telehealth registration; Makes clear that a health-care provider who obtains an interstate telehealth registration is subject to the laws of this State and jurisdiction of the courts and licensing boards of this State.

*Status: Signed into Law 10/21/2022*

*DHA Position: Support*

**HB 336**

Introduced 3/15/2022

An Act to Amend Title 14 of the Delaware Code relating to the **Basic Salary Schedule for School-Based Physical Therapists**. This Act provides school-base physical therapists who have graduated from an accredited college or university with the highest level masters or doctorate degree, and who have achieved a passing score on the national physical therapy examination issued by the Federation of State Boards of Physical Therapy, with base salaries of Master Plus 30 or Doctorate, and provides the ability to move forward on the salary schedule for additional credits earned. Since 2015, a doctorate degree is required in order to sit for the national physical therapy examination for licensure.

*Status: Signed into Law 10/14/2022*

*DHA Position: No Position*

**HB 340 with HA 1**

Introduced 3/16/2022

An Act to Amend Title 31 of the Delaware Code relating to **Child and Maternal Mortality**. Improving the quality of maternal health care and ensuring full access to it improves health outcomes and reduces preventable pregnancy-related deaths. The United States has one of the highest rates of maternal mortality among high-income countries and wide disparities by race that have been documented since rates separated by race were first published in 1935. Currently, Indigenous and Black women are dying at two to three times the rate of White women, Asian/Pacific Islander women, and Hispanic women. Investigating maternal deaths—specifically by obtaining information beyond vital statistics data—is imperative to understanding why people may die while pregnant, during labor and delivery, and in the postpartum period. (Source: Guttmacher Institute) Maternal mortality review is an essential component for improvement. Delaware added the review of maternal mortality to the duties of the existing Child Death Review Commission in 2008, however, the focus and processes of the Commission need improvement to match our evolving understanding of maternal morbidity and mortality as well as racial disparities. This Act changes the name of the Commission, from “Child Death Review Commission” to “Child and Maternal Death Review Commission” to reflect the intended dual focus of the Commission. The definition of “maternal death” is updated to include death during pregnancy or within a year from the end of pregnancy, and related to, or aggravated by, the pregnancy or birth, including death by suicide. The membership of the Commission is updated to include a midwife, a doula, and a member of a community group focused on women's health, teen pregnancy, or public health. In making appointments to the Commission, the Governor is directed to consider the racial diversity of the membership. Most of the work of the Commission and death review panels is quite properly, closed to the public, to protect sensitive medical information and other protected personal information. However, to increase access to the work of the Commission, and to provide the Commission with the insight of diverse members of the public and with other public bodies addressing similar issues, the Act requires the Commission to hold at least one annual

meeting jointly with the Delaware Perinatal Quality Collaborative to discuss findings, recommendations, and initiatives of that body. The Commission is also required to publicly post its draft report to the General Assembly and Governor and accept written public comment thereon, as well as hold a public meeting in each county to present its draft findings and recommendations and accept public comment. **HA 1** does the following: Renames the Child Death Review Commission the “Maternal and Child Death Review Commission.” Adds the Director of the Division of Medicaid and Medical Assistance and the Director of DSAMH to the Commission and removes the Secretary of DHSS, the Chair of the Child Protection Accountability Commission, and the Chief Judge of the Family Court from the Commission membership. Replaces the requirement for a member from the “National Association of Social Workers” with a member who is a “licensed mental health professional.” Removes the addition to the Commission under the original bill of a doula member, requires a maternal advocate member from a statewide non-profit rather than one from a “community organization that focuses on women’s health, teen pregnancy, or public health,” and changes the current statutory language that requires two child advocates from statewide organization to one such advocate member. Revises the requirement for an annual meeting with the Delaware Perinatal Quality Collaborative. Requires public posting and acceptance of comment on the Commission’s findings and recommendations, rather than its draft findings and recommendations. Requires 1 statewide meeting to accept comment on findings and recommendations rather than 1 per county. Specifies that the Commission is a public health authority and a health oversight agency. Makes technical corrections.

*Status: Signed into Law 7/25/2022*

*DHA Position: Support*

**HB 341**

Introduced 3/16/2022

An Act to Amend Title 31 of the Delaware Code relating to **TANF Work Requirements and Maternal Health**. This Act requires that the state exempt pregnant persons and the parent or other relative primary caregiver of a child six months of age or younger from TANF work requirements.

*Status: Introduced and Assigned to Health & Human Development Committee in House*

*DHA Position: No Position*

**HB 342 with HA 1, HA 2**

Introduced 3/16/2022

An Act to Amend Title 11 of the Delaware Code relating to **Treatment of Pregnant & Post-Partum Prisoners**. Delaware law already prohibits the use of restraints on women who are giving birth or in labor except in limited circumstances. This Act expands that protection to include women in the second or third trimester of pregnancy and those in the 13-week immediate post-partum period. Wrist restraints fastened in front of the body may be used during transport except during labor or delivery or while being transported with a newborn. Wrist, leg, and waist restraints may also be used in extraordinary circumstances, but a licensed medical professional must be notified as soon as practicable when waist or leg restraints are applied and examine the prisoner within 10 minutes of the notification. Leg and waist restraints are prohibited for prisoners in labor and delivery. The Act also requires that a pregnant or post-partum woman who is required to squat or cough during a strip search be provided accommodations to avoid falls and prohibits vaginal exams except those performed by a medical professional. The American College of Obstetricians and Gynecologists states that shackling a pregnant inmate increases the risk of falling, impairs evaluations for serious pregnancy-associated conditions, causes pain and skin damage, and further endangers inmates at increased risk of preeclampsia. The use of restraints in the post-partum period creates additional risks to physical and mental health. **HA 1** redefines extraordinary circumstances to match federal law and requires data to be kept on the use of restraints on all pregnant prisoners, not just those in the second or third trimester. **HA 2** adds a training requirement, based on similar language from the federal First Step Act, relating to the permissible use of restraints, reporting requirements, and recognition of symptoms in pregnant prisoners that require referral to medical care.

*Status: Signed into Law 7/25/2022*

*DHA Position: Support*

**HB 343 with HA 1**

Introduced 3/16/2022

An Act to Amend Title 31 of the Delaware Code relating to **Medicaid Coverage for Doula Services**. This Act requires that the Division of Medicaid and Medical Assistance to present a plan to the General Assembly by November 1, 2022 for coverage of doula services by Medicaid providers. **HA 1** revises the definition of doula services to remove support for a birthing person who has been separated from the person’s child and add support for a birthing person following loss of pregnancy.

*Status: Signed into Law 7/25/2022*

*DHA Position: Support*

**HS 2 for HB 344**

Introduced: 6/15/2022

An Act to Amend Title 16 of the Delaware Code relating to **Bias Training for Healthcare Workers**. This substitute bill places responsibility for development of bias and cultural competency training for healthcare employees in a subcommittee of the Delaware Perinatal Quality Collaborative. The subcommittee will develop training guidelines designed for use in all healthcare fields and shall release the initial guidelines by July 1, 2023. The subcommittee will review data every year thereafter and revise the guidelines as necessary.

*Status: Signed into Law 7/25/2022*

*DHA Position: Support as substituted*

**HB 345**

Introduced 3/16/2022

An Act to Amend Title 11 of the Delaware Code relating to **Medical Care**. This Act ensures pregnant women and women who have given birth within the past six weeks who are subject to the custody of the Department of Corrections at Level IV or V have access to midwifery and doula services by requiring the Department to make reasonable accommodations for provision of available midwifery or doula services. This Act requires the Department to establish and provide midwifery services subject to the availability of funds designated for that purpose. This Act also requires the Department to provide written notice to pregnant and postpartum women subject to the custody of the Department at Level IV or V of the availability of midwifery and doula services.

*Status: Signed into Law 7/25/2022*

*DHA Position: Support*

**HB 346**

Introduced 3/16/2022

An Act to Amend Title 31 of the Delaware Code relating to **Remote Patient Monitoring Devices**. This Act removes the requirement that a pregnant patient enrolled in the state Medicaid program receive prior authorization for an automated take home blood pressure cuff when the automated take home blood pressure cuff is recommended by their doctor. Without this Act, pregnant members enrolled with a Managed Care Organization (MCO) can receive an automated take-home blood pressure cuff without prior authorization while patients enrolled in the Medicaid fee for service program cannot.

*Status: Introduced and Assigned to Health & Human Development Committee in House*

*DHA Position: Support*

**HB 348**

Introduced 3/15/2022

An Act to Amend Title 14 of the Delaware Code relating to the **Basic Salary Schedule for School-Based Physical and Occupational Therapists**. This Act provides nationally certified occupational therapists with a salary supplement for receiving national certification. This Act also makes technical corrections to conform existing language to the standards of the Delaware Drafting Manual.

*Status: Signed into Law 10/26/2022*

*DHA Position: No Position*

**HB 354 with HA 1**

Introduced: 3/22/2022

An Act of amend Titles 19 of the Delaware Code relating to **Delaware's Whistleblowers Protection Act**. This Act amends Delaware's Whistleblower Protection Act to preclude an employer from reporting or threatening to report an employee's citizenship or immigration status or a family members citizenship or immigration status to a federal, state, or local agency, in response to the employee engaging in a protected activity under Delaware's Whistleblower Act. **HA 1** adds the employer's actual knowledge of an employee or employee family member's citizenship or immigration status, in addition to suspected knowledge, to Delaware's Whistleblower Act.

*Status: Signed into Law 10/21/2022*

*DHA Position: No Position*

**HB 356**

Introduced: 3/22/2022

An Act of amend Titles 16 of the Delaware Code relating to the **Delaware Medical Marijuana Act**. This Act terminates the Medical Marijuana Act Oversight Committee ("Committee"). After Joint Legislative Oversight and Sunset Committee's ("JLOSC") thoroughly reviewed the Committee, JLOSC concluded that the Office of Medical Marijuana ("Office") oversees a functioning medical marijuana program without support from the Committee. Since October 15, 2015, the Committee has made only 2 recommendations to the Office relating to the medical marijuana program and has not made recommendations to the Governor or the General Assembly. Therefore, the Committee is not meeting a public need. The termination of the Committee is made under JLOSC's authority to terminate an agency under § 10214 of Title 29, and without opposition from the Committee, the Office, or the Department of Health and Social Services.

