Office of the Registrar of Regulations,
Legislative Council,
State of Delaware

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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 September 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The *Delaware Register* will publish any regulations that are proposed to be adopted, amended, or repealed and any emergency regulations promulgated.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other interested parties may participate in the process by which administrative regulations are adopted, amended, or repealed, and may initiate the process by which the validity and applicability of regulations is determined.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shall file notice and full text of the proposals as they relate to the existing regulation being adopted, amended, or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to 29 **Del.C.** §1134.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*.

CLOSING DATES AND ISSUE DATES FOR THE DELAWARE REGISTER OF REGULATIONS

ISSUE DATE	CLOSING DATE	CLOSING TIME
November 1	October 15	4:30 p.m.
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.

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Statutory Authority: 26 Delaware Code, Section 209(a) (26 **Del.C.** §209(a))
26 **DE Admin. Code** 3001

ERRATA

3001 Rules for Certification and Regulation of Electric Suppliers

*** Please Note:** The Department of State, Public Service Commission final regulation for 3001 Rules for Certification and Regulation of Electric Suppliers was published in the September 01, 2026 issue of the *Delaware Register of Regulations* (30 **DE Reg.** 162 (09/01/26)). The following language was inadvertently published incorrectly.

The definition of **"Person"** was published as:

> **"Person"** means a natural person; a corporation, partnership, association, public trust, joint stock company, joint venture, or other group of persons, whether incorporated or not; a trustee or receiver of the foregoing; a municipality or other political subdivision of the State of Delaware; and any other governmental agency or any officer, agent or employee of such a governmental agency.

The definition of **"Person"** should have been published as:

> **"Person"** means a natural person; a corporation, partnership, association, public trust, joint stock company, joint venture, or other group of persons, whether incorporated or not; a trustee or receiver of the foregoing; a municipality or other political subdivision of the State of Delaware; and any other governmental agency or any officer, agent or employee of ~~such~~ a governmental agency.

This regulation was published as final in the September 01, 2026 issue of the *Delaware Register of Regulations* (30 **DE Reg.** 162 (09/01/26)) with an effective date of November 16, 2026. The definition of **"Person"** will be corrected for publication in the Delaware Administrative Code.

Symbol Key

Arial type indicates the text existing prior to the regulation being promulgated. Underlined text indicates new text. Language which is ~~stricken~~ through indicates text being deleted.

Emergency Regulations

Under 29 **Del.C.** §10119 an agency may promulgate a regulatory change as an Emergency under the following conditions:

§10119. Emergency regulations.

If an agency determines that an imminent peril to the public health, safety or welfare requires the adoption, amendment or repeal of a regulation with less than the notice required by §10115, the following rules shall apply:

(1) The agency may proceed to act without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable;

(2) The order adopting, amending or repealing a regulation shall state, in writing, the reasons for the agency's determination that such emergency action is necessary;

(3) The order effecting such action may be effective for a period of not longer than 120 days and may be renewed once for a period not exceeding 60 days;

(4) When such an order is issued without any of the public procedures otherwise required or authorized by this chapter, the agency shall state as part of the order that it will receive, consider and respond to petitions by any interested person for the reconsideration or revision thereof; and

(5) The agency shall submit a copy of the emergency order to the Registrar for publication in the next issue of the *Register of Regulations*. (60 Del. Laws, c. 585, § 1; 62 Del. Laws, c. 301, § 2; 71 Del. Laws, c. 48, § 10.)

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Section 103(a) and (b) (7 **Del.C.** §103(a) & (b))
7 **DE Admin. Code** 3900

EMERGENCY

ORDER

3900 Wildlife

EMERGENCY SECRETARY'S ORDER
Pursuant to 29 Del.C. §10119
Order No: 2026-F-0024
7 DE Admin. Code 3900: *Wildlife Regulation*

AUTHORITY

Pursuant to 29 **Del.C**. §10119, the Department of Natural Resources and Environmental Control ("Department") is adopting amendments to 7 DE Admin. Code 3900 - *Wildlife* (the "Wildlife Regulation"). The Department is authorized under 29 **Del.C**. §10119 to adopt emergency regulations when an agency determines that an imminent peril to the public health, safety or welfare requires the amendment of a regulation with less than the notice required by 29 **Del.C.** §10115.

REASON FOR THE EMERGENCY ORDER

Management of Chronic Wasting Disease ("CWD") addresses an imminent peril to the public health, safety, or welfare by responding to the rapid and potentially irreversible spread of a serious wildlife disease within Delaware's deer population. CWD is a neurological disease found in cervid species (e.g., deer, moose, elk), which was discovered in 1967 in captive mule deer, and first found in a wild deer herd in 1981. CWD is always fatal to deer and currently there is no known cure. Although there is currently no known transmission of CWD from deer to humans, the disease can

significantly affect deer populations, complicate the safe and sustainable management of a public natural resource, and undermine public confidence in the health and safety of harvested venison.

In early 2026, Delaware had its first positive detections of CWD from white-tailed deer harvested by hunters in November of 2025, making Delaware the 37th state to detect the disease. In early September 2026, Delaware had a third positive detection of CWD from a deer that was found diseased, and suspected to have Epizootic hemorrhagic disease, but from opportunistic sampling of the lymph nodes was also tested for CWD. Prompt management action is necessary to limit the spread and prevalence of CWD, protect the long-term health of Delaware's deer herd, maintain the availability and safe use of a publicly held natural resource, and prevent the need for more extensive and potentially disruptive management measures in the future. Although CWD is a prion disease, making it extremely challenging, if not impossible, to eliminate from the landscape, this order is implementing measures to reduce the probability of disease spread within our wild white-tailed deer population.

This Emergency Order is issued in addition to Emergency Order No. 2026-F-0023, which defined health check stations and urine-based lure, defined the CWD Management Zone ("CMZ"), eliminated the use of bait in the CMZ and natural urine-based lures statewide to hunt or attract deer, established mandatory check-in of deer in the CMZ harvested during the November general firearms season, defined the nature by which hunters may move harvested deer out of the CMZ, and banned rehabilitation of deer originating from Sussex County. These previous amendments will remain in place until expiration. This Emergency Order revises the Wildlife Regulation such that the CMZ has a formal definition, Zone 11 will be included in the CMZ and makes other structural and style changes to conform to the current *Delaware Administrative Code Style Manual*.

The Department finds it necessary to adopt these measures pursuant to 29 **Del.C**. §10119, as a 5-mile buffer around the new positive detection, as stated in the Delaware Chronic Wasting Disease Response Plan, includes a substantial portion of Zone 11. Therefore, we have another space within which we are going to try to get ahead of this disease by reducing opportunities for deer to congregate, such as bait piles, and have mandatory check-in of deer during November firearms season to increase surveillance and better understand prevalence of this disease.

EFFECTIVE DATE OF ORDER

This Emergency Order shall take effect September 16, 2026 and shall remain in effect through December 15, 2026, to expire concurrently with Emergency Order No. 2026-F-0023. At the expiration date, the Department may choose to renew this Emergency Order once for a period not exceeding 60 days, consistent with 29 **Del.C.** §10119(3).

PETITION FOR RECOMMENDATIONS

In accordance with the requirements of 29 **Del.C.** §10119(4), the Department will receive, consider, and respond to petitions by any interested person for reconsideration or revision of this Order. Petitions should be presented to the Wildlife Section, Division of Fish & Wildlife, 89 Kings Highway, Dover, DE, 19901.

PUBLICATION

In accordance with the requirements of 29 **Del.C.** §10119(5) the Department will submit a copy of this Order to the *Delaware Registrar for Regulations* for publication in the next issue of the Register of Regulations.

ORDER

It is hereby ordered, this 16th day of September 2026, that the above referenced amendments to *Wildlife Regulation* (7 DE Admin. Code 3900), a copy of which is hereby attached, is adopted pursuant to 29 **Del.C.** §10119, and supported by the evidence contained herein.

