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Legislative Council,
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Pursuant to 29 Del.C. Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before October 15, 2026.

Cover Photo by Arun Reddy

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

DELAWARE REGISTER OF REGULATIONS

The *Delaware Register of Regulations* is an official State publication established by authority of 69 *Del. Laws*, c. 107 and is published on the first of each month throughout the year.

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended, or repealed and any emergency regulations promulgated.

The *Register* will also publish some or all of the following information:

- Governor's Executive Orders
- Governor's Appointments
- Agency Hearing and Meeting Notices
- Other documents considered to be in the public interest.

CITATION TO THE DELAWARE REGISTER

The *Delaware Register of Regulations* is cited by volume, issue, page number, and date. An example would be:

29 **DE Reg.** 1100 (06/01/26)

This refers to Volume 29, page 1100 of the *Delaware Register* issued on June 1, 2026.

SUBSCRIPTION INFORMATION

The cost of a yearly subscription (12 issues) for the *Delaware Register of Regulations* is $135. Single copies are available at a cost of $12 per issue, including postage. For more information contact the Division of Legislative Services at 302-744-4114 or 1-800-282-8545 in Delaware.

CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

Delaware citizens and other interested parties may participate in the process by which administrative regulations are adopted, amended, or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

Under 29 **Del.C.** §10115 whenever an agency proposed to formulate, adopt, amend, or repeals a regulation, it shall file notice and full text of the proposals as they relate to the existing regulation being adopted, amended, or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to 29 **Del.C.** §1134. The notice shall describe the nature of the proceedings including a brief synopsis of the subject, substance, issues, possible terms of the agency action, a reference to the legal authority for the agency to act, and reference to any other regulations that may be impacted or affected by the proposal, and shall state the manner in which persons may present their views; if in writing, of the place to which and the final date by which such views may be submitted; or if at a public hearing, the date, time, and place of the hearing. If a public hearing is to be held, the hearing shall not be scheduled less than 20 days following publication of notice of the proposal in the *Register of Regulations*. If a public hearing will be held on the proposal, notice of the time, date, place, and a summary of the nature of the proposal shall also be published in at least 2 Delaware newspapers of general circulation. The notice shall also be mailed to all persons who have made timely written requests of the agency for advance notice of its regulations-making proceedings.

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt, within the time allowed, of all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended, or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A narrative addressing the potential impact of the regulation on the State's greenhouse gas emissions reduction targets or a statement that the regulation

does not; (4) A decision to adopt, amend, or repeal a regulation or to take no action and the decision is supported by its findings on the evidence and information received; (5) The exact text and citation of the regulation adopted, amended, or repealed; (6) The effective date of the order; (7) Any other findings or conclusions required by the law under which the agency has the authority to act; and (8) The signature of at least a quorum of the agency members.

The effective date of an order which adopts, amends, or repeals a regulation shall be not less than 10 days from the date the order adopting, amending, or repealing a regulation has been published in its final form in the *Register of Regulations*, unless the adoption, amendment, or repeal 29 **Del.C.** §10119.

Any person aggrieved by and claiming the unlawfulness of any regulation may bring an action in the Court for declaratory relief.

No action in an agency with respect to the making or consideration of a proposed adoption, amendment, or repeal of a regulation shall be subject to review until final agency action on the proposal has been taken.

When any regulation is the subject of an enforcement action in the Court, the lawfulness of the regulation may be reviewed by the Court as a defense in the action.

Except as otherwise provided by law, no judicial review of a regulation is available unless a complaint is filed in the Court within 30 days of the day the agency order with respect to the regulation was published in the *Register of Regulations*.

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ISSUE DATE	CLOSING DATE	CLOSING TIME
December 1	November 16	4:30 p.m.
January 1	December 15	4:30 p.m.
February 1	January 15	4:30 p.m.
March 1	February 15	4:30 p.m.
April 1	March 15	4:30 p.m.
May 1	April 15	4:30 p.m.

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Under 29 **Del.C.** §10115 whenever an agency proposes to formulate, adopt, amend or repeal a regulation, it shall file notice and full text of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to §1134 of this title. The notice shall describe the nature of the proceedings including a brief synopsis of the subject, substance, issues, possible terms of the agency action, a reference to the legal authority of the agency to act, and reference to any other regulations that may be impacted or affected by the proposal, and shall state the manner in which persons may present their views; if in writing, of the place to which and the final date by which such views may be submitted; or if at a public hearing, the date, time and place of the hearing. If a public hearing is to be held, such public hearing shall not be scheduled less than 20 days following publication of notice of the proposal in the *Register of Regulations*. If a public hearing will be held on the proposal, notice of the time, date, place and a summary of the nature of the proposal shall also be published in at least 2 Delaware newspapers of general circulation. The notice shall also be mailed to all persons who have made timely written requests of the agency for advance notice of its regulation-making proceedings.

DELAWARE RIVER BASIN COMMISSION

Statutory Authority: 7 Delaware Code, Section 6501 (7 **Del.C.** §6501)

PROPOSED

PUBLIC NOTICE

18 CFR Part 410 Basin regulations-Water Code and Administrative Manual

Part III Water Quality RegulationsBasin regulations-Water Code and Administrative Manual

Part III Water Quality Regulations

SUMMARY: The Commission proposes to amend its *Water Code* and Comprehensive Plan to require water supply systems serving the public (purveyors) to report water use by their largest customers.

DATES: *Written comments*: Written comments will be accepted through 5:00 p.m. EST on Friday, December 4, 2026.

Public hearing: A public hearing will be held remotely *via* Zoom on Wednesday, November 4, 2026, beginning at 1:30 p.m., and ending no later than 3:00 p.m. EST. Details about accessing the hearing are available on the Commission's website, www.drbc.gov.

A notice including the public hearing date, time and location was posted on the Commission's website on October 6, 2026, and circulated that day directly to Commission notice subscribers interested in this subject matter. Members of the public may sign up through the Commission's website to receive direct notice via email of additions or changes to the information provided above.

ADDRESSES: *To submit written comments*: Written comments will be accepted until 5:00 p.m. EST on Friday, December 4, 2026, through the Commission's online public comment collection system at: https://hearing.drbc.commentinput.com?id=T95htQGAg. To request an exception from use of the online system based on lack of access to the Internet, please submit your request, along with your comment, to: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

To register to speak at the public hearing: Those who wish to provide oral comment at a hearing must register in advance to do so. Registration will be through Zoom. A link to the Zoom registration for the public hearing is posted at www.drbc.gov. Online registration will remain open until 5:00 p.m. on the day prior to the hearing date or until all available speaking slots have been filled, whichever is earlier. Each person who wishes to provide oral comment may

do so at only one public hearing. Registrations will be monitored, and if capacity is not adequate to accommodate all who wish to speak, additional opportunities may be added.

FOR FURTHER INFORMATION CONTACT: For information regarding the public hearing and submission of written comments, contact Kate Schmidt, Communications Specialist, at contact@drbc.gov (preferred) or 609-477-7205. For information concerning the substance of the proposed amendments, contact Chad Pindar, Manager of Water Resource Planning, at chad.pindar@drbc.gov (preferred) or 609-477-7248.

Supplementary Information: The Delaware River Basin Commission ("DRBC" or "Commission") is a Federal-interstate compact agency formed by the enactment of concurrent legislation by four states and the United States in 1961[1] to manage the water resources of the Delaware River Basin (the "Basin") without regard to political boundaries. The Commission's members are, *ex officio,* the governors of the basin states (Delaware, New Jersey, New York, and Pennsylvania) and the Division Engineer of the U.S. Army Corps of Engineers North Atlantic Division, who represents the United States. The Commission is not subject to the requirements of the Delaware Administrative Procedure Act. This notice is published by the Commission for information purposes.

Background

Water use data are critical for effective management of the Basin's water resources. They are needed to develop consumptive use estimates, project water use trends, establish water budgets, assess water resource needs, and evaluate the effectiveness of water conservation programs. The Commission established annual reporting requirements for water supply systems serving the public (also herein, "purveyors") in 1986 and updated them in 2001 and 2009. The requirements apply to "source data," consisting of monthly withdrawal or bulk purchase information for each system, and "service area data," which identify water uses by category as residential, commercial, institutional, industrial, bulk sale, non-revenue, unaccounted for, or other. *See* Delaware River Basin Water Code (hereinafter, "Water Code"), secs. 2.50.3 A.1.a.—b.

The proposed amendments would require water supply systems serving the public to furnish the Commission with a third class of supplemental water use data—large customer data. These data would help DRBC characterize the water needs of the largest users that obtain their water from purveyors rather than withdrawing it directly from a surface water or ground water source. The data would contribute to a clearer picture of how the Basin's water resources are used.

Because the proposed amendments include a new section 2.50.1, "Definitions," current sections 2.50.1 through 2.50.3 are to be re-numbered 2.50.2 through 2.50.4. The substantive new requirements appear in proposed new subsection 2.50.4 A.1.c. Additional non-substantive amendments are proposed to the introductory paragraphs of current subsections 2.50.3 A.1., "Annual Reporting Requirements – Water Supply Systems Serving the Public" and A.2., "Annual Reporting Requirements – Other Withdrawals," and to current subsection 2.50.3 B., solely for purposes of consistency and clarification. Changes to the latter subsection, in particular, are proposed to continue to ensure that DRBC's annual reporting requirements do not compel entities to submit the same data to both DRBC and state agencies.

Currently, approximately 300 purveyors in the Basin report source and service area water use to Basin state agencies in accordance with the Water Code provisions cited above. Working closely with our member state agencies, the Commission is able to access, compile, and analyze approximately 30 years of source and service area data from each state for purposes of identifying and projecting water use trends Basin-wide. The Commission now seeks to better understand the role of large customers of water supply systems serving the public in water use across the Basin. It also wishes to better quantify consumptive uses of water—those uses that do not involve return of the water to a surface or ground water source after its use but instead involve evaporative loss or export of the water from the Basin.

Excluding out-of-basin diversions, withdrawals by purveyors in 2024 comprised the second largest water use and second largest consumptive water use in the Delaware River Basin, equal to approximately 15 percent (833 million gallons per day ("mgd")) of total water use and 28.5 percent (83 mgd) of consumptive water use.[2] For decades, the Commission has applied a consumptive use coefficient of ten percent (10%) to water withdrawn from the Basin by most water supply systems serving the public. Data obtained as a result of the proposed amendments would help the Commission determine whether its consumptive use coefficient for water supply systems serving the public remains accurate.

A clearer understanding of water use by large customers of water supply systems serving the public is particularly important in helping develop a more accurate profile of consumptive use in the Basin and evaluating whether current drought management measures and contingency plans will be adequate in the future.

The Commission expects that under the amended rule, a subset of the approximately 300 water supply systems serving the public that are subject to the rule will be required to identify large customers supplied by their systems. The

incremental burden on these purveyors is expected to be manageable, as most are already accustomed to furnishing source and service area data electronically to the Commission's respective member states in accordance with subsections 2.50.3 A.1.a. and b. of the Water Code, adopted in 1986, and to providing DRBC with an annual "water audit" report in accordance with section 2.1.8 of the Water Code, adopted in 2012. Data collected pursuant to the proposed amendments would be reported electronically in a manner similar to that currently used by purveyors to report water audit data to the Commission.

Specifically, the proposed amendments would require the owner or operator of each water supply system serving the public with a withdrawal of 100,000 gallons per day ("gpd") or more as an average during any 30-day period to report the following data for each customer to which the system supplies an amount greater than or equal to 50,000 gpd as a 30-day average through one or more proximate connections: the calendar year for which the data are reported; the DRBC docket number and state permit number for the reporting entity; the identification number assigned by the reporting entity to the customer served by the connection; the amount of water supplied monthly to the customer for each of the twelve months for which data are reported; the type or sector to which the customer belongs; and the NAICS code.

The Commission proposes to collect monthly data for large customers beginning with calendar year 2026 data, to be submitted in June 2027. If a purveyor's practice is to bill less frequently than monthly, then less frequent use data for 2026 and any portion of 2027 that precedes the effective date of the final rule would be accepted. Regardless of their current billing practices, all purveyors subject to the rule would be required to report monthly large customer water use for each month following the rule's effective date. Accordingly, if the rule becomes effective in May 2027, the purveyor's report for 2026 (to be submitted in June 2027) may include less-than-monthly data for all of 2026. The purveyor's report for 2027 (to be submitted in 2028) may include less-than-monthly water use data for the months of January through April of 2027 but must include monthly data for each large customer for the months of May through December 2027.

The Commission further proposes to amend section 410.1(c) of title 18 of the Code of Federal Regulations by replacing the date of incorporation by reference that appears there with respect to the Water Code (March 6, 2023), with the date on which the Commission would adopt a final rule pursuant to this proposal.

The text of the proposed amendments is available on the Commission's website at https://www.nj.gov/drbc/meetings/proposed/notice_water-reporting.html.

Incorporation by Reference.

The Water Code of the Delaware River Basin, including section 2.50, is incorporated by reference into the Code of Federal Regulations at 18 C.F.R. § 410.

Public Process

Substance of comments. The Commission welcomes and will consider comments that concern the potential impacts of the proposed amendments on the conservation, utilization, development, management and control of the water and related resources of the Delaware River Basin and on public participation in the Commission's water resource management activities. In particular, the Commission seeks comment on the burden the proposed rule would impose on water supply systems serving the public and large customers.

Non-digitized, voluminous materials such as books, journals and collections of documents will not be accepted. Digital submissions of articles and websites must be accompanied by a statement containing citations to the specific findings or conclusions the commenter wishes to reference.

Submission of written comments. Written comments along with any attachments should be submitted through the Commission's web-based comment system (https://drbc.commentinput.com/?id=kciDptC8h) until 5 p.m. on Friday, December 4, 2026. All materials should be provided in searchable formats, preferably in .pdf searchable text. Notably, a picture scan of a document may not result in searchable text. Comments received through any method other than the designated on-line method, including *via* email, fax, postal/delivery services or hand delivery, will not be considered or included in the rulemaking record unless accompanied by a written request for an exception based on lack of access to the web-based comment system. Such requests and accompanying materials may be sent to: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

Public hearing. To ensure an orderly process and to provide access to interested parties regardless of their geographic location, the Commission is conducting its public hearing virtually. Attendance at the hearing is not limited and requires no registration. However, to eliminate uncertainty on the part of attendees about whether they will have an opportunity to provide oral comment, those who wish to speak at a hearing must register in advance to do so, using the

link on the Commission's website. Registrations will be monitored, and if capacity is not adequate to accommodate all who wish to speak, additional opportunities may be added. Key elements of the procedure are as follows:

– Online registration to speak at a public hearing will remain open until 5 p.m. on the day immediately before the hearing date.
– Each person who wishes to provide oral comment may do so at only one public hearing.
– Speaking time will be limited to approximately three minutes per speaker.
– Elected government officials and their staff members will have the opportunity to identify themselves when registering to attend a hearing.
– Attendance at the public hearing is not limited and requires no advance registration.
– Written and oral comments will receive equal consideration.

The Commission appreciates the public's participation and input on this matter.

Translation Services for Rulemaking Materials. The Commission will consider requests for translation of this document and the proposed rule text into languages other than English. To request translation of documents related to this rulemaking, please send an e-mail to translate@drbc.gov. Please specify both the requested language and the requested documents.

More Information. Detailed and up-to-date information about the rulemaking, including proposed rule text, a frequently asked questions document, public notices, and links for submitting written comments and for registering online to speak at the scheduled public hearing can be found on the Commission website, www.drbc.gov.

For the reasons set forth in the preamble, the Delaware River Basin Commission proposes to amend its Water Code (incorporated by reference in the Code of Federal Regulations at 18 C.F.R. Part 410) as set forth below.

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[1] United States Public Law 87-328, Approved Sept. 27, 1961, 75 Statutes at Large 688; 53 Delaware Laws, Ch. 71, Approved May 26, 1961; New Jersey Laws of 1961, Ch. 13, Approved May 1, 1961; New York Laws of 1961, Ch. 148, Approved March 17, 1961; Pennsylvania Acts of 1961, Act. No. 268, Approved July 7, 1961; commonly known as the "Delaware River Basin Compact," and referred to hereinafter as the "Compact."

[2] Delaware River Basin Commission. (June 2026). Water Resources Program FY 2027-2029. Sec. 1.2.2. Available at: https://www.nj.gov/drbc/library/documents/WRPFY27-29.pdf

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 249RFA 11-01-26.pdf

18 CFR Part 410 Basin regulations-Water Code and Administrative Manual Part III Water Quality Regulations

Delaware River Basin Commission
Article 2—Conservation, Development and Utilization of Delaware River Basin Water Resources
[Incorporated By Reference at 18 C.F.R. Part 410]

*[Editor's note: New text appears in **bold face with underscore**, and text to be deleted appears in **[~~bold face and strikethrough~~ within brackets]**.]*

2.50 Water Metering

2.50.1 Definitions. For purposes of this Section 2.50:

A. "Large Customer" means a customer of a "water supply system serving the public" (a "purveyor") as defined herein, that takes 50,000 gallons per day ("gpd") or more as a 30-day average from such purveyor through one or more "proximate connections" as defined herein; provided, however, that for purveyors invoicing only quarterly, for calendar year 2026 and any portion of calendar year 2027 that precedes the effective date of Section 2.50.4 A.1.c. hereof, "large customer" shall mean a customer that purchases 50,000 gpd or more as a 90-day average.

B. "Large Customer Service Data" means the information to be reported annually, as set forth in Section 2.50.4 A.1.c., provided, however, that for any water supply system serving the public (purveyor), as defined herein, that invoices customers on a quarterly basis, the "amount supplied monthly for each of 12 months (MG)" for calendar year 2026 and any portion of calendar year 2027 that precedes the effective date of Section 2.50.4 A.1.c., shall be calculated by dividing the customer's quarterly use by three. After the effective date of Section 2.50.4 A.1.c, the "amount supplied monthly for each of 12 months (MG)" shall mean the actual quantity supplied by month, in millions of gallons.

C. "Proximate connections" means service connections of a water supply system serving the public (purveyor) that may be metered separately but that serve a single customer at a single location, facility, or campus.

D. "Water supply system serving the public" or "purveyor" means any water utility—public or private—that delivers water to customers. The terms "water supply system serving the public" and "purveyor" are used interchangeably throughout Section 2.50.

2.50.**2[1]** **Service Metering** *(Resolution No. 87-7 Revised, amended by Resolution No. 2001-8)*.

A. Owners of water supply systems serving the public (purveyors) in the Basin that distribute water supplies in excess of an average of 100,000 gallons per day during any 30-day period shall install, or require to be installed, water meters incident to the provision or maintenance of service at the retail level.

B. (1) Meters shall be installed so as to record water use at all service connections; (2) water furnished for fire suppression purposes shall be exempt from metering provided that fire suppression (sprinkler) systems are equipped with detector check or flow detection devices; and (3) water removed from fire hydrants shall be exempt from metering unless otherwise required by a purveyor, or state or local government.

C. Water use shall be recorded or measured by means of a metering device that conforms to the performance specifications of the American Water Works Association. Purveyors shall adopt and implement a program for periodic maintenance, calibration, and replacement of meters to ensure meter accuracy.

D. Water charges collected by purveyors shall be based in part on metered usage.

E. It is recommended that, at least once a year, each purveyor: (1) provide each metered residential customer with information on savings available through water conservation; and (2) explain different methods of residential water conservation and their cost-effectiveness, and the availability of water conservation devices.

F. Installation of meters at existing unmetered connections shall be completed within ten years of the effective date of this regulation.

G. To avoid duplication of effort and to insure proper enforcement of this regulation, the Executive Director is hereby authorized to enter into administrative agreements with the Delaware Department of Natural Resources and Environmental Control, New Jersey Department of Environmental Protection, New York Department of Health, Pennsylvania Department of Environmental Protection, and other state agencies where appropriate, authorizing such agencies to administer and enforce the provisions of this regulation to the extent practicable and to adopt such rules and regulations of procedure as may be necessary to insure the proper administration and enforcement of this regulation. In the absence of an administrative agreement, the Commission shall serve as the administration and enforcement agency for this regulation.

2.50.**3[2]** **Source metering, recording and reporting** *(Resolution No. 86-12, amended by Resolution No. 2001-8)*.

A. Each person, firm, corporation, or other entity whose cumulative daily average withdrawal from the surface or ground waters of the Basin from any surface water intake, spring, or well, or any combination of surface water intakes, springs, or wells operated as a system, exceeds 100,000 gallons per day during any 30-day period shall meter or measure and record their withdrawals and report such withdrawals to the designated agency. Withdrawals shall be measured by means of an automatic continuous recording device, flow meter, or other method, and shall be measured to within five percent of actual flow. Exception to the five percent performance standard, but no greater than ten percent, may be granted for surface water withdrawals by the designated agency if maintenance of the five percent performance standard is not technically feasible or economically practicable. Meters or other methods of measurement shall be subject to approval and inspection by the designated agency as to type, method, installation, maintenance, calibration, reading, and accuracy. Withdrawals shall at a minimum be recorded on a daily basis for public water supply use and on a biweekly basis for all other water uses and reported as monthly totals annually. More frequent recording or reporting may be required by the designated agency or the Commission.

B. The following water uses and operations are exempt from the metering or measurement requirements of subsection (A): agricultural irrigation; snowmaking; dewatering incidental to mining and quarrying; and dewatering incidental to construction. Persons engaged in such withdrawals in excess of 100,000 gallons per day during any 30-day period shall record the pumping rates and the dates and elapsed hours of operation of any well or pump used to withdraw water and report such information as required in subsection (A).

C. The following are the designated agencies for the purposes of this regulation: Delaware Department of Natural Resources and Environmental Control; New Jersey Department of Environmental Protection; and Pennsylvania Department of Environmental Protection. The Delaware River Basin Commission shall serve as the designated agency for administering and enforcing this regulation in the New York portion of the Basin.

D. Pursuant to Section 11.5 of the Compact, the designated agencies shall administer and enforce programs for metering, recording and reporting of water withdrawals, in accordance with this regulation and any applicable state regulations.