*Status: Signed into Law 10/14/2022*

*DHA Position: No Position*

**HB 360 with HA 1**

Introduced: 4/1/2022

An Act to create the Delaware Code relating to the **2022 Delaware Relief Rebate Program**. The Act, which shall be known as the 2022 Delaware Relief Rebate Program, creates a "relief rebate" which is a one-time direct payment of \$300 per Delaware resident taxpayer. This relief is intended to help Delawareans grappling with significant inflation at the grocery store and gas pump. Payment of the \$300 will be made by the Delaware Department of Finance to resident individual income taxpayers who filed a 2020 personal income tax return. This payment will be made to each taxpayer, including those who jointly filed. No action on the part of a taxpayer is required to receive the \$300. In order to quickly provide this payment to Delaware taxpayers, provisions pertaining to tax intercepts by other government entities and Delaware State agencies shall not apply. The amount received by individual taxpayers will not be subject to Delaware income taxes. Any written protest for the disallowance of the payment of the \$300 relief rebate under this Act shall be processed consistently with existing provisions in Title 30. Records of the Department with respect to the provisions of this Act are subject to existing protections from disclosure under Delaware laws. A timely filed tax return includes extensions. This Act also temporarily suspends the limitation on refunds of taxes under Title 29 of the Code until DEFAC refund estimates include the 2022 Delaware Relief Rebate Program. Costs associated with the administration and issuance of payments under this Act will be funded by delinquent tax revenue authorized to be retained by the Department of Finance in the annual budget act. Finally, this Act requires the Department of Finance to establish a process to provide the relief rebate to resident adults who did not file a 2020 state income tax return by identifying adult residents through existing databases held by other state agencies, such as the Division of Motor Vehicles. The Department of Finance will then work with the Department of Technology and Information to implement a process by which eligible residents who have not been identified by other means can apply for and receive the relief rebate, subject to verification of their identity and eligibility. **HA1** expressly authorizes the Department of Finance to share information otherwise protected from disclosure pursuant to § 368 of Title 30 with other State agencies in order to carry out Section 2 of House Bill No. 360. The Amendment also ensures information shared with the Department will remain confidential.

*Status: Signed into Law 4/14/2022*

*DHA Position: No Position*

**HB 363**

Introduced: 3/31/2022

An Act of amend Titles 29 of the Delaware Code relating to the **Council on Services for Aging & Adults with Physical Disabilities**. This Act is a result of the Joint Legislative Oversight and Sunset Committee's ("JLOSC") review of Adult Protective Services ("APS"). In the process of the review, and with APS's agreement, JLOSC recommended eliminating the Adult Protective Services Advisory Council under § 3903 of Title 31 and absorbing that council's role into the Council on Services for Aging and Adults with Physical Disabilities. This Act makes the required changes to the Council on Services for Aging and Adults with Physical Disabilities. The APS Advisory Council is removed from Title 31 in separate legislation. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Signed into Law 6/14/2022*

*DHA Position: No Position*

**HB 366**

Introduced: 3/31/2022

An Act of amend Titles 15 of the Delaware Code relating to **Campaign Contributions & Expenditures**. This Act requires a candidate's political committee's contribution and expense report, provided to the Department of Elections, to include the primary employer and job title of each person contributing to the committee. The Act requires the Department to review every committee report for any contribution or expense violation and to note the report, on the Department's website, as either "submitted but not reviewed" or "reviewed and final". The Act also requires the Department of Elections to provide a telephone number and online form for reporting alleged campaign financing violations with an option for the informant to provide their contact information to the Department. This Act also allows reporting parties who unintentionally receive or make a prohibited contribution to return or reimburse the contribution or pay the contribution to the State Treasurer. The Act also eliminates the ability of anyone who makes or accepts a prohibited campaign contribution from donating the money to a designated Title 30 charitable organization. The Act requires anyone who knowingly accepts an unlawful campaign contribution to pay the money to the State Treasurer for deposit to the General Fund. This Act also makes technical changes to conform existing law to the standards of the Delaware Legislative Drafting Manual. **HA 1**, which substitutes the Commissioner of Elections for the State Treasurer as the proper designee for collecting any prohibited or unlawful campaign contributions to be deposited into the General Fund was placed with the Bill.

*Status: Introduced and Assigned to Administration Committee in House*

*DHA Position: No Position*

**HB 367 with HA 1, HA 2**

Introduced: 3/31/2022

An Act of amend Titles 29 of the Delaware Code relating to **the State Council for Persons with Disabilities**. This Act makes the State Council for Persons with Disabilities consistent with current practice by revising its responsibilities to collect data regarding persons with disabilities. This Act also amends the members of the Council and clarifies the definition of "persons with disabilities". This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. **HA 1** makes a technical correction, and **HA 2** is a technical amendment to fix an underlining error.

*Status: Signed into Law 10/26/2022*

*DHA Position: No Position*

**HB 369 with HA 1**

Introduced: 3/31/2022

An Act of amend Titles 12 of the Delaware Code relating to the **Delaware Guardianship Commission**. This Act adds a member of the Delaware Bar, designated by the Elder Law Section of the Delaware State Bar Association, to the Delaware Guardianship Commission. This Act also makes technical changes to conform existing law to the standards of the Delaware Legislative Drafting Manual. **HA 1** appoints the Chair of the Elder Law Section of the Delaware State Bar Association as an additional member of the Delaware Guardianship Commission.

*Status: Signed into Law 6/30/2022*

*DHA Position: No Position*

**HB 371**

Introduced: 3/31/2022

An Act of amend Titles 16 of the Delaware Code relating to **Marijuana**. This Act removes all penalties for possession of 1 ounce or less of marijuana, except for those who are under 21 years of age. Possession of more than 1 ounce of marijuana and public consumption remain unclassified misdemeanors. The Act also removes language referencing search and seizure authority. This Act also adds a provision to the Uniform Controlled Substances Act that provides that there will be no criminal or civil penalty for transfers of 1 ounce or less of marijuana between persons who are 21 years of age or older without remuneration.

*Status: Vetoed by the Governor*

*DHA Position: Opposed*

**HB 372 with HA 1, HA 2**

Introduced: 3/31/2022

An Act of amend Titles 4, 11, 16 and 30 of the Delaware Code relating to **Creation of the Delaware Marijuana Control Act**. The Delaware Marijuana Control Act regulates and taxes marijuana in the same manner as alcohol. Section 1:



Amends Chapter 47 of Title 16 to provide that the offenses and penalties under Uniform Controlled Substances Act do not apply to marijuana-related conduct allowed under the Delaware Marijuana Control Act or the Delaware Medical Marijuana Act, Chapter 49A of Title 16. Section 2: Makes technical corrections to Chapter 47 of Title 16 and excludes industrial hemp from the definition of marijuana. Section 3: Amends § 4902A of Title 16 so that the definition of a registered safety compliance facility includes not just marijuana produced for medical use but also marijuana produced under the Delaware Marijuana Control Act. Section 4: Amends Chapter 4 of Title 4 to expand the Division of Alcohol and Tobacco Enforcement's duties and powers to include enforcement of the Delaware Marijuana Control Act. Section 5: This section creates the Delaware Marijuana Control Act. Subchapter I contains definitions and general provisions. This section of the Act permits individuals over age 21 to possess, use, purchase, or transport 1 ounce (28 grams) or less of marijuana, no more than 5 grams of which may be concentrated, by individuals 21 years of age or older if the individuals are in compliance with this chapter. It permits the operation of marijuana businesses if they operate under licenses granted under the Marijuana Control Act, but imposes the same limits on hours and holiday sales as apply to sales of alcohol. It prohibits the use of marijuana in public, by drivers or passengers in vehicles, and prohibits the smoking of marijuana anywhere that smoking tobacco or e-cigarettes is not permitted. Marijuana may not be sold in an establishment licensed to sell alcohol. It delineates the rights of property owners with respect to marijuana possession and consumption. There are penalties as with alcohol sales, for individuals under the age of 21 using false identification to purchase marijuana, and for businesses that fail to verify the age of marijuana consumers. This Delaware Marijuana Control Act Oversight Committee is created. This Oversight Committee will coordinate the implementation of this Act with the Medical Marijuana Program, the Division of Public Health, the Division of Substance Abuse and Mental Health, and the public. The Oversight Committee will review the effectiveness of the Delaware Marijuana Control Act in regard to the safe operation of facilities licensed under this Act, the impact of this Act on public safety, and the impact of this Act on public health. The Commissioner must submit an annual report to the Governor and the members of the General Assembly setting forth all matters of interest and all statistics concerning marijuana regulation and control in the State including: the number of licenses of each variety issued with the State; including the name and address of each person licensed to cultivate, manufacture, or sell marijuana or marijuana products in the State; the amount of marijuana and marijuana products sold within the State; the number of licenses of each kind granted and the number cancelled during the year, and the outcomes and effective of the issuance of social equity licenses. This subchapter includes a provision protecting public officers, employees, contractors or volunteers who are acting in accordance with the provisions of this Act as part of their duties and requiring the State indemnify them in any civil or criminal proceedings that may arise from carrying out duties imposed under this Act. Subchapter II creates the position of Marijuana Commissioner and an Appeals Commission. The Commissioner has the power to establish health and safety regulations for marijuana cultivation that are consistent with applicable rules and regulations established by the Department of Natural Resources and Environmental Control and the Department of Agriculture. The Commissioner must consult with the Division of Alcohol and Tobacco Enforcement before adopting or establishing policies that concern enforcement. Finally, they must coordinate with the Division of Small Business, Development, and Tourism so that potential businesses licensed under this Act have access to programs, particularly those that support small businesses owned by minorities, women, and veterans. Subchapter III sets up the regulations and licenses under the Delaware Marijuana Control Act. The Marijuana Commissioner has the authority to adopt regulations to implement this Act and includes specific requirements that marijuana establishments must meet to obtain licenses. Regulations must require that products containing marijuana use of a symbol and a standard measurement to be used on all marijuana products so they are easily identified as containing marijuana and consumers can identify the amount of marijuana in different products; be in opaque, child-resistant packaging; and contain a warning label explaining evidence-based harms from consuming marijuana, including the impact on developing brains. The regulations must also contain security requirements, testing requirements, advertising restrictions, and require that food products comply with State food safety laws. There are separate licensing requirements for retail marijuana stores, marijuana testing facilities, marijuana cultivation facilities, and marijuana product manufacturing facilities. Licensing requirements also differ between open licenses, social equity licenses, and microbusiness licenses. There is a \$10,000 biennial fee for most open licenses, with reduced licensing fees for microbusinesses and social equity licenses. Cultivation licenses are determined square footage of the grow rates. As part of the competitive scoring process the Commissioner will use to determine which applicant may obtain licenses to operate each type of marijuana establishment, applicants for open licenses will submit a business plan, an environmental and sustainability plan, as well as attestations affirming that (1) the applicant has a project labor agreement with a bona fide labor organization, and (2) the applicant has or will utilize a project labor agreement. Subchapter III establishes the criteria for social equity and microbusiness licenses, requires the Commissioner to develop a financial assistance and technical assistance programming to aid social equity applicants. Subchapter VII provides the Commission the authority to refuse approval of changes in the ownership, officers, or directors, financial interest or lease in connection with any license. The subchapter also details the requirements when there is a change in ownership of a license or licensee, a change in officers and directors, and changes in the financial interest of a license or