Gregory Patterson
Secretary

3900 Wildlife

1.0 Definitions

For purposes of Regulations 1.0 through 24.0, the following words and phrases shall have the meaning ascribed to them:

"Administered by the Division" means owned, leased or licensed by the Division.

"Antlered deer" means any deer with 1 or more antlers 3 inches long or longer, measured from the base of the antler where it joins the skull to the tip of the antler following any curve of the antler.

"Antlerless deer" means any deer that has no antlers or antlers less than 3 inches in length.

"**Auxiliary marker**" means any marker that is used to identify a released gamebird and is authorized by the Division which is limited to nasal discs and saddles, patagial markers, seamless leg bands, metal butt-end leg bands, plastic or metal leg bands that have a locking clasp, or plastic bandettes.

"Bait" means any nontoxic food material, compound or mixture of ingredients which wildlife is able to consume.

"Baited field" includes any farm field, woodland, marsh, water body or other tract of land where minerals, grain, fruit, crop or other nontoxic compounds have been placed to attract wildlife to be hunted. A baited field is considered baited for 10 days following complete removal of all bait.

"Black powder" means a manufacturer's approved muzzleloading propellant.

"Cable restraint" formerly referred to as "**snare**", is considered a trapping device made of stranded steel cable with a minimum diameter of 5/64 inches. Cable restraints must be equipped with a relaxing-type lock. The cable may not exceed 7 feet in length from the anchor point to the relaxing lock and must be equipped with at least one swivel device, which allows for 360° rotation, between the loop and the anchor. The cable restraint must have stops affixed to the cable to ensure that the cable that makes up the loop may not have a circumference greater than 38 inches when fully open, or a circumference less than 6 ¼ inches when fully closed. Cable restraints with a maximum loop circumference of 12 ½ inches do not require cable stops. Cable restraints must be maintained in good condition so that all components operate properly.

"Chronic Wasting Disease Management Zone" or **"CMZ"** means any Wildlife Management Zone in Delaware influenced by a positive detection of Chronic Wasting Disease and within which the Department has determined Chronic Wasting Disease management is necessary.

"**Deer**" means white-tailed deer (*Odocoileus virginianus*) or Sika deer (*Cervus nippon*).

"**Direct supervision**" refers to the parameters required when a hunter may not lawfully hunt alone. A person will be considered directly supervised while hunting if a person 21 years of age or older is always within 30 yards and in direct line of sight of the supervised person. The supervising person must be lawfully allowed to hunt in Delaware.

"Director" means the Director or Acting Director of the Division.

"Division" means the Division of Fish and Wildlife of the Department.

"Established blind" means a structure or pit constructed for the purpose of hunting migratory waterfowl by a landowner on the landowner's property or by another person with the permission of the landowner or the landowner's duly authorized agent.

"Established and maintained road" means a road maintained for vehicular use by the Division and designated for such use by the Division on current wildlife area maps.

"**Foothold trap**" formerly referred to as "**leghold trap**", refers to a type of trap with a mechanism that is designed to catch and hold a mammal by 1 of its feet or legs.

"**Furbearers**" includes beavers, coyotes, gray fox, mink, muskrats, nutria, opossums, otters, raccoons, red fox, skunks and weasels.

"**Health Check Station**" means a Division designated location where hunters must bring wildlife to be sampled for biological data or disease sampling.

"**Jaw spread**" means the distance between the inside of both jaws, when measured across the trap jaws on a line perpendicular to a line drawn through the jaw pivot points when the trap is in the set position.

"Liberated game" means cottontail rabbits and game birds, including bobwhite quail, mallard duck, chukar partridge, Hungarian partridge, and pheasant released pursuant to 7 **Del.C.** §568.

"Longbow" means a straight limb, reflex, recurve or compound bow. All crossbows or variations thereof and mechanical holding and releasing devices are expressly excluded from the definition.

"Lure" means any mixture of ingredients, element or compound that attract wildlife, but the wildlife is unlikely to consume.

"**Pen-raised released quai**l" means northern bobwhite quail that have been hatched and raised in captivity and released into the wild.

"Possession" means either actual or constructive possession of or any control over the object referred to.

"Quality buck" means an antlered deer with an outside antler spread of at least 15 inches. This measurement is taken across the outside of the main beams at their widest point; this measurement's path must be perpendicular to the center line of the skull and parallel to the top of the skull plate.

"Refuge" means an area of land, whether in public or private ownership, designated by the Department as a refuge. Land shall only be designated with the permission of the landowner and if such designation is thought to be in the best interest of the conservation of wildlife. Refuges shall normally be closed at all times to all forms of hunting, except as permitted by the Director in writing for wildlife management purposes.

"Relaxing lock" means a device installed on a cable restraint that allows the loop to release constriction pressure on the captured animal when the cable is not taut and the animal stops pulling.

"Roadway" means any road, lane or street, including associated right-of-ways, maintained by this State or any political subdivision of this State.

"Season" means that period of time during which a designated species of wildlife may be lawfully hunted or a designated species of fish may be lawfully fished.

"Urine-Based Lure" means any natural product that contains or purports to contain urine, glandular secretions, or other bodily fluids.

"Vehicle" means any means in or by which someone travels or something is carried or conveyed or a means of conveyance or transport, whether or not propelled by its own power.

"**Waterline**" refers to beneath the surface of the water or below the mean high tide line in an area ordinarily subject to the rise and fall of the tide.

"Wildlife" means any member of the animal kingdom, including without limitation, any amphibian, arthropod, bird, mammal or reptile.

(Break in Continuity of Sections)

7.0 Deer

(Penalty Section 7 **Del.C.** §103(d))

(Break in Continuity Within Section)

7.4 Illegal Hunting Methods; Baiting. It shall be unlawful for any person to set, lay or use any trap, snare, net, or pitfall or make use of any artificial light, or other contrivance or device, for the purpose of hunting deer. This subsection does not preclude the use of bait for the purpose of attracting deer in order to hunt them on private land so long as such land is not within a designated CMZ as described in subsection 7.6.3 of this regulation.

7.5 Seasons

7.5.1 Shotgun Seasons

7.5.1.1 Either Sex Seasons. From the Friday in November that precedes Thanksgiving by 13 days through the second Sunday succeeding this Friday; and from the Saturday that precedes the third Monday in January through the subsequent second Sunday in January.

7.5.1.2 Antlerless Seasons. Antlerless deer may be hunted in accordance with the statutes and regulations of the State of Delaware governing the hunting of deer during all Fridays, Saturdays, and Sundays in October except during the October Muzzleloader season and from the second Saturday in December through the third Sunday in December. Notwithstanding the foregoing, antlered deer may be taken with a longbow or crossbow that is legal during these antlerless seasons.

7.5.1.3 Special Season for Young and Disabled Hunters. Deer of either sex may be hunted on the last Saturday and Sunday of September and the first Saturday and Sunday of November by disabled (non-ambulatory) hunters using a wheelchair for mobility and hunters less than 16 years of age . Hunters 13-15 years of age must have completed an approved course in hunter training and possess a Delaware Resident or Non-Resident Junior Hunting License. Young hunters must be accompanied by a licensed non-hunting adult who is 21 years of age or older. Young hunters must be of sufficient size, physical strength, and emotional maturity to safely handle a firearm.

7.5.2 Archery Seasons. Deer may be hunted with longbow in accordance with statutes and regulations of the State of Delaware governing the hunting of deer: from September 1 through the last day of January or the last day of the muzzleloader season that starts in January as described in subsection 7.5.3 of this regulation, whichever is later, provided hunter orange is displayed in accordance with 7 **Del.C.** §718 when it also lawful to hunt deer with a firearm.