E. This regulation shall be effective January 1, 1987.

2.50.**4[3]** **Reporting Requirements** *(Resolutions Nos. 2001-8, [**and**] 2009-1**, and 2027- **).*

A. Annual Reporting Requirements.

1. Water Supply Systems Serving the Public. **Subject to Section 2.50.4 B., t[T]**he owner of each water supply system serving the public and **[subject to]required to comply with** subsection 2.50.**2[1],** subsection 2.50.**3[2]**, **[and] or** the Ground Water Protected Area Regulations for Southeastern Pennsylvania shall report the following data on an annual basis to the designated agency.

a. Source Data

i. Withdrawal Data. The following data shall be reported for each withdrawal source separately (i.e., each well or surface water intake):

– Year
– Facility Identification Code (State Code)
– State Permit Number
– Facility Name
– Monthly Withdrawal Amount (MG)

ii. Bulk Purchases from Other Suppliers. The following data shall be reported for each bulk purchase separately:

– Bulk Supplier Name
– Bulk Supplier's Source Name
– Monthly Bulk Purchase Amount (MG)

b. Service Area Data. The following data shall be reported separately for each county served:
i. Service Area Name
ii. Total Annual Water Use by Category (MG). All usage shall be reported according to the following categories:
– Residential metered (including apartment complexes)
– Commercial metered
– Institutional metered
– Industrial metered
– Bulk Sales
– Other metered (Specify)
– Non-revenue water, including unbilled authorized consumption, apparent losses, and real losses computed in accordance with Section 2.1.8 D. of this *Water Code*
– Unaccounted for water (defined as the amount of water entering the distribution system minus the amount of water delivered through service meters)[1]
– Total

c. Large Customer Service Data. Commencing with data for calendar year 2026, the following shall be reported separately for each "large customer" as defined in Section 2.50.1, on a form prescribed by the Executive Director:

– Year
– DRBC Docket Number
– State Permit Number or Facility ID
– Customer Facility ID
– Customer Facility Name
– Amount supplied monthly for each of 12 months (MG)
– Customer type/sector

NAICS code

2. Other Withdrawals. **If a ~~[Each]~~** person, firm, corporation, or **~~[other]~~** entity**~~,~~ other than ~~[except]~~ a** water supply system**~~[s]~~** serving the public **is** subject to **the** requirements **of ~~[under]~~** subsection 2.50.**3~~[2] hereof [and]~~ or to** the Ground Water Protected Area Regulations for Southeastern Pennsylvania**, the entity** shall report the **below ~~[following]~~** data on an annual basis to the designated agency. The data shall be reported for each withdrawal source **~~[separately]~~** (i.e., each well or surface water intake) **separately**. Changes to any other information required **by ~~[under]~~** Section **2.50.4** A. **hereof ~~[above,]~~** shall also be reported. All information required **by ~~[under]~~** Section **2.50.4** A. **~~[above]~~** shall be **~~[completed]~~ reported** for new withdrawals **beginning with ~~[for]~~** the first year of operation.
a. Year
b. Facility Identification Code (State Code)
c. State Permit Number
d. Facility Name
e. Monthly Withdrawal Amount (MG)
f. Evaporative Loss Amount (MG) (if known)
g. Product Use Amount (MG) (if known)
h. Estimated Monthly Wastewater Discharge Amount (MG)

B. **~~[To avoid duplication of effort and to insure proper enforcement of this regulation, the Executive Director is hereby authorized to enter into administrative agreements with the following designated agencies: Delaware Department of Natural Resources and Environmental Control, New Jersey Department of Environmental Protection, New York Department of Health, Pennsylvania Department of Environmental Protection, and other state agencies where appropriate, authorizing such agencies to administer and enforce~~**

~~the provisions of this regulation and to adopt such rules and regulations of procedure as may be necessary to insure proper administration and enforcement of this regulation. In the absence of an administrative agreement, the Commission shall serve as the designated agency. Designated agencies are encouraged to implement and maintain automated data collection and reporting systems to facilitate the efficient transfer of data to the Delaware River Basin Commission. The administrative agreements shall specify the format for data submission.]~~ **To avoid duplication of effort, data to be reported under Section 2.50.4 of the Water Code shall be submitted to the state agency, if any, tasked with implementing and maintaining automated data collection and reporting systems, and which possesses the capability and authority to efficiently transfer these data to the Delaware River Basin Commission. In any instance in which no member state agency performs the necessary data collection and transfer functions, data subject to the Annual Reporting Requirements set forth in Section 2.50.4 A. hereof shall be reported directly to the Delaware River Basin Commission in such manner as the Executive Director may prescribe. Because state agencies and functions may periodically change, the Executive Director shall maintain and make available to all entities subject to the Annual Reporting Requirements of Section 2.50.4 A. an up-to-date list identifying the agency to which required data are to be reported within each member state.**

For the reasons set forth in the preamble, the Delaware River Basin Commission proposes to amend title 18, chapter III, subchapter A of the Code of Federal Regulations as follows:

Part 410-Basin Regulations; Water Code and Administrative Manual—Part III Water Quality Regulations

[Editor's note: New text appears in ***bold face with underscore****, and text to be deleted appears in* ***[~~bold face and strikethrough~~ within brackets]****. Asterisks represent no change to the existing rule text.]*

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§ 410.1 Basin regulations—Water Code and Administrative Manual—Part III Water Quality Regulations.

* * * * *

(c) Work, services, activities and facilities affecting the conservation, utilization, control, development or management of water resources within the Delaware River Basin are subject to regulations contained within the Delaware River Basin Water Code with Amendments through **Effective Date of Final Rule ~~[December 7, 2022]~~**, and the Administrative Manual—Part III Water Quality Regulations with Amendments through December 7, 2022. Both the Delaware River Basin Water Code and the Administrative Manual—Part III Water Quality Regulations are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 C.F.R. part 51. You may obtain or inspect this material at the Delaware River Basin Commission (DRBC), 25 Cosey Road, West Trenton, New Jersey 08628-0360, 609-883-9500, *www.drbc.gov*.

Dated: October 2, 2026.
Naomi Mendelsohn, Esquire
Commission Secretary and Assistant General Counsel.

[1] Further breakdown of unaccounted for water can be provided. For example, estimated fire hydrant use, other unmetered public uses, and leakage losses.

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 and 31 Delaware Code, Section 309(g) (14 **Del.C.** §122 and 31 **Del.C.** §309(g))
14 **DE Admin. Code** 745

PROPOSED

PUBLIC NOTICE

745 Criminal Background Check for Public School Related Employment

A. TYPE OF REGULATORY ACTION REQUIRED
Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION
Pursuant to 14 **Del.C.** §122 and 31 **Del.C.** §309(g), the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 745 Criminal Background Check for Public School Related Employment. The Department reviewed this regulation in compliance with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. The Department made changes to the regulation to clarify processes related to criminal background checks for covered personnel as well as amended to comply with the Delaware Administrative Code Drafting and Style Manual.

This regulation was previously published as proposed on January 1, 2026 and June 1, 2026 in the Register of Regulations. After the last publication, additional substantive amendments were identified as needing inclusion in the regulations. The original amendments and additional amendments are included in this proposed regulation.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at https://de.gov/doeregs by the close of business (4:30 p.m. EST) on or before December 1, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA
1. Will the amended regulation help improve student achievement as measured against state achievement standards? No
2. Will the amended regulation help ensure that all students receive an equitable education? No
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? Yes
4. Will the amended regulation help to ensure that all students' legal rights are respected? Yes.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? No.
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? Yes.
9. Is there a less burdensome method for addressing the purpose of the regulation? No.
10. What is the cost to the State and to the local school boards of compliance with the regulation? Not applicable.

***Please Note:**
(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:
https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 257RFA 11-01-26.pdf

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:
https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 257 11-01-26

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 3001A-3005A (14 **Del.C.** §§3001A-3005A)
14 **DE Admin. Code** 933

PROPOSED

PUBLIC NOTICE

933 DELACARE: Regulations for Early Care and Education and School-Age Centers

A. TYPE OF REGULATORY ACTION REQUIRED
Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION
Pursuant to 14 **Del.C.** §§3001A-3005A(a), the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 933 DELACARE: Regulations for Early Care and Education and School-Age Centers. The Department reviewed this regulation in compliance with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. The Department made significant changes to the regulation as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual.*

Delaware currently requires early care and education and school-age centers and public and private school programs serving children younger than kindergarten to be licensed as authorized in the 14 **Del.C.** §§3001A-3005A, also known as "The Delaware Child Care Act." The licensing law defines the type of facilities that the State regulates and gives the authority to "prescribe reasonable standards" and "license these [facilities]" to the Office of Child Care Licensing (OCCL). The purpose of the law is to protect the health, safety, and well-being of the children who receive care in out-of-home settings. Early care and education and school-age centers must meet the requirements of these regulations in order to operate.

While creating these regulations, OCCL considered the following: comments from current family and large family child care providers and stakeholders; the Delaware Association for the Education of Young Children (deaeyc) feedback; the Division of Public Health (DPH)'s and other state agencies' regulations; the requirements of the Child Care Development Block Grant Act; new legislation; licensing regulations of other states; and current research in child development, early care and education, school-age care, health, safety, and nutrition standards applicable to early care and education and school-age centers.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at https://de.gov/doeregs by the close of business (4:30 p.m. EST) on or before December 1, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA
1. Will the amended regulation help improve student achievement as measured against state achievement standards? Yes.
2. Will the amended regulation help ensure that all students receive an equitable education? Yes.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? Yes.
4. Will the amended regulation help to ensure that all students' legal rights are respected? Yes.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Not applicable.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? No.
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? Yes.
9. Is there a less burdensome method for addressing the purpose of the regulation? No.
10. What is the cost to the State and to the local school boards of compliance with the regulation? Not applicable.

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 258RFA 11-01-26.pdf

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 258 11-01-26

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 3001A-3005A (14 **Del.C.** §§3001A-3005A)
14 **DE Admin. Code** 934

PROPOSED

PUBLIC NOTICE

934 Regulations for Family and Large Family Child Care Homes

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §§3001A-3005A(a), the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 934 Regulations for Family and Large Family Child Care Homes. The Department reviewed this regulation in compliance with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. The Department made significant changes to the regulation as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual.*

The Delaware General Assembly recognized the need for protecting children receiving care outside their own homes as early as 1915. Delaware currently requires family child care homes and large family child cares to be licensed as authorized family child care home or large family child care must meet the requirements of these regulations in order to operate.

While creating these regulations, OCCL considered the following: comments from current family and large family child care providers and stakeholders; the Delaware Association for the Education of Young Children (deaeyc) feedback; the Division of Public Health (DPH)'s and other state agencies' regulations; the requirements of the Child Care Development Block Grant Act; new legislation; licensing regulations of other states; and current research in child development, early care and education, school-age care, health, safety, and nutrition standards applicable to family and large family child care.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at https://de.gov/doeregs by the close of business (4:30 p.m. EST) on or before December 1, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a

copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? Yes.
2. Will the amended regulation help ensure that all students receive an equitable education? Yes
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? Yes.
4. Will the amended regulation help to ensure that all students' legal rights are respected? Yes.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Not applicable.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? No.
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? Yes.
9. Is there a less burdensome method for addressing the purpose of the regulation? No.
10. What is the cost to the State and to the local school boards of compliance with the regulation? Not applicable.

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 259RFA 11-01-26.pdf

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 259 11-01-26

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 2901 (14 **Del.C.** §2901)
14 **DE Admin. Code** 1150

PROPOSED

PUBLIC NOTICE

1150 School Transportation

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §2901, the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 1150 School Transportation. The Department reviewed this regulation in compliance with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. The Department made changes to the regulation to clarify requirements related to medical reviews as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual*. The Department shared the recommended amendments with the DMV Director.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at https://de.gov/doeregs by the close of business (4:30 p.m. EST) on or before December 1, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a

copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No
2. Will the amended regulation help ensure that all students receive an equitable education? No
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? Yes
4. Will the amended regulation help to ensure that all students' legal rights are respected? Yes.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? No.
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? Yes.
9. Is there a less burdensome method for addressing the purpose of the regulation? No.
10. What is the cost to the State and to the local school boards of compliance with the regulation? Not applicable.

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 260RFA 11-01-26.pdf

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 260 11-01-26

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1204(a), 1205(b), and 1216A(a)(1) (14 **Del.C.** §§1203, 1204(a), 1205(b) & 1216A(a)(1))

14 **DE Admin. Code** 1517

PROPOSED

PUBLIC NOTICE

1517 Paraeducator Permit

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1203, 1204(a), 1205(b), and 1216A(a)(1), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1517 Paraeducator Permit. The regulation concerns the requirements for a Paraeducator Permit in accordance with 14 **Del.C.** §1216A(a)(1). The proposed amendments in this regulation include, in Section 2.0, deleting the definition of "Standards Board" to eliminate a redundant phrase; amending subsection 4.1.2 to amend a passing score, and subsequent renumbering; renumbering in Section 5.0; adding Section 7.0 outlining the requirements for a Partner Language Immersion Instructional Paraeducator Permit with subsequent renumbering of the following Sections; adding subsection 9.3.3.3 clarifying credentials earned from institutions located outside of the United Stated; combining subsections 14.1 and 14.3 for clarity. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual,* and to maintain consistency with other regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at https://de.gov/doeregs by the close of business (4:30 p.m. EST) on or before December 1, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Sections 4.0, 5.0, 6.0 and 7.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Sections 4.0, 5.0, 6.0 and 7.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 9.0 and the renewal requirements in Section 11.0 apply to individual applicants. In addition, the requirements in Section 11.0 apply to individual applicants and educators.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 **Del.C.** Ch. 12 relating to the permitting of paraeducators.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There is no expected cost to the state and to the local school boards of complying with this amended regulation.

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 261RFA 11-01-26.pdf

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 261 11-01-26

DEPARTMENT OF FINANCE

OFFICE OF THE STATE LOTTERY

Statutory Authority: 29 Delaware Code, Section 4805 (29 **Del.C.** §4805)
10 **DE Admin. Code** 203

PROPOSED

PUBLIC NOTICE

203 Video Lottery and Table Game Regulations

A. Type of Regulatory Action Required
Amendment to Existing Regulations

B. Synopsis of Subject Matter of the Regulation
Pursuant to 29 **Del.C.** §4805, the Delaware State Lottery proposes to amend 10 **DE Admin. Code** 203 Video Lottery and Table Game Regulations. The Delaware State Lottery will seek public comments on the issue of whether certain amendments to its current regulation should be adopted.

The proposed amendments are to subsections 4.4.2.4, 4.7.1,4.7.2, 6.3, 6.34.1, 6.34.2, 7.15.5.2, 7.15.6.2.4, 7.16.1.1, 7.18.6, 9.3 10.1, 10.2.8, 10.3, 10.4, 16.2.3.2 and 20.6.3 in 10 DE Admin. Code 203.

The amendment to these subsections will update, simplify and clarify current regulations and are primarily administrative in nature.

Persons wishing to present their views regarding this matter may do so by submitting written comments by the close of business on or before December 1, 2026, at the offices of the Delaware State Lottery, Attn: Linda Velott, 1575 McKee Road, Suite 102, Dover, DE 19904.

A copy of these regulations is available at the Delaware State Lottery office at the same address above. Copies are also published online at the Register of Regulations website: https://regulations.delaware.gov/register/current_issue.shtml.

C. Summary of Proposal
The first proposed amendment is to subsection 4.4.2.4 and increases the beneficial owner percentage from 5% to 10% outstanding voting securities to align this with gaming vendors.

The second proposed amendment is to subsection 4.7.1 and 4.7.2 increases the annual transaction threshold for excursion providers to $400,000 with a single agent and $750,000 with multiple agents to minimize the number of excursion vendors required to be licensed.

The third proposed amendment is to subsections 6.3, 6.34.1, 6.34.2, 7.15.5.2, 7.15.6.2.4, 7.18.6, 10.2.8, and 16.2.3.2 and removes the DGE from these subsections as they are no longer involved in these procedures.

The fourth proposed amendment is to subsection 7.16.1.1 and removes the requirement for agents to acknowledge in writing.

The fifth proposed amendment is to subsection 10.1, 10.3 and 10.4 and clarifies shipping requirements for video lottery machines into and out of the state.

The sixth proposed amendment is to subsection 20.6.3 and removes the requirement of two content keys for drop boxes to align with current practices.

The seventh proposed amendment is to subsection 9.3 and clarifies who should be making entries in the MEAL log.

Additional revisions are technical and style changes consistent with the Delaware Administrative Code Drafting and Style Manual.

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 263RFA 11-01-26.pdf

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 263 11-01-26

OFFICE OF THE STATE LOTTERY

Statutory Authority: 29 Delaware Code, Section 4805 (29 **Del.C.** §4805)
10 **DE Admin. Code** 205

PROPOSED

PUBLIC NOTICE

205 Charitable Video Lottery Rules and Regulations

A. Type of Regulatory Action Required
Amendment to Existing Regulations

B. Synopsis of Subject Matter of the Regulation
Pursuant to 29 Del.C. §4805, the Delaware State Lottery proposes to amend 10 **DE Admin. Code** 205 Charitable Video Lottery Regulations. The Delaware State Lottery will seek public comments on the issue of whether certain amendments to its current regulation should be adopted.

The proposed amendments are to subsections 4.11.1, 5.1.7, 5.1.17 and 6.2 in 10 DE Admin. Code 205.

The amendment to these subsections will update, simplify and clarify current regulations and are primarily administrative in nature.

Persons wishing to present their views regarding this matter may do so by submitting written comments by the close of business on or before December 1, 2026, at the offices of the Delaware State Lottery, Attn: Linda Velott, 1575 McKee Road, Suite 102, Dover, DE 19904.

A copy of these regulations is available at the Delaware State Lottery office at the same address above. Copies are also published online at the Register of Regulations website: https://regulations.delaware.gov/register/current_issue.shtml.

C. Summary of Proposal
The first proposed amendment is to subsection 4.11.1 and 5.1.17 are language updates, removing the and/or language.

The second proposed amendment is to subsection 5.1.7 and removes the requirement to prohibit self-barred casino players from the premises.

The third proposed amendment is to subsection 6.2 and removes the requirement to prohibit self-barred casino players from claiming prizes or winnings.

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 264RFA 11-01-26.pdf

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 264 11-01-26

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 14000

PROPOSED

PUBLIC NOTICE

14000 Medicaid General Eligibility Requirements

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM) regarding 14000 Medicaid General Eligibility Requirements, specifically, to comply with federal regulations.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: 14000 Medicaid General Eligibility Requirements

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM) regarding 14000 Medicaid General Eligibility Requirements.

Statutory Authority

•HR1: The Working Families Tax Cut Legislation (Public Law 119-21)

•State Health Official (SHO) Letter: Implementation of Section 71107 Implementation of Eligibility Determinations

Background

This amendment updates Medicaid renewal requirements for individuals enrolled in the Adult Expansion Group. Beginning in 2027, these individuals will have their Medicaid eligibility renewed every six months instead of every 12 months, as required by federal law. Certain American Indian and Alaska Native individuals who meet the federal exclusion from the six-month renewal requirement will continue to have their eligibility renewed every 12 months. There are October amendments for this regulation and they are not impacted by these November proposed amendments.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend 14000 Medicaid General Eligibility Requirements to comply with federal law and regulations.

Summary of Proposed Changes

Effective January 1, 2027, the DHSS/DMMA proposes to amend the Division of Social Services Manual (DSSM) regarding 14000 Medicaid General Eligibility Requirements.

Public Notice

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an

opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on December 1, 2026.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and provide other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website**:** https://medicaid.dhss.delaware.gov/provider

Fiscal Impact

There is no anticipated fiscal impact.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 265RFA 11-01-26.pdf

14000 Medicaid General Eligibility Requirements

(Break in Continuity of Sections)

14100.6 ~~Annual~~ Renewal of Eligibility Process

42 CFR 435.916

~~The eligibility of~~ For all Medicaid ~~beneficiaries must be renewed once every 12 months and no more frequently than once every 12 months. The~~ renewals, the agency will ~~redetermine~~ first attempt to renew eligibility without ~~requiring~~ requesting information from the ~~individual if able to do so based on~~ individual. The agency will use reliable information contained in the individual's record or ~~other~~ more current information available to the agency. Information available to the agency includes but is not limited ~~to~~ to, information accessed through the electronic data sources described in DSSM ~~14800 - Verifications~~14800, Verification of Factors of Eligibility.

If the agency is able to renew eligibility ~~based on the~~ using available information, the agency will notify the individual of:

- ~~The~~ the eligibility determination and the information used for the determination; and
- ~~The~~ the individual's responsibility to ~~inform the agency if~~ report any ~~of the~~ information ~~contained~~ in the ~~agency's~~ notice that is ~~inaccurate~~incorrect. ~~The individual may report this information via the agency's Application for Social Service and Internet Screening Tool (ASSIST) self-service Internet web site, by telephone, via mail, in person with reasonable accommodations for those with disabilities as defined by the Americans with Disabilities Act (ADA), and through other commonly available electronic means.~~

If the agency cannot renew eligibility ~~as described above~~using available information, the agency will ~~provide~~ send the individual ~~with~~ a pre-populated renewal form. The ~~pre-populated renewal~~ form will ~~contain~~ include information available to the agency ~~about factors of eligibility~~ within the client's case. The renewal form will also include ~~basic~~ screening questions ~~necessary~~ needed to ~~indicate potential eligibility on a basis other than modified adjusted gross income (MAGI).~~determine whether the individual may qualify for a different Medicaid eligibility pathway.

The individual will ~~be given~~have 30 days to complete and return the renewal form, plus 5 days for mail processing. The agency will allow a total of 35 days from the date of the renewal ~~form~~ notice before taking action for failure to respond. The individual must provide any additional information ~~requested and~~ requested, sign and return the renewal form. The ~~request for additional information from the individual~~ agency will ~~be limited to~~ request only the information needed to ~~renew eligibility. The individual may return the additional information and~~ complete the renewal ~~form through any of the submission modes described above~~.

If the individual does not ~~respond to~~ return the renewal form ~~and provide the additional~~ or requested information ~~requested~~ and Medicaid eligibility is terminated ~~on that basis~~, for failure to respond, the agency will reconsider eligibility ~~can be reconsidered~~ if the individual responds within 90 days after the date of termination. The individual is not required to submit a new application. Coverage may extend back to the date of termination provided the individual is found eligible as described in DSSM 14920 - Retroactive Coverage.

~~The~~ Before terminating Medicaid eligibility, the agency will consider eligibility under all other Medicaid categories ~~of eligibility prior to a termination of eligibility~~ as described in ~~DSSM 14100.5 -~~ Section 14100.5, Determination of Eligibility. The frequency of a Medicaid renewal depends on the individual's eligibility group or coverage period which are generally either 6-month or 12-month periods. Specific sections for each program should be reviewed to determine the frequency of renewals for that program.

***Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:**

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 265 11-01-26

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 15000

PROPOSED

PUBLIC NOTICE

15000 Family and Community Medicaid Eligibility Groups

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM) regarding 15000 Family and Community Medicaid Eligibility Groups, specifically, to comply with federal regulations.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: 15000 Family and Community Medicaid Eligibility Groups

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM) regarding 15000 Family and Community Medicaid Eligibility Groups.

Statutory Authority

•HR1: The Working Families Tax Cut Legislation (Public Law 119-21)

•State Health Official (SHO) Letter: Implementation of Section 71107 Implementation of Eligibility Determinations

Background

This amendment updates Medicaid renewal requirements for individuals enrolled in the Adult Expansion Group. Beginning in 2027, these individuals will have their Medicaid eligibility renewed every six months instead of every 12 months, as required by federal law. Certain American Indian and Alaska Native individuals who meet the federal exclusion from the six-month renewal requirement will continue to have their eligibility renewed every 12 months.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend 15000 Family and Community Medicaid Eligibility Groups to comply with federal law and regulations.

Summary of Proposed Changes

Effective January 1, 2027, the DHSS/DMMA proposes to amend the Division of Social Services Manual (DSSM) regarding 15000 Family and Community Medicaid Eligibility Groups.