licensee. Subchapter VIII creates the Marijuana Regulation Fund and the Justice Reinvestment Fund. The Regulation Fund will consist of fees collected, penalties imposed, and taxes collected under this Act. It creates the marijuana control enforcement tax on retail marijuana in the amount of 15%. 7% of the tax revenue collected will be allocated to the Justice Reinvestment Fund, under the management of the Department of Justice where it will be used for projects to improve quality of life for communities most impacted by the prohibition of marijuana and “war on drugs” era policies. Sections 6 and 7: Create a State tax deduction for all ordinary and necessary expenses paid or incurred by a marijuana establishment to reflect the inability of a business licensed under this Act to deduct these expenses from federal taxes and thus state taxes. This creates a more level playing field with other businesses. Section 8: Allows the Division of Revenue to share records with the Marijuana Commissioner for purposes of tax compliance. Section 9: Exempts tax paid on marijuana products from the gross receipts tax. Section 10: Removes possession of marijuana from the list of activities that prohibits a person from at the same time possessing a handgun. Section 11: Requires regulations to be finalized within 12 months of the effective date of this Act. Section 12: Makes the provisions of the bill severable. **HA 1** which substitutes language from House Amendment No. 7 to House Bill No. 305 relating to the impact of legalization and regulation on employers and employees. **HA 2** explicitly provides authority to the City of Wilmington to promulgate rules for the location of marijuana establishments.

*Status: Defeated in House*

*DHA Position: Opposed*

### **HB 382**

Introduced: 4/12/2022

An Act of amend Titles 14, 29, and 31 of the Delaware Code relating to **People who are visually impaired**. This Act is a result of the Joint Legislature Oversight and Sunset Committee's ("JLOSC") review of the Division for the Visually Impaired ("DVI") and represents the collaboration of several state agencies and other stakeholders. The General Assembly originally codified DVI in 1909 as the Delaware Commission for the Blind, Delaware's first state agency. DVI was established in § 7929, Title 29 in 1978 and housed under the Department of Health and Social Services. The JLOSC review and subsequent task force on DVI revealed changes needed under Title 14, 29, and 31. This Act modernizes the portions of Titles 14, 29, and 31 relating to persons with blindness, including: - Updating sections language pertaining to the federal Vocational Rehabilitation ("VR") program, which includes the Business Enterprise Program. DVI is an approved VR agency under the federal program. The Rehabilitation Services Administration (RSA) is the federal agency who oversees DVI's VR program. The RSA completes audits on DVI's VR program and provides ongoing guidance and support. This Act makes amendments to areas identified in the JLOSC review process and by RSA during their recent audit. - Updating language in Title 14 relating to teacher certification. Teachers that DVI employs are certified teachers of the visually impaired and must meet all Department of Education ("DOE") requirements. This area of law is extensively regulated under the DOE's regulations relating to educational services to all children with disabilities, including blindness. See Regulation 925 of Title 14 of the Delaware Administrative Code. DVI worked in collaboration with the Department of Education on updates to Title 14 and removed outdated information on teacher certification. - Repealing Chapter 23, Title 31. Chapter 23 is outdated language that codified the duties of the previous entity, the Commission for the Blind. DVI does not provide the services under Chapter 23. - Correcting the title of the Council on the Blind in § 8210, Title 29. - Removing remaining references to the Commission on the Blind. - Replacing antiquated language with the appropriate phrase, "person with blindness" or "person with visual impairment." This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Signed into Law 10/10/2022*

*DHA Position: No Position*

### **HB 384**

Introduced: 4/12/2022

An Act of amend Titles 16 of the Delaware Code relating to **Statewide Contracts to Support Employment for Individuals with Disabilities**. This Act is a result of the Joint Legislative Oversight and Sunset Committee's ("JLOSC") review of the Division for the Visually Impaired. Under this Act, the Delaware Industries for the Blind ("DIB") is repealed. DIB closed operations in March 2017 after experiencing several challenges, including all of the following: - Responding to the recession. - Reduction of resources permitted for state agencies to award employee recognition rewards. - Being classified as a sheltered workshop. - An ineffective and inefficient business model that ultimately resulted in cash flow issues. This Act also makes needed updates to § 9606, Title 16, which relates to the Blind Enterprise Program, a program under Delaware's Division of Vocational Rehabilitation, authorized by the federal Randolph-Sheppard Act, and monitored by the federal Rehabilitation Services Administration. Finally, this Act makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Signed into Law 10/14/2022*

*DHA Position: No Position*

**HB 398**

Introduced: 5/3/2022

An Act to amend Titles 11 of the Delaware Code relating to the **Human trafficking Interagency Coordinating Council**. This Act renames the Human Trafficking Interagency Coordinating Council as the Delaware Anti-Trafficking Action Council (Council) for the purpose of providing a clearer description of the work that the Council performs. This Act also transfers the Council from under the authority of the Department of Health and Social Services (DHSS) to the Criminal Justice Council. DHSS's clerical staffing duty is removed. This Act requires the Council to appoint an Executive Director, who will serve at the Council's pleasure. The Executive Director shall support the Council in carrying out its statutory duties. Subject to the approval of a quorum of the Council and within the limits of any appropriation made by the General Assembly or available funding from another funding source, the Executive Director shall also employ staff and contract for services as necessary to assist the Council with performing its duties. By providing the Council with staff, the Council will be better able to comply with its statutory mandates under Delaware's Human Trafficking law. It will also be able to pursue grant funding opportunities that it previously did not have the infrastructure to support. Additionally, this Act broadens several existing statutory duties of the Council to ensure the Council has the flexibility necessary to perform its work and allows it to pursue work that may broaden opportunity to obtain grant funding. This Act also clarifies that one member of the Council must be an individual with prior experience in working with victims of human trafficking in a legal or advocacy capacity and that this individual may reside in any county. This Act also clarifies how this member must be appointed. This Act adds additional reporting requirements, clarifies that the report is intended to be an annual report, and adds that the report must also be submitted to the Executive Director of the Criminal Justice Council. This Act removes language related to the initial startup of the Council because this language is no longer relevant. This Act also repeals § 787(k)(2)j. of this Title because the paragraph contains language that is no longer relevant. Procedural requirements for Council business are located in § 787(k)(4), so the procedural requirements in § 787(k)(2)j. were moved to § 787(k)(4)b. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual, including corresponding corrections to internal references in § 787(l) and § 787(m) since paragraphs within § 787(k) have been renumbered. The Council wishes to name this Act for and honor the late Ms. February O'Donnell and the late Ms. Amy Day. Ms. O'Donnell, a human trafficking survivor, and Ms. Day, a victims' services volunteer who started the nonprofit, Meet Me At The Well, were remarkable women who helped lead the way in Delaware's fight against human trafficking.

*Status: Signed into Law 8/4/2022*

*DHA Position: No Position*

**HB 399 with HA 1, HA 2, SA 1**

Introduced: 5/3/2022

An Act to amend Titles 24 of the Delaware Code relating to **Practice of Pharmacy**. All human laboratory testing is regulated under the Clinical Laboratory Improvement Amendments of 1988 ("CLIA"). CLIA-waived tests are simple laboratory examinations and procedures that have an insignificant risk of an erroneous result. Common CLIA-waived tests include Influenza, HIV, COVID-19, and lipid-panel tests. Amid COVID-19 pandemic, the need for immediate diagnostic services that are close to home became vital. This bill authorizes pharmacists to order and perform tests authorized by the FDA and CLIA-waived and provide treatment for such health conditions. **HA 1** changes the list of conditions for which a pharmacist may order, test, screen and treat. For example, HIV has been removed from the list of conditions. This amendment also makes minor changes to the authority House Bill No. 399 provides to pharmacists to order and perform tests authorized by the FDA and CLIA-waived. **HA 2** removes urinary tract infections from the list of health conditions that a pharmacist may order, test, screen and treat. **SA 1** clarifies that a pharmacist may order, test, screen, and treat health conditions pursuant to a statewide written protocol approved by the Division of Public Health. It also makes a minor change to correct a reference to Division of Public Health.

