

HS 1 FOR HB 272 (2026)

Threat to Pro-Life Free Speech

**DFPC ACTION
POSITION
OPPOSE**

WHAT THE BILL DOES

HS 1 for HB 272 would have made it a criminal offense in Delaware for “interference with reproductive health services or exercise of religion.” The bill was substituted, replacing the word “discourage” with “persuade.” With its initial wording, a peaceful sidewalk counselor could have been held criminally liable if their actions were done in a way that was found to “discourage” the woman from abortion. The final version added language that confirmed the expressive conduct that is constitutionally protected, such as peaceful picketing. Force, threats of force, intentional injury, intimidation, and physical obstruction remained covered conduct..

APPLICATION - Even with the changes, there are still uncertainties around what constitutes a physical obstruction, intent, and how the law could be applied to peaceful sidewalk counseling, prayer, literature distribution, or brief conversations near abortion facilities. There is already a federal FACE Act, which has been weaponized in the past. HB 272 was an even stronger version with its wording, making the fear of weaponization warranted.

OUTCOME: The bill was never introduced in the second chamber (Senate) for a Floor vote.

PRIMARY SPONSOR Rep. Heffernan

ADDITIONAL Reps. Griffith, Romer, Ross Levin; Sen. Lockman

CO-SPONSORS Reps. Minor-Brown, Berry, Gorman, Lambert, Neal, Snyder-Hall; Sens. Cruce, Hansen, Pinkney

ROLL CALL

HOUSE 3/12/26: 23 YES / 12 NO • 1 NV / 5 ABSENT •
NO SENATE VOTE

VOTED YES			VOTED NO		
HOUSE		SENATE	HOUSE		SENATE
Berry	Lambert	—	Collins		—
Burns	Minor-Brown		D. Short		
Bush	Morrison		Dukes		
Carson	Neal		Gray		
Chukwuocha	Osienski		Hilovsky		
Cooke	Phillips		Jones Giltner		
Gorman	Romer		Lynn		
Harris	Ross Levin		M. Smith		
Heffernan	S. Moore		Postles		
K. Johnson	Snyder-Hall		Shupe		
K. Williams	Wilson-Anton		Vanderwende		
K. Smith			Yearick		