Public Notice

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on December 1, 2026.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and provide other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website**:** https://medicaid.dhss.delaware.gov/provider

Fiscal Impact

There is no anticipated fiscal impact.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 267RFA 11-01-26.pdf

15000 Family and Community Medicaid Eligibility Groups

(Break in Continuity of Sections)

15400 Adult Group

This section describes the eligibility requirements for the Adult Group.

15400.1 Definitions

The following words and terms, when used in the context of these policies, will have the following meaning unless the context clearly indicates otherwise:

"**Minimum essential coverage**" means coverage defined in section 5000A(f) of subtitle D of the Internal Revenue Code, as added by section 1401 of the Affordable Care Act, and implementing regulations of such section issued by the Secretary of the Treasury. Minimum essential coverage includes any of the following:

- Medicare Part A;
- Medicaid;
- Children's Health Insurance Program (CHIP);
- Medical coverage under chapter 55 of Title 10, United States Code, including coverage under the TRICARE program;
- a health care program under chapter 17 or 18 of Title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary of the Treasury;
- a health plan under section 2504(e) of Title 22, United States Code (relating to Peace Corps volunteers);
- The Nonappropriated Fund Health Benefits Program of the Department of Defense, established under section 349 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 United States Code 1587 note).

15400.2 Adult Group General Eligibility Requirements

An adult must meet the general eligibility requirements described in Section 14000.

15400.3 Technical Eligibility

An adult must:

a) be age 19 or older and under age 65;
b) not be pregnant;
c) not be entitled to or enrolled in Medicare Part A or B;

d) not be eligible under the following mandatory groups – Supplement Security Income (SSI) and related groups, Parent/Caretaker Relative, Transitional, Prospective, Pregnant Woman, Deemed Newborn, Children, Former Foster Child, or Title IV-E Foster Children.

A parent or caretaker relative living with a dependent child as defined in Section 15100.1 shall not be eligible in the Adult Group unless the child is enrolled in minimum essential coverage.

15400.4 Financial Eligibility

Financial eligibility is determined using the modified adjusted gross income (MAGI) methodologies in Section 16000. Household income must not exceed 133% of the Federal Poverty Level (FPL).

15400.5 Renewal Frequency

Medicaid eligibility is renewed once every 6 months. The 6-month renewal requirement applies to individuals in the Adult Expansion Group even if they are not required to meet the Medicaid Work and Community Engagement requirements.

Exception: Any American Indians and Alaska Natives described in section 1902(xx)(9)(A)(ii)(II) of the Social Security Act will be renewed every 12 months and not subject to 6-month renewals.

***Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:**

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 267 11-01-26

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

PROPOSED

PUBLIC NOTICE

Biomarkers

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Title XIX Medicaid State Plan regarding Biomarkers, specifically, to provide coverage for biomarker testing when the test is supported by medical and scientific evidence.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: Biomarkers

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Title XIX Medicaid State Plan regarding laboratory services.

Statutory Authority

•42 CFR 440.30

Background

Governor Matt Meyer signed SS1 for SB120 into law which requires that individual, group, State employee, and public assistance insurance plans, including Medicaid, provide coverage for biomarker testing, when the test is supported by medical and scientific evidence. This SPA provides alignment with the state law on when Medicaid will support biomarker testing.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to clarify coverage for biomarker testing when the test is supported by medical and scientific evidence.

Summary of Proposed Changes
Effective January 1, 2028, the DHSS/DMMA proposes to amend the Title XIX Medicaid State Plan to clarify coverage for biomarker testing.
Public Notice
In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on December 1, 2026.
Centers for Medicare and Medicaid Services Review and Approval
The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.
Provider Manuals and Communications Update
Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and provide other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website**:** https://medicaid.dhss.delaware.gov/provider

Fiscal Impact

	Federal Fiscal Year 2028	Federal Fiscal Year 2029
General (State) funds	$235,607	$317,284
Federal funds	$358,310	$482,524

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**
https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 269RFA 11-01-26.pdf

Biomarkers

***Please Note: Due to the formatting of certain amendments to the regulation, they are not being published here. Copies of the documents are available at:**

https://regulations.delaware.gov/register/November2026/88F46127-3280-48EE-9FB3-142442AA82EC

https://regulations.delaware.gov/register/November2026/124CFC11-5DCD-4064-8D99-73421BA3B06C

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

PROPOSED

PUBLIC NOTICE

CHIP Alien Changes

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Title CHIP XXI State Plan regarding CHIP Alien Changes, specifically, to comply with federal regulations.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: CHIP Alien Changes

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Title CHIP XXI State Plan regarding CHIP Alien Changes.

Statutory Authority

•HR1: The Working Families Tax Cut Legislation (Public Law 119-21)

•State Health Official (SHO) Letter: Implementation of Section 71109 “Alien Medicaid Eligibility” of the Working Families Tax Cut Legislation (Public Law 119-21)

Background

Beginning October 1, 2026, sections 1903(v)(5) and 2107(e)(1)(R) of the Social Security Act (the Act), as added and amended, respectively, by section 71109 of the WFTC legislation, generally limit federal financial participation (FFP) for medical assistance (Medicaid) and child or pregnancy-related health assistance (CHIP), with limited exceptions, to U.S. citizens and U.S. nationals, lawful permanent residents (LPRs), Cuban/Haitian entrants, and Compact of Free Association (COFA) migrants. As such, full Medicaid coverage will only be permitted to non -U.S. citizens or nationals, who have one of the following immigration statuses:

•Lawful Permanent Resident (green card holder), who:

-Has completed your five-year waiting period, or

-Has an immigration status that did not require the five-year waiting period.

•Cuban or Haitian entrant.

•COFA migrant, who are citizens of the Marshall Islands, Micronesia, or Palau living in the United States under the Compact of Free Association.

These changes will not impact lawfully residing children under the age of 21 and pregnant women who are eligible under Delaware's CHIPRA 214 option.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend CHIP Alien Changes to comply with federal regulations.

Summary of Proposed Changes

Effective October 1, 2026, the DHSS/DMMA proposes to amend the Title CHIP XXI State Plan regarding CHIP Alien Changes.

Public Notice

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on December 1, 2026.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and provide other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website**:** https://medicaid.dhss.delaware.gov/provider

Fiscal Impact
This change will result in a cost avoidance therefore there is no fiscal impact.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**
https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 270RFA 11-01-26.pdf

CHIP Alien Changes

***Please Note: Due to the formatting of certain amendments to the regulation, they are not being published here. A copy of the document is available at:**

https://regulations.delaware.gov/register/November2026/814646AA-E1E5-481F-A87F-54FD823C70B1

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

PROPOSED

PUBLIC NOTICE

Diamond State Health Plan 2026 Quality Strategy

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Diamond State Health Plan Medicaid Managed Care Strategy, regarding 2026 Quality Strategy, specifically, to serve as a roadmap for Delaware on our contracted health plans and assessing the quality of care that beneficiaries receive while setting forth measurable goals and targets for improvement.
Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: Diamond State Health Plan 2026 Quality Strategy
The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL
The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Diamond State Health Plan Medicaid Managed Care Strategy, regarding 2026 Quality Strategy.

Statutory Authority
•42 CFR 438.340(b)
Background
Federal regulations at 42 CFR 438.340(b) lay the groundwork for the development and maintenance of a quality strategy to assess and improve the quality of managed care services offered within a state. This quality strategy is intended to serve as a blueprint or road map for states and their contracted health plans in assessing the quality of care that beneficiaries receive, as well as for setting forth measurable goals and targets for improvement

Each state contracting with a managed care organization (MCO) and/or prepaid inpatient health plan (PIHP) must obtain input from beneficiaries and other key stakeholders in the development of the quality strategy and make the quality strategy available for public comment before adopting it in final.

In accordance with 42 CFR 438.340, at a minimum, all quality strategies must include:

- The MCO and PIHP contract provisions that incorporate the standards of Part 438, subpart E;
- Procedures that assess the quality and appropriateness of care and services furnished to all Medicaid enrollees under the MCO and PIHP contracts, and to individuals with special health care needs;
- Procedures that identify the race, ethnicity, and primary language spoken of each Medicaid enrollee;
- Procedures that regularly monitor and evaluate the MCO and PIHP compliance with the standards of Part 438, subpart D
- Arrangements for annual, external independent reviews of the quality outcomes and timeliness of, and access to, the services covered under each MCO and PIHP contract;
- For MCOs, appropriate use of intermediate sanctions that, at a minimum, meet the requirements of subpart I of this Part 438;
- An information system that supports initial and ongoing operation and review of the State's quality strategy; and
- Standards, at least as stringent as those in Part 438, subpart D, for access to care, structure and operations, and quality measurement and improvement.

Based on our recent priorities and the healthcare environment after the COVID-19 pandemic, DMMA has modified its quality goals;
- Improve Maternal and Infant Health,
- Improve Chronic Condition Management,
- Reduce Communicable Diseases,
- Improve Behavioral Health Condition Identification and Management, and
- Improve Member Experience of Care.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to serve as a roadmap for Delaware on our contracted health plans and assessing the quality of care that beneficiaries receive while setting forth measurable goals and targets for improvement.

Summary of Proposed Changes

Effective December 31, 2026, the DHSS/DMMA proposes to amend the Diamond State Health Plan Medicaid Managed Care Strategy to serve as a roadmap for Delaware on our contracted health plans and assessing the quality of care that beneficiaries receive while setting forth measurable goals and targets for improvement, regarding 2023 Quality Strategy.

Public Notice

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on December 1, 2026.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and provide other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website**:** https://medicaid.dhss.delaware.gov/provider

Fiscal Impact

There is no anticipated fiscal impact.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 272RFA 11-01-26.pdf

Diamond State Health Plan 2026 Quality Strategy

***Please Note: Due to the formatting of certain amendments to the regulation, they are not being published here. A copy of the document is available at:**

https://regulations.delaware.gov/register/November2026/3A9886CA-599E-4274-B73B-A2FCCCCCDCC6

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

PROPOSED

PUBLIC NOTICE

Gender Affirming Care

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Title XIX Medicaid State Plan regarding Gender Affirming Care, specifically, to comply with federal regulations.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: Gender Affirming Care

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Title XIX Medicaid State Plan regarding Gender Affirming Care.

Statutory Authority

- Prohibition on Federal Medicaid and Children's Health Insurance Program Funding for Sex-Rejecting Procedures Furnished to Children (CMS-2451-F)
- 42 § 441.80

Background

On August 13, 2026, CMS published the final rule titled Medicaid Program; Prohibition on Federal Medicaid and Children's Health Insurance Program Funding for Sex-Rejecting Procedures Furnished to Children (CMS-2451-F). The final rule amends Medicaid regulations at 42 CFR part 441, adding new subpart N. These regulations prohibit the use of Federal Medicaid dollars to fund sex-rejecting procedures for children under the age of 18.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend gender affirming care to comply with federal regulations.

Summary of Proposed Changes

Effective October 13, 2026, the DHSS/DMMA proposes to amend the Title XIX Medicaid State Plan regarding gender affirming care.

Public Notice

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on December 1, 2026.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.
Provider Manuals and Communications Update
Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and provide other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website**:** https://medicaid.dhss.delaware.gov/provider

Fiscal Impact
There is no anticipated fiscal impact as this is a cost avoidance.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**
https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 274RFA 11-01-26.pdf

Gender Affirming Care

***Please Note: Due to the formatting of certain amendments to the regulation, they are not being published here. A copy of the document is available at:**

https://regulations.delaware.gov/register/November2026/269939A3-AAFE-4C24-86A3-54C31DE1C6E4

DIVISION OF PUBLIC HEALTH
Statutory Authority: 16 Delaware Code, Section 223 (16 **Del.C.** §223)
16 **DE Admin. Code** 4109

PROPOSED

PUBLIC NOTICE

4109 Autism Surveillance and Registration Program

Pursuant to 16 **Del.C.** §223, the Department of Health and Social Services, Division of Public Health, Family Health Systems and Management Section, is proposing to repeal the regulation governing the Autism Surveillance and Registration Program (16 **DE Admin. Code** 4109).

House Bill 500 as amended by House Amendment No. 1 (74 **Del. Laws**, c. 387, signed July 19, 2004), created the autism and surveillance system and registry for the State of Delaware, to ensure an accurate and continuing source of data concerning autism. It was intended that the product of these efforts would be a central data bank of accurate, precise, and current information regarding all autism diagnosed or treated, or both, in Delaware. The Autism Surveillance and Registration Program was implemented in a passive approach, and the data collected is not used for analysis or review. The Division of Public Health's current strategy regarding autism is to promote awareness and encourage appropriate screenings.

House Bill 424 (85 **Del. Laws**, c. 400, signed July 23, 2026), repeals the Autism Surveillance and Registration Program and requires that protected health information collected at an individual level to be expunged under statutory confidentiality requirements. The proposed repeal of 16 **DE Admin. Code** 4109 is in alignment with this legislative action.
Copies of the proposed repealed regulation are available for review in the November 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: https://regulations.delaware.gov or by calling the Division of Public Health at 302-424-7159.

Public comments will be accepted until 4:30 PM on December 1, 2026. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

Vicki Schultes, Hearing Officer
Division of Public Health
253 N.E. Front Street
Milford, DE 19963

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**
https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 275RFA 11-01-26.pdf

4109 Autism Surveillance and Registration Program

~~**1.0 Purpose**~~

~~1.1 Autism is a severe neurodevelopmental disorder whose prevalence appears to be increasing in Delaware and across the United States. An Autism Surveillance and Registration, or an Autism Registry, will enable the Department of Health & Social Services (DHSS), Division of Public Health (DPH) to collect basic descriptive information on the individuals with autism, to track changes in prevalence over time, to inform the planning of service delivery to children with autism and their families, and to facilitate autism research.~~

~~1.2 The purpose of the Autism Registry is to provide an accurate and continuing source of data concerning autism to provide information to Public Health officials to help to ultimately decrease the autism morbidity burden associated with the disorder. The Autism Registry will gather data to assist with: prevalence estimation, cluster investigation, risk factor identification, and outcome assessment.~~

~~1.3 The usefulness of the data collected in the Autism Registry will depend upon the full and accurate reporting of the confirmed diagnosis of autism by health care practitioners, hospitals, and clinical laboratories.~~

~~1.4 The Autism Registry will be a separate component of the Newborn Screening Management System.~~

~~**2.0 Definitions**~~

~~The following words shall have the meanings indicated:~~

~~**"Autism"** means any structural or biochemical abnormality, regardless of cause, diagnosed at any time before or after birth, that requires medical or surgical intervention or that interferes with normal growth or development. Reportable autism diagnoses are listed in Appendix A of these Regulations.~~

~~**"Confirmed Autism or Diagnosed Autism"** means an abnormality characterized by each of the following symptoms:~~

~~Impaired social behavior:~~

~~marked impairment in the use of multiple nonverbal behaviors, such as eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction~~

~~failure to develop peer relationships appropriate to developmental level~~

~~a lack of spontaneous seeking to share enjoyment, interest, or achievements with other people (e.g., by a lack of showing, bringing, or pointing out objects of interest)~~

~~lack of social or emotional reciprocity~~

~~Abnormal development of communication skills:~~

~~delay in, or total lack of, the development of spoken language (not accompanied by an attempt to compensate through alternative modes of communication such as gesture or mime)~~

~~in individuals with adequate speech, marked impairment in the ability to initiate or sustain a conversation with others~~

~~stereotyped and repetitive use of language or idiosyncratic language~~

~~lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental level~~

~~Lack of awareness of the need for emotional support and little emotional response to family members:~~

~~encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus~~

~~apparently inflexible adherence to specific, nonfunctional routines or rituals~~

~~stereotyped and repetitive motor mannerisms (e.g., hand or finger flapping or twisting or complex whole-body movements)~~

~~persistent preoccupation with parts of objects~~

~~**"Division"** refers to the Division of Public Health under the Department of Health and Social Services.~~

"Infant" refers to a newborn from birth to 1 year of age.

"Registry" means a central data bank containing collected, classified, coded, and sorted data relating to confirmed autism in children from birth through age 17, as reported by health care practitioners, hospitals and clinical laboratories.

"Surveillance" means the process of identifying and investigating confirmed autism in children under age 18.

"Suspected Autism" is a term used for an infant or young child who is showing some developmental variations that do not meet the criteria for autism but whose variations have been shown to be associated with a risk of eventually developing all of the traits of autism.

3.0 Reporting Requirements

The provisions of this section shall apply to the Delaware Health and Social Services, Division of Public Health, Autism Registry:

3.1 The registry shall collect information on any child under the age eighteen (18) who is a resident of the state of Delaware, or whose parent is a resident of Delaware, and who is diagnosed at any time prior to age eighteen (18) as having confirmed autism. For the purposes related to the registry the Department shall have access to any medical record of the child with confirmed autism.

3.2 The Department shall have access to information in the medical records of children with suspected autism. On request of the Department all mandated reporting sources should identify children who have suspected autism. The Department shall have access to records of such children.

3.3 Any diagnosis of confirmed autism shall be reported for all infants and children up to age 18, including those who have since died (if the data is still available).

3.4 For purposes of these reporting requirements, reportable diagnoses are those diagnoses, from the International Classification of Diseases (ICD) and DSM IV as listed in Appendix A of these regulations; as well as the 6-digit modified Pediatric Association system (BPA/ICD-9). The reportable diagnoses listed in Appendix A may be revised, upon notice, to reflect changes in publications accepted for use by the Centers for Disease Control and Prevention.

3.5 The following persons and organizations are required to report occurrences of autism within 30 days of diagnosis to the Division of Public Health.

3.5.1 Any physician, surgeon, dentist, podiatrist, or other health care practitioner who diagnoses a child with autism under age 18 who is not known to be previously reported. Other health care practitioners will include but not be limited to: psychiatrists, clinical and school psychologists, speech and language pathologists, licensed clinical social workers, and nurses including school nurses;

3.5.2 The designated representative of any clinical laboratory conducting assessment, evaluation or research that performs any test which identifies a child or children under age 18 with confirmed autism not known to be previously reported; and

3.5.3 The designated representative of any hospital that diagnoses a child or children under age 18 with confirmed autism.

3.6 The administrative officer of every health care facility shall be responsible for establishing reporting procedures at that facility, using the identified Autism Registry Reporting Form. Reporting procedures must ensure that, on the effective date of these regulations, each child up to the age of 18 diagnosed as having confirmed autism or currently under care with a diagnosis of confirmed autism must be reported to the Division.

3.7 Reporting sources shall complete the Division of Public Health Autism Surveillance Form for each reported case, and forward the completed form to the Division of Public Health Director or designee within 30 days of the diagnosis.

4.0 Follow-up Information from Reporting Sources

Any follow-up information, including family, physician, hospital or clinical laboratory contact deemed necessary by the Department, shall be submitted to the Department at least 1 time each year by those required to report occurrences of autism. The required follow-up information for the Autism Surveillance and Registry system will be sent to the same address as the Autism Registry Report Form.

5.0 Exemption Based on Religious Grounds

5.1 The provisions of these regulations shall not apply to any person or private institution that, as an exercise of religious freedom, treats the sick or suffering by spiritual means through prayer alone.

5.2 A parent, custodian or guardian of an infant having uatism may refuse disclosure to surveillance system and registry of the infant's name and identifying information on the grounds that such autism identificatin is contrary to the religious tents and practices of the infant's parent, custodian or guardian.]

6.0 Confidentiality of Reports

6.1 No report of a diagnosis or treatment of confirmed autism received by the Division shall be disclosed in such a way as to identify the child who is the subject of the report, or as to identify the child's family. However, patient-identifying information may be exchanged among authorized entities as approved by the Department and upon receipt by the Department of satisfactory assurances by those entities of the preservation of the confidentiality of such information. Those entities will maintain the confidentiality of any information exchanged for the purpose of delivery of program services, evaluation, early intervention and epidemiological investigation.

6.2 No individual or organization providing information pursuant to these regulations shall be held liable for divulging such information to the Division.

6.3 Inclusion on the registry does not determine the eligibility for services through any state agency.

7.0 Penalties

Any person or organization required to report the diagnosis or treatment of confirmed autism pursuant to these regulations, and who violates these regulations, shall be subject to a fine of up to $100 for each violation, pursuant to 16 **Del.C.** 226. Justices of the Peace Courts have jurisdiction over such violations.

8.0 Severability

In the event any particular clause or section of the regulations should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effective.

APPENDIX A

DELAWARE AUTISM REGISTRY REPORTABLE DIAGNOSES

Broad Categories	**Specific Categories**	**Codes**
Autism spectrum disorder (ASD)	**ICD-9**	
	Infantile autism	299.0
	Infantile autism, active state	299.00
	Infantile autism, residual state	299.01
	DSM-IV	
	Autistic disorder	299
	Childhood disintegrative disorder	299.1
	Rett's Disorder	299.8
	Asperger's Disorder	299.8
	Pervasive developmental disorder NOS	299.8

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 9000

PROPOSED

PUBLIC NOTICE

9000 Food Stamp Program

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Social Services

(DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding Food Stamp Program, specifically, to update policy for Delaware's Food Stamp Program.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: Food Stamp Program

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding Food Stamp Program.

Statutory Authority

- 7 CFR 273.2(c)

Background

The Division of Social Services is amending Food Benefit Policy 9028.2, "Determining Application Filing Dates for Food Benefits", to codify existing requirements under federal rules for the Supplemental Nutrition Assistance Program (SNAP) regarding how the State establishes the application filing date for food benefit applications. The policy clarifies the rules for determining an application filing date, which establishes the application processing timeline and date from which benefits may begin.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to update policy for Delaware's Food Stamp Program.

Summary of Proposed Changes

Effective January 1, 2027, the DHSS/DSS proposes to amend the Division of Social Services Manual (DSSM), 9028.2 Determining Application Filing Dates for Food Benefits.

Public Notice

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on December 1, 2026.

Fiscal Impact

There is no anticipated fiscal impact.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 278RFA 11-01-26.pdf

9000 Food Stamp Program

(Break in Continuity of Sections)

9028.2 Determining Application Filing Dates for Food Benefits

Statutory Authority: 7 CFR 273.2(c)

The application filing date is the date DSS or DMMA receives the food benefit application during business hours when submitted online, in person, by mail, email, or fax.

1. The State must determine the application filing date for all online and paper food benefit applications that include at least:

-The applicant's name;

-The applicant's address; and

-The signature of the applicant, an adult member of the food benefit household, or the household's authorized representative.

2. Applications that do not include the minimum requirements of name, address, and signature are not considered an application and cannot be filed.

3. The State determines the application filing date based on when the application is received.

A. During business hours: The filing date for application received by any DSS or DMMA office during business hours is the date of receipt.

B. Outside of Business hours: The filing date for applications received by DSS or DMMA before or after business hours, on weekends, State holidays, or during statewide emergency closures is the next business day when State offices are open.

C. Incomplete Applications: Applicants who submit an incomplete application that includes at least their name, address, and signature must provide missing mandatory information within 30 days following the filing date to complete their application. If the applicant does not complete their application by the thirtieth day, a new filing date is determined based on when DSS or DMMA receives the completed application.

D. Social Security Administration Prerelease Applicants: When DSS receives an application from the Social Security Administration for a resident of an institution who jointly applies for Supplemental Security Income (SSI) and food benefits prior to leaving the institution, the filing date is the applicant's release date from the institution.

