

**Delaware General Assembly**

**State of Delaware**

**For Immediate Release:**

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**House Passes Comprehensive Legislation To Strengthen**

**Abortion Rights Protections**

*HB 455 would expand access to abortion care and protect providers and patients*

DOVER – The House passed legislation Tuesday that would improve the availability of safe and accessible reproductive healthcare services and protect patients and providers from facing legal action under other states' abortion laws.

Sponsored by **Rep. Melissa Minor-Brown, Majority Leader Valerie Longhurst,** and **Sen. Kyle Evans Gay,** House Bill 455 comes as states across the country move to pass increasingly restrictive anti-abortion laws ahead of the expected U.S. Supreme Court decision to overturn the federal right to abortion established by *Roe v. Wade.*

In Delaware, the privacy protections of *Roe v. Wade* are [codified in state law](https://legis.delaware.gov/BillDetail?LegislationId=25736), guaranteeing residents have access to legal abortion services even if *Roe* were to be undone at the federal level.

HB 455 would expand on earlier efforts to safeguard reproductive rights and includes protections for providers and out-of-state residents seeking or receiving reproductive health care services in Delaware.

“As a nurse, I have friends who have decided to have children – and friends who decided not to have children,” said **Rep. Minor-Brown**, D-New Castle. “I believe we should have the option to do what we want with our bodies and have the privacy to make our own medical decisions while always receiving quality care from providers. We have come a long way to get to a place where women have access to safe, reproductive healthcare, and we refuse to move backward.”

HB 455 would expand the field of qualified medical professionals who can perform abortions before viability to include physician assistants and certified nurse practitioners and nurse midwifes who are approved by the Board of Nursing.

Physician Assistants and advanced practice registered nurses are already authorized to prescribe medication for the termination of pregnancy under [HB 320](https://legis.delaware.gov/BillDetail?LegislationId=79202), a law the General Assembly passed earlier this year.

“A woman’s right to choose extends beyond pregnancy and abortion - it’s also about choosing the best healthcare for them,” said **Rep. Longhurst,** D-Bear. “We have always made it a point in Delaware to break down barriers as well as fight to protect women. Passing this legislation is just one more example of our commitment to ensuring women’s rights are never taken for granted.”

[Nearly two dozen states have enacted laws to restrict or ban abortion under all or nearly all circumstances](https://www.guttmacher.org/state-policy/explore/abortion-policy-absence-roe). More than half of these states have so-called “trigger laws” that would ban abortion automatically or by simple state action if *Roe v. Wade* is overturned.

If and when the draft majority opinion of the U.S Supreme Court in [*Dobbs v. Jackson Women’s Health Organization*](https://nwlc.org/resource/summary-and-analysis-of-leaked-jackson-womens-health-organization-v-dobbs-opinion/) becomes official, nearly [40 million women could lose access to abortion care in their home state](https://www.guttmacher.org/article/2019/08/state-abortion-policy-landscape-hostile-supportive), and would be forced to travel to receive legal abortion care.

“We are potentially just days away from the Supreme Court overturning Roe,” said **Sen. Gay**, Senate prime sponsor of HB 455. “It is our responsibility to do everything we can to keep abortion services legal and accessible.”

HB 455 includes myriad legal protections for providers, organizations, and patients, including out-of-state residents receiving abortion care in Delaware:

* **Protects medical privacy**. HB 455 would protect communications and records concerning reproductive health services, unless those records are needed to investigate claims of abuse against a provider.
* **Limits extradition**. The legislation would protect individuals from extradition to other states for criminal charges related to terminating a pregnancy.
* **Shields individuals from civil actions**. Under HB 455, those who seek, obtain, provide, or assist others in obtaining legal reproductive healthcare would be protected from civil actions in another state.
* **Provides a cause of action**. HB 455 would provide a cause of action where someone sued in another state for allegedly receiving or providing abortion services that are legal in Delaware can recover related costs, damages, or attorney fees.
* **Protects professional licensees.** The bill clarifies that medical professionals who perform, recommend, or provide legal reproductive health services in Delaware are not subject to other states’ abortion provider regulations.
* **Binds insurance companies.** The legislation would also prohibit insurers from increasing premiums or taking adverse actions against providers and organizations for providing legal reproductive health care services. This protection would extend to medical professionals who prescribe abortion medication via telehealth.

HB 455 now heads to the Senate for consideration.

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