7.5.3 Muzzleloader Seasons. Deer may be hunted with muzzle-loading rifles in accordance with the statutes and regulations of the State of Delaware governing the hunting of deer: from the Friday that precedes the second Monday in October through the second Sunday that succeeds the Friday opening day; and from the Monday that follows the close of the January shotgun season through the next Sunday.

7.5.4 Crossbow Seasons. Deer may be hunted with crossbows in accordance with statutes and regulations of the State of Delaware governing the hunting of deer: from September 1 through the last day of January or the last day of the muzzleloader season that starts in January as described in subsection 7.5.3 of this regulation, whichever is later, provided hunter orange is displayed in accordance with 7 **Del.C.** §718 when it also lawful to hunt deer with a firearm.

7.6 ~~Carcass Importation Ban~~ Chronic Wasting Disease

7.6.1 Importation Ban. It shall be unlawful to import or possess any carcass or part of a carcass of any member of the family Cervidae (deer) originating from a state, Canadian province, country or any portion of the aforementioned jurisdictions thereof as determined by the Division, in which Chronic Wasting Disease has been found. It shall be unlawful to import any carcass or part of a carcass of any member of the family Cervidae from a captive facility including those where cervids were released or confined in an enclosed (fenced) facility for the purpose of being hunted. Notwithstanding the foregoing, the following parts may be imported into the state:

7.6.1.1 Boned-out meat that is cut and wrapped;
7.6.1.2 Quarters or other portions of meat with no part of the spinal column or skull attached;
7.6.1.3 Hides or capes with no skull attached;
7.6.1.4 Clean (no meat or tissue attached) skull plates with antlers attached;
7.6.1.5 Antlers (with no meat or tissue attached);
7.6.1.6 Upper canine teeth (buglers, whistlers, or ivories); and
7.6.1.7 Finished taxidermy products.

7.6.2 Carcass Notification. Any person who imports into Delaware any deer carcass or parts described in subsection 7.6.1 of this section and is notified that the animal has tested positive for Chronic Wasting Disease must report the test results to the Division within 72 hours of receiving the notification. In order to facilitate the proper disposal of any infected material, the Division may take into possession any imported carcass or carcass part of an animal if the animal has tested positive for Chronic Wasting Disease.

7.6.3 For the purposes of managing Chronic Wasting Disease, the following description shall delineate the boundaries of Delaware's designated Chronic Wasting Disease Management Zones (CMZ):

7.6.3.1 CMZ 1: Wildlife Management Zone boundaries each of Zone 11, as described in subsection 24.0 of this regulation.

7.6.4 Limitation on Baiting and Feeding Deer. No person shall hunt, take, or attempt to take deer by the aid of bait within a designated CMZ unless authorized by the Division. Furthermore, no person shall distribute bait for the purposes of feeding deer within a designated CMZ unless authorized by the Division.

7.6.5 Limitation on Possession of Natural Deer Urine. No person shall have in their possession while hunting, taking, attempting to take, attracting, or scouting deer or lures that contain urine-based lure or other bodily fluids derived from deer, or other members of the Cervidae family, while taking, attempting to take, attracting, or scouting wildlife unless authorized by the Division.

7.6.6 Mandatory Check-in at Health Check Station

7.6.6.1 If a Health Check Station is open within 24-hour period of harvesting a deer, any person who harvests a deer within a designated CMZ shall present the deer at such Health Check Station. Presentation of the harvested deer shall occur prior to the deer being processed, butchered, or removed from a CMZ, and no later than 24-hours after harvest, unless otherwise authorized by the Division.

7.6.6.2 If no Health Check Station is open within 24-hours of harvesting a deer, any person who harvests a deer within a designated CMZ shall report the harvest through the Division-approved electronic or telephone reporting system and comply with any subsequent instructions for biological sampling or presentation of the carcass.

7.6.7 Intrastate Movement of Deer Carcasses

7.6.7.1 Unless delivered to a taxidermist or game processor, anyone transporting whole or partial deer carcasses harvested from within a designated CMZ, shall dispose of all remaining deer carcass parts inside a plastic trash bag at least 2 mils thick, or two bags if thinner, to then be disposed of with a waste management provider or a permitted landfill.

7.6.7.2 A taxidermist or game processor shall dispose of all remaining deer carcass parts with a waste management provider or permitted landfill.

(Break in Continuity of Sections)

13.0 Wildlife Rehabilitation Permits

(Penalty Section 7 **Del.C.** §103(d))

13.1 Permit from Division; Exemption

13.1.1 It shall be unlawful for any person to hold native wildlife in captivity for the purpose of rehabilitation without a permit from the Division and any other permits required by the U.S. Fish and Wildlife Service.

13.1.2 Licensed veterinarians are exempt from the permitting requirements of this regulation when rendering treatment to injured wildlife and provisions are made to return any recovered animals to the wild or transfer them to a permitted rehabilitator for further care. Licensed veterinarians may only hold wildlife for as long as veterinary care is required.

13.2 Training, Housing and Veterinary Care; Inspections

13.2.1 Permit holders must conform to the training, housing, release and veterinary care standards as written in the document "Minimum Standards for Wildlife Rehabilitation" published by the National Wildlife Rehabilitators Association and the International Wildlife Rehabilitation Council. Permit holders must also abide by the rules and policies set forth in the "State of Delaware Wildlife Rehabilitation Rules and Policies" document. Failure to abide by both of these documents may result in revocation of the rehabilitation permit. Animals held under rehabilitation permits must be released to the wild according to policies set forth in the document "State of Delaware Wildlife Rehabilitation Rules and Policies" or euthanized, if release is not feasible, unless the Division under 7 **Del.C.** §555 authorizes possession for scientific propagation or educational purposes. For federally listed endangered species and migratory birds an extension must be granted by the migratory bird permit office of the United State Fish and Wildlife Service, and the Division for each individual case. Rehabilitators must not release sick animals into the wild.

13.2.2 Rehabilitation facilities must be available for inspection by Division employees during normal business hours. Normal business hours shall mean Monday through Friday, except those days designated as holidays, during the hours in which the staff of the Division is scheduled to work. Violations of compliance with the Minimum Standards or the Rules and Policies noted in subsection 13.2.1 will result in a written warning or immediate revocation of the rehabilitation permit depending on the violation. Persons receiving a warning will have their facility re-inspected. Failure to address the problems in a timely manner will result in permit revocation. Upon permit revocation, all animals will be removed from the facility and either placed with another rehabilitator, released into the wild, placed with an educational facility, or humanly euthanized.

13.3 Rabies Vector Species

13.3.1 It shall be unlawful for any person to attempt rehabilitation of a rabies vector species without having proof of current pre-exposure immunization against the rabies virus. No permitted rehabilitator shall knowingly expose other non-immunized persons to a rabies vector species. For the purpose of the Delaware Wildlife Rehabilitator Permit, rabies vector species are defined as bats, raccoons, skunks, foxes, coyotes, and woodchucks.

13.3.2 All rehabilitated rabies vector species must be released in the county of origin and the Division must be notified of the release location in the rehabilitator's annual report to the Division. It shall be unlawful for rehabilitated rabies vector species to be released on State Wildlife Management Areas without the consent of the Division Director.

13.4 Deer Rehabilitation It shall be unlawful to rehabilitate deer originating from within Sussex County.

***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/october2026/emergency/30 DE Reg 191 10-01-26

Symbol Key

Arial type indicates the text existing prior to the regulation being promulgated. Underlined text indicates new text. Language which is ~~stricken~~ through indicates text being deleted.

Proposed Regulations

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.

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b) and 4125 (14 **Del.C.** §§122(b) & 4125)
14 **DE Admin. Code** 540

PROPOSED

PUBLIC NOTICE

540 Driver Education

A. TYPE OF REGULATORY ACTION REQUIRED
Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION
Pursuant to 14 **Del.C.** §122(b) and 14 **Del.C.** §4125, the Delaware Department of Education (“Department”) developed amendments to 14 **DE Admin. Code** 540 Driver Education. 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. Additionally, the regulation was updated to reflect recent changes to statutory language. The Department made significant changes to the regulation as well as amended to comply with the D*elaware Administrative Code Drafting and Style Manual*.