4. The State must record the application filing date by date-stamping the application and entering the date into the eligibility system.

5. The application filing date establishes:

-The timeframe for 30-day standard processing in accordance with DSSM 9039.1 or 7-day expedited processing in accordance with DSSM 9041.1; and

-The date from which benefits can begin if the application is approved.

***Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:**

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 278 11-01-26

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 11000

PROPOSED

PUBLIC NOTICE

11000 Child Care Subsidy Program

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Social Services (DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding Processing Child Care for Children Receiving Foster Care or Referred by Division of Family Services, specifically, to expand eligibility for Delaware's Purchase of Care child care subsidy program.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: Processing Child Care for Children Receiving Foster Care

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding Processing Child Care for Children Receiving Foster Care or Referred by Division of Family Services.

Statutory Authority
-45 CFR 98.20
-HB 419 w/House Amendment No. 1
Background
House Bill 419 w/HA 1, signed into law on August 17, 2026, is an Act to amend Subchapter VII, Chapter 3, Title 31 of the Delaware Code to expand eligibility for Delaware's Purchase of Care child care subsidy program. The bill makes a child automatically eligible for Purchase of Care upon placement in foster care or when the Department of Services for Children, Youth, and Their Families (DSCYF) certifies a child is otherwise in need of Purchase of Care. As a result, DSS proposes to amend child care policy 11003.3 to add the requirements for automatic eligibility for children in foster care and children referred by DSCYF's Division of Family Services (DFS).
Summary of Proposal
Purpose
The purpose of this proposed regulation is to expand eligibility for Delaware's Purchase of Care child care subsidy program.
Summary of Proposed Changes
Effective December 11, 2026, the DHSS/DSS proposes to amend the Division of Social Services Manual (DSSM), 11003.3 Processing Child Care for Children Receiving Foster Care or Referred by Division of Family Services.
Public Notice
In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on December 1, 2026.

Fiscal Impact
There is no anticipated fiscal impact.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**
https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 280RFA 11-01-26.pdf

11000 Child Care Subsidy Program

(Break in Continuity of Sections)

11003.3 ~~RESERVED~~ Processing Child Care for Children Receiving Foster Care or Referred by Division of Family Services

Statutory Authority: 45 CFR 98.20 and 98.21; 31 **Del.C.** §§393 and 393A

This policy applies to children under the custody of the Division of Family Services (DFS) placed in foster care and children for whom the Department of Services for Children, Youth and Their Families (DSCYF) certifies that the child is in a placement requiring Purchase of Care (POC). The Division of Family Services (DFS) coordinates these referrals with the Division of Social Services (DSS).

1. Automatic Eligibility for Children in Foster Care or Children Referred by DFS.

A. Children ages 0 through 12 who are placed in foster care as defined in 31 **Del.C.** §393A are automatically eligible for POC.

B. Children ages 0 through 12 are automatically eligible for POC when DSCYF, though DFS, certifies to DSS that the child is in a placement requiring POC. A DFS referral used to establish eligibility under this subsection must include this certification.

C. Foster parents are not required to demonstrate a need or meet financial eligibility requirements for child care assistance at application or redetermination for as long as the foster child is in their care.

D. A person caring for a child in accordance with (1)(B) is not required to demonstrate a need or meet financial eligibility requirements for child care assistance at application or redetermination as long as DFS has determined it appropriate for the child.

E. DSS waives the child care copayment in these situations in accordance with Section 11004.7.

Nothing in this section limits eligibility for children age 13 and older who qualify under other applicable POC provisions.

2. 90 Days of Continued Child Care After Leaving Foster Care

A. Children leaving foster care are experiencing a non-temporary change in eligibility and must receive 90 days of continued child care assistance before the child care case is closed in accordance with Section 11003.10. This provision shall not terminate eligibility for a child who continues to qualify under Section 1(B) to shorten any longer period of continued eligibility required under applicable POC rules.

3. Custody of Adoption by a Parent or Caretaker

A. When a parent or caretaker assumes custody of or adopts a child formerly in foster care, DSS shall determine whether the child remains eligible under Section 1(B) or qualifies for continued assistance under Section 2. The applicable POC technical and financial eligibility requirements shall apply when the child no longer qualifies under Section 1 and any applicable continued assistance period has ended.

4. Verification of Eligibility

A. DSS shall verify eligibility under Section 1 through written or electronic documentation provided by DSCYF or its authorized DFS representative. Required documentation shall consist of either:

1. An official placement record or certification confirming that the child is in foster care as defined in 31 **Del.C.** §393A; or

2. A certification confirming that the child is in a placement requiring POC under Section 1(B).

B. The documentation shall identify the child, the current caregiver, the effective date of the placement or certification, and the certifying agency representative. Certification may be provided through the DSCYF/DFS referral, provided it contains the required verification information.

C. DSCYF is responsible for certifying the child's qualifying placement under Section 1. DSS is responsible for verifying the documentation and authorizing POC services in accordance with this policy. DSS shall accept the documentation described in this section as verification of the qualifying placement and shall not require the parent or caretaker to separately demonstrate the child welfare need established by DSCYF's certification.

***Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:**

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 280 11-01-26

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Sections 102(a) and 103(a) and (b) (7 **Del.C.** §§102(a) & 103(a) & (b))

7 **DE Admin. Code** 3900

PROPOSED

PUBLIC NOTICE

3900 Wildlife

SAN # 2026-05

DOCKET #2026-R-F-0008

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The Department will be holding two separate hearings to discuss proposed amendments to 7 DE Admin. Code 3900 – Wildlife. This hearing will address the Chronic Wasting Disease (CWD) proposed amendments to the Regulation. We

are proposing to add regulations related to Chronic Wasting Disease, including defining harvest check stations, urine-based lure, Chronic Wasting Disease and CWD Management Zones (CMZ), creating a procedure and criteria for designating CMZs, restricting baiting in CMZs, restricting the use of natural urine-based lure statewide, requiring mandatory check-in within CMZs when health check stations are open, defining how deer may be moved out of CMZs and how taxidermists and processors must dispose of deer, and restricting wildlife rehabilitation of deer from Sussex County. All of these changes are in response to the recent detection of Chronic Wasting Disease in Delaware's deer, to understand prevalence and reduce further spread.

POSSIBLE TERMS OF THE AGENCY ACTION:
None

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:
7 **Del.C,** §102(a) and §§103 (a) & (b).

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:
The agency does not believe that other regulations will be impacted.

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PROCEDURES:
The virtual public hearing for the (CWD) proposed amendments to 7 DE Admin. Code 3900 – Wildlife, Hearing Docket No. 2026-R-F-0008, will be held on **Wednesday, December 9, 2026,** beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at https://de.gov/dnrechearings. If prompted, use Meeting ID: 843 5071 9265 and Passcode: 602262. To access the audio-only portion of the virtual hearing, dial 1-305-224-1968 and enter the Meeting ID and Passcode noted above. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing at https://de.gov/dnreccomments or by contacting the Office of Administrative Services by telephone at 302-739-9034.

The proposed amendments may be inspected online starting November 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only by contacting Sam Robinson by phone at 302-735-3616 or by email at sam.robinson@delaware.gov.

DNREC will accept public comment on the CWD proposed amendments through the close of business on Wednesday, January 6, 2027. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, using the online form at https://de.gov/dnreccomments, or by U.S. mail to the following address:

Theresa Smith, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 282RFA 11-01-26.pdf

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 282 11-01-26

DIVISION OF FISH AND WILDLIFE
Statutory Authority: 7 Delaware Code, Sections 102(a) and 103(a) and (b) (7 **Del.C.** §§102(a) & 103(a) & (b))
7 **DE Admin. Code** 3900

PROPOSED

PUBLIC NOTICE

3900 Wildlife

SAN # 2026-07

DOCKET # 2026-R-F-0010

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:
The Department will be holding two separate hearings to discuss proposed amendments to 7 DE Admin. Code 3900 – Wildlife. This hearing will address the omnibus proposed amendments to the Regulation. The changes being proposed will define and authorize projectile weapons in addition to firearms, where appropriate per changes to Title 11; specify seasons for skunk and weasel, remove text restricting Sunday hunting, and revise muzzleloader definitions in response to HB278; update the definition and implementation of Direct Supervision and for youth hunting days; update regulations regarding sea duck seasons; specify that handguns may only be used to harvest wildlife where specified; increase the breadth of the special waterfowl shotgun season to include Veterans and Active Military Personnel; clarify that non-hunters driving deer must wear orange; remove the restriction to buy, sell, or transport deer parts other than venison; clarify the possession archery equipment and projectile weapons during the special antlerless season; remove the restriction to buy, sell transport deer parts other than venison to align with HS1 for HB 412; modify wildlife area map regulations to remove the requirement that maps are written and remove date restrictions for geocaching; improve enforcement of public intoxication on lands and waters administered by DNREC DFW and restrict public intoxication and controlled substance possession and consumption on DNREC DFW lands; and improve protections of reptiles and amphibians defined as species of greatest conservation need by prohibiting possession and change the naming convention of reptiles, amphibians and endangered species.

POSSIBLE TERMS OF THE AGENCY ACTION:
None

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:
7 **Del.C,** Sections §102(a) and §103 (a) and (b)

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:
The agency does not believe that other regulations will be impacted.

NOTICE OF PUBLIC COMMENT:
The virtual public hearing for the (Omnibus) proposed amendments to 7 DE Admin. Code 3900 – Wildlife, Hearing Docket No. 2026-R-F-0010 will be held on **Thursday, December 10, 2026, beginning at 6 p.m.** The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at https://de.gov/dnrechearings. If prompted, use Meeting ID: 846 1953 9576 and Passcode: 137319. To access the audio-only portion of the virtual hearing, dial 1-305-224-1968 and enter the Meeting ID and Passcode noted above. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing at https://de.gov/dnreccomments or by contacting the Office of Administrative Services by telephone at 302-739-9034.

The proposed amendments may be inspected online starting November 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only by contacting Sam Robinson by phone at 302-735-3616 or by email at sam.robinson@delaware.gov.

DNREC will accept public comment on the OMNIBUS proposed amendments through the close of business on Thursday, January 7, 2027. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, using the online form at https://de.gov/dnreccomments, or by U.S. mail to the following address:

Theresa Smith, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 284RFA 11-01-26.pdf

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 284 11-01-26

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

Statutory Authority: 7 Delaware Code, Chapter 60 (7 **Del.C.** Ch. 60)
7 **DE Admin. Code** 1301

PROPOSED

PUBLIC NOTICE

1301 Regulations Governing Solid Waste

SAN # 2018-16
DOCKET # 2025-R-WHS-0016
BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:
The purpose of this action is to modify 7 DE Admin. Code 1301 to increase the protection to human health and the environment by modifying outdated and/or obsolete regulatory language, clarifying existing regulatory language, adding clarifying language, and correcting typographical and grammatical errors. The initial proposed amendments were published in the December 2025 Delaware Register of Regulations, and a hearing was held on January 6, 2026. As a result of public comments received, the Department revised the proposed amendments published in the December 2025 Delaware Register of Regulations. In accordance with 29 *Del.C.* § 10118(c), the Department is holding a second public hearing that will focus on revisions to the proposed amendments that the Department determined were necessary based on its review.

POSSIBLE TERMS OF THE AGENCY ACTION:
None

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:
7 *Del.C.*, §6010(a)

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:
None

NOTICE OF PUBLIC COMMENT:
A virtual public hearing (Docket # 2025-R-WHS-0016) will be held on Tuesday, December 1, 2026, beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at https://de.gov/dnrechearings. If prompted for a password, please use: 453011. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID 833 4303 8278. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon on the date of the virtual hearing at https://de.gov/dnreccomments or by telephone at 302-739-9034.

The revised proposed amendments may be inspected online starting November 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only, by contacting Alison Kiliszek by phone at 302-739-9403 or by email at Alison.Kiliszek@delaware.gov.

The Department will accept public comment through the close of business on Wednesday, December 16, 2026. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at https://de.gov/dnreccomments, or by U.S. mail to the following address:

Theresa Smith, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 285RFA 11-01-26.pdf

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 285 11-01-26

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Board of Cosmetology and Barbering

Statutory Authority: 24 Delaware Code, Section 5106(a)(1) (24 **Del.C.** §5106(a)(1))
24 **DE Admin. Code** 5100

PROPOSED

PUBLIC NOTICE

5100 Board of Cosmetology and Barbering

Pursuant to 24 **Del.C.** §5106(a)(1), the Delaware Board of Cosmetology and Barbering ("Board") has proposed revisions to its regulation. The amendments revise Section 2.0, pertaining to temporary work permits. New subsection 2.3 outlines the standards for expiration and extension of temporary work permits.

In accordance with 29 **Del.C.** §10116, persons wishing to submit written comments, suggestions, or other materials regarding the proposed regulation should direct them to the Board, Attn: Hannah Gregg, Administrative Specialist for the Board, 861 Silver Lake Boulevard, Dover, DE 19904, or by email to hannah.gregg@delaware.gov. Any written submission in response to this Notice or the proposed regulation must be received by the Board no later than 4:30 on December 1, 2026. A copy of the proposed regulation may be obtained from the Board of Cosmetology and Barbering, 861 Silver Lake Boulevard, Dover, DE 19904.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 286RFA 11-01-26.pdf

5100 Board of Cosmetology and Barbering

1.0 Application for Licensure

1.1 All applications for licensure must be submitted on forms approved by the Division of Professional Regulation and be accompanied by the appropriate fee.

1.2 Each applicant must provide proof of any required general or professional education in the form of a certified transcript, proof of a G.E.D. or any other document or affidavit which constitutes reliable proof of educational attainment as determined by the Board.

1.3 Any applicant submitting credentials, transcripts or other documents from a program or educational facility outside the United States or its territories must provide the Board with a certificate of translation from a person or agency acceptable to the Board, if appropriate, and an educational credential evaluation from an agency approved by the Board demonstrating that the applicant's training and education are equivalent to the training and education required in Delaware.

2.0 Temporary Work Permits [24 Del.C. §5106(a)(7)]

2.1 The purpose of a temporary work permit is to allow ~~an otherwise~~a qualified examination applicant to practice under appropriate supervision pending the applicant's scoring of a passing grade on the examination.

2.2 A temporary work permit may be issued to an examination applicant who meets the Board's requirements ~~and who is eligible for admission to the cosmetology, nail technician, barbering, electrology, or aesthetician examination, with the appropriate fees paid~~ to take the applicable examination or examinations and has paid the required fee.

2.3 ~~A temporary work permit is valid for 30 days past the next available examination date. After the first temporary permit expires, a subsequent temporary permit may be issued only where the applicant submits proof that the applicant did not pass the examination and that the applicant is registered for the next examination date. The applicant shall be eligible for temporary permits for 2 years after the date of making application. If the applicant does not pass the examination within 2 years after making application, the applicant shall be required to wait 6 months from the date of the last examination and then may make a new application for a temporary permit.~~Expiration and extension of temporary work permit

2.3.1 A temporary work permit is valid for 6 months from the date of issuance. If the holder of a temporary work permit does not take and pass the applicable examination or examinations within 6 months after issuance of the temporary permit, the temporary permit shall expire.

2.3.2 The Board, at its discretion, may grant 1 6-month extension of the temporary permit upon a showing of good cause. Good cause may include disability, illness, extended absence from the State, and exceptional family responsibilities.

2.3.3 A request for a 6-month extension must be made in writing and received by the Division prior to expiration of the temporary permit. The written request must include detailed information establishing good cause and supporting documentation, if applicable. The Board reserves the right to request additional information to determine whether good cause exists.

2.3.4 If a request for a 6-month extension is received by the Division prior to the expiration of the temporary permit, the temporary permit shall continue in an active status until the Board makes a decision on the request.

2.3.5 If a 6-month extension is granted, the temporary permit shall expire 12 months after the date of issuance of the first permit, and further professional practice is prohibited.

2.3.6 If a 6-month extension is denied, the temporary permit shall expire 14 days after the date of the Board meeting at which the Board considered the request, and further professional practice is prohibited.

2.4 The holder of a temporary work permit for cosmetology shall practice under the supervision of a licensed cosmetologist, or cosmetology instructor.

2.5 The holder of a temporary work permit for barbering shall practice under the supervision of a licensed master barber, barber, barber instructor or a cosmetology instructor, if the cosmetology instructor has completed 35 hours of instruction in shaving documented on a Board approved form.

2.6 The holder of a temporary work permit for nail technology shall practice under the supervision of a licensed nail technician, nail technology instructor, cosmetologist, or cosmetology instructor.

2.7 The holder of a temporary work permit for electrology shall practice under the supervision of a licensed electrologist or electrology instructor.

2.8 The holder of a temporary work permit for aesthetics shall practice under the supervision of a licensed aesthetician, aesthetics instructor, cosmetologist, or cosmetology instructor.

2.9 The holder of a temporary instructor's work permit shall practice at all times under the supervision of a licensed instructor, pursuant to subsections 9.3 and 13.3.

2.10 Reciprocity applicant: A temporary work permit for reciprocity may be issued to an applicant subject to the requirements of 24 **Del.C.** §5109(a). Where the applicant comes from a state with less stringent standards than Delaware's standards, the Board shall review the applicant's experience documentation. The

temporary permit shall expire 14 calendar days after the date of the Board meeting at which the Board considers the application.

2.11 Temporary instructor permit - provisional pathway

2.11.1 A temporary instructor permit - provisional pathway, may be issued to an applicant who meets the following requirements:

2.11.1.1 Has successfully completed the 12th grade in school or its equivalent as documented pursuant to subsection 1.2.

2.11.1.2 Holds an active license as a cosmetologist, barber, aesthetician, nail technician, or electrologist.

2.11.1.3 Will be employed by a vocational school or accredited school as a temporary instructor as verified by the proof of employment form.

2.11.2 The holder of a temporary instructor permit - provisional pathway must complete the following to be eligible for licensure as an instructor:

2.11.2.1 Completion of 500 hours of supervised experience at a vocational or accredited school or 250 hours of supervised experience at a vocational or accredited school and 2 years of licensed, full-time experience. Supervision must be provided by a licensed instructor. Experience must be documented by the employer.

2.11.2.2 Successful completion of instructor examination.

2.11.3 A temporary instructor permit - provisional pathway expires upon the completion of the hours of training as set forth in subsection 2.11.2 or 1 year after the date of issuance, whichever occurs first. The Board may grant an extension of not more than 45 days to the licensee holding a temporary instructor permit - provisional pathway who has applied for examination and is awaiting examination.

2.11.4 The temporary instructor permit - provisional pathway is not transferable to another school unless approved by the Board.

(Break in Continuity of Sections)

18.0 Crimes Substantially Related to the Practice of Cosmetology, Barbering, Electrology and Nail Technology

18.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of solicitation to commit any of the following crimes, is deemed to be substantially related to the practice of cosmetology, barbering, electrology and nail technology in the State of Delaware without regard to the place of conviction:

(Break in Continuity Within Section)

18.1.29 Dealing in children. ~~11 **Del.C.** §1100~~11 **Del.C.** §1100A.

18.1.30 Endangering the welfare of a child. 11 **Del.C.** §1102.

18.1.31 Sexual exploitation of a child. 11 **Del.C.** §1108.

18.1.32 Unlawfully dealing in child pornography. 11 **Del.C.** §1109.

18.2 Crimes substantially related to the practice of cosmetology, barbering, electrology and nail technology shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this Section.

***Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:**

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 286 11-01-26

OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
Statutory Authority: 4 Delaware Code, Section 304(a)(1) (4 **Del.C.** §304(a)(1))
4 **DE Admin. Code** Rule 904

PROPOSED

PUBLIC NOTICE

Rule 904 (Formerly Rule 29) Publication of Prices and Post-offs By Importers (a.k.a."Wholesalers")

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 4 **Del.C.** §304, the Delaware Alcoholic Beverage Control Commissioner proposes to update its rules related to licensure requirements for publication of prices and post-offs by importers (also known as wholesalers).

In accordance with 29 **Del.C.** §10116, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed regulations should direct them to the following address:

Stacey Hassel
Deputy Commissioner
Office of the Delaware Alcoholic Beverage Control Commissioner
820 N. French St., 10th Floor
Wilmington, DE 19801

Comments may also be directed via electronic mail to OABCCrulescomments@delaware.gov. Any written submission in response to this notice and relevant to the proposed regulations must be received by the Delaware Alcoholic Beverage Control Commissioner no later than 4:00 p.m. EST December 4, 2026.

The action concerning determination of whether to adopt the proposed regulations will be based upon consideration of the written comments and any other written materials filed by the public.

Background

The Delaware Alcoholic Beverage Control Commissioner ("Commissioner" or "Office") is authorized by the General Assembly of the State of Delaware, to establish, by rules and regulations, an effective control of the business of manufacture, sale, dispensation, distribution and importation of alcoholic liquors within and into the State of Delaware, including the time, place and manner in which alcoholic liquors shall be sold and dispensed, not inconsistent with Title 4 of the Delaware Code, known as the Delaware Liquor Control Act ("DLCA") or with any other law of the State. The Commissioner is further authorized to adopt and promulgate rules and regulations not inconsistent with Title 4 or any other law of the State, and such rules and regulations shall have the force and effect of law; provided, however that no such rule or regulation shall extend, modify or conflict with any law of this State or the reasonable implications thereof; and provided further, however, that such rules and regulations, as established by the Commissioner, shall focus primarily on public safety and the best interests of the consumer and shall not unduly restrict competition within the alcoholic beverage industry.

Summary of Proposal

4 **DE Admin. Code** 904 is updated to set forth the changed procedures concerning notice of prices and post-offs by importers or wholesalers concerning alcoholic liquor offered for sale to licensed Delaware retailers. The suppliers, importers and wholesalers' sale of all alcoholic liquors to retailers must comply with this process and requirements.

Statutory Authority 4 **Del.C.** §304

4 **Del.C.** §304 enables the Delaware Alcoholic Beverage Control Commissioner to adopt and promulgate rules and regulations not inconsistent with Title 4 of the Delaware Code and all such rules and regulations shall have the force and effect of law; provided, that no such rule or regulation shall extend, modify or conflict with any law of the State of Delaware or the reasonable implications thereof.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 289RFA 11-01-26.pdf

~~Rule~~ 904 (~~Formerly Rule 29~~) Publication of Prices and Post-offs By Importers (a.k.a."Wholesalers")

1.0 Applicability

This regulation shall govern the procedure by which all licensed suppliers provide product lists of its alcoholic liquors and infused beverages available for resale in Delaware, and all licensed wholesalers notice prices, post-offs, and quantity discounts of alcoholic liquor offered for sale to licensed Delaware retailers. The sale of all alcoholic liquor in Delaware by wholesalers to retailers must conform to the provisions of this regulation. In addition, this regulation shall govern the procedure by which records relating to post-offs and quantity discounts are maintained. Prices for the sale of alcoholic liquors shall be filed only through the Commissioner's online price posting portal pursuant to this regulation.