*Status: Signed into Law 10/3/2022*

*DHA Position: No Position*

**HB 400**

Introduced: 4/28/2022

An Act of amend Titles 18, 29 & 31 of the Delaware Code relating to **Common Summary Payment Forms & Protection of Sensitive Health Care Services**. The ability of insured dependents and other insured members to receive confidential sensitive health care services without the knowledge of the insured policyholder is greatly impeded through

traditional billing processes utilized by health insurers. The most frequent form used is an explanation of benefit (EOB) sent to the policyholder after anyone covered under the policy receives care. The lack of confidentiality for sensitive health care services can often result in insured members simply avoiding necessary health care. This Act amends Titles 18, 29, and 31 to require both individual and group health carriers, including those providing coverage under the State health insurance plans, to use a common summary of payment form, developed by the Department of Insurance, for defined sensitive health care services. The Act prohibits the health carriers from specifying any defined sensitive health care services in the form, allows health carriers to address the form to the insured member, allows insured members to choose their preferred method of receiving said form, and precludes health carriers from sending the form when there is no payment liability for the visit or service provided. The Act also amends Title 31 to provide that any carrier providing health insurance to Medicaid recipients may not divulge defined sensitive health care services without the recipient's express written or telephone recorded consent. The Department of Insurance is required to issue guidance to health insurers within 1 year of enactment. The Division of Public Health is required to establish a plan to educate health care providers and staff of hospitals, medical offices, community health centers and school-based health centers to promote compliance with this Act within 1 year of enactment.

*Status: Stricken in House*

*DHA Position: Support*

**HB 404 with HA 2**

Introduced: 5/5/2022

An Act of amend Titles 24 & 29 of the Delaware Code relating to **Professional Licensing**. The Delaware Fair Chance Licensing Act provides that it is the policy of this State to allow entry to professions and occupations with licensing requirements for individuals with a criminal history to the maximum extent consistent with public safety. To that end, the bill identifies certain kinds of criminal history elements that should not be considered by licensing boards: charges that are not pending and did not lead to a conviction; juvenile records; records that have been expunged, sealed, or pardoned; and convictions that are more than 10 years old. An exception is allowed to the 10 year rule to preserve existing prohibitions involving sex offense convictions. The Act also identifies factors a licensing authority should consider in determining whether a criminal history record would prohibit licensure, or whether a waiver should be granted. The bill provides a process whereby an individual may submit an inquiry to the Division of Professional Regulation regarding whether their criminal history would be disqualifying for a particular license. Finally, it provides that the Board or Division must provide a written statement to an individual if their criminal history record would be disqualifying and allow the individual to submit rebuttal materials if they wish to do so. Technical changes are also made to conform the provisions to the requirements of the Delaware Legislative Drafting Manual. Conforming changes are made to all the Chapters of Title 24 that are administered by the Division of Professional Regulation. Technical corrections are made to existing provisions to conform with the Delaware Legislative Drafting Manual. **HA 2** clarifies that a pre-application determination that a criminal history would not prevent an individual from receiving a license is binding on the licensing board at the time of application so long as there is no other substantial change in circumstances, such as an intervening new conviction. If the Division or licensing board determines in the pre-application proceedings that an individual might not be eligible for a license because of their criminal history, the person is still entitled to a full hearing on the matter at the time of application, in accordance with the Administrative Procedures Act. This amendment allows the Board of Accountancy to consider convictions for financial crimes regardless of the time that has passed since conviction. This is in line with the requirements for the interstate compact relating to accountancy licensure.

*Status: Signed into Law 9/21/2022*

*DHA Position: No Position*

**HB 409**

Introduced: 5/10/2022

An Act of amend Title 19 of the Delaware Code relating to **Earned Sick Time and Safety Leave**. This Act requires all employers in the State to provide employees with a minimum of 1 hour of earned sick time and safety leave for every 30 hours worked. For employers with fewer than 10 employees, the time may be unpaid, job-protected time instead of paid time. Accrued earned sick time and safety leave may be used by the employee for time off with pay at the employee's regular wage and benefit rate to deal with the mental and physical health needs of either the employee or an employee's family member and other specified purposes. Earned sick time and safety leave may also be used to address the consequences of domestic violence for such things as meeting with lawyers, obtaining services from victim service organizations, temporary relocation and the like. Employers may cap the number of hours earned per year at 40, the carryover from one year to the next at 40 hours, and the maximum earned sick and safety leave at 80 hours. Employers may require employees to have been employed at least 90 days before they may take earned sick leave and safety time.



Employers whose benefits packages already meet the minimum requirements of this Act are not required to offer anything additional. The Department of Labor will promulgate regulations governing operation of the Act and will enforce the provisions of the Act. Employers who violate the Act are subject to civil penalty of no less than \$1,000 nor more than \$5,000. Employers are prohibited from discriminating against an employee who complains to the Department that an employer has violated the Act.

*Status: Introduced and Assigned to Economic Development/Banking/Insurance & Commerce Committee in House*

*DHA Position: Opposed*

#### **HB 411**

Introduced: 5/5/2022

An Act Proposing an amendment to Article II of the Delaware Constitution Relating to **Limitations on the Time and Frequency of Legislative Sessions**. This Act is the first leg of a constitutional amendment that would prohibit the regular session of the General Assembly from extending beyond 5:00 p.m. on the last day of June, unless the session is recalled by the Governor or the presiding officers of both Houses. This changes the time beyond which a regular session of the General Assembly may not extend from midnight on June 30 to 5:00 p.m., which changes the time at which the presiding officers of both Houses must act to recall the General Assembly into special session. This means the General Assembly no longer has to remain in session until midnight to recall itself into special session. This Act does not change the date of or process for “final adjournment,” as defined in Opinion of the Justices, 175 A.2d 543, 545 (Del. 1961) (“[F]inal adjournment’ . . . means the adjournment sine die of the second regular session, or, in the absence of such adjournment, the extinguishment of the particular General Assembly by reason of expiration of the terms of office of the members.”). In addition, this Act contemplates that each House will continue its traditional practice of recessing to the call of the chair. This Act requires a greater than majority vote for passage because § 1 of Article XVI of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend the Delaware Constitution.

*Status: The following proposes a Constitutional Amendment and does not require the Governor’s signature. Became part of the Constitution: 6/14/2022*

*DHA Position: No Position*

#### **HB 414**

Introduced: 5/10/2022

An Act of amend Title 10 of the Delaware Code relating to **Protection from Abuse**. This Act adds coercive conduct which restricts, controls, or interferes with an individual’s finances or financial resources including their bank accounts, credit cards, employment, education, and personal identity to the definition of “abuse” under Protection from Abuse Proceedings section in Title 10. The Act also makes technical changes to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Introduced and Assigned to Judiciary Committee in House*

*DHA Position: No Position*

#### **HB 415**

Introduced: 5/10/2022

An Act of amend Title 24 of the Delaware Code relating to **Practice by Health Care Providers from Other States**. This Act sets forth the procedures by which a health care provider licensed in another state may provide health care services in this State, including the process by which the Division of Professional Regulation must grant a temporary license.

*Status: Introduced and Assigned to Health & Human Development Committee in House*

*DHA Position: Support (A DHA Initiative)*

#### **HB 424**

Introduced: 5/13/2022

An Act of amend Title 16 of the Delaware Code relating to **Staffing in Nursing Facilities, Intermediate Care Facilities for Persons with Intellectual Disabilities, Assisted Living Facilities and Dementia Care**. The Delaware Code currently has no provisions for dementia care. This bill defines dementia care and sets forth staffing requirements for all facilities that provide dementia care, including setting minimum staffing ratios. The bill requires that staff who provide dementia care must complete dementia-specific-care training and identifies what the training must include. This bill also requires that facilities have dedicated activity staff and that activity services be offered seven days a week at least 9 hours

per day while residents are awake and able to participate. This bill prohibits the use of “dementia” or “memory care” in advertising unless a facility is in compliance with the Delaware Code and associated regulations. Finally, this bill provides that the Department may promulgate and adopts rules and regulations to implement the section and the subchapter.

*Status: Introduced and Assigned to Health & Human Development Committee in House*

*DHA Position: Opposed*

**HB 425 with HA 3**

Introduced: 5/12/2022

An Act of amend Title 16 of the Delaware Code relating to the **Lyme Disease Oversight Board**. This bill makes needed changes to the Lyme Disease Oversight Board by adding 2 members including an infectious disease epidemiologist and a licensed veterinarian or entomology specialist. **HA 3** makes the following changes to House Bill No. 425: (1)It provides the Speaker of the House of Representatives and the Pro Tempore of the Senate each an additional appointment to the Lyme Disease Oversight Board; and (2) Includes a licensed health care professional other than a nurse or physician who had been removed by House Bill No. 425 back on the Board.

*Status: Signed into Law 10/21/2022*

*DHA Position: No Position*

**HB 428 with HA 1**

Introduced: 5/17/2022

An Act of amend Title 11 of the Delaware Code relating to **Offenses Relating to Children**. All too often, persons who produce or transmit images of partially nude children cannot be prosecuted under our current statutes because our current statutes only criminalize images of a child engaging in a sexual act or if the child is nude. This bill seeks to remedy this problem by adding “partial nudity” to the definition of “prohibited sexual act”. By doing so, this bill criminalizes the photographing or filming of a partially nude child as well as the production, publication, transmission, selling, distribution, and dissemination of photographs or images of partially nude children if the child in such image or photograph is scantily clothed, posed provocatively, or otherwise posed with the obvious intent to arouse, and such image of photograph is intended for the purpose of sexual stimulation or gratification of any individual who may view such image or photograph. Under this bill, such crime would be a class D felony punishable by up to an 8-year jail sentence. **HA 1** clarifies that, where the underlying prohibited sexual act is partial nudity, a person can only be found guilty of sexual exploitation of a child or dealing in child pornography if the person is 18 years of age or older.

*Status: Signed into Law 8/19/2022*

*DHA Position: No Position*

**HB 432**

Introduced: 5/17/2022

An Act of amend Titles 13 & 16 of the Delaware Code relating to **Voluntary Acknowledgements of Paternity**. This Act prohibits minor parents from executing a voluntary acknowledgment of paternity. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative drafting Manual. This Act takes effect 180 days after enactment into law.