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 November 2, 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? 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: 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/october2026/proposed/30 DE Reg 197RFA 10-01-26.pdf

540 Driver Education

1.0 Eligibility for Driver Education

1.1 A student enrolled in a Delaware public school or nonpublic school ~~(private and homeschool)~~ and who is a resident of Delaware is entitled to free driver education one time only. A nonpublic school as defined in 14 **DE Admin. Code** 255. Students who are not successful in their initial driver education course may register in any of the adult driver education programs for a fee.

~~1.2~~1.1.1.2 ~~For a student with an active Individual Education Program (IEP), the Individualized Education Program Team, in consultation with the Driver Education teacher, may make accommodations to the Driver Education program, including but not limited to, allowing multiple opportunities to take the driver education course, delaying the course until the 11th or 12th grade, taking the course across two semesters and offering specialized instruction and related services through the student's Individual Education Program (IEP).~~ For a student with an active Individual Education Program, or IEP, the student's IEP Team, in consultation with the driver education teacher, may make reasonable accommodations to all aspects of the driver education program including both in-class and behind the wheel instruction. Accommodations may include:

1.2.1 Allowing the student multiple opportunities to take the driver education course. If the student's IEP includes an accommodation to allow the student multiple opportunities to take the driver education course, the student may not be required to pay a fee for taking the course additional times;

1.2.2 Delaying the course until the eleventh or twelfth grade;

1.2.3 Allowing the student to take the course across 2 semesters;

1.2.4 Offering specialized instruction and related services;

1.2.5 Allowing the student until the end of the school year in which the student turns 22 years old to complete the driver education certification.

~~1.1.2 A student who is receiving special education services under an active Individual Education Program (IEP) shall be authorized until the age of 21 to complete the driver education certification.~~

~~1.1.3 A student with an active IEP retaking the driver education course because of failing the initial driver education course shall not be required to pay a fee for taking the course additional times.~~

~~1.2~~1.3 Nothing in this regulation shall alter a school's duties under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act to students who are qualified individuals with disabilities. Nothing in this regulation shall prevent a school from providing driver education to ~~such~~ these students.

~~1.3 Delaware students who are residents attending school out of state as 10th graders, students in excess of the September 30th unit allotment, students attending private schools in the state with 10th grade enrollments of less than twenty-five homeschooled students and any student approved by the Secretary as an exceptional case are entitled to attend summer driver education without charge. Districts shall notify all nonpublic and public high schools in their district by May 1st annually as to the location of the nearest summer driver education program. Summer Driver Education shall be offered between June 10 and August 31 and each request for free tuition must be approved by the Secretary of Education through the Director overseeing driver education.~~

1.4 ~~Adult Driver Education programs, when offered, shall follow the same regulations established for the high school and the summer programs. The adult programs are available to any individual for a fee through a local school district in each county. The cost per student for adult driver education will be determined by~~

~~the Department of Education.~~Summer driver education will be offered between June 10 and August 31. Districts must notify all nonpublic and public high schools in their district by May 1 annually as to the location of the nearest summer driver education program.

1.4.1 The following students are eligible to attend summer driver education free of charge:

1.4.1.1 Delaware students who are residents attending a school out of state as of tenth grade;

1.4.1.2 Students in excess of the September 30 unit allotment;

1.4.1.3 Students attending nonpublic schools in the state with tenth grade enrollments of less than 25 students.

1.4.1.4 Any student approved by the Secretary of the Department of Education as an exceptional case. Requests may be made in writing to the Department of Education, Education Associate overseeing the driver education program.

1.4.2 Funding for driver education begins at the start of the tenth grade school year for students, not the summer prior to entering grade 10.

1.5 Adult driver education programs, when offered, must follow the same regulations established for the high school and summer programs. The adult programs are available to any individual for a fee through a local school district in each county. The cost per student for adult driver education will be determined by the Delaware Department of Education.

2.0 Requirements for Class Time

2.1 The driver education course shall include a minimum of ~~forty four (44)~~44 class hours of instruction consisting of ~~thirty (30)~~30 class hours of classroom instruction, ~~seven (7)~~7 class hours of in the car behind the wheel laboratory instruction and ~~seven (7)~~7 hours of ~~actual~~student observation in the car. ~~The class hours must not be less than forty five (45) minutes each. For those schools with varying class schedules the minimum classroom instruction must be no less than one thousand three hundred fifty (1350) minutes and behind the wheel laboratory instruction no less than three hundred fifteen (315) minutes.~~For those schools with varying class schedules the minimum classroom instruction must be no less than 1,350 minutes with behind the wheel laboratory instruction of no less than 315 minutes and student observation in the car of no less than 315 minutes.

2.2 ~~Driving simulators may be substituted for the required hours of behind the wheel laboratory instruction but only up to three (3) hours of time at the ratio of four (4) hours of driving simulation to one (1) hour of actual behind the wheel laboratory instruction.~~Class hours must be no less than 45 minutes each.

2.3 ~~Off the street driving ranges or multiple driving ranges that are off the street may be substituted for actual behind the wheel laboratory instruction up to three (3) hours time at the ratio of two (2) hours of range instruction time to one (1) hour of actual behind the wheel laboratory instruction time.~~Driving simulators may be substituted for the required hours of behind the wheel laboratory instruction but only up to 3 hours of time at the ratio of 4 hours of driving simulation to 1 hour of actual behind the wheel laboratory instruction.

2.4 Driving simulation and off the street driving range time shall not be taken from or cause a reduction of classroom instruction time.

2.5 Driving simulation and off the street driving range time shall not be substituted for more than ~~one half (1/2)~~1/2 of the total required ~~seven (7)~~ 7 hours of actual behind the wheel laboratory instruction and only at the ratios defined in ~~2.0.~~this section. This includes individually or in any combination.

3.0 Curriculum

~~The Driver Education~~Driver education teachers shall use the statewide curriculum for driver education developed by the Delaware Department of Education for classroom instruction and behind the wheel laboratory instruction time. Teachers should include student activities requiring reading, ~~writing~~ writing, and research as part of the ~~Driver Education~~driver education curriculum.

4.0 Final Grades

4.1 Final grades for the ~~forty four hour~~ driver education course shall be either pass or fail.

4.2 ~~Schools may grant one fourth (1/4) credit for successful completion of the minimum hours in both the classroom and the behind the wheel laboratory experience. The one fourth of a credit for driver education may be included as part of the elective credits counted toward graduation.~~ Schools may grant credit for successful completion of the entire driver education course. The 1/4 of a credit for driver education may be included as part of the elective credits counted toward graduation.

~~4.2~~4.3 Pass or Fail grades must be received by the Delaware Department of Education no later than June ~~30th for Regular Driver Education Programs~~30 for regular driver education programs and August ~~31st for~~

~~Summer Driver Education Programs.~~31 for summer driver education programs. Final grades will be maintained by the Delaware Department of Education for a ~~seven year~~ 7-year period.

5.0 Use of Driver Education Cars

Automobiles purchased, leased from Fleet Services or leased directly from a dealership using state funds allocated for driver education shall be used solely for the instruction of students enrolled in ~~Driver Education;~~driver education; except that a school district or charter school may permit a driver education teacher to drive ~~such~~ the automobile to and from the teacher's place of residence when the school district or charter school determines that it would be unsafe to store the automobile overnight at the school. The ~~Director~~Delaware Department of Education, Education Associate overseeing driver education shall assign private school driver education teachers a state parking location to store the vehicle overnight when it appears that it would be unsafe to store the automobile overnight at the school.