2.0 Definitions

The following words and terms when used in this regulation have the following meaning:

"**Designated ~~Publication~~ publication**" means the ~~single publication agreed to be used by a majority of the licensed Delaware Wholesalers~~ Commissioner's online price posting portal operated by the Commissioner's Office for the compilation of monthly price lists for all alcoholic liquor prices, post-offs, and quantity discounts offered for sale to Delaware licensed retailers and infused beverages for sale to package stores. ~~In the absence of a clear majority voting to change the existing publication, the publication will remain the publication that is in effect at the time of the vote.~~

"**Line item**" means the combination of information for "manufacturer", "trade name", "product name", and "package configuration", together with the related price and other information recorded in the price posting portal.

"**Manufacturer**" means the actual manufacturer of the alcoholic liquor.

"**Monthly ~~Price List~~ price list**" means the monthly price listing prepared by, or on behalf of, a Delaware licensed wholesaler for all alcoholic liquor prices, post-offs, and quantity discounts offered for sale to Delaware licensed retailers and provided to the Commissioner pursuant to 4 **Del.C.** §526(d)(5) and infused beverages prices offered for sale to Delaware licensed package stores. The monthly price list shall contain the ~~presumptive price, but may be superseded by any subsequent updated notification issued by the wholesaler, provided the DATE and the Commissioner are notified of the updated listing.~~ price for each product sold as well as the product size. A change in price after the first of each month must be approved by the Commissioner before the price is available to retailers through the portal.

"**Package configuration**" means the specific configuration of the package of alcoholic liquors that is sold as a unit, which may include packages that are sold as separate units. If a package configuration is identified as containing a specified number of single or loose containers, then the package must be physically or statistically different from a package configuration that comprises the same number of individual containers sold as a unit. For purposes of this regulation, "single" or "loose" means that it is intended that the package will be separated at the retailer's licensed premises and sold to consumers as individual containers or in other combinations determined by the retailer.

"**Package store**" means as that term is defined in the Liquor Control Act, 4 **Del.C.** Ch. 1-12.

"**~~Post-Off~~ Post-off**" means a ~~reduction in the price regularly charged by wholesalers, as~~ price promotion offered to retailers and published to the ~~trade, which is sold by wholesalers to licensed retailers~~ price posting portal.

"**Posted by**" means the licensee that posts the products and the pricing.

"**Price**" means the amount of money given or set as consideration for the sale of a specified order of alcoholic liquor.

"**Price posting portal**" means the online price posting system operated and maintained by the Commissioner and available to its licensees through its licensing system.

"**Product description**" means the characteristics of the alcohol. By way of example only, it may include: IPA, lager or pilsner for beer; chardonnay, merlot or pinot noir for wine; and domestic or imported for spirits. It also includes THC-infused beverages.

"**Products list**" means a list provided by each licensed supplier, in the form required by the Commissioner pursuant to 4 **Del.C.** §§508 and 526, that, for each product to be sold in Delaware includes: the supplier's license number, the supplier's corporate name, the supplier's trade name, product name, trade (or brand)

name, alcohol type (meaning beer, wine or spirit), product description, and the name of the Delaware licensed wholesaler the supplier has contracted with to transport its products in Delaware for resale.

"**Product name**" means the common identification of the alcoholic liquor and shall be the same as the fanciful name identified on the certificate of label approval on file with the United States Alcohol and Tobacco Tax and Trade Bureau. If no fanciful name is listed on the certificate of label approval, the product name shall be the same as the trade name, or if no certificate of label approval is required to be filed then it shall have the same meaning as if a certificate of label approval was required. If the "trade name" and the "product name" are identical, only the "product name" shall be included. If a line item is a package that contains different alcoholic liquors of more than 1 trade name or product name in a combination pack, for purposes of identification on the schedule the "product name" shall be the name given to the combination package.

"**Quantity ~~Discount~~ discount**" means a reduction in the price regularly charged by wholesalers, as published ~~to the trade,~~ in the Commissioner's price posting portal, which is sold by wholesalers to licensed retailers and is based ~~on~~ in whole or in part on the quantity of alcoholic liquor purchased.

"**Retailer**" means all establishments licensed by the ~~Commission~~ Commissioner to sell alcoholic liquor directly to the public.

"**Size**" or "**product size**" means the volume of alcoholic liquor in each container and shall also include the type of container used. In the case of a bulk upload of price schedules, "product size" shall identify the volume in each container and "container type" shall identify the type of container used.

"**Status**" means that a particular line item is either active, inactive, or old.

"**Supplier**" means as defined in Title 4 of the Delaware Code, 4 **Del.C.** Ch. 1-12, and includes an importer, licensed in Delaware as a supplier, that acts as an agent of a manufacturer of alcoholic liquor and imports that alcoholic liquor from those manufacturers outside of Delaware for resale to licensed importers/wholesalers within Delaware.

"**Trade name**" means the name of the alcoholic liquor and shall be the same as the brand name identified on the certificate of label approval on file with the United States Alcohol and Tobacco Tax and Trade Bureau, or if no certificate of label approval is required to be filed then it shall have the same meaning as if a certificate of label approval was required.

"**Updated ~~Notification~~ notification**" means notification of changes to prices, post-offs and quantity discounts made after the submission of the monthly ~~Price List~~ price list to the designated publication.

"**Wholesaler**" means licensed Delaware ~~Importer~~ importer (a.k.a."wholesaler").

3.0 Procedures for Product Registration and Providing Notice of Prices, Post-Offs, and Quantity Discounts

~~3.1 Every wholesaler shall prepare a monthly price list of all alcoholic products they intend to offer for sale during the next month. This monthly price list shall include regular prices, as well as post-offs and quantity discounts, if offered. The monthly price list shall be printed in a publication designated by a majority of licensed Delaware Wholesalers not less than five (5) business days prior to the end of the preceding month.~~

~~3.2 A copy of the monthly price list shall also be filed with DATE (via hard copy and/or electronically) when submitted to the designated publication. The prices stated therein shall be the "presumptive price," subject to change, revision, substitution, or addition in accordance with the updated notification procedures set forth herein.~~

~~3.3 In the event of a change in the price from that set forth in the monthly price list, the wholesaler shall provide Updated Notification, to all licensed retailers, and to the Division (via hard copy and/or electronically (including e-mail)) Updated Notification shall be made by a wholesaler to all licensed retailers via a recorded message, accessible through a toll-free "800" number, which can be accessed by any licensed retailer 24 hours a day to obtain information regarding current pricing of items being offered by the wholesaler. The "800" number will be updated every Monday by 10:00 A.M.: provided however, notwithstanding anything in this regulation to the contrary, that any wholesaler may change prices at any time by mailing a pricing announcement to all retailers and the Division by U.S. mail. In the event of a conflict between the recorded message and the mailed notice, the lower price will control. In addition, the wholesaler shall advise the Division of prices offered in the "800" number at the time any change is made to the recorded message.~~

~~3.4 Upon Petition of an interested party, the Commissioner may approve an alternative procedure(s) for providing notice of prices, post-offs and quantity discounts where the petitioner demonstrates that (1) the alternative method is technologically feasible, (2) will provide sufficient notice of prices, post-offs and quantity discounts to Delaware retailers and to DATE, and (3) will not harm the public interest.~~

3.1 Every licensed supplier shall upload its products list into the price posting portal for which it has authorized a licensed Delaware wholesaler to distribute to retailers in Delaware. As new products are added, the supplier shall upload the new products into the price posting portal, and the wholesaler will enter the pricing

information before the products are distributed for resale in Delaware pursuant to subsection 3.2 of this regulation. No alcoholic liquors shall be inputted by the supplier into the portal that are not offered for sale in Delaware and distributed by a licensed wholesaler.

3.2 Every wholesaler shall prepare a monthly price list of all alcoholic products and infused beverages they intend to offer for sale during the next month that have been entered into the price posting portal by a licensed supplier pursuant to subsection 3.1 of this regulation. This monthly price list shall include regular prices, as well as post-offs and quantity discounts, if offered. Monthly price lists for the sale of alcoholic liquors and infused beverages will be uploaded by the wholesaler to the Commissioner's online price posting portal no later than 5 business days before the first day of the following month that the prices will be effective. All prices filed shall be for immediate delivery. Once the product prices are posted, they will remain in effect for the month, unless the Office receives a request to update a price or prices for good cause shown. If a wholesaler does not meet the deadline for posting, the prior month's prices will remain as the current prices.

3.3 No line item may be sold unless its status is active. If a line item is discontinued or no longer offered for sale, its status shall be identified as inactive by the posting licensee. This prohibition does not apply to line items that are not currently offered for sale due to being out of stock and which will be offered for sale once the line item is available.

3.4 Alternative methods for providing notice of prices may be approved by the Commissioner.

3.5 Fees

3.5.1 Wholesalers shall pay an annual fee of $4,000 for access to the portal, payable to the Office by the 15th of January every year.

3.5.2 Brewery-pubs and microbreweries that are authorized to self-deliver their beer to licensed retailers in Delaware pursuant to 4 **DE Admin. Code** 911 shall pay an annual fee of $250 for access to the portal.

~~**4.0 Procedures for Providing Notice of Prices for New Products**~~

~~4.1 Prices of new brands, types, or sizes shall be effective after the wholesaler has given the required notice in writing to the trade industry, as follows:~~

~~4.1.1 By mailing a pricing announcement directly to all retail licensees of the trade and DATE by United States mail, or~~

~~4.1.2 By inclusion of prices in the monthly price list submitted to the designated publication as heretofore described, or~~

~~4.1.3 By including notice thereof in the form of Updated Notification, as described in subsection 3.3 above.~~

~~4.2 Newly listed or changed prices shall continue from their effective date until changed by the wholesaler in accordance with the procedures established by this regulation. The duration of the prices set for post-offs and quantity discounts of new products shall be the effective dates listed in the new product pricing announcement, the monthly price list, and/or in the Updated Notification.~~

~~4.3 Alternative methods for providing notice of prices for new products may be approved by the Commissioner in the same manner set forth in subsection 3.4 of this regulation.~~

~~5.0~~ 4.0 Duty of Wholesalers to Fill Orders

~~5.1~~ 4.1 No quantity discounts are permitted for limited availability items. Limited availability postings must be properly filed by placing an "L" in the "limited availability" column on the price posting module.

4.2 The procedure and regulations for licensed wholesalers ~~who~~ that offer post-offs or quantity discounts to licensed retailers shall be as follows:

~~5.1.1~~ 4.2.1 Licensed wholesalers shall not discriminate among licensed retailers in filling orders for post-offs or quantity ~~discounts.~~ discounts, including considering prior purchasing history as a basis for not filling an order.

~~5.1.2~~ 4.2.2 Licensed wholesalers must honor the orders placed by licensed retailers for post-offs and quantity discounts in the sequential order in which they are placed, unless excused from doing so by the Commissioner upon proof of good cause.

~~5.1.3~~ 4.2.3 If a licensed wholesaler is unable to fill the first order of a retailer for a post off or quantity discount due to the depletion of its stock, the retailer shall have the option of having the order filled at the same price offered during the post-off or quantity discount period when stock is next available, or of purchasing a suitable substitute product of comparable value if the wholesaler chooses to offer a substitute product.

~~5.1.4~~ 4.2.4 Licensed wholesalers shall deliver all alcoholic liquor products offered for sale as post-offs or quantity discounts to the purchasing licensed retailer within ~~five (5)~~5 working days, not including weekends or legal holidays, of the last date that the post-off or quantity discount is offered.

~~5.1.5~~ 4.2.5 Notwithstanding anything within this regulation to the contrary, offers of distressed items in quantities of more than 10 cases shall be made on a "first come/first serve" basis, subject to the requirement that ~~Updated Notification~~ updated notification of such post-off be given. Distressed items, excluding beer, in quantities of 10 cases or less shall not be subject to the ~~Updated Notification~~ updated notification requirements of these regulations 4 **DE Admin. Code** 101 - 1600 and may be offered for sale to any retail licensee at the licensed wholesaler's discretion. For purposes of this subsection 4.2.5: ~~1) a distressed item is an alcoholic beverage product subject to close-out and/or expiration, and 2) "first come/first serve" means that orders for alcoholic beverage products are filled in the sequential order by which the orders are received by the wholesaler.~~

4.2.5.1 "Distressed" item means an alcoholic beverage product subject to close-out, expiration or both; and

4.2.5.2 "First come/first serve" means that orders for alcoholic beverage products are filled in the sequential order by which the orders are received by the wholesaler.

~~6.0~~ 5.0 Procedure for Recording the Sale of Alcoholic Liquor and Infused Beverages by Wholesalers

~~6.1~~ 5.1 Every sale of alcoholic liquor, including post-offs, quantity discounts, and otherwise reduced prices, and every sale of infused beverages shall be recorded by the licensed wholesaler on a written invoice or bill of sale containing at a minimum the following:

~~6.1.1~~ 5.1.1 Name of the ~~wholesaler~~ wholesaler;

~~6.1.2~~ 5.1.2 Name of the ~~retailer~~ retailer;

~~6.1.3~~ 5.1.3 Date of ~~sale~~ sale;

~~6.1.4~~ 5.1.4 Quantity of alcoholic liquor ~~sold~~ sold;

~~6.1.5~~ 5.1.5 Price of alcoholic liquor ~~sold~~ sold;

~~6.1.6~~ 5.1.6 ~~Brand~~ Brand;

~~6.1.7~~ 5.1.7 Size of ~~container~~ container; and

~~6.1.8~~ 5.1.8 Date of ~~delivery~~ delivery.

~~6.2~~ 5.2 The regular price of alcoholic liquor and infused beverages sold at post-off, quantity discount, or discount pursuant to subsection ~~5.1.4 above~~ 4.2.4 of this regulation shall also be stated on the bill of sale or invoice, as well as the basis for the discount. All ~~credit(s)~~ credit or credits associated with the sale of alcoholic liquor and infused beverages must be stated or affixed to the original bills of sale or invoices retained by the licensed retailer and wholesaler.

~~7.0~~6.0 Tie-In Sales

~~A requirement by a wholesaler that a retailer purchase one product in order to purchase another is prohibited. This prohibition includes combination sales if one or more products may be purchased only in combination with other products and not individually. However, a wholesaler is not prohibited from selling at a special combination price two or more kinds or brands of products to a retailer, provided: (a) the retailer has the option of purchasing either or both products at the usual price, and (b) the retailer is not required to purchase any product he or she does not want. As to (a) and (b) above, wholesaler licensees shall not be required to sell or deliver beer to a retail licensee in quantities of less than five (5) cases.~~

6.1 A requirement by a wholesaler that a retailer purchase 1 product in order to purchase another is prohibited. This prohibition includes combination sales if 1 or more products may be purchased only in combination with other products and not individually.

6.2 However, a wholesaler is not prohibited from selling at a special combination price 2 or more kinds or brands of products to a retailer, provided:

6.2.1 The retailer has the option of purchasing either or both products at the usual price; and

6.2.2 The retailer is not required to purchase any product they do not want.

6.3 Wholesaler licensees shall not be required to sell or deliver beer to a retail licensee in quantities of less than 5 cases.

~~8.0~~ 7.0 Consortium Buying

~~8.1~~7.1 Nothing in this regulation shall be deemed to preclude a wholesaler of alcoholic liquor and infused beverages licensed by the Delaware Alcoholic Beverage Control Commissioner from publishing or offering a discount, based upon the quantity of product purchased, to a pool, cooperative, or consortium of ~~two~~ 2 or

more licensed retailers, provided that the billing, shipment, transportation, and storage of all related alcoholic liquor and infused beverages conforms with state law and the regulations of the Commissioner, 4 **DE Admin. Code** 101-1600. Similarly nothing in this regulation shall be deemed to require a wholesaler of alcoholic liquor and infused beverages to offer post-offs or quantity discounts.

~~8.2~~7.2 The delivery of all alcoholic liquor or infused beverages purchased by a pool, cooperative, or consortium of retailers, to its members, must be made by the holder of a license issued by the Commissioner to deliver alcoholic liquor, as required by ~~4 **Del.C.** § 701.~~4 **Del.C.** §701.

OFFICE OF MANAGEMENT AND BUDGET

DIVISION OF FACILITIES MANAGEMENT

Statutory Authority: 29 Delaware Code, Section 6303A(16) (29 **Del.C.** §6303A(16))
19 **DE Admin. Code** 4105

PROPOSED

PUBLIC NOTICE

4105 Promoting, Maintaining and Controlling the Public Use of the Legislative Mall

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation.

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 29 **Del. C.** Ch. 11, Subch. III, 29 **Del. C.** Ch 101, 29 **Del. C.** § 6303A (16), and 29 **Del. C.** § 6307A, the Division of Facilities Management of the Office of Management and Budget (OMB) proposes to amend 19 DE Admin Code 4105, Regulations Promoting, Maintaining and Controlling the Public Use of the Legislative Mall. OMB reviewed this regulation in compliance with 29 **Del. C.** § 10407 which requires regulations to be reviewed on a recurring basis every four years. The regulation concerns the promotion, maintenance and control of the public use of Legislative Mall in accordance with 29 **Del. C.** §§ 401 - 422. Amendments to this regulation reflect the removal of telephone numbers, some of which have changed since the Regulation was originally written and which may change again, the removal of the identity of the Legislative Counsel, which has changed since the Regulation was originally written, and which may change again, correction of typographical errors, and to impose a charge upon event sponsors who do not clean up, make repairs, or restore Legislative Mall to its pre-event condition after their event has ended, and to deny approval of a request to use Legislative Mall if the proposed activity is incompatible, inconsistent, or inappropriate with the setting, and to deny a request to use Legislative Mall if the applicant has previously violated this regulation. A proposed regulation was published in November of 2025. This re-proposed submission replaces the submission from November 2025 to add the provision allowing OMB to deny approval of a request to use Legislative Mall if the proposed activity is incompatible, inconsistent or inappropriate with the setting.

Persons wishing to present their views regarding this matter may do so by submitting them by email to jennifer.coverdale@delaware.gov by the close of business (4:30 p.m. EST) on December 1, 2026.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

https://regulations.delaware.gov/register/november2026/proposed/30 DE Reg 294RFA 11-01-26.pdf

4105 Promoting, Maintaining and Controlling the Public Use of the Legislative Mall

1.0 Purpose

The purpose of this ~~Regulation~~regulation is to establish rules and procedures to help promote, maintain and control the public use of the Legislative Mall.

2.0 Enabling Legislation

Pursuant to 29 **Del.C.** §§6301A and 6307A, the Office and Facilities Management were established. The Office has authority to make regulations pursuant to 29 **Del.C.** §6303A(16)).

3.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"**Environmental Health Field Services**" means the State of Delaware Department of Health and Social Services, Division of Public Health, Environmental Health Field Services.

"**Facilities Management**" means the State of Delaware Office of Management and Budget, Division of Facilities Management.

"**Miss Utility**" means Miss Utility of Delaware.

"**Office**" means the State of Delaware Office of Management and Budget.

"**State**" means the State of Delaware.

4.0 Request Procedure

4.1 Upon receiving a request to use Legislative Mall, Facilities Management will issue a tentative reservation letter detailing the rules and regulations governing use of the property. Reservations are not considered final until all required paperwork is filed with Facilities Management prior to the event. Permission to utilize the area cannot be assigned or transferred without prior written approval from Facilities Management.

4.2 Facilities Management approval only grants permission to utilize the property; it is the responsibility of the event sponsor to obtain all necessary permits required by the City of Dover and other governmental agencies.

5.0 Approval To Use Legislative Mall Is Subject To The Following Conditions:

5.1 The event sponsor must provide satisfactory evidence of a minimum of ~~$1,000,000 (one million dollars)~~ $1 million liability insurance coverage listing Facilities Management, as the certificate holder on the policy binder for the event (copy of the document must be supplied to Facilities Management prior to the event).

5.2 The event sponsor must execute an indemnification and save harmless agreement to ensure that the State and Facilities Management shall accrue no liability for damage or injury to persons or property occurring on State premises.

5.3 The event sponsor must contact the City of Dover Police Department ~~[(302) 736-7111]~~ and the City of Dover Fire Marshal's Office ~~[(302) 736-7010]~~ to obtain the necessary permits and file the same.

5.4 If food will be prepared ~~and/or~~ or served at the event, the event sponsor must contact Environmental Health Field Services ~~[(302) 744-1220)]~~ to obtain any necessary permits.

5.5 ~~Contact~~ The event sponsor must contact the City of Dover Police Department and the Delaware Capitol Police ~~[(302) 739-3200]~~ to ensure the availability of police for traffic, ~~noise~~ noise, and crowd control.

5.6 Contact the City of Dover Police Department to coordinate any necessary street closings.

5.7 No street closure of Legislative Avenue can take place without the written approval of ~~Debby Porter,~~ Legislative Council~~, at (302) 744-4387~~.

5.8 Tent supports or other ground penetrations are not permitted within 20 feet of the outside perimeter of Legislative Mall. It is the responsibility of the event coordinator to contact Miss Utility ~~[(800) 282-8555]~~ to have utilities that are not the responsibility of Facilities Management located and marked.

5.9 Only open-sided "Event" tents will be allowed to be erected for any single event and will be subject to approval of placement by Facilities Management.

5.10 No individuals may sleep or camp on Legislative Mall.

5.11 Any event related signage must be placed in a location that is approved by Facilities Management.

5.12 All signage must be removed by the end of the day of the event, before 11:59 p.m.

5.13 The grounds must be left in good repair and free of litter upon departure. The event sponsor will be charged by the State for all costs associated with cleanup, repairs, and site restoration after the event has ended if the grounds are not left in good repair and free of litter upon departure.

5.14 Vehicles ~~and/or~~ or trailers of any type will not be permitted on grassy areas or sidewalks without the express permission of Facilities Management.

5.15 The use of paint or other permanent substances to mark streets, parking lots, grass, etc. is prohibited.

5.16 The use of tape, wire, nails, etc. to adhere signs, ~~balloons~~ balloons, or other materials to street lights, trees, benches, signs, buildings, etc. is prohibited.

5.17 Open fires are not permitted. All barbecue grills must remain curbside.

5.18 The serving ~~and/or~~ or consumption of alcoholic beverages is not permitted.

5.19 The State of Delaware is not responsible for personal items and possessions on the Legislative Mall property. Unattended personal property is subject to removal by ~~the~~ Facilities Management or law enforcement.

5.20 Denial of Use

5.20.1 Facilities Management may deny a request to use Legislative Mall if the proposed activity set forth in the request is incompatible, inconsistent, or inappropriate with the setting.

5.20.2 Facilities Management may deny a request to use Legislative Mall if the applicant has previously violated this regulation.

6.0 Effective Date

This ~~Regulation~~regulation will become effective 10 days after being published as a final regulation.

Symbol Key

Arial type indicates the text existing prior to the regulation being promulgated. Underlined text indicates new text added at the time of the proposed action. Language which is ~~stricken~~ through indicates text being deleted. **[Bracketed Bold language]** indicates text added at the time the final order was issued. **[~~Bracketed bold stricken through~~]** indicates language deleted at the time the final order was issued.

Final Regulations

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt within the time allowed of all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A decision to adopt, amend or repeal a regulation or to take no action and the decision shall be supported by its findings on the evidence and information received; (4) The exact text and citation of such regulation adopted, amended or repealed; (5) The effective date of the order; (6) Any other findings or conclusions required by the law under which the agency has authority to act; and (7) The signature of at least a quorum of the agency members.

