

Senate Substitute 1 for Senate Bill 5

153nd General Assembly (2025—2026)

AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE DELAWARE CONSTITUTION RELATING TO THE RIGHT TO REPRODUCTIVE FREEDOM

Primary Sponsor: Townsend

Additional Sponsor(s): Sen. Lockman, Pinkney; Reps. Minor-Brown, Heffernan, K. Johnson, Griffith, Bush, Morrison, Romer

Co-Sponsors: Sen. Cruce, Hansen, Hoffner, Huxtable, Paradee, Poore, Seigfried, Sokola, Sturgeon, Walsh, Reps. Gorman, Harris, Lambert, S. Moore, Neal, Osienski, Phillips, Ross Levin, Snyder-Hall

Like Senate Bill No. 5, this Act is the first leg of an amendment to the Delaware Constitution to ensure that every Delawarean is afforded reproductive freedom. This Act differs from Senate Bill No. 5 by making the following clarifications: (1) That an individual has a fundamental right to reproductive freedom relating to that individual's pregnancy. (2) That the standard of medical judgment is a "good-faith medical judgment" rather than a "professional judgment". (3) That the health care professional making the good-faith medical judgment is the "treating attending health care professional" rather than the "attending health care professional". Amending the Delaware Constitution requires not only the passing of the changes in this Act, but also passage of the same changes after the next general election by the next General Assembly. 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.

153nd GENERAL ASSEMBLY

House: Legislation Voted Out of Committee; Placed on Ready List

Senate: 15 In Favor; 6 Oppose; 0 Absentee

REPRESENTATIVES	REPRESENTATIVES	SENATORS
Paul S. Baumbach (D)	Sean M. Lynn (D)	Darius J. Brown (D)
Stephanie T. Bolden (D)	Sean Matthews (D)	Eric Buckson (R)
Ruth Briggs-King (R)	Michael F. Smith (R)	Daniel Cruce (D)
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Kerri Evelyn Harris (D)	Sherae'a Moore (D)	Nicole Poore (D)
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Kimberly Williams (D)	Madinah Wilson-Anton (D)	Bryan Townsend (D)
Larry Lambert (D)	Lyndon D. Yearick (R)	John "Jack" Walsh (D)
Valerie Longhurst (D)		David L. Wilson (R)