*Status: Signed into Law 10/26/2022*

*DHA Position: No Position*

**HB 442 with HA 1**

Introduced: 6/2/2022

An Act of amend Titles 16 of the Delaware Code relating to the **Delaware Health Care Commission and State of Delaware Health Care Spending & Quality Benchmarks**. Delaware’s per capita health care spending consistently ranks in the top ten highest spending states and has historically outpaced economic growth in Delaware. Enhanced transparency and shared accountability for spending and quality targets have been used to accelerate changes in our health care delivery system, creating benefits for employers, state government and health care consumers. House Joint Resolution 7 of the 149th General Assembly and Executive Order Nineteen tasked the Delaware Department of Health and Social Services (DHSS) with the establishment of annual health care spending and quality benchmarks as a strategy to address the unsustainable growth in health care spending while also measuring aspects of health care quality. This Act serves to replace Executive Order Twenty-Five which established Delaware’s Spending and Quality Benchmark initiative in 2018. The codification of these benchmarks supports the continuation of Delaware’s Road to Value by improving the transparency of health care spending and quality, as well as providing attainable goals needed to achieve better health

care, lower costs, and healthier communities. **HA 1** modifies the definition of an “Insurer,” “Market,” and “Public Programs” to include Children Health Insurance Plans. The amendment clarifies the entities that shall report to the Delaware Health Care Commission annually on performance relative to the spending and quality benchmarks. The amendment permits the Executive Director of the Commission to modify the annual reporting deadline of October 1 of each calendar year, provided that advance written notice of the modified deadline is given to reporting entities. The amendment codifies that the Subcommittee shall set the spending benchmark and clarifies that the Commission may use other sources to track variation in costs and quality.

*Status: Signed into Law 8/19/2022*

*DHA Position: No Position*

**HB 447 with HA 2**

Introduced: 6/2/2022

An Act to amend Titles 10 & 11 of the Delaware Code relating to **Expungement**. This Act implements some of the recommendations of the African American Task Force's Safety and Justice Subcommittee. Specifically, it **requires that cases or charges that are more than 7 years old be treated as “resolved in favor of” a child or adult if there is no disposition available for the case and no outstanding warrants**. This clarification will prevent errors in record-keeping in the criminal justice system from stopping an otherwise qualified petitioner from obtaining an expungement that may otherwise be available. It will also require old cases for which no outcome is listed to be removed from a person's record if they are more than 7 years old. In addition, this Act allow an individual with multiple violations or misdemeanors in different cases that would be eligible for a mandatory expungement if they had occurred in a single case, and the individual has no other convictions on their record, to apply directly for a discretionary expungement after 5 years have passed from the most recent conviction. The court would then consider the application under its usual “interest of justice” rubric in determining whether to grant the expungement. This saves applications to the pardon board for multiple minor misdemeanors and increases parity between applicants with similar records. **HA 2** replaces at line 5 the phrase “A charge or case is 7 or more years old and there is no disposition indicated” with “Where a case is 7 or more years old and contains a charge or charges without a disposition” It clarifies at line 10 that this language will be placed in 4373(a) Adds the phrase “in any case” at line 5. Replaces the word “accused” with “child” on line 35. The intent of the amendment remains to clarify that only entire cases are eligible for expungement and to correct technical errors.

*Status: Signed into Law 8/30/2022*

*DHA Position: No Position*

**HB 448**

Introduced: 6/2/2022

An Act to amend Titles 9, 21 & 22 of the Delaware Code relating to **Accessible Parking Spaces**. This Act adds provisions to Title 21 defining accessible parking spaces, incorporating federal standards for accessible parking spaces found in the Americans with Disabilities Act and applicable regulations. The Act also provides additional requirements that enhance these standards and better reflect the needs of persons with disabilities in Delaware. The Act increases the penalty associated with violating the statute that prohibits individuals who do not possess a parking placard or special license plate from parking in accessible parking spaces, or in the access aisles located next to accessible parking spaces. This Act adds provisions in Titles 9 and 22 to require county and municipal governments to adopt regulations and ordinances incorporating these requirements for accessible parking spaces, including the requirement that property owners have a permit and process to ensure compliance for new or modified accessible parking spaces, in order to increase compliance and uniformity statewide.

*Status: Introduced and Assigned to Public Safety & Homeland Security Committee in House*

*DHA Position: No Position*

**HB 455**

Introduced: 6/2/2022

An Act of amend Titles 24, 10, 11 & 18 of the Delaware Code relating to **Women’s Reproductive Health**. Section 1 and 2. These sections defines “reproductive health services” for the Board of Medical Practice, the Board of Nursing, and Regulatory Council for Physician Assistants, and makes clear that physicians, physician assistants and nurses who perform, recommend, or provide reproductive health services, if such services are lawful in this State, do not engage in unprofessional conduct and cannot be disciplined for such services even if such services are illegal or considered to be unprofessional conduct or the unauthorized practice of medicine or nursing in another state. This section also authorizes the following to terminate pregnancy before viability: (1) A physician assistant with a collaborative agreement with an appropriately training physician; and (2) A certified nurse midwife or certified nurse practitioner who demonstrates

knowledge and competency, including successful completion of a training or certification approved by the Board of Nursing. Section 3. This section prohibits a health care provider from disclosing communications and records concerning reproductive health services, but does provide exceptions including if such records are requested for the purposes of investigating a complaint against a health care provider and the records are relevant to such complaint or to if requested to investigate a claim of abuse and such records are relevant to such investigation. This section also provides protections and limitations against civil actions from another state relating to the termination of pregnancy. Such protections and limitations include the issuance of a summons for a criminal case or investigation, and the issuance of a subpoena for information or testimony relating to the termination of pregnancy. This section also creates a cause of action for persons against whom a judgment was entered in another state based upon allegedly providing, receiving, or helping another person to provide or receive reproductive health services that are legal in Delaware. This section allows the person to recover damages from any party that brought the original action that resulted in the judgment or tried to enforce it. The damages available are just damages resulting from the original action as well as costs, expenses, and reasonable attorney's fees spent bringing the action under this section as permitted by the court. The cause of action is unavailable if no part of the acts that formed the basis for liability occurred in Delaware. It is also unavailable if the judgment entered in the other state is based on a claim similar to one that exists under Delaware law and: (1) is a claim brought by a or the patient's legal representative for damages the patient suffered or from another individual's loss of consortium with the patient; or (2) is a contract based claim brought or enforced by a someone with a contractual relationship with the person who is subject to the judgment. Section 4. This section limits non-fugitive extradition of someone for committing an act that results in a criminal charge for the termination of pregnancy in another state. Pursuant to this bill, a person may only be extradited if the acts for which extradition is sought are punishable under Delaware law if their consequences, as claimed by the other state, had taken effect in this state. Section 5. This section prohibits an insurer from increasing the premium or taking any adverse action against a health care professional or health care organization for performing or providing reproductive health care services that are lawful in this State and covers any medical professional who prescribes medication for the termination of human pregnancy to an out-of-state patient by means of telehealth.

*Status: Signed into Law 6/29/2022*

*DHA Position: No Position*

**HB 462 with HA 1**

Introduced: 6/8/2022

An Act to amend Titles 16 of the Delaware Code relating to **Abuse of Children**. This Act permits multidisciplinary team members to share information freely amongst themselves to better protect the welfare of abused children in the State of Delaware. This Act also establishes a framework for parties in Family Court civil proceedings to have access to records created and maintained by a child advocacy center related to forensic interviews it conducts such that the Family Court can utilize those records to avoid retraumatizing children by having to interview them again as part of court proceedings.

**HA 1** corrects a typographical error.

*Status: Signed into Law 10/10/2022*

*DHA Position: No Position*

**HB 469**

Introduced: 6/9/2022

An Act to amend Title 21 of the Delaware Code relating to **Consuming Alcoholic Beverages or Marijuana**. While the consumption of marijuana while driving is an unclassified misdemeanor under § 4764(d) of Title 16 of the Delaware Code, this Act also makes the consumption of marijuana while driving a motor vehicle violation, like alcohol currently is. Thus, this Act enables law enforcement officers to charge a lesser offense and to use a traffic ticket rather than a criminal summons or warrant. This would enable an individual to avoid a conviction for a misdemeanor, as well as provide a better understanding to the general public that marijuana usage while operating a motor vehicle has the same dangers of impairment as drinking an alcoholic beverage. Section 2 of this Act eliminates the definition of "consume" to remove the requirement that the officer observe the act in order for the act to be a crime since "consume" should be given its ordinary meaning for consistency with other provisions in the Delaware Code. Section 3 of this Act provides for a license loss for the consumption of marijuana by those under the age of 21 who drive, operate, or have actual physical control of a motor vehicle. This places the consumption of marijuana in this context on par with the consumption of alcohol. This Act requires a greater than majority vote for passage because § 28 of Article IV of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to create a new crime within the jurisdiction of the Court of Common Pleas, Family Court, or Justice of the Peace Court or to expand the scope of an existing crime within the jurisdiction of the Court of Common Pleas, Family Court, or Justice of the Peace Court.

*Status: Out of Committee in House*



*DHA Position: No Position*

**HB 471**

Introduced: 6/9/2022

An Act to amend Title 3 & 29 of the Delaware Code relating to **Control of Disease**. The Department of Agriculture recently responded to an outbreak of highly pathogenic avian influenza impacting Delaware poultry farms in coordination with agencies and officials from Delaware, Maryland, and USDA APHIS, as well as individual farmers and independent contractors. In connection with that response, the Department received or drafted certain information regarding persons, animals, land, and emergency response plans that should be confidential. This Act will help to protect the safety and security of individuals, agricultural operations, and animals and avoid any vulnerabilities that disclosure poses on the control and eradication of disease among animal species. This Act also revises Title 29 to identify information regarding the control of disease as defined in § 106 of Title 3 as not being a public record under the Freedom of Information Act.