The effective date of an order which adopts, amends or repeals a regulation shall be not less than 10 days from the date the order adopting, amending or repealing a regulation has been published in its final form in the *Register of Regulations*, unless such adoption, amendment or repeal qualifies as an emergency under §10119.

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

Statutory Authority: 3 Delaware Code, Sections 101 and 302 (3 **Del.C.** §§101 & 302)
3 **DE Admin. Code** 101

FINAL

ORDER

101 On-Farm Home Processing of Non-Potentially Hazardous Foods

NATURE OF THE PROCEEDINGS

Pursuant to its authority under Title 3, Sections 101 and 302 of the Delaware Code, the Delaware Department of Agriculture ("Department") sought to amend its On-Farm Home Processing of Non-Potentially Hazardous Foods Regulation. The proposed changes included revisions to the title of the Regulation, the definition of "home," and products that may be produced for sale by permittees. The proposed changes to the title were intended to align the title to the purpose of the Regulation, which is to establish standards of practice for on-farm home food processing operations. The proposed changes to Section 3.0 included removing definitions for terms that do not appear elsewhere in the Regulation and changing the definition of "home" to remove the requirement that the permitted kitchen must be in the primary residence on the farm, allowing for more flexibility in the location of the permitted operations. The proposed changes to Sections 6.0 and 7.0 (previously Sections 8.0 and 9.0) included removing specific lists and examples of allowable products, providing more discretion for the Department in approving permittee activities and allowing the Department to be more responsive to permittee requests for varied products as market forces evolve and provide alternative, acceptable locations to address specific facility circumstances. The proposed changes included technical and style changes to ensure the Regulation is consistent with the *Delaware Administrative Code Drafting and Style Manual*. Other regulations issued by the Department are not affected by the proposal.

Notice of a public comment period of at least thirty (30) days on the proposed amendments was published in the Delaware *Register of Regulations* for September 1, 2026, in accordance with 29 **Del.C.** §10118(a). This is the Department of Agriculture's Decision and Order adopting the proposed amendments.

FINDINGS AND CONCLUSIONS

1. Pursuant to 3 **Del.C.** §§101 and 302, the Delaware Department of Agriculture ("Department") has authority to promulgate regulations regarding on-farm home processing of non-potentially hazardous foods in the State of Delaware.
2. The public was given the required notice of the intention to adopt the proposed amended regulation and was given ample opportunity to provide comments opposing the plan.
3. There were no public comments provided during the written public comment period.
4. Thus, the Department concludes that its consideration of the proposed amended regulation was entirely within its statutory authority and, having received no comments opposed to adoption, is now free to adopt the proposed amended regulation.
5. The Department has reviewed the regulation and has determined that, if promulgated, the regulation would have a *de minimis* impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

DECISION AND ORDER

AND NOW on this 14th day of October 2026, it is hereby ordered that:

1. The proposed amendments to the On-Farm Home Processing of Non-Potentially Hazardous Food Regulations are adopted;
2. The text of the final regulation shall be in the form attached hereto as Exhibit A, which remains unchanged as initially published in the September 1, 2026, Delaware *Register of Regulations*; and
3. The effective date of this Order is ten days from the date of its publication in the Delaware *Register of Regulations* in accordance with 29 **Del.C.** §10118(g).

Wm. Donald Clifton II, Secretary of Agriculture

***Please note that no changes were made to the regulation as originally proposed and published in the September 2026 issue of the *Register* at page 117 (30 DE Reg. 117). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**
https://regulations.delaware.gov/register/november2026/final/30 DE Reg 297 11-01-26

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DELAWARE HEALTH CARE COMMISSION

Diamond State Hospital Cost Review Board

Statutory Authority: 16 Delaware Code, Section 9952(g) (16 **Del.C.** §9952(g))

FINAL

ORDER

5003 Hospital Information Review

NATURE OF THE PROCEEDINGS:
Pursuant to its authority at 16 **Del.C.** §9952(g), the Diamond State Hospital Cost Review Board ("Board") published a proposed new regulation, 5003 Hospital Information Review, in the *Delaware Register of Regulations* on September 1, 2026 (30 DE Reg. 123), announcing a public comment period of September 1, 2026 through October 1, 2026.

The proposed regulation establishes procedures for hospitals to submit financial and utilization information subject to the Board's review, including the Uniform Reporting Manual required by 16 **Del.C.** §9952(g).

SUMMARY OF EVIDENCE:
The Board received one written comment during the public comment period, from Patti Drago, a Delaware resident with a professional background in commercial property and casualty insurance. The commenter supported the objective of

the regulation and offered one suggestion concerning hospital-owned captive insurance companies. The commenter recommended that the Uniform Reporting Manual, the Board's annual reporting guidance, or both require hospitals with affiliated captive insurers to report a reconciliation of funds paid to, held by, and returned from the captive, so that the Board can distinguish the actual cost of insured risk from amounts retained within a hospital-controlled affiliate. The commenter also recommended that the Board require multistate hospital systems to provide a reasonable allocation to Delaware operations where practicable.

IMPACT ON THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE:
The Board has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation on the State's greenhouse gas emissions reduction targets and resiliency to climate change is not practical.

FINDINGS OF FACT:
The Board reviewed and discussed the written comment at its public meeting on October 5, 2026. The Board noted that some, but not all, Delaware hospitals use captive insurers. The cost of insuring risk, whether through a commercial insurer, self-insurance, or a captive, is an expense the Board anticipates will be reflected in the financial information hospitals are already required to submit under the regulation. Related information will also be reflected in hospitals' IRS Form 990 filings.

The Board will assess whether captive insurance arrangements are material to its evaluation of hospital costs during the first annual review cycle. If the Board determines that captive insurance arrangements are material, it will consider amending the regulation or its annual reporting guidance for a subsequent reporting cycle.

The Board therefore finds that no change to the proposed regulation is warranted at this time. The Board further finds that the regulation is necessary to implement the annual submission and review of hospital information required by 16 **Del.C.** §9953 and should be adopted as proposed in the best interest of the public of the State of Delaware.

At the October 5 meeting, the Board voted unanimously, with four of its seven voting members present, not to make changes to the regulation as proposed and to adopt it as final. The vote satisfied the requirement of 16 **Del.C.** §9952(f)(2)e. that a regulation be adopted by a majority of the Board's voting members. Because no changes were made to the proposal, further public notice and comment is not required under 29 **Del.C.** §10118(c).

THEREFORE, IT IS ORDERED that the proposed regulation 16 **DE Admin. Code** 5003 Hospital Information Review, as published at 30 DE Reg. 123 (09/01/26) and attached to this Order, is adopted and shall become effective 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

[October 13, 2026]
Date of Signature

Diamond State Hospital Cost Review Board

____/s/ David Singleton_____	David Singleton, Chair
____/s/ Rick Geisenberger_____	Rick Geisenberger
____/s/ Thomas Brown_____	Thomas Brown
____/s/ Dr. Thomas Sweeney_____	Dr. Thomas Sweeney

***Please note: Electronic signatures ("/s/") were accepted pursuant to** 6 **Del.C**. §12A-107(d)**.**

***Please note that no changes were made to the regulation as originally proposed and published in the September 2026 issue of the *Register* at page 123 (30 DE Reg. 123). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**
https://regulations.delaware.gov/register/november2026/final/30 DE Reg 298 11-01-26

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR QUALITY

Statutory Authority: 7 Delaware Code, Sections 6044(c) and 10003(g) (7 **Del.C.** §§6044(c) & 10003(g))

7 **DE Admin. Code** 1147

FINAL

ORDER

1147 CO2 Budget Trading Program

Secretary's Order No.: 2026-A-0037
RE: Approving Final Regulation Amendments to 7 Del.C. §1147: CO_2 Budget Trading Program (Regional Greenhouse Gas Initiative, or "RGGI")
Date of Issuance: October 14, 2026
Effective Date: November 11, 2026

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), and pursuant to 7 **Del.C**. §§6043-6047, Delaware's *Regional Greenhouse Gas Initiative and CO2 Emission Trading Program*; 7 **Del.C**. Ch. 100, *Delaware Climate Change Solutions Act of 2023*; the general authority as provided under 7 **Del.C**. Ch. 60, and all other relevant statutory authority, the following findings of fact based on the record, reasons and conclusions are entered as an Order of the Secretary in the above-referenced promulgation.

Background, Procedural History and Findings of Fact

A virtual public hearing was held on Tuesday, July 28, 2026, at 6:00 p.m. via the State of Delaware Zoom Platform by the Department to receive comment on proposed regulatory amendments to 7 DE Admin. Code 1147: *CO2 Budget Trading Program*, more commonly referred to as the *Regional Greenhouse Gas Initiative*, or "RGGI" ("Amendments"). Since 2009, Delaware (along with other participating states) have implemented a regional program known as RGGI to reduce CO2 emissions. In 2025, the states comprising RGGI finalized program revisions. Thus, the purpose of this promulgation is to formally amend Delaware's existing CO2 Budget Trading Program regulation (7 DE Admin. Code 1147) to reflect those revisions.

The proposed Amendments to 7 DE Admin. Code 1147 include, among other minor program adjustments, adjusting Delaware's portion of the regional cap beginning in 2027-2037; replacing Emissions Containment Reserve with increased minimum reserve price; amending the quantity of allowances in the Cost Containment Reserve; adding an additional Cost Containment Reserve; updating the regional base CO2 allowance amount; and removing offsets from RGGI design beginning in 2027.

To serve as background on this regulatory promulgation, RGGI is the nation's first multi-state initiative created to cap and reduce carbon dioxide ("CO2") emissions from the electricity generating sector. Over RGGI's history, there have been nine states (including Delaware) that have consistently participated in the program. As of the time of this proposed regulatory promulgation, the participating RGGI states are Delaware, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Virginia.

The RGGI program is composed of individual CO2 Budget Trading Programs in each participating state. Through independent statutes or regulations, based on the RGGI Model Rule, each state's CO2 Budget Trading Program limits CO2 emissions from electric power plants, issues CO2 allowances, and establishes participation in regional CO2 allowance auctions.

Within the RGGI states, fossil fuel-fired electric power generators with a capacity of twenty-five megawatts or greater (also called "regulated sources") are required to hold allowances equal to their CO2 emissions over a three-year control period. RGGI states establish a regional cap on the amount of CO2 emissions that fossil fuel-fired power plants can emit by issuing a limited number of tradeable CO2 allowances. Each allowance represents an authorization for a regulated power plant to emit one (1) short ton of CO2. Regulated sources can use a CO2 allowance issued by any participating state to demonstrate compliance in any state. These allowances may be acquired by the regulated sources by purchasing them at regional auctions or through secondary markets, thereby allowing market forces to determine the most cost-effective means of reducing CO2 emissions and creating market certainty to drive long-term investment in clean energy.

The stated RGGI program goals are as follows: (1) stabilize, then reduce, greenhouse gas ("GHG") emissions; (2) invest in energy efficiency, renewables and climate policies and programs; (3) create a market for carbon; (4) demonstrate that a state-led regional program can work; and (5) implement a professional auction model. A review of what has occurred in the states that have participated in RGGI since 2009 reveals the following:

- RGGI states experienced a 46% reduction in carbon dioxide pollution since 2009, even as the regional economy grows.
- RGGI allowance auctions have yielded more than $9 billion to power investment in the clean energy future of the participating states.
- RGGI states' reinvestments of auction proceeds to date have directly benefited over eight (8) million households and 400,000 businesses in the region and will save ratepayers over twenty billion dollars on their energy bills through energy efficiency programs and other consumer support.
- Independent research by the Analysis Group found that RGGI produced $5.7 billion in net economic benefits and added 48,000 job-years to RGGI states' economies between 2009 – 2020.
- RGGI participation has coincided with reduced costs for consumers, with average residential and commercial bills in RGGI states declining faster than the rest of the United States.

Additionally, investments in peak demand reduction and energy efficiency programs funded through RGGI have advanced reliability goals in the region, while reducing emissions and consumer bills. In 2024, RGGI investments have saved consumers in participating states money on their energy bills, created jobs, and reduced carbon emissions. Over the program's lifetime, RGGI is projected to save participants an estimated $2.6 billion on energy bills and avoid 4.4 million short tons of harmful CO2 emissions.

The *Delaware Climate Change Solutions Act of 2023* (7 **Del.C**. Ch.100) established GHG emission reduction targets of fifty percent by 2030 and net-zero emissions by 2050 (both targets are based on a 2005 baseline). The RGGI program is the foundational mitigation policy achieving Delaware's GHG goals. Delaware has already made significant progress in reducing its GHG emissions and has a path forward toward net-zero emissions by 2050.

Delaware has eight (8) compliance entities that operate generating units greater than 25 megawatts and are powered by fossil fuels: (1) Constellation Christiana Substation; (2) Constellation Edge Moor; (3) Constellation Hay Road; (4) DCO Energy Garrison Energy Center; (5) City of Dover – Van Sant; (6) DEMEC – Warren F. Sam Beasley; (7) Delaware City Refinery; and (8) Dover Energy Center. These facilities are known as Delaware's RGGI units and must purchase a CO2 allowance for every ton of CO2 emitted.

As called for in the RGGI Memorandum of Understanding, the participating RGGI states have committed to conduct routine Program Reviews of the individual CO2 Budget Trading Programs. The First Program Review was begun in 2012, with results announced on February 7, 2013. The Second Program Review was begun in 2016, with announced results and an updated Model Rule provided to participating RGGI states on December 19, 2017. The individual Program Reviews are rigorous and comprehensive evaluations, supported by an extensive stakeholder process that engages the regulated community, environmental nonprofits, consumer and industry advocates, and other interested stakeholders. Additionally, the Program Reviews are to consider each program's successes and impacts, and to determine what design element adjustments are needed to continue to provide the stability, certainty, and reliability upon which consumers and energy providers rely.

Amendments to the Model Rule are developed by the RGGI state staff, as part of each RGGI state's individual Program Review. In line with this commitment, the RGGI states have announced outcomes as a result of the Third Program Review that took place on July 3, 2025. The design updates further the commitment of the participating RGGI states commitments to affordable energy, public health, and the environment, and continued pollution reduction while supporting economic growth and great resiliency, as the market-based design enables the reduction of CO2 emissions at the lowest consumer cost.

At the present time, the participating RGGI states are currently undertaking their individual state processes to implement the determined design changes agreed upon as part of the recently completed Third Program Review. During such Program Reviews, the RGGI states each draw on electricity sector and economic modeling, customer bills analysis, public input, and lessons learned over the history of the RGGI Program. Since its inception, RGGI has utilized a market-based mechanism to cap and cost-effectively reduce emissions.

Under the updated Model Rule, Delaware (along with the other participating RGGI states) commits to the following actions:

- Reduction of the regional emissions cap in 2027 from 75.7 million tons of CO2 to approximately 69.8 million tons. Allowances decline by approximately 8.5 million tons of CO2 annually (approximately 10.5% of the 2025 budget) thereafter through 2033. From 2034 through 2037, the cap will decline by approximately 2.4 million tons of CO2 annually (approximately 3% of the 2025 budget). Subsequent years are set to match the 2037 emissions cap. No adjustments are made to the bank allowances, which continue to be available for compliance purposes. As of July 2026, the estimated bank of privately

held allowances in excess of RGGI compliance obligations is approximately 60 million tons. Setting the regional cap beyond 2037 will be addressed in the next RGGI Program Review scheduled to begin no later than 2028.

- To ensure availability of RGGI allowances to meet grid reliability needs and protect against cost volatility, the Department's proposed Amendments contain language to revise the existing Cost Containment Reserve ("CCR"). The CCR is a reserve of allowances made available at auction if the auction clearing price exceeds a predetermined trigger price. Additionally, the proposed Amendments increase the size of the CCR and implement a second tier of CCR allowances available at auction at a higher trigger price.
- Increase of the minimum reserve price (i.e., the lowest price at which RGGI allowances may be sold at auction). Beginning in 2027, the updated Model Rule removes the Emissions Containment Reserve ("ECR") and replaces it with an increased minimum reserve price that matches the existing ECR trigger price trajectory. The new minimum reserve price is $9.00 in 2027, increasing by seven percent (7%) annually thereafter.
- During the Third RGGI Program Review, stakeholders raised concerns that offset allowances permitted covered sources to meet their compliance obligation without reducing emissions at their facilities (since RGGI's inception in 2009, there has been very limited interest in sponsorship of an offset project). Moving forward, the participating RGGI states have determined that RGGI offset allowances will no longer be awarded or otherwise distributed under the RGGI Program.
- The Department's proposed Amendments remove the offset project types for landfill methane capture and destruction, sequestration of carbon due to reforestation, improved forest management, and avoided methane emissions from agricultural manure management operations, as the updated Model Rule eliminates the language regarding RGGI offset allowances.

Other provisions contained within the Department's proposed Amendments, consistent with the updated Model Rule, include the following: (1) any existing offset allowances awarded by a participating state prior to January 1, 2027, are fully fungible within the constraints of the RGGI Program; (2) updates to streamline the monitoring, reporting, and recordkeeping section are being made, so as to mirror the federal requirements established in 40 CFR Part 75; and (3) numerous administrative, clerical changes are being made to the definition section of the existing regulations.

Throughout the aforementioned Third Program Review, the RGGI states held a number of public meetings to solicit comments and receive feedback. The outcomes of the Third Program Review were decided by consensus among all the participating RGGI states through careful deliberation, technical modeling and analysis, and robust stakeholder engagement. Additional state commitments alongside the updated Model Rule include the following:

- RGGI states to adopt the updated Model Rule to be effective January 1, 2027.
- Commencement of the Fourth Program Review to begin no later than 2028.
- Removal from circulation any allowances that were offered at auction but remain unsold.

Upon initiating DNREC's Regulatory Development Process, the Department's Division of Air Quality ("AQ") held a key stakeholder meeting on March 26, 2026. Thereafter, an in-person public workshop was held on April 30, 2026, to vet the proposed Amendments to the public and solicit public input to the draft language. Following that public workshop, Department staff finalized the proposed Amendments and published same in the *Delaware Register of Regulations* on July 1, 2026. Public notice of the proposed Amendments and public hearing to be held on July 28, 2026, was also published in both the *News Journal* and the *Delaware State News* and posted on the *State of Delaware Public Meeting Calendar*, on July 1, 2026, as well.

The following section of this Hearing Officer's Report ("Report") provides a brief description of the Amendments proposed at this time by the Department regarding Delaware's existing 7 DE Admin. Code 1147:

Section 1 - *General Provisions*: Definitions have been amended to reflect the following: removal of offsets; clarification of the CO2 allowance transfer deadline; update of the CCR trigger price definitions for CCR 1 and CCR 2; removal of definitions associated with the ECR, adjusted budget, and the bank of allowances; and update of the definition for the minimum reserve price.

Section 5 - *CO2 Allowance Allocations*: Existing language amended to reflect the following: the new base budget for 2027 through 2037 and subsequent years; updated existing CCR language to include the second tier CCR; removal of language for the ECR and the third control period bank adjustment. No future bank adjustments are proposed. Additional language proposed to provide flexibility and cost containment for Delaware's RGGI program. The Department will allocate allowances to the Delaware Auction Account.

Section 8 – *Monitoring and Reporting*: Existing language amended for monitoring, reporting and recordkeeping requirements to align and be consistent with federal requirements for power plants that are already subject to 40 CFR Part 75.

Section 9 – *Auction of CCR Allowances*: Existing language updated with regard to the auction provisions of the two CCR tiers and the removal of the ECR.

Section 10 – *Offsets*: The Department is proposing to remove Section 10 in its entirety and to mark it as "RESERVED."

As noted previously, in addition to the specific Amendments noted above, the Department has proposed numerous other edits throughout Delaware's existing RGGI regulations to (1) mirror the federal requirements as set forth in 40 CFR Part 75; (2) reflect minor administrative clarifications (i.e., to promote consistent use of terms and provide additional clarity for the benefit of the regulated community, etc.); and (3) where appropriate, provide clerical correction to existing formatting and style to comply with the current *Delaware Administrative Code Drafting and Style Manual*.

The Department has the statutory basis and legal authority to promulgate the above proposed Amendments, pursuant to 7 **Del.C**. §§6043-6047, Delaware's *Regional Greenhouse Gas Initiative and CO2 Emission Trading Program*; 7 **Del.C**. Ch. 100, *Delaware Climate Change Solutions Act of 2023*; and the general authority provided to the Department under 7 **Del.C**. Ch. 60.

Department staff, as well as members of the public, attended the public hearing held on July 28, 2026. Comments were received from the public by the Department at the time of the public hearing, as well as during both the pre- and post-hearing phases of this promulgation. Pursuant to 29 **Del.C.** §10118(a), the Record remained open subsequent to the date of the public hearing for receipt of public comment through August 14, 2026. At the request of this Hearing Officer, the Department's subject matter experts in the AQ provided a Technical Response Memorandum ("TRM"), for the benefit of the Record generated in this matter. The Department's TRM, dated September 9, 2026, is discussed in greater detail below. It should be noted that all notification and noticing requirements concerning this matter were met by the Department. Proper notice of the hearing was provided as required by law.

Following receipt of the Department's TRM, Hearing Officer Vest prepared her Hearing Officer's Report ("Report") dated October 12, 2026. The Report expressly incorporated the following documents into the Record generated in this matter, and attached the same to the Report as Appendices "A" through "C," respectively:

- **Appendix "A":** *Revised* proposed Amendments to 7 **Del.C**. §1147, to be submitted to the Register as the Department's final Amendments in this matter
- **Appendix "B":** TRM provided by the Division of AQ in response to the public comment received by the Department in this matter, dated September 9, 2026; and
- **Appendix "C":** AQ Technical Support Document, dated July 2026."

It should be noted that general clerical errors to the Department's original proposed Amendments were discovered during the post-hearing phase of this promulgation. Those errors have now been corrected by Department staff, and thus the *revised* proposed Amendments have been readied for submission to the *Delaware Register of Regulations* as the Department's final proposed Amendments in this matter. Due to the fact that the Department's revisions were non-substantive in nature, no further publication or hearing is necessary.

The Report documents the proper completion of the required regulatory amendment process, establishes the Record, and recommends the adoption of the *revised* proposed Amendments as final.

Reasons and Conclusions

Currently pending before the Department is the adoption of the *revised* proposed amendments to 7 DE Admin. Code 1147, Delaware's *CO2 Budget Trading Program*. As noted previously, the purpose of this regulatory promulgation is to amend Delaware's RGGI program so as to reflect the revisions made to the updated Model Rule, as set forth above.

As the TRM notes, the Department received numerous comments from the public regarding the proposed Amendments, both at the time of the public hearing held on July 28, 2026, and during the pre- and post-hearing phases of this promulgation. Many comments were supportive of Delaware's continued participation in the RGGI program and of the proposed Amendments. Other comments voiced concern over the proposed increase in the minimum reserve price and the cost containment reserve trigger prices, the elimination of offset compliance moving forward, and how the proposed revisions ultimately will adversely affect the impact of the RGGI program on Delaware rate payers. Some comments opined that RGGI compliance constitutes an unlawful tax upon electricity rate payers, while others recommend that the Department defer implementation of the proposed Amendments until Delaware has had a better opportunity to better understand the regional generation adequacy concerns, PJM reliability forecasts, electricity demand growth, consumer affordability impacts, and economic development implications. The following section of this Report will group the public comments received into specific areas of concern and summarize the Department's responses to the same.

