



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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The Honorable John Carney,  
Governor

John McNeal, Director  
SCPD

## MEMORANDUM

DATE: June 29, 2023

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Mr. Benjamin Shrader, Chairperson   
State Council for Persons with Disabilities

RE: SB 153 (Amendments to Titles 12, 14, 16, and 29 of the Delaware Code  
Relating to Behavioral Health)

The State Council for Persons with Disabilities (SCPD) has reviewed SB 153 which make changes to code provisions related to behavioral health and DSAMH “to reflect current practices.” This bill is currently assigned to the Health & Human Development Committee as of June 16, 2023.

SCPD has the following observation and suggestions:

- The bill strikes various provisions that are no longer consistent with today’s norms (e.g., provisions around involuntary and voluntary sterilization), code sections concerning programs that no longer exist (e.g. Governor Bacon Health Center), or provisions that are both defunct and not consistent with today’s norms (e.g., mental hygiene clinics that examined individuals who were (not DLP’s language) “mentally retarded.”

The above observation is consistent with the SCPD's mission in removal of outdated and prejudicial language. However, there are several considerations SCPD would suggest:

- **The SCPD strongly encourages the General Assembly to add a provision to this bill requiring all DHSS Divisions and institutions to complete annual public reports specific to their divisions/institutions, if they are not already otherwise required by law to make such reports publicly available.**
- **The SCPD asks the General Assembly to give DHSS the responsibility to develop clinical admission criteria/procedures for DHCI as well as appeals procedures, and make them subject to public notice and comment.**
- **Finally, DHSS should take additional steps to ensure information about Division advisory councils are publicly accessible and readily available.**

**The SCPD endorses this bill**, with the above recommendations.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed legislation.

cc: Ms. Marissa Band, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

SB 153 Behavioral Health 6-29-23