*Status: Out of Committee in Senate*

*DHA Position: No Position*

**HB 473**

Introduced: 6/10/2022

An Act to amend Title 15 of the Delaware Code relating to **Election Campaign Contribution Limits**. Campaign contribution limits have not been changed since 1991. Since then, the cost of a 1st class stamp has increased from 29 cents to 58 cents today. Since 1991, the Consumer Price Index has risen by at least 90 percent. The Act authorizes the Commissioner of Elections, as of January 1 after each general election, to adjust and set new election campaign contribution limits for statewide and non-statewide elections based upon the change to the Consumer Price Index that occurs since the most recent adjustment to these contribution limits.

*Status: Introduced and Assigned to Administration Committee in House*

*DHA Position: No Position*

**HB 474**

Introduced: 6/10/2022

An Act to amend Title 10, 18 & 24 of the Delaware Code relating to **Constables**. Under current Chapter 27 of Title 10 the Board of Examiners of Constables is charged with appointing constables and certifying their commissions as well as monitoring their training and in-service. Currently, there is no member on the Board who acts as a representative for constables. This bill removes the constable statute from Title 10 by deleting Chapter 27 in its entirety, and adding Chapter 56, as it relates to Constables, to Title 24 of the Code. This bill renames the Board "Constable Board of Examiners", expands the number of Board members from 5 to 7 and replaces the current representative from the American Society of Industrial Security with 3 constables, 1 specifically employed with a higher education institution and 1 specifically employed with a healthcare institution. This bill also clarifies the authority of the Board and the powers and duties of constables. The Act also brings the Board's process under Delaware's Administrative Procedures Act. The Act grandfathers all currently commissioned constables, except requiring their compliance with all firearms training, until their present term expires. The Act also amends Title 18 to reflect that the commissioned constables, as in current law, remain eligible for line-of-duty death benefits under this new Chapter.

*Status: Signed into Law 10/10/2022*

*DHA Position: Support*

**HS 1 for HB 478**

Introduced: 6/21/2022

An Act to amend Title 29 of the Delaware Code relating to **Employment of Pensioners**. This bill increases the annual earnings limit for pensioners in the State Employees' Pension Plan who return to work in a non-pension creditable position to \$40,000 for earnings received beginning in calendar year 2021.

*Status: Signed into Law 6/30/2022*

*DHA Position: No Position*

**HB 479**

Introduced: 6/10/2022

An Act to amend Title 21 of the Delaware Code relating to **Parking**. This Act increases the civil penalty for violating the parking regulations in § 4180 from not less than \$10 nor more than \$25 to not less than \$100 nor more than \$500. This

Act also increases the minimum fine for violating the requirements of Chapter 41 relating to size or weight of a vehicle or a combination of vehicles or restrictions regarding parking in residence districts from not less than \$28.75 nor more than \$230 for a first offense to not less than \$100 and not more than \$500 for a first offense. For a subsequent offense the penalty is increased from to not less than \$115 nor more than \$575 to not less than \$400 and not more than \$2,000. This Act allows the Secretary to prohibit or restrict the stopping, standing, or parking of any trailer, semi-trailer, or recreational trailer on roadways or sections of roadways. The Act requires the Department to provide a list of roadways or sections of roadways for which it has prohibited or restricted standing or parking to DSHS and law enforcement agencies across the state. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

*Status: Signed into Law 9/9/2022*

*DHA Position: No Position*

**HB 480**

Introduced: 6/10/2022

An Act to amend Titles 14, 16, 29 & 30 of the Delaware Code relating to **Financial Assistance for Education**. This Act amends the Delaware Code relating to financial assistance for education in order to promote and support the state's high demand career fields and reduce student debt for Delaware residents. The Act clarifies the Delaware Higher Education Office's role in administering programs. Professional incentive scholarship loan programs will generally be replaced with the career-based scholarship program and the educator support scholarship and mental health services scholarship programs will be established. In addition, a loan repayment program is created for speech-language pathology and mental health professions to attract and retain these professionals in Delaware schools. Career-based and educator support scholarships will be made to Delaware students who intend to pursue careers in specific fields identified as areas of need in Delaware. Academic scholarships will be awarded to Delaware students in memory of elected officials and other distinguished citizens. Need-based scholarships will be awarded to Delaware students so that they will not be denied the opportunity of an education because of financial need. The Act also clarifies the programs that are not administered by the Delaware Higher Education Office. The Education Endowment Fund and the Michael C. Ferguson Achievement Awards will be repealed because they are no longer funded. The Delaware College Investment Plan has been renamed the DE529 Education Savings Plan, and conforming changes are made to other parts of the Code. The Ivyane D. F. Davis Memorial Scholarship program is updated.

*Status: Signed into Law 8/25/2022*

*DHA Position: Support*

**HB 485**

Introduced: 6/16/2022

An Act to amend Titles 16 of the Delaware Code relating to **Childhood Lead Poisoning Prevention**. This Act continues work started with the passage of HB 222 to ensure blood lead tests for school, childcare, and early intervention programs enrollment meet standards and allow for the efficient transmission of blood lead screen data to schools, childcare facilities, and early intervention service providers to provide a better opportunity to assist children with different levels of lead exposure. The Act defines the requirement for both a 12-month and a 24-month screening for children enrolled in childcare facilities, public and private schools, and early intervention programs while clarifying the failure to obtain a 12-month screening does not prevent enrollment for children who provide proof of a 24-month screening. The Act also establishes requirements making blood lead level data available to school nurses and special education coordinators.

*Status: Assigned to Appropriations Committee in House*

*DHA Position: No Position*

**HB 488**

Introduced: 6/23/22

An Act to amend Titles 6 of the Delaware Code relating to Credit Card Transactions. This Act prohibits a seller from imposing a surcharge on a cardholder who elects to use a credit card in lieu of payment by cash, check, or similar means.

*Status: Introduced and Assigned to Administration Committee in House*

*DHA Position: No Position*

## Delaware Senate Resolutions:

### [SCR 4](#)

Introduced: 1/19/2021

This Senate Concurrent Resolution proclaims January 23, 2021, as "**Maternal Health Awareness Day**" in the State of Delaware.

*Status: Passed in Senate & House*

### [SCR 8](#)

Introduced: 1/27/2021

This Senate Concurrent Resolution declares that **gun violence is a public health crisis**, that ending the gun violence devastating Delaware is a policy priority and supporting policy and legislative solutions that will make schools safe, confront armed hate and extremism, prevent suicide, and center and support survivors of gun violence.

*Status: Passed in Senate*

*DHA Position: Support*

### [SCR 12](#)

Introduced: 4/27/2021

This concurrent resolution recognizes the month of May 2021 as "**Healthy Vision Month**" in the State of Delaware

*Status: Passed in Senate & House*

### [SCR 13](#)

Introduced: 3/16/2021

This Concurrent Resolution recognizes November 2021 as "**Autoimmune Disease Awareness Month**" in the State of Delaware.

*Status: Passed in Senate & House*

### [SCR 14](#)

Introduced on: 3/30/2021

This Resolution recognizes April 2021 as "**Child Abuse Prevention Month**" in the State of Delaware.

*Status: Passed in Senate & House*

### [SCR 15](#)

Introduced: 4/1/2021

Proclaiming October 2021 "**Dysautonomia Awareness Month**" in the State of Delaware. Dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for "automatic" bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control, and more. This Resolution proclaims October 2021 "Dysautonomia Awareness Month" in the State of Delaware.

*Status: Passed in Senate & House*

### [SCR 17](#)

Introduced: 3/11/2021

This Senate Resolution designates March as "**Eating Disorders Awareness and Prevention Month**" in Delaware and encourages the Department of Health and Social Services to research methods to prevent and raise awareness of eating disorders.

*Status: Passed in Senate & House*

### [SCR 19](#)

Introduced on: 3/30/2021

This Concurrent Resolution recognizes September 2021 as "**Prostate Cancer Awareness Month**" in the State of Delaware

*Status: Passed in Senate & House*

### [SCR 20](#)

Introduced on: 3/23/2021

This Resolution recognizes April 2021 as "**Parkinson's Disease Awareness Month**" in the State of Delaware.

*Status: Passed in Senate & House*

### [SCR 27](#)

Introduced: 4/27/2021

This resolution recognizes **long-term care workers and facilities in Delaware and designates May 9 through 15, 2021 as Skilled Nursing Care Week in Delaware.**

*Status: Passed in Senate & House*

**SCR 31**

Introduced: 4/27/2021

This concurrent resolution designates the month of May 2021 as "**Lyme Disease Awareness Month**" in the State of Delaware.

*Status: Passed in Senate & House*

**SCR 32**

Introduced: 4/27/2021

This resolution proclaims May 2021 "**Cystic Fibrosis Awareness Month**" in the State of Delaware.

*Status: Passed in Senate & House*

**SCR 33**

Introduced: 4/15/2021

This Senate Concurrent Resolution **requests that the United States Congress approve Delaware's Community Project Fund request for fiscal year 2022 allocating funding to the Statewide Violence Reduction program, to be administered through the Delaware Criminal Justice Council.** This fund will provide resources to evidence-based programs for gun violence intervention and prevention statewide, including the Group Violence Intervention program, community-based intervention and interruption programs, and hospital-based violence interruption, as well as prevention programs.

*Status: Passed in Senate*

**SCR 35**

Introduced: 4/28/2021

This resolution recognizes May 5, 2021, as **Maternal Mental Health Awareness Day** in Delaware.

*Status: Passed in Senate & House*

**SCR 39**

Introduced: 4/27/2021

This resolution designates May 2-9, 2021, as "**Tardive Dyskinesia Awareness Week**" in Delaware.

*Status: Passed in Senate & House*

**SCR 44**

Introduced: 5/19/2021

This Concurrent Resolution creates an **Aging-in-Place Working Group** that will develop a plan to guide policies designed to promote successful aging-in-place for seniors in Delaware. The group will deliver preliminary recommendations to the General Assembly by March 30, 2022.