6.0 Scheduling of ~~Driver.~~Driver Education

All public and private high schools with ~~twenty five~~25 or more enrolled ~~10th~~tenth grade students shall offer ~~Driver Education~~driver education as part of the curriculum.

7.0 Academic Eligibility Credit Calculation

7.1 Credit calculations for academic eligibility are determined based on the school's scheduling structure. Block scheduling does not affect the calculation of credit equivalencies.

7.2 For semester courses, multiply the credit value of each course by a factor of 2.

7.3 For 9-week courses, multiply the credit value of each course by a factor of 4.

7.4 For schools operating on a trimester schedule in which each class is worth 0.5 credit, multiply the credit value of each class by a factor of 1.5.

7.5 If a district or charter school awards 0.5 credit for a course, multiply the credit value of the course by a factor of 2 when determining academic eligibility.

7.6 Additional requirements related to academic eligibility may be found in 14 **Del.C.** §4125.

8.0 Issuance of a White Certificate

8.1 Under 21 **Del.C.** §2710(k), a white certificate allows a student to obtain a learner's permit and drive with an approved supervisor for up to 4 months.

8.2 Driver education instructors may issue a white certificate to a student who has not completed the final for the driver education course yet, if the student:

8.2.1 Is at least 16 years old;

8.2.2 Has not graduated from high school with a regular high school diploma or if the student is eligible to receive special education and related services, the student may receive a white certificate prior to the student's twenty-second birthday;

8.2.3 Meets academic eligibility requirements in Section 7.0 of this regulation;

8.2.4 Is currently enrolled in an approved driver's education course;

8.2.5 Has successfully completed at least 315 minutes of behind the wheel instruction;

8.2.6 Has completed at least 315 minutes of in car observation; and

8.2.7 Passed a highway signs, signals, and rules of the road exam approved by the Delaware Department of Education with a minimum 70%. Multiple retakes are permitted.

9.0 Issuance of a Blue Certificate

9.1 Driver education instructors may issue a blue certificate to students who have:

9.1.1 Completed and passed a Delaware Department of Education approved driver education course. All students must pass the most recent version of the Delaware Department of Education final exam with a 70% or higher in order to pass the course. Multiple retakes are permitted.

9.1.2 Passed a highway signs, signals, and rules of the road exam approved by the Delaware Department of Education with a minimum 70%. Multiple retakes are permitted; and

9.1.3 Met academic eligibility requirements in subsection 7.0 of this regulation and 14 **Del.C.** §4125.

10.0 Vision Screening

10.1 Before beginning in-car driving instruction, each student shall provide documentation of a vision screening completed within the preceding 12 months.

10.2 The required vision screening must be conducted by a school nurse or other qualified healthcare professional and must demonstrate that the student meets the applicable vision requirements established by the Delaware Division of Motor Vehicles.

10.3 A student who does not meet the applicable vision requirements may not begin in-car driving instruction until the school receives documentation of any required evaluation, corrective lenses, or medical clearance.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 3001A - 3005A (14 **Del.C.** §§3001A-3005A)
14 **DE Admin. Code** 938

PROPOSED

PUBLIC NOTICE

938 Regulations for Youth Camps

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, the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 938 Regulations for Youth Camps. 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.*

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 November 2, 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/october2026/proposed/30 DE Reg 201RFA 10-01-26.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/october2026/proposed/30 DE Reg 201 10-01-26

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

1106 Standards for School Buses Placed in Production on or after January 1, 2027

A. TYPE OF REGULATORY ACTION REQUIRED
New Proposed Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION
Pursuant to 14 **Del.C.** §2901, the Delaware Department of Education ("Department") developed regulation 14 **DE Admin. Code** 1106 Standards for School Buses Placed in Production on or after January 1, 2027. The Department is issuing this regulation due to new requirements related to requirements for school buses in operation in the state of Delaware placed in production on or after January 1, 2027.

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 November 2, 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? Indeterminable.

***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/october2026/proposed/30 DE Reg 202RFA 10-01-26.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/october2026/proposed/30 DE Reg 202 10-01-26

PROFESSIONAL STANDARDS BOARD
Statutory Authority: 14 Delaware Code, Sections 1203, 1204(a), 1205(b), and 1220 (14 **Del.C.** §§1203, 1204(a), 1205(b) & 1220)
14 **DE Admin. Code** 1519

PROPOSED

PUBLIC NOTICE

1519 Multiple Measures for Demonstrating Content Knowledge

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge. The regulation sets forth alternative means of demonstrating content knowledge for applicants of certain content area Standard Certificates who do not achieve the minimum score specified in the regulation for the Standard Certificate sought. The proposed amendments in this regulation include updates to section 1.0 to provide clarity and updates according to current standard certificates covered and not covered by the regulation; updates in section 3.0 to simplify and clarify; adding charts to Section 4.0 to replace the narrative subsection to improve readability; adding new test and deleting sunset tests in Section 4.0 as have been adopted in the relevant regulations. 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 November 2, 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 alternative means of demonstrating content knowledge set forth in Sections 4.0 and 5.0 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 alternative means of demonstrating content knowledge set forth in Sections 4.0 and 5.0 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 alternative means of demonstrating content knowledge for the applicants of certain content area Standard Certificates who do not achieve the minimum score specified in the regulation for the Standard Certificate sought 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 alternative means of demonstrating content knowledge for applicants of certain content area Standard Certificates who do not achieve the minimum score specified in the regulation for the Standard Certificate sought 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 the authority and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for the Standard Certificate sought but whose effectiveness is documented by the district or school. The amended regulation does not change a school district or charter school's ability to submit such a request.

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 6.0 apply to individual applicants.

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 licensure and certification of educators.

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 or 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/october2026/proposed/30 DE Reg 203RFA 10-01-26.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/october2026/proposed/30 DE Reg 203 10-01-26

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 November 2, 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 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 U.S. citizens, U.S. Nationals, and non-U.S. citizens, who have one of the following immigration statuses:

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

-Has completed their 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 14000 Medicaid General Eligibility Requirements to comply with federal law and regulations.

Summary of Proposed Changes

Effective October 1, 2026, 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 November 2, 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

The proposed changes are expected to result in cost avoidance rather than an additional fiscal cost to the State. Although the State will continue to incur costs for Emergency Services/Labor & Delivery, those costs are anticipated to be less than the MCO payments that will no longer be needed for members who lose full Medicaid coverage.

***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/october2026/proposed/30 DE Reg 204RFA 10-01-26.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/october2026/proposed/30 DE Reg 204 10-01-26

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

PROPOSED

PUBLIC NOTICE

Alien Changes Part 3

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 Alien Changes Part 3, 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 November 2, 2026. Please identify in the subject line: Alien Changes Part 3

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 Alien Changes Part 3.

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 U.S. citizens, U.S. Nationals, and non-U.S. citizens, who have one of the following immigration statuses:

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

-Has completed their 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.

Purpose

The purpose of this proposed regulation is to amend Alien Changes Part 3 to comply with federal law and regulations.

Summary of Proposed Changes

Effective October 1, 2026, the DHSS/DMMA proposes to amend the Title XIX Medicaid State Plan regarding Alien Changes Part 3.

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 November 2, 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

The proposed changes are expected to result in cost avoidance rather than an additional fiscal cost to the State. Although the State will continue to incur costs for Emergency Services/Labor & Delivery, those costs are anticipated to be less than the MCO payments that will no longer be needed for members who lose full Medicaid coverage.

***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/october2026/proposed/30 DE Reg 206RFA 10-01-26.pdf

Alien Changes Part 3

***Please Note: Due to 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/October2026/A818DD90-1D83-49BF-9DB4-4282DFCFDEE6

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

PROPOSED

PUBLIC NOTICE

Juvenile Justice

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 Juvenile Justice, specifically, to remove the sunset date.

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 November 2, 2026. Please identify in the subject line: Juvenile Justice

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 Juvenile Justice.