1. **The RGGI program has an adverse impact on Delaware energy consumers.**

Some comments received by the Department opined that many aspects of the RRGI program will ultimately result in a negative impact on Delaware's rate payers. In support of that concern, commenters offered conclusions for the Department's consideration, including, but not limited to, the following:

(1) The proposed increases in the minimum reserve price and the cost containment reserve trigger prices, coupled with the elimination of the offset compliance alternative, has pushed the price of RGGI allowances higher. These higher allowances lead to higher bids into the PJM connection, which result in a higher price for the electricity that Delaware customers buy.

(2) The recent increased costs associated with PJM's capacity auction was the result of increased operating costs associated with RGGI compliance. As a result of the RGGI increased operating costs, natural gas units will retire or shut down, thus resulting in higher capacity auction prices.

(3) The Department should evaluate the implementation of the proposed RGGI program changes and encourage prioritization of reliability, customer affordability and investment certainty. Given this, the Department was encouraged to evaluate the interaction between future cap reductions and regional resource adequacy needs."

In response to these concerns, the Department's TRM refers to its Technical Support Document (*see*, Report App. "C," specifically, Sections 6 through 8) for an exhaustive analysis of the impact of the RGGI program on Delaware energy consumers. The Department's subject matter experts in the AQ opine that the Technical Support Document demonstrates the RGGI program has a net positive impact on energy consumers.

With regard to the recommendation that the Department further evaluate the implementation of the proposed RGGI revisions, the Department encourages businesses to participate in future RGGI program reviews to offer their insights into how the program should be adjusted in the future. The TRM notes that the press release regarding the completion of the Third Program Review announced the next such review is to commence no later than 2028, and that the scoping process for that program review was announced this past May.

2. Certain aspects of the RGGI Program are perceived to be unconstitutional, unlawful, or otherwise not statutorily mandated (i.e., Delaware is not required to adopt every revision to the Model Rule or recommendation from the third RGGI Program Review).

Some commenters opined that the distribution of RGGI proceeds to the SEU is unconstitutional, and that RGGI compliance amounts to an unlawful tax. Other comments voiced concern that the Department has not clearly demonstrated that Delaware law requires the implementation of the specific RGGI revisions at this time, particularly as Delaware and the broader PJM region face growing concerns about electricity reliability, generation adequacy, and energy affordability. To that end, requests were received that the Department identify the specific statutory authority that requires the implementation of the proposed Amendments at this time.

In response to this area of concern, the TRM notes that the General Assembly adopted the RGGI authorizing statute (7 **Del C.** §6046) that establishes the distribution of auction revenue to the SEU. With regard to the suggestion that RGGI compliance is an unlawful tax, the Department does not agree. The TRM states that the CO2 Budget Trading Program is not a tax, but a market-based approach to reducing CO2 emissions in the power sector and is similar to the existing cap and trade programs for SO2 and NOx. Although there are costs associated with compliance for electricity generating units, the purpose of the program is to stabilize and reduce CO2 emissions at the lowest possible cost to compliance entities. The program does not result in taxes or fees for electricity rate payers and has not increased electricity rates.

Insofar as the comment that the Department has not clearly demonstrated that Delaware law requires the implementation of these specific revisions at this time, the TRM states the Department disagrees. The Department has the authority to adopt and amend regulations through the authority granted by the General Assembly, as provided in 7 **Del. C**. Ch. 60, specifically, at §6010(a). Furthermore, participation in a regional program requires coordination with the participating RGGI states in order to implement the reductions in GHG emissions. The Department's proposed Amendments reflect the outcome of the Third Program Review, as noted above, in order to make progress towards each state's GHG reduction goals.

As noted in the TRM, the General Assembly has found, as set forth in 7 **Del.C**. §6043(a)(10), that the most cost effective and least burdensome way to control CO2 emissions is to continue Delaware's participation in the Regional Greenhouse initiative:

> *Implementation of a CO_2 reduction program on a large scale, such as regionally, or nationally, is important so as to maximize our efficient use of energy and our contribution to lowering CO_2 emissions while minimizing impacts on electric system reliability and unnecessary costs to Delaware power consumers. Further, costs of the CO_2 cap and trade program are anticipated to be less burdensome if the program is implemented, to the extent possible and practicable, on a regional level.*

Further, the Department believes the proposed Amendments are within the statutes of Delaware Code. Specifically, 7 **Del.C**. §6044(a) states:

> *The General Assembly explicitly authorizes and sanctions the prior and ongoing participation of the Secretary of the Department of Natural Resources and Environmental Control, and the Chair of the Public Service Commission, and their duly authorized representatives, as part of their official duties, to implement and participate in the Regional Greenhouse Gas Initiative (RGGI)*

The Department's TRM states that the General Assembly has further directed Delaware to reduce GHG emissions. As previously referenced herein, the *Delaware Climate Change Solutions Act of 2023* requires Delaware to reduce GHG emissions to achieve net zero emissions by 2050. The RGGI Program is the foundational control strategy and policy for achieving this target.

3. RGGI will decrease investment in natural gas fired generation – new, repowering, or upgrades. Delaware should encourage investment in reliable electricity generation, not create barriers at a time when reliability concerns are growing and future capacity needs remain uncertain.

Comments falling into this area of concern point out that fuel switching from coal to natural gas has been one of the most significant contributors to emissions reductions throughout Delaware, the Mid-Atlantic, and the broader RGGI region. Further, that natural gas has been one of Delaware's greatest success stories in emissions reductions. One commenter opined that the reductions in the Delaware allowance budget are significant and raise practical concerns about future investment in electricity generation. Concerns were also voiced about Delaware importing electricity from out-of-state power suppliers; specifically, that Delaware has an opportunity to increase its clean dispatchable electric generation, but the Department's proposed Amendments "…hamstring that ability, keeping Delawareans dependent on out-of-state dispatchable generation."

In response to these concerns, the Department's TRM again points to its Technical Support Document (*see* Report, App. "C," specifically, Section 6.0) and its Appendix "A," which provides detailed information on the modeling performed by the RGGI participating states and the Delaware specific modeling in support of the proposed Amendments. The TRM further notes that the General Assembly has charged Delaware with reducing GHG now based on the information currently available.

The TRM goes on to note that Department fails to understand how the proposed Amendments are a barrier to investments in reliable generation. The documentation found in the Report's App. "C" contains modeling results that provide details on the amount of natural gas generation projected through the 2037-time horizon. Moreover, natural gas combined cycle and combustion turbine technologies are anticipated to remain consistent through 2037. As noted previously, the General Assembly has found that the most cost effective and least burdensome way to control CO2 emissions is to continue Delaware's participation in the RGGI initiative.

4. The Department has failed to fully analyze the economic impact of the proposed elimination of the RGGI offsets program.

In response to this comment, the Department's TRM notes that a detailed discussion of the program proceeds was provided in AQ's Technical Support Document (*see*, Report, App. "C"). The TRM further notes that the RGGI offset program has been available since 2009, with no applications having been received for projects here in Delaware. That being said, the Department is happy to review this program as part of the upcoming Fourth Program Review, should a project sponsor seek to develop an offset project in Delaware.

In addition to the above areas of concern, comments were received by the Department regarding the accuracy of the information set forth in the Department's RFA/RIS forms filed along with the proposed Amendments in this matter (as required by the *Register of Regulations*). In response to those comments, the TRM notes that the Department agrees that the statutory language quoted for the definition of a "small business" had recently been amended to increase the annual gross receipts from $4,000,000 to $10,000,000; however, this increase does not change the applicability of the RGGI program because all entities required to comply have gross receipts in excess of $10,000,000. As such, the Department does not believe a correction to the RFA is necessary, as the current statutory citation was provided at the time the original proposed Amendments were submitted, and the definition of a small business does not require any Delaware small business to comply with 7 **Del. C**. §1147.

With regard to other comments concerning the failure of the Department to (1) conduct an analysis of the proposed Amendments and (2) identify less costly alternatives to the same in its RIS filed with the *Register of Regulations* in this matter, the TRM again notes the detailed analysis provided in its Technical Support Document (*see,* Report, App. "C," Sections 6-7), including, but certainly not limited to, modeling spreadsheets for the estimated impact of the proposed Amendments and the Cost Benefit analysis for Delaware rate payers. The documentation in the

Report's App. "C" further references information provided on the RGGI website that includes the six (6) stakeholder engagement sessions where alternatives were presented.

Based on the Record developed in this matter, I find and conclude that the Department has provided appropriate reasoning regarding the need for the *revised* proposed Amendments, as set forth above. Accordingly, this Order directs the promulgation of the same, in the customary manner provided by law.

Further, the following reasons and conclusions are hereby entered:

1. The Department has the statutory basis and legal authority to act with regard to the *revised* proposed amendments to 7 **Del.C.** §1147, *CO2 Budget Trading Program*, pursuant to 7 **Del.C**. §§6043-6047, Delaware's *Regional Greenhouse Gas Initiative and CO2 Emission Trading Program*; 7 **Del.C**. Ch. 100, *Delaware Climate Change Solutions Act of 2023*; and the general authority provided to the Department under 7 **Del.C**. Ch. 60;
2. The Department has jurisdiction under its statutory authority, as noted above, to issue an Order adopting the *revised* proposed Amendments as final;
3. The Department provided proper public notice of the original proposed Amendments and all proceedings in a manner required by law and regulations, and provided the public with an adequate opportunity to comment on the proposed Amendments, including at the time of the public hearing held on July 28, 2026, and during the days subsequent to the public hearing through August 14, 2026, in order to consider all public comment on the same before making any final decision;
4. As a direct result of the review performed by Department staff during the post-hearing phase of this promulgation, clerical error was discovered. That error has now been corrected, and the Department's *revised* proposed Amendments have been readied for submission to the *Delaware Register of Regulations* as final Amendments. Given that the corrected error was non-substantive in nature, no further publication or hearing is necessary in this matter;
5. Promulgation of the *revised* proposed Amendments will enable DNREC to amend Delaware's existing CO2 Budget Trading Program regulation to (1) mirror the federal requirements as set forth in 40 CFR Part 75; (2) reflect minor administrative clarifications (i.e., to promote consistent use of terms and provide additional clarity for the benefit of the regulated community, etc.); and (3) where appropriate, provide clerical correction to existing formatting and style to comply with the current *Delaware Administrative Code Drafting and Style Manual*;
6. The Department has reviewed the *revised* proposed Amendments in the light of the Regulatory Flexibility Act, consistent with 29 **Del.C**. Ch. 104, and believes the same to be lawful, feasible, and desirable, that it will not establish substantive additional costs for individuals or small businesses and that the recommendations as proposed should be applicable to all Delaware individuals or small businesses equally;
7. Further, the Department has reviewed the *revised* proposed Amendments in the light of 7 **Del.C**. §10003 and 29 **Del.C**. §10118(b)(3), and has conducted the requisite assessment regarding the impact of this regulation on the achievement of the State of Delaware's GHG emissions reduction target accordingly;
8. The Department's Hearing Officer's Report, including its established Record and the recommended proposed Amendments, as published in the July 1, 2026, *Delaware Register of Regulations*, fully vetted at the public hearing held on July 28, 2026, and then *revised* to correct non-substantive error, are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, they should be approved as final regulatory amendments, to go into effect ten (10) days after their publication in the next available issue of the *Delaware Register of Regulations*;
9. The Department has an adequate Record of its decision, and no further public hearing in appropriate or necessary;
10. The Department shall submit this Order approving the *revised* proposed Amendments as final Amendments to the *Delaware Register of Regulations* for publication in its next available issue and provide such other notice as the law and regulation require, and as the Department determines is appropriate; and
11. The Department shall serve and publish its Order on its internet site.

Gregory Patterson
Secretary

***Please Note: Due to the size of the regulation, it is not being published here. A copy of the regulation is available at:**

https://regulations.delaware.gov/register/november2026/final/30 DE Reg 300 11-01-26

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

OFFICE OF THE MARIJUANA COMMISSIONER

Statutory Authority: 4 Delaware Code, Section 1331 (4 **Del.C.** §1331)
4 **DE Admin. Code** 5001

FINAL

ORDER

5001 Rules of the Office of the Marijuana Commissioner

SUMMARY OF THE EVIDENCE

1. Title 4, Section 1331 of the Delaware Code authorizes the Office of Marijuana Commissioner ("OMC") to establish regulations necessary to implement Chapter 13.

2. OMC published its proposed revisions to 4 DE Admin. Code 5001 in the *Delaware Register of Regulations* on September 1, 2026, in 30 DE Reg. 131 (09/01/26). A written comment period was held open for thirty days, through October 1, 2026.

3. OMC's purpose in revising the regulation is to: allow a cultivation facility to prepare and sell to retail marijuana stores "pre-rolls" containing only marijuana flower cultivated by the facility and bearing only the producing facility's branding; additional changes were proposed to subsection 9.7 to conform those provisions to changes previously made in Section 10.0 modifying permissible colors and images on branding and packaging. *See* 29 **DE Reg.** 787 (03-01-26).

4. OMC solicited and requested public comment on the proposed revisions to the regulation in accordance with the Delaware Administrative Procedures Act, 29 **Del.C.** Ch. 101, et. seq., and one written public comment was submitted. OMC considered the comments contained in the written submission and, as described in more detail below, determined that no substantive changes are required to the proposed revised regulation. This is OMC's Decision and Order adopting the proposed revised regulation set forth herein and with the rest of the rules as published remaining unchanged.

FINDINGS OF FACT AND CONCLUSIONS

OMC's proposed changes to the regulation fall into two categories: changes intended to clarify existing requirements; and changes intended to modify existing requirements. The clarifying changes were included to conform the provisions to prior changes published in 29 **DE Reg.** 787 (03-01-26). The written public comment received by OMC did not address this change, and therefore OMC finds that it is appropriate to adopt the proposed clarifying changes as published.

The proposed changes modifying existing requirements were included to allow cultivators to produce pre-rolls without obtaining a manufacturing license, provided the pre-rolls contain only marijuana flower grown by that cultivator and sold exclusively under its in-house brand. The change responds to requests from several cultivators, addresses the limited number of licensed marijuana manufacturers currently operating in Delaware, and gives cultivators a practical way to introduce and establish their brands in the marketplace. The change will also increase the range of products available to consumers while maintaining clear product sourcing and accountability. The written comment received on this subject was submitted anonymously, except for an indication that it was submitted on behalf of a social equity manufacturing licensee, and it argued that the change would reduce market opportunities for manufacturing licensees generally, and social equity licensees specifically. OMC understands and appreciates that the change allows cultivators to produce a product that was previously limited to licensees holding a manufacturing license; however, the new framework includes limitations specifically intended to balance the interests of all licensees by prohibiting cultivators from outsourcing flower, white-labeling, or producing infused pre-rolls, reserving those activities and products for manufacturing licensees. Therefore, OMC finds that it is appropriate to adopt the proposed changes as published.

STATEMENT OF CLIMATE IMPACT

An assessment of the impact of the proposed revised regulations on the achievement of the State's greenhouse

gas emissions reduction target and the State's resiliency to climate change is not practical for this regulation.

ORDER

AND NOW this 9th day of October, 2026, it is hereby ordered that:

1. The proposed regulation revisions to Sections 2.0, 6.7, and 9.7 are hereby adopted; and
2. The effective date of this order is 10 days from the date of its publication in the *Delaware Register of Regulations* in accordance with 29 **Del.C.** §10118(g).

IT IS SO ORDERED.
Joshua Sanderlin, Commissioner
Office of the Marijuana Commissioner

***Please note that no changes were made to the regulation as originally proposed and published in the September 2026 issue of the *Register* at page 131 (30 DE Reg. 131). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

https://regulations.delaware.gov/register/november2026/final/30 DE Reg 307 11-01-26

WITHDRAWN

Department of Labor

Division of Industrial Affairs

1322 Prevailing Wage Regulations

29 DE Reg. 284 (10/01/2025) (Proposed)

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

GENERAL NOTICE

NOTICE

DDDS Lifespan Waiver Amendment

In accordance with the public notice requirements of 42 CFR 441.304(d)(1), 42 CFR 441.304(e), and 42 CFR 441.304(f) and Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) gives notice related to the amendment of the DDDS HCBS Medicaid Waiver authorized under section 1915(c) of the Social Security Act.

Purpose

The purpose of this posting is to provide public notice and elicit public input regarding Delaware's proposed amendment to its current 1915 (c) HCBS Lifespan Waiver that serves individuals with intellectual and developmental disabilities (IDD).

Overview and Summary of the Lifespan Waiver Amendment

Delaware proposes to amend the DDDS waiver that has been in continuous operation since 1987. The waiver must be renewed every five years. Any changes during those five years must be made through an amendment to the current approved waiver. The DDDS waiver is targeted to individuals with intellectual developmental disabilities (IDD) (including brain injury), autism spectrum disorder, and Prader-Willi Syndrome. It provides services and supports as an alternative to institutional placement and promotes independence, enables the individual to live "their good life" safely in the community, encourages community engagement, and respects and supports their desire to work or engage in other productive activities.

Proposed change(s) to the current waiver include:

-Adding Integrated Supports Day Habilitation as a new service

-Adding Benefits Counseling as a new service

Background

Delaware has operated a Home and Community Based Services (HCBS) Waiver for individuals with intellectual and developmental disabilities continuously since 1987. The authority under the Social Security Act that allows HCBS waivers to be created requires that any changes during those five years must be made through an amendment to the current approved waiver.

Public Comment Submission Process

As required by 42 CFR Part 441.304, DHSS/DMMA must establish and use a public input process for any changes in the services or operation of the waiver. Per Del. Code, Title 29, Ch. 101 §10118 (a), the opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the Register of Regulations. The opportunity for public written comment shall be extended for a minimum of 15 days after the final public hearing when 1 or more public hearings are held on the proposal. The public is invited to review and comment on the proposed Lifespan Waiver Amendment. Comments must be received by 4:30 p.m. on December 15, 2026. Individuals may submit written comments using one or all the following methods:

By email: **DHSS_DMMA_PublicComment@delaware.gov**
(Please identify in the subject line: *DDDS Lifespan Waiver Amendment)*
By fax: 302-255-4413 to the attention of Melissa Dohring
By written comments sent to:
DDDS Lifespan Waiver Amendment
Division of Medicaid and Medical Assistance
Planning, Policy & Quality Unit
1901 North DuPont Highway
P.O. Box 906

New Castle, Delaware 19720-0906
This public notice, the Amendment, and a summary of the Amendment are posted online at:
https://dhss.delaware.gov/dmma/home/medicaid/waiver-programs/
The DMMA and DDDS websites will indicate the locations at which the hardcopy can be viewed.
The hardcopy waiver amendment will be available at the following locations from November 1, 2026 through December 15, 2026.

-DDDS Fox Run Office at: 2540 Wrangle Hill Road, Suite 200, Bear, DE 19701
-Thomas Collins Building at: 540 South Dupont Hwy, 1st Floor, Dover, DE 19901
-Woodbrook Office at: 1056 S. Governors Ave, Dover, DE 19904
-Stockley Center campus at: 26351 Patriots Way, Georgetown, DE 19947 - 101 Boyd Blvd.

Notice will be published regarding the amendment in the November 1, 2026, Delaware Register of Regulations with a link to the website where the complete application may be found. The public comment period begins on November 1, 2026, and ends on December 15, 2026.
This timeframe allows for an additional period of a minimum of 15 days for the public to comment after the last public hearing.
The public will have the opportunity to comment using the process described in the Register notice.
Following the comment period the State reviews, considers, and responds to all comments received.
Dates and Locations for Public Hearings for the Lifespan Waiver Amendment-

New Castle County
November 16, 2026
10:00 am- 11:00 am
DDDS Fox Run Office
2540 Wrangle Hill Rd., Suite 200
Bear, DE 19701
2nd floor large training room
To attend this hearing remotely via Zoom:
Join Zoom Meeting
https://ddds.zoom.us/j/3619339427?omn=85883342520
Meeting ID: 361 933 9427
One tap mobile
+13052241968,,3619339427# US
+13092053325,,3619339427# US

Kent County
November 17, 2026
1:00 pm-2:00 pm
DDDS Annex (right next to KSI building)
391 A Rehoboth Blvd.
Milford, DE 19963
To attend this hearing remotely via Zoom:
Join Zoom Meeting
https://ddds.zoom.us/j/3619339427?omn=81865022933
Meeting ID: 361 933 9427
One tap mobile
+13052241968,,3619339427# US
+13092053325,,3619339427# US

Sussex County
November 24, 2026
6:00 pm – 7:00 pm
Lewes Public Library

111 Adams Ave.
Lewes, DE 19958
To attend this hearing remotely via Zoom:
Join Zoom Meeting
https://ddds.zoom.us/j/3619339427?omn=85221300852
Meeting ID: 361 933 9427
One tap mobile
+13052241968,,3619339427# US
+13092053325,,3619339427# US
DDDS will summarize any public feedback received including any changes it has made as a result of the public comment to the proposed Lifespan Waiver Amendment that will be submitted to CMS.
If you require special assistance and/or services to participate in the public hearing (e.g., sign language interpretation or other translation services, etc.) please call or e-mail the following contact at least ten (10) days prior to the hearing for arrangements: Larry Pusey at Larry.Pusey@delaware.gov or 302-744-9714.
The prompt submission of requests helps to ensure the availability of qualified individuals and appropriate accommodations in advance.

***Please Note: Due to the formatting requirements of the DDDS Lifespan Waiver Amendment, it is being attached here as a PDF document:**
https://regulations.delaware.gov/register/November2026/ACBC87EC-3429-4FF9-96DE-CCCDAD3E8F6F

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

GENERAL NOTICE

NOTICE

TANF State Plan 2026-2029

Statutory Authority: 45 CFR Chapter II

Delaware Health and Social Services (DHSS), Division of Social Services (DSS), is providing public notice of the State's plan to comply with Federal regulations governing the Temporary Assistance for Needy Families (TANF) program.

Purpose
The purpose of this posting is to provide public notice and solicit public comments for consideration regarding Delaware's TANF State Plan, which will be effective from October 1, 2026, to September 30, 2029.

Overview
The TANF State Plan is a comprehensive statement submitted by the Delaware Division of Social Services describing the nature and scope of its program and giving assurance that it will be administered in conformity with the specific requirements stipulated under Title IV-A of the Social Security Act and implemented through federal regulations in 45 CFR Parts 260-265. The State Plan contains all information necessary for the Administration for Children and Families (ACF) to determine whether the plan can be approved as a basis for Federal financial participation in the TANF program. A copy of the plan is available at https://dhss.delaware.gov/dss/division-of-social-services/forms-and-publications/.

Public Comment Submission Process
DHSS gives public notice and provides an open comment period of forty-five (45) days to allow all stakeholders an opportunity to provide input on the TANF State Plan. The comment period begins on November 1, 2026, and ends on December 15, 2026.