*Status: Passed in Senate & House*

**SCR 48**

Introduced: 5/19/2021

This Concurrent Resolution **extends the reporting date of the Non-Acute Patient Medical Guardianship Task Force** from June 1, 2021 to August 1, 2021.

*Status: Passed in Senate & House*

**SCR 49**

Introduced: 6/22/2021

This resolution recognizes the month of June 2021 as **Myasthenia Gravis Awareness Month.**

*Status: Passed in Senate*

**SCR 50**

Introduced: 5/20/2021

This Senate Concurrent Resolution **establishes the purpose and protocol for the creation of an annual report on home visiting programs in Delaware.** The report is to be prepared by the Department of Health and Social Services in consultation with the Department of Education and the Delaware Home Visiting Community Advisory Board for review by the Governor, the Delaware State Senate, the Delaware State House of Representatives, the Delaware Kids' Caucus, and the Delaware Early Childhood Council no later than December 1 of each year, and is to include a summary of current practices and challenges, as well as program recommendations.

*Status: Passed in Senate & House*



**SCR 51**

Introduced: 6/22/2021

This resolution raises awareness that the month of May is **Melanoma and Skin Cancer Detection and Prevention Month** in Delaware and celebrates ongoing research that lowers melanoma rates.

*Status: Passed in Senate*

**SCR 58**

Introduced: 6/22/2021

This resolution recognizes July 2021 as **Uterine Fibroids Awareness Month** in Delaware

*Status: Passed in Senate*

**SCR 62**

Introduced: 6/29/2021

This concurrent resolution recognizes June as "**Alzheimer's and Brain Awareness Month**" in Delaware.

*Status: Passed in Senate*

**SCR 67**

Introduced 1/19/2022

This Senate Concurrent Resolution proclaims January 23, 2022, as "**Maternal Health Awareness Day**" in the State of Delaware.

*Status: Passed in Senate & House*

**SCR 68**

Introduced 1/19/2022

This Concurrent Resolution recognizes January 16, 2022, as "**Religious Freedom Day**" in Delaware.

*Status: Passed in Senate & House*

**SCR 70**

Introduced: 1/27/2022

This concurrent resolution proclaims February 7-14, 2022, as **Congenital Heart Defects Awareness Week** in Delaware.

*Status: Passed in Senate & House*

**SCR 73**

Introduced: 3/15/2022

This Senate Concurrent Resolution requests that the Department of Health & Social Services explore strategies for **Medicaid to provide coverage for Prescription Digital Therapeutics** authorized by the U.S. Food and Drug Administration to treat substance use disorder and opioid use disorder.

*Status: Passed in Senate & House*

**SCR 75**

Introduced: 3/10/2022

This Senate Concurrent Resolution designates March as "**Eating Disorders Awareness and Prevention Month**" in Delaware and encourages the Department of Health and Social Services to research methods to raise awareness of, prevent, and treat eating disorders.

*Status: Passed in Senate & House*

**SCR 76**

Introduced: 3/10/2022

This resolution recognizes March 11, 2022 as **COVID-19 Day of Remembrance in the State of Delaware**.

*Status: Passed in Senate & House*

**SCR 79**

Introduced: 3/22/2022

This Concurrent Resolution recognizes March 2022 as "**Rare Kidney Disease Awareness Month**" in Delaware.

*Status: Passed in Senate & House*

**SCR 81**

Introduced: 4/12/2022

This resolution recognizes April 11-17, 2022 as "**Black Maternal Health Awareness Week**" in Delaware.

*Status: Passed in Senate & House*

**SCR 83**

Introduced: 4/5/2022

This resolution recognizes April 2 through 8, 2022 as "**Week of the Young Child**" in Delaware.

*Status: Passed in Senate & House*

**SCR 84**

Introduced: 4/5/2022

This Resolution recognizes April 2022 as "**Parkinson's Disease Awareness Month**" in the State of Delaware.

*Status: Passed in Senate & House*

**SCR 85**

Introduced: 4/5/2022

This Resolution recognizes April 2022 as "**Child Abuse Prevention Month**" in the State of Delaware.

*Status: Passed in Senate & House*

**SCR 88**

Introduced: 4/12/2022

This resolution designates the week of **May 1-8, 2022**, as "**Tardive Dyskinesia Awareness Week**" in Delaware.

*Status: Passed in Senate & House*

**SCR 98**

Introduced: 5/3/2022

This concurrent resolution recognizes the month of **May 2022** as "**Healthy Vision Month**" in the State of Delaware.

*Status: Passed in Senate & House*

**SCR 99**

Introduced: 5/4/2022

This concurrent resolution designates the month of **May 2022** as "**Lyme Disease Awareness Month**" in the State of Delaware.

*Status: Passed in Senate & House*

**SCR 100**

Introduced: 5/6/2022

This resolution proclaims **May 2022** "**Cystic Fibrosis Awareness Month**" in the State of Delaware.

*Status: Passed in Senate & House*

**SCR 103**

Introduced: 5/19/2022

This resolution recognizes the importance of Direct Support Professionals to our state on the occasion of the May 19th "**Green Wave**" advocacy day, co-sponsored by A-Team Delaware and the Ability Network of Delaware.

*Status: Passed in Senate & House*

**SCR 108**

Introduced 5/18/2022

This resolution recognizes May 2022 as **Maternal Mental Health Awareness Month in Delaware**.

*Status: Passed Senate*

**SCR 110**

Introduced: 5/18/2022

This concurrent resolution recognizes the urgent nature of the **formula shortage** and urges additional steps to address the infant formula shortage.

*Status: Passed Senate & House*

**SCR 111**

Introduced: 5/19/2022

This resolution proclaims Thursday, May 19, 2022 as Global Accessibility Awareness Day in the State of Delaware.

*Status: Passed in Senate & House*

**SCR 112**

Introduced: 6/8/2022

This Concurrent Resolution recognizes September 2022 as "**Prostate Cancer Awareness Month**" in the State of Delaware

*Status: Passed in Senate & House*

**SCR 113**

Introduced: 6/9/2022

This resolution recognizes the month of June as "**Alzheimer's and Brain Awareness Month**" in Delaware.

*Status: Passed in Senate & House*

**SCR 116**

Introduced: 6/14/2022

Proclaiming October 2022 “**Dysautonomia Awareness Month**” in the State of Delaware. Dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for “automatic” bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control, and more. This Resolution proclaims October 2022 "Dysautonomia Awareness Month" in the State of Delaware.

**Status: *Passed in Senate & House*****SCR 117**

Introduced: 6/23/22

This Concurrent Resolution recognizes November 2022 as "**Autoimmune Disease Awareness Month**" in the State of Delaware.

**Status: *Passed Senate & House*****SCR 121**

Introduced: 6/23/22

Designating the month of October 2022 as “**Depression Awareness Month**” in the state of Delaware.

**Status: *Passed in Senate & House*****SCR 124**

Introduced: 6/23/22

This Concurrent Resolution recognizes the month of June 2022 as **Myasthenia Gravis Awareness Month**

**Status: *Passed in Senate & House*****SCR 125**

Introduced: 6/23/22

This concurrent resolution proclaims Friday, October 28, 2022 as “**National First Responders Day**” in the State of Delaware.

**Status: *Passed in Senate & House*****SR 11**

Introduced: 4/22/2021

This Resolution declares April 22, 2021 as "**Stand Against Racism Day**" in Delaware.

**Status: *Passed in Senate*****SR 15**

Introduced: 5/20/2021

This resolution recognizes **June 5, 2021**, as “**HIV Long-Term Survivors Awareness Day**” and memorializes the date as the 40th anniversary of the official start of the HIV epidemic in the United States.

**Status: *Passed in Senate*****SR 19**

Introduced: 6/29/2021

This resolution recognizes October 13, 2021 as "**Metastatic Breast Cancer Awareness Day**" in Delaware and encourages awareness among Delawareans.

**Status: *Passed in Senate*****SR 24**

Introduced: 1/20/2022

This Senate Resolution proclaims January 22, 2022 as ‘**Sanctity of Human Life Day**’ in Delaware.

**Status: *Defeated in Senate*****SR 28**

Introduced: 3/24/2022

This resolution recognizes March 2022 as "**Endometriosis Awareness Month**" in Delaware to help raise awareness, promote research, and show support to its sufferers.

**Status: *Passed in Senate*****SJR 4**

Introduced: 5/6/2021

This Senate Joint Resolution designates **August 31, 2021** as "**International Overdose Awareness Day**" in the State of Delaware and directs the State flag to be lowered to half-staff at State facilities and encourages local governments, businesses, and Delawareans to do the same.

**Status: *Signed into Law 8/23/2021***

**SJR 6**

Introduced 3/3/2022

This Senate Joint Resolution designates August 31, 2022, as "**International Overdose Awareness Day**" in the State of Delaware and directs the State flag to be lowered to half-staff at State facilities and encourages local governments, businesses, and Delawareans to do the same.

*Status: Signed 8/29/2022*

**Delaware House Resolutions:****HCR 2**

Introduced: 1/14/2021

This House Concurrent Resolution **honors Delaware's first responders and essential workers** who have continued performing duties that are vital to the health, safety, and well-being of all Delawareans as we combat the COVID-19 pandemic.

*Status: Passed in House & Senate*

**HCR 3**

Introduced: 1/26/2021

This concurrent resolution establishes the **Delaware Corrections Investigation Task Force to investigate and make findings and recommendations regarding the treatment of inmates and the quality of healthcare provided to inmates in this State's correctional institutions**. The Task Force shall complete its investigation and findings 90 days after the Task Force's initial meeting and issue a final report containing a summary of its work, findings, and recommendations.

*Status: Introduced and Assigned to Administration Committee in House*

**HCR 6**

Introduced: 1/21/2021

This Concurrent Resolution recognizes January 2021 as **Human Trafficking Awareness Month in Delaware**.