Statutory Authority

- The Consolidated Appropriations Act (CAA)
- Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (The SUPPORT Act)
- 1902(a)(84)(D) of the Social Security Act (SSA)

Background

The CAA requires states to provide services to eligible juveniles incarcerated in public institutions. States must provide screenings and diagnostic services in accordance with the Early and periodic Screening, Diagnostic, and Treatment Services (EPSDT) and Targeted Case Management (TCM) for eligible juveniles who are within 30 days of release post adjudication, and Targeted Case Management for eligible juveniles who are within 30 days of release post-adjudication and for at least 30 days following release.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend the juvenile justice requirements to comply with federal regulations.

Summary of Proposed Changes

Effective January 1, 2027, the DHSS/DMMA proposes to amend the Title XIX Medicaid State Plan regarding juvenile justice.

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 November 2, 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/october2026/proposed/30 DE Reg 207RFA 10-01-26.pdf

Juvenile Justice

***Please Note: Due to 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/October2026/D6C353FE-57C9-45FA-A32B-437CD4613765

DIVISION OF PUBLIC HEALTH
Statutory Authority: 16 Delaware Code, Sections 122(3)a and 505 (16 **Del.C.** §§122(3)a and 505)
16 **DE Admin. Code** 4202

PROPOSED

PUBLIC NOTICE

4202 Control of Communicable and Other Disease Conditions

Pursuant to 16 **Del.C.** §122(3)a and 505, the Delaware Department of Health and Social Services, Division of Public Health, Office of the State Medical Director, is proposing revisions to the regulation governing the control of communicable and other disease conditions (16 **DE Admin. Code** 4202).

The amendments propose new definition "**Sexually transmitted infection**" or "**STI**"; new subsection 7.7 Mandatory Hospital Influenza Vaccine Offering to all Inpatients Age 65 and Older, Prior to Hospital Discharge; updates to Appendix 1, Section 2(S); and additional technical changes to align the regulation with House Bill 346 (85 Del. Laws, c. 389), signed July 23, 2026.

Copies of the proposed regulation are available for review in the October 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 302-424-7149.

Public comments will be accepted until 4:30 PM on November 2, 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, Delaware 19963

***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/october2026/proposed/30 DE Reg 209RFA 10-01-26.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/october2026/proposed/30 DE Reg 209 10-01-26

DIVISION OF PUBLIC HEALTH
Statutory Authority: 16 Delaware Code, Section 122(3)t (16 **Del.C.** §122(3)t)
16 **DE Admin. Code** 4459

PROPOSED

PUBLIC NOTICE

4459 Lead-Based Paint Hazards

Pursuant to 16 **Del.C.** §122(3)t, the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the regulation governing lead-based paint hazards (16 **DE Admin. Code** 4459).

After the final regulation was submitted for the July 1, 2026 publication, the DHSS website URL style was updated. The new URL scheme for the updated website is not redirecting the old-style links to the renamed pages. After recent review of 16 **DE Admin. Code** 4459, it was determined that the following revisions to the existing URLs listed below are necessary:

Subsection 5.6.4.6: http://dhss.delaware.gov/dhss/dph/hsp/leadregcomm.html
Subsection 3.3.13.4: http://dhss.delaware.gov/dhss/dph/hsp/leadregcomm.html
Subsection 3.3.14.3: http://dhss.delaware.gov/dhss/dph/hsp/leadregcomm.html

Additional technical changes include the relocation of a comma in subsections 3.10.2 and 4.1.1.2 and providing clarity on the meaning of “samples” in subsection 5.4.10.

Copies of the proposed regulation are available for review in the October 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 31, 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:**
(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/october2026/proposed/30 DE Reg 209aRFA 10-01-26.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/october2026/proposed/30 DE Reg 209a 10-01-26

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

DIVISION OF STATE POLICE

Statutory Authority: 21 Delaware Code, Section 6901(c) (21 **Del.C.** §6901(c))
2 **DE Admin. Code** 1301

PROPOSED

PUBLIC NOTICE

1301 Nonconsensual Towing

The Delaware Department of Safety and Homeland Security (DSHS), pursuant to 21 **Del.C.** §6901(c), proposes to amend 2 DE **Admin. Code** 1301. The proposed amendments primarily amend the regulations to require approved Delaware State Police towers to charge rates and fees approved by DSP rather than use a reasonable standard.

Written comments, suggestions, or other materials regarding the proposed amendments to the regulations may be submitted to by mail to Gerald Windish, Traffic Commander, Delaware State Police, 1441 N. DuPont Highway, Dover, P.O. Box 430, Dover Delaware 19903-0430 or by email to Gerald Windish at gerald.windish@delaware.gov. Any written submission in response to this notice and the relevant proposed regulations must be received no later than 4:30 p.m. (EST) on November 2, 2026. A copy of the proposed revisions to the regulations may be viewed online at the Registrar of Regulation's website, https://regulations.delaware.gov/services/current_issue.shtml.

DECISION AND ORDER CONCERNING THE REGULATIONS

NOW THEREFORE, under the statutory authority and for the reasons sent forth above, the DSHS does hereby ORDER that the regulations be, and that they hereby are, proposed to be enacted as set forth below.

Joshua Bushweller, Secretary

***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/october2026/proposed/30 DE Reg 210RFA 10-01-26.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/october2026/proposed/30 DE Reg 210 10-01-26

DEPARTMENT OF STATE

DIVISION OF SMALL BUSINESS

Statutory Authority: 29 Delaware Code, Section 8705A (29 **Del.C.** §8705A)
1 **DE Admin. Code** 1601

PROPOSED

PUBLIC NOTICE

1601 The Delaware Sports Tourism Capital Investment Fund

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 29 **Del.C.** §8705A, the Delaware Department of State's Division of Small Business ("Division") proposes to introduce amendments to the regulations related to the Delaware Sports Tourism Capital Investment Fund, administered by the Division.

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:

Jessica Welch
Director, Delaware Tourism Office, Division of Small Business
Delaware Department of State
99 Kings Highway
Dover, DE 19901

Comments may also be directed via electronic mail to jessica.welch@Delaware.gov. Any written submission in response to this notice and relevant to the proposed regulations must be received by the above contact at the Division of Small Business no later than 4:00 p.m. EST, on November 2, 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

Senate Bill 160 of the 152nd General Assembly created The Delaware Sports Tourism Capital Investment Fund. The purpose of the fund is to provide grants in support of sports facilities (arenas, courts, fields, aquatics facilities, track and field, etc.) that will drive regional and national events to Delaware that will have a broad impact on the state and local economy. It is the intent of the General Assembly and the Administration that said funds are to be leveraged by other sources including privately sourced debt, privately sourced equity, local, and county government funding. The fund is administered by the Division of Small Business, a division within the Department of State. 29 Del.C. §8703A.

Summary of Proposal
The purpose of these proposed regulatory amendments is to clarify the criteria for grant awards.

Statutory Authority 29 Del.C. §8705A
29 **Del.C.** §8705A enables the Division of Small Business to adopt and promulgate rules and regulations consistent with Title 29 of the Delaware Code; 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/october2026/proposed/30 DE Reg 211RFA 10-01-26.pdf

1601 The Delaware Sports Tourism Capital Investment Fund

1.0 Enabling Legislation

1.1 The Delaware Sports Tourism Capital Investment Fund was established pursuant to Senate Bill 160 of the Bond and Capital Improvements Act of the State of Delaware and Certain of its Authorities for the Fiscal Year ending June 30, 2024; Authorizing the Issuance of General Obligations of the Bonds of the State; Appropriating Funds from the Transportation Trust Fund; Authorizing the issuance of Revenue Bonds of the Delaware Transportation Authority; Appropriating Special Funds of the Delaware Transportation Authority; Appropriating General Funds of the State; Reprogramming Certain Funds of the State; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Statutory Provisions and appropriated to the Department of State.