Comments and input may be submitted in the following ways:

By email: tony.watson@delaware.gov

By mail: Tony Watson
Division of Social Services
Policy and Program Development Unit
1901 North DuPont Highway
P.O. Box 906
New Castle, Delaware 19720-0906

Please identify in the subject line: TANF State Plan

***Please Note: Due to the formatting requirements of the TANF State Plan, it is being attached here as a PDF document:**
https://regulations.delaware.gov/register/November2026/9B134186-F904-4F82-A82F-8D8C8CBC3F8E

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

OFFICE OF THE SECRETARY

Statutory Authority: 24 Delaware Code, Section 907 (24 **Del.C.** §907)
16 **DE Admin. Code** 100

GENERAL NOTICE

NOTICE

100 Regulations Governing Community Firearm Recovery Programs

Proposed Firearm Responsibilities Notice

Notice of Proposed Publication and Opportunity for Written Public Comment
Pursuant to House Bill No. 141, as amended by House Amendment No. 1, of the 153rd General Assembly (85 Del. Laws, c. 371), and 24 *Del. C*. § 907, the Department of Safety and Homeland Security (Department) gives notice of the proposed Firearm Responsibilities Notice. The proposed document is published with this notice in the Delaware Register of Regulations for public review and comment.

The proposed Firearm Responsibilities Notice is intended to provide persons buying or otherwise acquiring firearms with plain-language information concerning firearm ownership responsibilities, lawful transactions, firearm safety, safe storage, and other subjects identified in 24 *Del. C.* § 907. The Department invites written comments on the proposed document before finalizing it.

Written Public Comments
Interested persons may submit written comments, suggestions, briefs, compilations of data, or other written materials concerning the proposed Firearm Responsibilities Notice. Comments must be received no later than December 4, 2026.

Submit written comments to:

Firearms Transaction Approval Program (FTAP)
Department of Safety and Homeland Security
Delaware State Police
600 S. Bay Road Dover, DE 19901
Email: dsp_sbiftapmail@delaware.gov

Please identify “Proposed Firearm Responsibilities Notice” in the subject line or written correspondence.

Availability of Proposed Notice

The proposed Firearm Responsibilities Notice accompanies this public notice in the Delaware Register of Regulations. Copies may also be requested from the Department at the contact information above.

Following consideration of timely written comments, the Department will finalize the Firearm Responsibilities Notice. The Act becomes effective upon publication in the Delaware Register of Regulations of the Department's notice that the final Firearm Responsibilities Notice has been promulgated, which must include a copy of the final document.

***Please Note: Due to formatting of the notice document, it is not being published here. A copy of the document is available at:**
https://regulations.delaware.gov/register/November2026/5E999F84-ACB6-4165-9E07-41369B3A07EA

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRANSPORTATION SOLUTIONS

Statutory Authority: 21 Delaware Code, Section 4505(d)(1) (21 **Del.C.** §4505(d)(1))

GENERAL NOTICE

NOTICE

SB 89 as amended by SA 1 - Wood Branch Road (S321)

September 29, 2026

Yvette Smallwood
Registrar of Regulations
411 Legislative Avenue
Dover, DE 19901

Ms. Smallwood,

The Delaware General Assembly introduced Senate Bill 89 as amended by Senate Amendment 1 on March 18, 2021. The legislation which relates to traffic control devices for size and weight of vehicles and loads was subsequently signed by Governor Carney on June 30, 2021.

The legislation, which amends §4505 of Title 21 of the Delaware Code, provides as follows:

> §4505. Traffic control devices.
>
> (d)(1) The Secretary of the Department shall submit an order issued under subsection (c) of this section to the *Registrar of Regulations* for publication in the *Register of Regulations*. The Secretary shall also publish the order on the Department's website with other similar orders.

In accordance with 21 **Del.C.** §4505(d)(1), Notice is hereby given by Delaware Department of Transportation, Traffic Engineering Section, as approved and ordered by the Secretary of the Department of Transportation pursuant to 21 **Del.C.** §4505(c), for the following permanent traffic control devices for the safe movement of traffic in the area:

> "No Trucks Over 2 Axles Except Local Services" on Wood Branch Road (S321) from US113 (S113) to Cedar Lane (S318)"

Please accept this notification by the Delaware Department of Transportation in order to publish the information in the *Register of Regulations*.

Thank you,
Peter Haag
Chief of Traffic Engineering

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

18 CFR Part 410 Basin regulations-Water Code and Administrative Manual

SUMMARY: The Commission proposes to amend its *Water Code* and Comprehensive Plan to require water supply systems serving the public (purveyors) to report water use by their largest customers.

DATES: *Written comments*: Written comments will be accepted through 5:00 p.m. EST on Friday, December 4, 2026.

Public hearing: A public hearing will be held remotely *via* Zoom on Wednesday, November 4, 2026, beginning at 1:30 p.m., and ending no later than 3:00 p.m. EST. Details about accessing the hearing are available on the Commission's website, www.drbc.gov.

A notice including the public hearing date, time and location was posted on the Commission's website on October 6, 2026, and circulated that day directly to Commission notice subscribers interested in this subject matter. Members of the public may sign up through the Commission's website to receive direct notice via email of additions or changes to the information provided above.

ADDRESSES: *To submit written comments*: Written comments will be accepted until 5:00 p.m. EST on Friday, December 4, 2026, through the Commission's online public comment collection system at: https://hearing.drbc.commentinput.com?id=T95htQGAg. To request an exception from use of the online system based on lack of access to the Internet, please submit your request, along with your comment, to: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

To register to speak at the public hearing: Those who wish to provide oral comment at a hearing must register in advance to do so. Registration will be through Zoom. A link to the Zoom registration for the public hearing is posted at www.drbc.gov. Online registration will remain open until 5:00 p.m. on the day prior to the hearing date or until all available speaking slots have been filled, whichever is earlier. Each person who wishes to provide oral comment may do so at only one public hearing. Registrations will be monitored, and if capacity is not adequate to accommodate all who wish to speak, additional opportunities may be added.

FOR FURTHER INFORMATION CONTACT: For information regarding the public hearing and submission of written comments, contact Kate Schmidt, Communications Specialist, at contact@drbc.gov (preferred) or 609-477-7205. For information concerning the substance of the proposed amendments, contact Chad Pindar, Manager of Water Resource Planning, at chad.pindar@drbc.gov (preferred) or 609-477-7248.

Supplementary Information: The Delaware River Basin Commission ("DRBC" or "Commission") is a Federal-interstate compact agency formed by the enactment of concurrent legislation by four states and the United States in 1961[1] to manage the water resources of the Delaware River Basin (the "Basin") without regard to political boundaries. The Commission's members are, *ex officio,* the governors of the basin states (Delaware, New Jersey, New York, and Pennsylvania) and the Division Engineer of the U.S. Army Corps of Engineers North Atlantic Division, who represents the United States. The Commission is not subject to the requirements of the Delaware Administrative Procedure Act. This notice is published by the Commission for information purposes.

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

PUBLIC NOTICE

Notice of Monthly Meeting

The State Board of Education meets monthly, generally at 5 p.m. on the third Thursday of the month. These meetings are open to the public. The Board rotates locations of regular meetings among the 3 counties. The State Board of Education provides information about meeting dates and times, materials, minutes, and audio recordings on its website: https://education.delaware.gov/community/governance/state-board-of-education/sbe-monthly-meetings/

DEPARTMENT OF FINANCE

OFFICE OF THE STATE LOTTERY

PUBLIC NOTICE

203 Video Lottery and Table Game Regulations

A. Type of Regulatory Action Required
Amendment to Existing Regulations

B. Synopsis of Subject Matter of the Regulation
Pursuant to 29 **Del.C.** §4805, the Delaware State Lottery proposes to amend 10 **DE Admin. Code** 203 Video Lottery and Table Game Regulations. The Delaware State Lottery will seek public comments on the issue of whether certain amendments to its current regulation should be adopted.

The proposed amendments are to subsections 4.4.2.4, 4.7.1,4.7.2, 6.3, 6.34.1, 6.34.2, 7.15.5.2, 7.15.6.2.4, 7.16.1.1, 7.18.6, 9.3 10.1, 10.2.8, 10.3, 10.4, 16.2.3.2 and 20.6.3 in 10 DE Admin. Code 203.

The amendment to these subsections will update, simplify and clarify current regulations and are primarily administrative in nature.

Persons wishing to present their views regarding this matter may do so by submitting written comments by the close of business on or before December 1, 2026, at the offices of the Delaware State Lottery, Attn: Linda Velott, 1575 McKee Road, Suite 102, Dover, DE 19904.

A copy of these regulations is available at the Delaware State Lottery office at the same address above. Copies are also published online at the Register of Regulations website: https://regulations.delaware.gov/register/current_issue.shtml.

DEPARTMENT OF FINANCE

OFFICE OF THE STATE LOTTERY

PUBLIC NOTICE

205 Charitable Video Lottery Rules and Regulations

A. Type of Regulatory Action Required
Amendment to Existing Regulations

B. Synopsis of Subject Matter of the Regulation
Pursuant to 29 Del.C. §4805, the Delaware State Lottery proposes to amend 10 **DE Admin. Code** 205 Charitable Video Lottery Regulations. The Delaware State Lottery will seek public comments on the issue of whether certain amendments to its current regulation should be adopted.

The proposed amendments are to subsections 4.11.1, 5.1.7, 5.1.17 and 6.2 in 10 DE Admin. Code 205.

The amendment to these subsections will update, simplify and clarify current regulations and are primarily administrative in nature.

Persons wishing to present their views regarding this matter may do so by submitting written comments by the close of business on or before December 1, 2026, at the offices of the Delaware State Lottery, Attn: Linda Velott, 1575 McKee Road, Suite 102, Dover, DE 19904.

A copy of these regulations is available at the Delaware State Lottery office at the same address above. Copies are also published online at the Register of Regulations website: https://regulations.delaware.gov/register/current_issue.shtml.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

14000 Medicaid General Eligibility Requirements

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM) regarding 14000 Medicaid General Eligibility Requirements, specifically, to comply with federal regulations.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: 14000 Medicaid General Eligibility Requirements

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

15000 Family and Community Medicaid Eligibility Groups

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM) regarding 15000 Family and Community Medicaid Eligibility Groups, specifically, to comply with federal regulations.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: 15000 Family and Community Medicaid Eligibility Groups

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Biomarkers

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Title XIX Medicaid State Plan regarding Biomarkers, specifically, to provide coverage for biomarker testing when the test is supported by medical and scientific evidence.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: Biomarkers

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

CHIP Alien Changes

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Title CHIP XXI State Plan regarding CHIP Alien Changes, specifically, to comply with federal regulations.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: CHIP Alien Changes

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Diamond State Health Plan 2026 Quality Strategy

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Diamond State Health Plan Medicaid Managed Care Strategy, regarding 2026 Quality Strategy, specifically, to serve as a roadmap for Delaware on our contracted health plans and assessing the quality of care that beneficiaries receive while setting forth measurable goals and targets for improvement.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: Diamond State Health Plan 2026 Quality Strategy

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Gender Affirming Care

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Title XIX Medicaid State Plan regarding Gender Affirming Care, specifically, to comply with federal regulations.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: Gender Affirming Care

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

PUBLIC NOTICE

4109 Autism Surveillance and Registration Program

Pursuant to 16 **Del.C.** §223, the Department of Health and Social Services, Division of Public Health, Family Health Systems and Management Section, is proposing to repeal the regulation governing the Autism Surveillance and Registration Program (16 **DE Admin. Code** 4109).

House Bill 500 as amended by House Amendment No. 1 (74 **Del. Laws**, c. 387, signed July 19, 2004), created the autism and surveillance system and registry for the State of Delaware, to ensure an accurate and continuing source of data concerning autism. It was intended that the product of these efforts would be a central data bank of accurate, precise, and current information regarding all autism diagnosed or treated, or both, in Delaware. The Autism Surveillance and Registration Program was implemented in a passive approach, and the data collected is not used for analysis or review. The Division of Public Health's current strategy regarding autism is to promote awareness and encourage appropriate screenings.

House Bill 424 (85 **Del. Laws**, c. 400, signed July 23, 2026), repeals the Autism Surveillance and Registration Program and requires that protected health information collected at an individual level to be expunged under statutory confidentiality requirements. The proposed repeal of 16 **DE Admin. Code** 4109 is in alignment with this legislative action.

Copies of the proposed repealed regulation are available for review in the November 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: https://regulations.delaware.gov or by calling the Division of Public Health at 302-424-7159.

Public comments will be accepted until 4:30 PM on December 1, 2026. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

Vicki Schultes, Hearing Officer
Division of Public Health
253 N.E. Front Street
Milford, DE 19963

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

PUBLIC NOTICE

9000 Food Stamp Program

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Social Services (DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding Food Stamp Program, specifically, to update policy for Delaware's Food Stamp Program.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: Food Stamp Program

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

PUBLIC NOTICE

11000 Child Care Subsidy Program

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C**. §512, Delaware Health and Social Services ("Department") / Division of Social Services (DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding Processing Child Care for Children Receiving Foster Care or Referred by Division of Family Services, specifically, to expand eligibility for Delaware's Purchase of Care child care subsidy program.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2026. Please identify in the subject line: Processing Child Care for Children Receiving Foster Care

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

PUBLIC NOTICE

3900 Wildlife

SAN # 2026-05

DOCKET #2026-R-F-0008

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The Department will be holding two separate hearings to discuss proposed amendments to 7 DE Admin. Code 3900 – Wildlife. This hearing will address the Chronic Wasting Disease (CWD) proposed amendments to the Regulation. We are proposing to add regulations related to Chronic Wasting Disease, including defining harvest check stations, urine-based lure, Chronic Wasting Disease and CWD Management Zones (CMZ), creating a procedure and criteria for designating CMZs, restricting baiting in CMZs, restricting the use of natural urine-based lure statewide, requiring mandatory check-in within CMZs when health check stations are open, defining how deer may be moved out of CMZs and how taxidermists and processors must dispose of deer, and restricting wildlife rehabilitation of deer from Sussex County. All of these changes are in response to the recent detection of Chronic Wasting Disease in Delaware's deer, to understand prevalence and reduce further spread.

POSSIBLE TERMS OF THE AGENCY ACTION:

None

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 **Del.C,** §102(a) and §§103 (a) & (b).

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:
The agency does not believe that other regulations will be impacted.

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PROCEDURES:
The virtual public hearing for the (CWD) proposed amendments to 7 DE Admin. Code 3900 – Wildlife, Hearing Docket No. 2026-R-F-0008, will be held on **Wednesday, December 9, 2026,** beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at https://de.gov/dnrechearings. If prompted, use Meeting ID: 843 5071 9265 and Passcode: 602262. To access the audio-only portion of the virtual hearing, dial 1-305-224-1968 and enter the Meeting ID and Passcode noted above. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing at https://de.gov/dnreccomments or by contacting the Office of Administrative Services by telephone at 302-739-9034.

The proposed amendments may be inspected online starting November 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only by contacting Sam Robinson by phone at 302-735-3616 or by email at sam.robinson@delaware.gov.

DNREC will accept public comment on the CWD proposed amendments through the close of business on Wednesday, January 6, 2027. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, using the online form at https://de.gov/dnreccomments, or by U.S. mail to the following address:

Theresa Smith, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

PUBLIC NOTICE
3900 Wildlife

SAN # 2026-07
DOCKET # 2026-R-F-0010
BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:
The Department will be holding two separate hearings to discuss proposed amendments to 7 DE Admin. Code 3900 – Wildlife. This hearing will address the omnibus proposed amendments to the Regulation. The changes being proposed will define and authorize projectile weapons in addition to firearms, where appropriate per changes to Title 11; specify seasons for skunk and weasel, remove text restricting Sunday hunting, and revise muzzleloader definitions in response to HB278; update the definition and implementation of Direct Supervision and for youth hunting days; update regulations regarding sea duck seasons; specify that handguns may only be used to harvest wildlife where specified; increase the breadth of the special waterfowl shotgun season to include Veterans and Active Military Personnel; clarify that non-hunters driving deer must wear orange; remove the restriction to buy, sell, or transport deer parts other than venison; clarify the possession archery equipment and projectile weapons during the special antlerless season; remove the restriction to buy, sell transport deer parts other than venison to align with HS1 for HB 412; modify wildlife area map regulations to remove the requirement that maps are written and remove date restrictions for geocaching; improve enforcement of public intoxication on lands and waters administered by DNREC DFW and restrict public intoxication and controlled substance possession and consumption on DNREC DFW lands; and improve protections of reptiles and amphibians defined as species of greatest conservation need by prohibiting possession and change the naming convention of reptiles, amphibians and endangered species.

POSSIBLE TERMS OF THE AGENCY ACTION: None

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:
7 **Del.C,** Sections §102(a) and §103 (a) and (b)

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:
The agency does not believe that other regulations will be impacted.

NOTICE OF PUBLIC COMMENT:
The virtual public hearing for the (Omnibus) proposed amendments to 7 DE Admin. Code 3900 – Wildlife, Hearing Docket No. 2026-R-F-0010 will be held on **Thursday, December 10, 2026, beginning at 6 p.m.** The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at https://de.gov/dnrechearings. If prompted, use Meeting ID: 846 1953 9576 and Passcode: 137319. To access the audio-only portion of the virtual hearing, dial 1-305-224-1968 and enter the Meeting ID and Passcode noted above. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing at https://de.gov/dnreccomments or by contacting the Office of Administrative Services by telephone at 302-739-9034.

The proposed amendments may be inspected online starting November 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only by contacting Sam Robinson by phone at 302-735-3616 or by email at sam.robinson@delaware.gov.

DNREC will accept public comment on the OMNIBUS proposed amendments through the close of business on Thursday, January 7, 2027. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, using the online form at https://de.gov/dnreccomments, or by U.S. mail to the following address:

Theresa Smith, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

PUBLIC NOTICE

1301 Regulations Governing Solid Waste

SAN # 2018-16
DOCKET # 2025-R-WHS-0016
BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:
The purpose of this action is to modify 7 DE Admin. Code 1301 to increase the protection to human health and the environment by modifying outdated and/or obsolete regulatory language, clarifying existing regulatory language, adding clarifying language, and correcting typographical and grammatical errors. The initial proposed amendments were published in the December 2025 Delaware Register of Regulations, and a hearing was held on January 6, 2026. As a result of public comments received, the Department revised the proposed amendments published in the December 2025 Delaware Register of Regulations. In accordance with 29 *Del.C.* § 10118(c), the Department is holding a second public hearing that will focus on revisions to the proposed amendments that the Department determined were necessary based on its review.

POSSIBLE TERMS OF THE AGENCY ACTION:
None

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:
7 *Del.C.*, §6010(a)

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:
None

NOTICE OF PUBLIC COMMENT:
A virtual public hearing (Docket # 2025-R-WHS-0016) will be held on Tuesday, December 1, 2026, beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at https://de.gov/dnrechearings. If prompted for a password, please use: 453011. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID 833 4303 8278. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon on the date of the virtual hearing at https://de.gov/dnreccomments or by telephone at 302-739-9034.

The revised proposed amendments may be inspected online starting November 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only, by contacting Alison Kiliszek by phone at 302-739-9403 or by email at Alison.Kiliszek@delaware.gov.

The Department will accept public comment through the close of business on Wednesday, December 16, 2026. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at https://de.gov/dnreccomments, or by U.S. mail to the following address:

Theresa Smith, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Board of Cosmetology and Barbering

PUBLIC NOTICE

5100 Board of Cosmetology and Barbering

Pursuant to 24 **Del.C.** §5106(a)(1), the Delaware Board of Cosmetology and Barbering ("Board") has proposed revisions to its regulation. The amendments revise Section 2.0, pertaining to temporary work permits. New subsection 2.3 outlines the standards for expiration and extension of temporary work permits.

In accordance with 29 **Del.C.** §10116, persons wishing to submit written comments, suggestions, or other materials regarding the proposed regulation should direct them to the Board, Attn: Hannah Gregg, Administrative Specialist for the Board, 861 Silver Lake Boulevard, Dover, DE 19904, or by email to hannah.gregg@delaware.gov. Any written submission in response to this Notice or the proposed regulation must be received by the Board no later than 4:30 on December 1, 2026. A copy of the proposed regulation may be obtained from the Board of Cosmetology and Barbering, 861 Silver Lake Boulevard, Dover, DE 19904.

DEPARTMENT OF STATE

OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER

PUBLIC NOTICE

Rule 904 (Formerly Rule 29) Publication of Prices and Post-offs By Importers (a.k.a."Wholesalers")

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 4 **Del.C.** §304, the Delaware Alcoholic Beverage Control Commissioner proposes to update its rules related to licensure requirements for publication of prices and post-offs by importers (also known as wholesalers).

In accordance with 29 **Del.C.** §10116, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed regulations should direct them to the following address:

Stacey Hassel
Deputy Commissioner
Office of the Delaware Alcoholic Beverage Control Commissioner
820 N. French St., 10th Floor
Wilmington, DE 19801

Comments may also be directed via electronic mail to OABCCrulescomments@delaware.gov. Any written submission in response to this notice and relevant to the proposed regulations must be received by the Delaware Alcoholic Beverage Control Commissioner no later than 4:00 p.m. EST December 4, 2026.

The action concerning determination of whether to adopt the proposed regulations will be based upon consideration of the written comments and any other written materials filed by the public.

OFFICE OF MANAGEMENT AND BUDGET

DIVISION OF FACILITIES MANAGEMENT

PUBLIC NOTICE

4105 Promoting, Maintaining and Controlling the Public Use of the Legislative Mall

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation.

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 29 **Del. C.** Ch. 11, Subch. III, 29 **Del. C.** Ch 101, 29 **Del. C.** § 6303A (16), and 29 **Del. C.** § 6307A, the Division of Facilities Management of the Office of Management and Budget (OMB) proposes to amend 19 DE Admin Code 4105, Regulations Promoting, Maintaining and Controlling the Public Use of the Legislative Mall. OMB reviewed this regulation in compliance with 29 **Del. C.** § 10407 which requires regulations to be reviewed on a recurring basis every four years. The regulation concerns the promotion, maintenance and control of the public use of Legislative Mall in accordance with 29 **Del. C.** §§ 401 - 422. Amendments to this regulation reflect the removal of telephone numbers, some of which have changed since the Regulation was originally written and which may change again, the removal of the identity of the Legislative Counsel, which has changed since the Regulation was originally written, and which may change again, correction of typographical errors, and to impose a charge upon event sponsors who do not clean up, make repairs, or restore Legislative Mall to its pre-event condition after their event has ended, and to deny approval of a request to use Legislative Mall if the proposed activity is incompatible, inconsistent, or inappropriate with the setting, and to deny a request to use Legislative Mall if the applicant has previously violated this regulation. A proposed regulation was published in November of 2025. This re-proposed submission replaces the submission from November 2025 to add the provision allowing OMB to deny approval of a request to use Legislative Mall if the proposed activity is incompatible, inconsistent or inappropriate with the setting.

Persons wishing to present their views regarding this matter may do so by submitting them by email to jennifer.coverdale@delaware.gov by the close of business (4:30 p.m. EST) on December 1, 2026.