*Status: Passed in House & Senate*

**HCR 8**

Introduced: 1/28/2021

This concurrent resolution designates January 24-30, 2021 as **Certified Registered Nurse Anesthetists' (CRNA) Week** in the State of Delaware.

*Status: Passed in House & Senate*

**HCR 10**

Introduced: 3/9/2021

Requesting the Division of Research, the Office of Management and Budget, and the Delaware Department of Technology & Information to cooperate in creating a detailed and implementable plan to stream audio and video of all floor and committee action of the House of Representatives and Senate; record all such material; and make these recordings available to the public via an online archive. The resolution further requests the 151st General Assembly and the governor to approve and act on the finished plan and authorize the funding needed to implement it.

*Status: Introduced and Assigned to Administration Committee in House*

**HCR 11**

Introduced: 3/11/2021

Recognizing **February 12, 2021 as "World Cholangiocarcinoma Day"** in Delaware. Cholangiocarcinoma, also known as bile duct cancer, is a cancer that occurs in the bile ducts in or outside the liver. This Resolution recognizes February 12, 2021 as "World Cholangiocarcinoma Day" in Delaware.

*Status: Passed in House & Senate*

**HCR 15**

Introduced: 3/18/2021

This House Concurrent Resolution designates the 21st day of the Month of March, 2021 as "**Rock Your Socks for World Down Syndrome Day**" and celebrates the beauty and contributions that people with Down syndrome make in Delaware.

*Status: Passed in House & Senate*

**HCR 16**

Introduced: 3/25/2021

This Concurrent Resolution recognizes **March 2021 as Rare Kidney Disease Month in Delaware**.

*Status: Passed in House & Senate*



**HCR 17**

Introduced: 3/25/2021

This House Concurrent Resolution designates **March 24, 2021** as "**Equal Pay Day**" in the State of Delaware.*Status: Passed in House & Senate***HCR 18**

Introduced: 4/1/2021

This Resolution recognizes the week of April 11-17, 2021 as "**Black Maternal Health Awareness Week**" in Delaware.*Status: Passed in House & Senate***HCR 20**

Introduced: 4/29/2021

This resolution designates the month of May as "**National Nurses Month**" in Delaware.*Status: Passed in House & Senate***HCR 22**

Introduced: 4/29/2021

This Concurrent Resolution recognizes the month of April 2021 as "**National Donate Life Month**" in Delaware.*Status: Passed in House & Senate***HCR 26**

Introduced: 5/20/2021

This Concurrent Resolution recognizes the month of **May 2021** as **Mental Health Awareness Month**.*Status: Passed in House & Senate***HCR 28**

Introduced: 5/20/2021

This Resolution **commends the work of the New Castle County Police Department Behavioral Health Unit and urges law enforcement agencies throughout the State to adopt a similar unit.***Status: Passed in House & Senate***HCR 43**

Introduced: 1/13/2022

This Concurrent Resolution recognizes January 2022 as **Human Trafficking Awareness Month** in Delaware.*Status: Passed in House & Senate***HCR 44**

Introduced: 1/20/2022

Recognizing February 12, 2022 as "**World Cholangiocarcinoma Day**" in Delaware. Cholangiocarcinoma, also known as bile duct cancer, is a cancer that occurs in the bile ducts in or outside the liver. This Resolution recognizes February 12, 2022 as "World Cholangiocarcinoma Day" in Delaware.*Status: Passed in House & Senate***HCR 47**

Introduced: 1/20/2022

This House Concurrent Resolution recognizes February 28, 2022, as "**Rare Disease Day**" in Delaware.*Status: Passed in House & Senate***HCR 48**

Introduced: 1/27/2022

This Concurrent Resolution declares the month of February 2022 as **Seasonal Affective Disorder Awareness Month**.*Status: Passed in House & Senate***HCR 51**

Introduced: 1/27/2022

This concurrent resolution designates January 23-29, 2022 as **Certified Registered Nurse Anesthetists' (CRNA) Week** in the State of Delaware.*Status: Passed in House & Senate***HCR 54**

Introduced: 3/10/2022

This Resolution recognizes **the need for more behavioral health professionals in Delaware** and requests the Department of Education to develop recommendations that would improve the current educational opportunities in Delaware for students interested in behavioral health careers.*Status: Passed in House & Senate*

**HCR 60**

Introduced: 3/10/2022

This House Concurrent Resolution designates the 21st day of the Month of March, 2022 as “**Rock Your Socks for World Down Syndrome Day**” and celebrates the beauty and contributions that people with Down syndrome make in Delaware.

*Status: Passed in House & Senate*

**HCR 63**

Introduced: 3/24/2022

This Concurrent Resolution recognizes March 26, 2022, as “**Epilepsy Awareness Day**” and requests that the Governor issue a proclamation declaring the same. The Resolution encourages the State agencies and all Delawareans to undertake suitable efforts to increase epilepsy awareness throughout the State of Delaware.

*Status: Passed in House & Senate*

**HCR 65**

Introduced: 3/24/2022

This Resolution celebrates March 22nd through March 28th, annually, as “**World Doula Week**” in the State of Delaware.

*Status: Passed in House & Senate*

**HCR 72**

Introduced: 4/14/2022

This Resolution recognizes the month of April 2022 as “**National Donate Life Month**” in Delaware.

*Status: Passed in House & Senate*

**HCR 77**

Introduced: 5/6/2022

This Concurrent Resolution recognizes the month of **May 2022 as Mental Health Awareness Month.**

*Status: Passed in House & Senate*

**HCR 79**

Introduced: 5/10/2022

This resolution designates the month of **May** as “**National Nurses Month**” in Delaware.

*Status: Passed in House & Senate*

**HCR 81**

Introduced: 5/10/2022

This resolution recognizes May 11, 2022 as “**School Nurse Appreciation Day**” in Delaware.

*Status: Passed in House & Senate*

**HCR 82**

Introduced: 5/12/2022

This concurrent resolution requests that the **Department of Education provide information on the current mental health care workforce within Delaware schools** and what progress is being made to meet ratios established in HB 100.

*Status: Passed in House & Senate*

**HCR 86**

Introduced: 5/18/2022

This Resolution recognizes **World Preeclampsia Day** on May 22, 2022

*Status: Passed in House & Senate*

**HCR 93**

Introduced: 6/15/2022

This Resolution recognizes June 2022 as “**Post-Traumatic Stress Injury Month**” and June 27, 2022, as “**Post-Traumatic Stress Injury Day**”, and encourages State agencies to continue their work educating victims of assault or abuse, combat, serious accidents, and natural disasters about the causes, symptoms, and treatment of PTSD.

*Status: Passed in House & Senate*

**HCR 94**

Introduced: 6/15/2022

This Concurrent Resolution recognizes June 15, 2022, as “**Delaware Elder Abuse Awareness Day**” and encourages all of Delaware's citizens to learn about how to protect and nurture our elderly citizens.

*Status: Passed in House & Senate*

**HCR 98**

Introduced: 6/22/2022

This Resolution designates July 2022 as "**Uterine Fibroids Awareness Month**" and encourages public awareness of the effects of fibroids on many individuals' lives.

*Status: Passed in House & Senate*

**HCR 101**

Introduced: 6/22/2022

This Concurrent Resolution recognizes the month of October 2022 as **Breast Cancer Awareness Month**.

*Status: Passed in House & Senate*

**HCR 103**

Introduced: 6/23/2022

**Directing the Office of Medical Marijuana** to hold quarterly stakeholder meetings.

*Status: Passed in House & Senate*

**HCR 108**

Introduced: 6/29/2022

This concurrent resolution recognizes the month of September 2022 as Alopecia Awareness Month.

*Status: Passed in House & Senate*

**HCR 110**

Introduced: 6/29/2022

This concurrent resolution establishes the Long-Term Care and Memory Care Task Force.

*Status: Passed in House & Senate*

**HR 8**

Introduced: 4/22/2021

This Resolution recognizes April 18, 2021 through April 24, 2021 as "**National Medical Laboratory Professional Week**".

*Status: Passed in House*

**HR 11**

Introduced 5/13/2021

Encouraging State of Delaware Employees to **Make Informed Decisions About Their Health Care During Open Enrollment and Throughout the Year**. This resolution encourages State of Delaware employees to make informed decisions about their health care during Open Enrollment and throughout the year as an important step to help control rising health care costs and to maintain high -quality, affordable benefit options now and in the future.

*Status: Passed in House*

**HR 15**

Introduced 6/23/2021

This House Resolution recognizes June 2021 as "**Post-Traumatic Stress Injury Month**" and June 27, 2021, as "Post-Traumatic Stress Injury Day", and encourages State agencies to continue their work educating victims of assault or abuse, combat, serious accidents, and natural disasters about the causes, symptoms, and treatment of PTSD.

*Status: Passed in House*

**HR 17**

Introduced: 6/29/2021

This Resolution establishes the **Behavioral Health Crisis Care Task Force** to study and make findings and recommendations regarding creating a behavioral health crisis care system in this State.

*Status: Passed in House*

**HR 19**

Introduced: 3/15/2022

This Resolution **extends the final report deadline for the Behavioral Health Crisis Care Task Force**.

*Status: Passed in House*

**HR 21**

Introduced: 5/4/2022

This resolution recognizes April 24 through April 30, 2022 as "**National Medical Laboratory Professionals week**".

*Status: Passed in House*

**HJR 7**

Introduced: 5/3/2022

**Directing the Sate to Conduct Pandemic After-Action Reviews & Continue COVID-19 Pandemic Mitigation Efforts.** The Joint Resolution directs the Delaware Emergency Management Agency (DEMA) and Division of Public Health (DPH) to Conduct After Action Reviews to assess the State's pandemic response. DEMA and DPH are also maintaining the ability to increase personnel and supplies as needed in response to future surges of COVID-19. Additionally, the Joint Resolution directs the Legislative and Executive branches to work together on initiatives to combat the effects of the COVID-19 pandemic.

***Status: Signed into Law 10/14/2022***