1.2 The fund will be administered by the Division of Small Business.

1.3 The Division is responsible for the promulgation of regulations of the fund by December 31, 2023.

1.4 The following regulations have been adopted by the Division pursuant to its authority in 29 **Del.C.** §8705A and Section 69 of Senate Bill 160.

2.0 Purpose and Intent

2.1 The purpose of the fund is to provide grants in support of sports facilities (arenas, courts, fields, aquatics facilities, track and field, etc.) that will drive regional and national sports tourism events to Delaware that will have a ~~broad~~measurable impact on the state and local economy. The purpose of ~~these regulations~~this regulation is to establish clear criteria and processes for the administration of the fund and for eligibility.

2.2 It is the intent that ~~said~~ these funds are to be leveraged by other sources including privately sourced debt, privately sourced equity, local, and county government funding.

2.3 The regulations contain procedures governing the process for applying to the Division for a grant under the fund, pre-closing and post-closing procedures and criteria for the Division's approval or disapproval of an application for a grant under the fund.

3.0 Definitions

~~The terms defined in Sections 1.0 and 2.0 of this regulation shall have the meanings set forth for such terms therein.~~ The following words and terms shall have the following ~~respective~~ meanings:

"**Applicant**" means any person, including individuals, associations, firms, not-for-profit corporations, partnerships, public or private corporations, or other legal entities, including public or governmental bodies as well as natural persons that own or ground lease property of a facility as defined in this Section ~~3.0~~ and for which a project is undertaken or proposed to be undertaken, and all subsidiaries, parents, and associated entities of ~~such~~ the applicant.

"**Application**" means a certified application made to the Division of Small Business on ~~such~~ the application form or forms, together with all relevant attachments, and signed by an authorized officer or representative of the applicant, as the Division may, in its sole discretion, require in connection with administration of the fund.

"**Department**" means the Department of State.

"**Division**" means the Division of Small Business.

"**Division review panel**" or "**panel**" means the group of individuals designated by the Division and Department consisting of representatives from the Delaware Tourism Office, the General Assembly of the State of Delaware, the Greater Wilmington Convention and Visitors Bureau, Kent County Tourism Office, and Southern Delaware Tourism Office.

"**Facility**" means a high school, collegiate, or recreational venue located in the State of Delaware that generates positive incremental state tax benefits to the State, is used for public purposes, and regularly hosts sports tourism events as defined in this Section ~~3.0~~.

"**Fund**" means The Delaware Sports Tourism Capital Investment Fund.

"**Grant**" or "**grants**" shall have the meaning set forth in Section 9.0 of this regulation.

"**Office**" means the Delaware Tourism Office.

"**Positive incremental state tax benefit**" means, for the purposes of this program, a tax benefit demonstrated by either a feasibility study or other evidence satisfactory to the Division review panel in its sole discretion.

"**Program**" means the plan and process related to the administration of the fund.

"**Project**" means the specific intended use of proceeds from program funding for a sports facility.

"**Sports facility**" means an arena, court, field, aquatics facility, track and field facility, etc. located on the grounds of a facility which has the specific intended use of the proceeds from the fund.

"**Sports tourism event**" means tournaments, championships, or other sports-related event that brings out-of-state participants and visitors to Delaware, results in measurable spending by out-of-state visitors, and has a direct economic impact on tourism in the State.

"**Sports tourism visitor**" means athletes, coaches, officials, event personnel, spectators, and accompanying family and friends whose travel to Delaware is directly attributed to a sports tourism event held at a sports facility.

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

4.0 Division of Small Business Review Panel

4.1 The fund is administered by the Division. To facilitate with administering, the Division designates a Division review panel that will consist of the following members or the member's designee: the Director of the Office, the Sports Sales Leader of the Office, the Chair and Vice-Chair of the Joint Committee on Capital Improvement, the Executive Director of the Greater Wilmington Convention and Visitors Bureau, the President of the Kent County Tourism Office, and the Executive Director of Southern Delaware Tourism Office.

4.2 The panel shall consider criteria and factors as it may deem appropriate including those set forth in the regulations as well as facts relevant to the criteria and factors.

4.3 The panel will utilize a rubric process during its consideration of an application. The rubric process will evaluate the criteria outlined in subsection 7.2 of ~~these regulations~~this regulation.

4.4 The panel may request documents or information from an applicant, in its sole discretion, in addition to the application.

4.5 If an application or requested document or information is incomplete, inaccurate, or provided untimely, the Division will inform the applicant and further consideration of the application will be stayed and taken out of the order in which the application was originally received, if and until the requested documents or information are received by the Division.

4.6 Upon preliminary approval by the Division, an application and an applicant evaluation report shall be submitted to the panel for review, and the panel shall make a recommendation with respect to the application to the Director of the Division.

4.7 Upon recommendation by the panel, the application shall be submitted to the Director of the Division or designee for consideration and final approval or disapproval. If approved, ~~such~~ the approval shall be final. The panel will issue its determination to approve or not approve an application, in whole or in part, and the Division will notify an applicant in writing about the determination.

5.0 Facility Eligibility

5.1 An applicant must satisfy the following criteria:

5.1.1 Be a facility within the definition set forth in Section 3.0 of this regulation, specifically a high school, collegiate, or recreational venue that generates positive incremental state tax benefits to the State, is used for public purposes, and regularly hosts sports tourism events;

5.1.2 Own the property on which the sports facility is to be constructed or renovated or be under a ground lease acceptable to the Division review panel;

5.1.3 Possess sufficient committed funds, including funding from this program if approved, to achieve successful completion of the project;

5.1.4 Have a useful life of a length satisfactory to the panel with a detailed maintenance plan and a funding source for maintenance;

5.1.5 Promote the Office to visitors attending sporting events at their sports facility, including banners, electronic signage, onsite activations, and other promotional activities mutually agreed upon by the Office and the Grantee; ~~and~~

5.1.6 Indicate tourism-based events it intends to target for their sports facility in program ~~application.~~application; and

5.1.7 Provide sufficient evidence that the facility attracts sports tourism visitors and contributes significantly to the sports tourism economy in Delaware.

5.2 An applicant will provide documents and information determined by the panel, in its sole discretion, to satisfy the above criteria.

6.0 Application

6.1 An application must contain the following:

6.1.1 Show at least a 1-to-1 match of funds. The panel may, in its sole discretion, waive the 1-to-1 match in specific circumstances.

6.1.2 A description of anticipated use ~~and any feasibility or economic studies or reports completed in the past 5 years; and~~ of funds;

6.1.3 Feasibility or economic studies or reports completed in the past 5 years that demonstrate the facility's impact on the sports tourism economy in Delaware and ability to attract sports tourism visitors; and

~~6.1.3~~6.1.4 At least 1 letter of support from a State or local government official representing the area in which the sports facility will be constructed. The letter of support cannot be from a member of the panel. Refer to subsection 4.1 for the list of panel members.

6.2 Requested funds can be used for sports facility equipment, however they cannot be used for supplies.

6.3 Applicant shall submit a completed original application concerning the project through the Division's online portal. All applications must be signed by persons authorized to bind the applicant. Requests for confidential treatment for applicant information may be made pursuant to The Policies and Procedures Regarding FOIA Requests, 8 **DE Admin. Code** 1500, Section 6.0~~,~~ ~~https://regulations.delaware.gov/AdminCode/title8/1500.shtml#TopOfPage~~. No application will be reviewed by the Division until it is complete to the satisfaction of the Division. Applicants may obtain application forms through the Office's website at https://dsbservice.delaware.gov/s.

7.0 Evaluation Process

7.1 Upon determination that the application is complete, the panel will evaluate the project based upon some or all of the following criteria outlined in the application rubric.

7.2 The application rubric includes the following criteria:

7.2.1 The project's support of the mission of The Delaware Sports Tourism Capital Investment Fund as outlined in Section 2.0 of ~~these regulations~~this regulation.

