

Delaware

Shield Law Fact Sheet

March 2026

As revised in 2025, Delaware’s shield laws protect against out-of-state investigations and prosecutions, professional discipline, and civil liability related to reproductive and gender-affirming health care. Additionally, Delaware’s shield laws provide protections for health care providers’ professional liability insurance and protections for medical information and other data related to reproductive and gender-affirming health care.

Protection against Out-of-State Investigations and Prosecutions

Protection against Extradition and Arrests

The Governor may not extradite someone who was not present in the state requesting extradition when allegedly committing the criminal act and has not fled from that state if the act is legal under Delaware law.¹ Through an Executive Order issued in June 2025, the Governor has committed to denying any request for the extradition of an individual who provides, receives, inquires about, responds to, or assists with gender-affirming care (“protected gender-affirming care activities”) lawful in Delaware.²

Protection Barring State Agency/Employee Assistance

Except as required by federal or Delaware court order or law, state officers and employees may not provide information or assistance to another state or federal law-enforcement agency, a private citizen, or a quasi-law-enforcement agency relating to an investigation concerning “healthcare services” if they would be lawful if they occurred entirely in Delaware.³ “Healthcare services” means any service by a healthcare professional legally authorized to provide care in Delaware acting within the scope of that

¹ HB 455 (Del. 2022) (11 Del. Code § 2506).

² Del. Executive Order 11 (June 20, 2025), available at: <https://governor.delaware.gov/wp-content/uploads/sites/219/2025/06/EO-11-signed.pdf>.

³ HB 205 (Del. 2025) (29 Del. Code § 611);

authorization, including “primary care, preventive care, the prescribing or administration of prescription drugs, therapeutic care, reproductive health services, mental health care, and surgical services,” including related to gender-affirming care.⁴

Protection against Issuance of Search Warrants, Subpoenas, and Witness Summons

Delaware courts and state agents may not issue or enforce a summons, subpoena, warrant, court order, or other legal process related to an action in another state against a person for terminating a pregnancy, performing or inducing the termination of a pregnancy, aiding the termination of a pregnancy, providing fertility treatment, providing any “healthcare service” unlawful in another state but lawful in Delaware, or aiding the provision of any “healthcare service” unlawful in another state but lawful in Delaware.⁵

Protection from Professional Discipline

Protection against Adverse Actions related to Providers’ Licenses and Other Board Discipline

Professional boards may not discipline a physician, physician assistant, or nurse—including by imposing a fine or restricting or revoking their certificate or license to practice—based on their performance, recommendation, or provision of “healthcare services” lawful in Delaware, even if the services were provided to patients in states where such services are illegal or considered unprofessional conduct.⁶

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⁴ HB 205 (Del. 2025) (24 Del. Code § 1702); *see also* Del. Executive Order 11 (June 20, 2025), available at: <https://governor.delaware.gov/wp-content/uploads/sites/219/2025/06/EO-11-signed.pdf> (stating that except as required by federal or Delaware court order or law, state agencies may not provide information—including medical records, data, or billing information—or utilize state resources that would further an investigation, proceeding, or action against an individual for protected gender-affirming care activities, or for traveling to Delaware for the purposes of protected gender-affirming care activities).

⁵ HB 455 (Del. 2022), HB 205 (Del. 2025) (10 Del. Code § 3928); *see also* Del. Executive Order 11 (June 20, 2025), available at: <https://governor.delaware.gov/wp-content/uploads/sites/219/2025/06/EO-11-signed.pdf> (providing that except as required by federal or Delaware court order or law, states agencies may not comply with a subpoena issued by another state that seeks information about an individual who engages in or travels to Delaware for protected gender-affirming care activities).

⁶ HB 455 (Del. 2022), HB 205 (Del. 2025) (24 Del. Code §§ 1731(b)(26), 1773(c), 1922(d)); *see also* Del. Executive Order 11 (June 20, 2025), available at: <https://governor.delaware.gov/wp-content/uploads/sites/219/2025/06/EO-11-signed.pdf> (providing that State professional boards may not bar or discipline a healthcare professional solely on the basis that they engaged in protected gender-affirming care activities lawful in Delaware).

Protection against Civil Liability

Protection against Application or Enforcement of Another State’s Laws or Judgments in Delaware State Court

Delaware courts may not apply another state’s law authorizing a civil action against a person for terminating a pregnancy, performing or inducing the termination of a pregnancy, aiding the termination of a pregnancy, providing fertility treatment, providing any “healthcare service” lawful in Delaware but unlawful in another state, or knowingly aiding or abetting the provision of any “healthcare service” lawful in Delaware but unlawful in another state.⁷

Provision of a “Clawback Lawsuit” to Recover Damages from Litigation related to Protected Care

A person may bring an action in Delaware to recover damages, costs, expenses and attorneys’ fees resulting from an out-of-state action against them based on the alleged provision, receipt, assistance in, or material support for “healthcare services” lawful in Delaware.⁸

Protection of Professional Liability Insurance and Protection Related to Health Plans

Protection against an Insurer’s Refusal to Issue Insurance, Increase in Premiums, or Denial of Coverage Based Solely on Providing Protected Care

Insurers may not increase the premium of a policy or take other adverse action against a health care provider or organization because they perform or assist in the provision of “healthcare services” lawful in Delaware, including the provision of medication abortion by telehealth to individuals who reside in another state.⁹

Privacy of Medical Information and Other Data Related to Reproductive or Gender-Affirming Care

Protection Against Disclosure of Medical Information

Health care providers may not disclose any patient communications relating to reproductive health services, or any information obtained by examination of a patient relating to reproductive health



⁷ HB 455 (Del. 2022), HB 205 (Del. 2025) (10 Del. Code § 3928).

⁸ HB 455 (Del. 2022), HB 205 (Del. 2025) (10 Del. Code § 3929).

⁹ HB 455 (Del. 2022), HB 205 (Del. 2025) (18 Del. Code § 2535).

services in any civil action or proceeding without written authorization by the patient or their legal representative.¹⁰

Protection of Providers' or Patients' Personal Information

Providers and employees who fear for their safety because of providing reproductive health services may apply for inclusion in the state's address confidentiality program.¹¹

¹⁰ HB 455 (Del. 2022) (10 Del. Code § 3926A).

¹¹ SB 158 (Del. 2023) (11 Del. Code §§ 9612, 9613).

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The UCLA Law Center on Reproductive Health, Law, and Policy is an independently-funded think tank and research center developing long-term, lasting solutions that advance all aspects of reproductive justice and address the current national crisis of abortion access. We are lawyers, policy experts, scholars, and researchers who are working to increase access to abortion and contraception, end racial and economic disparities in maternal health outcomes, support people who decide to build families, and dismantle the gender bias that limits reproductive justice.

For more information

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