7.2.2 The geographic area where the facility is located, including if there are other sports facilities in the area.

7.2.3 The potential economic impact on the state and local economy if the facility is provided funding.

7.2.4 Other sources of funding secured by the applicant for the facility, including private, state, and local investment committed to the project.

7.2.5 For applications requesting funding for facility improvements, a thorough and substantiated explanation of how funding would enhance their facility and its ability to attract more sports tourism events or increase their current sports tourism event offerings and attract sports tourism visitors. Facilities must ~~indicate~~provide evidence of existing tourism-based events or targeted events in the application.

7.2.6 How the applicant will recognize the fund's investment in the facility (e.g.: signage on the property; banners; etc.). Recognition will be mutually agreed-upon following approval of the application.

8.0 Additional Considerations for Project Funding

8.1 The panel shall consider ~~such~~ factors as it may deem appropriate when reviewing an application for project funding.

8.2 Some of the factors deemed appropriate include:

8.2.1 The need in the geographic region within which the project is to be located, including other similar sports facilities;

8.2.2 General geographic diversity of projects under consideration for or already-approved for funding;

8.2.3 Facility's readiness to proceed with construction or renovation;

8.2.4 Economic feasibility of the project ~~to support~~including ongoing projected maintenance and operation requirements and how the facility will fund maintenance in the future;

8.2.5 Local support for the project as a sports tourism economic driver;
8.2.6 Sources and level of funding commitments other than support from the fund;
8.2.7 Owner, operator and manager of the project; and
8.2.8 Economic impact on the local economy and overall economic benefit to the State.

8.3 Previous grantees are permitted to reply in future funding rounds. Priority will be given to new applicants or previous grantees with a demonstrated history of sports tourism economic impact.

9.0 Grants

9.1 The fund has been appropriated to the Department and is administered by the Division.

9.2 Grant proceeds can be used for renovation, construction, or any other type of improvements to a facility within the definition set forth in Section 3.0, specifically a high school, collegiate, or recreational venue that generates positive incremental state tax benefits to the State, is used for public purposes, and regularly hosts sports tourism events;

9.3 Recapture Provision: The Division shall determine, in its sole discretion, those circumstances in which a grantee must repay all or part of a grant (i.e.: grant recapture). Recapture may include substantial or complete cessation of operations by the applicant, or failure to reach completion of the project in a timely manner. The recapture obligation shall be consistent with the fund purposes and should extend for the number of years necessary to realize the objectives of the grant, which is considered as the recapture period. Should an applicant fail to ~~start construction~~initiate progress on the sports facility within ~~a certain period of time (e.g. 2 years)~~2 years of the grant award, the Division has the right to recapture grant funds.

9.4 Post-Grant Period and Annual Reporting: The applicant shall, for a period equal to the recapture period of the grant, submit to the Division on an annual basis in a form acceptable to the Division a progress report on the status of the project, including~~, but not limited to~~: an update on construction or renovation of the facility, total number of sporting events held at the facility, attendance at sporting events held at the facility, number of hotel rooms booked for sporting events held at the facility, any economic impact information acquired by the applicant for the facility, and any other information required by the Division. This reporting period may be extended or reduced, as appropriate, by the Division in its sole discretion. Annual reports should be submitted to the Division no later than June 30 of each of the term years of the grant.

9.5 Before grant funds are issued, the facility must enter into a written grant agreement in the form required by the Division. Failure to enter into a timely grant agreement may result in the Division rescinding its approval.

9.6 Facility must provide data to the Office on sports tourism events held at the facility, including~~, but not limited to~~: data on attendance at events, hotel rooms booked for events, estimated economic impact of the event, etc., for the duration of the grant agreement.

9.7 Facility must display onsite a plaque, sign, or other recognition that states, "This project was supported by The Delaware Sports Tourism Capital Investment Fund."

10.0 Approval Process

10.1 Timing: The Division shall use its reasonable best efforts to complete its review of the application within 60 days from the date it deems an application complete.

10.2 Final approval will be effective for a period not to exceed 1 year from the last date of the Division review panel meetings to review the project prior to ~~such~~ final approval, and all funds committed for a project must be completely dispersed by the Division within that time. The Division, in its sole discretion, may make limitations or grant extensions with respect to this 1-year period.

OFFICE OF MANAGEMENT AND BUDGET

OFFICE OF PENSIONS

Board of Pension Trustees

Statutory Authority: 29 Delaware Code, Section 8308 (29 **Del.C.** §8308)
19 **DE Admin. Code** 2002

PROPOSED

PUBLIC NOTICE

2002 State Employees' Pension Plan

Notice of Proposed Amendments to the Regulations of the State Employees' Pension Plan

Summary

The Board of Pension Trustees proposes to amend its Regulations adopted in accordance with 29 Del.C. §8308. The proposed amendments update the regulations to account for changes in Federal Tax Regulations and amendments to the Delaware Code, and to make technical and administrative revisions to conform to the Delaware Administrative Code Drafting and Style Manual. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulations will be published in the October 1, 2026, edition of the Delaware Register of Regulations, accessible online at https://regulations.delaware.gov. Any person who wishes to make any written suggestions, compilations of data, briefs or other written materials concerning the proposed new regulations must submit same to Cindy Starr at the Office of Pensions, 860 Silver Lake Boulevard, Suite 1, Dover, Delaware 19904-2402, or by email to cindy.starr@delaware.gov. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments is November 2, 2026.

Adoption of Proposed Regulation

On or after November 2, 2026, following review of the public comment, the Board of Pension Trustees will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

Effective Date of Amendments to Regulations

If adopted by the Board of Pension Trustees, the amendments will take effect 10 days after being published as final in the Delaware Register of Regulations.

***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/october2026/proposed/30 DE Reg 216RFA 10-01-26.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/october2026/proposed/30 DE Reg 216 10-01-26

OFFICE OF PENSIONS
Board of Pension Trustees
Statutory Authority: 29 Delaware Code, Section 8308 (29 **Del.C.** §8308)
19 **DE Admin. Code** 2003

PROPOSED

PUBLIC NOTICE

2003 State Judiciary Pension Plan

Notice of Proposed Amendments to the Regulations of the State Judiciary Pension Plan

Summary
The Board of Pension Trustees proposes to amend its Regulations adopted in accordance with Title 29 of the Delaware Code, Section 8308. The proposed amendments update the regulations to account for changes in Federal Tax Regulations and amendments to the Delaware Code, and to make technical and administrative revisions to conform to the Delaware Administrative Code Drafting and Style Manual. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments
A copy of the proposed regulations will be published in the October 1, 2026, edition of the Delaware Register of Regulations, accessible online at https://regulations.delaware.gov. Any person who wishes to make any written suggestions, compilations of data, briefs or other written materials concerning the proposed new regulations must submit same to Cindy Starr at the Office of Pensions, 860 Silver Lake Boulevard, Suite 1, Dover, Delaware 19904-2402, or by email to cindy.starr@delaware.gov. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments is November 2, 2026.

Adoption of Proposed Regulation
On or after November 2, 2026, following review of the public comment, the Board of Pension Trustees will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

Effective Date of Amendments to Regulations
If adopted by the Board of Pension Trustees, the amendments will take effect 10 days after being published as final in the Delaware Register of Regulations.

***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/october2026/proposed/30 DE Reg 217RFA 10-01-26.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/october2026/proposed/30 DE Reg 217 10-01-26

OFFICE OF PENSIONS
Board of Pension Trustees
Statutory Authority: 29 Delaware Code, Section 8308 (29 **Del.C.** §8308)
19 **DE Admin. Code** 2004

PROPOSED

PUBLIC NOTICE

2004 State Police Pension Plan

Notice of Proposed Amendments to the Regulations of the State Police Pension Plan

Summary

The Board of Pension Trustees proposes to amend its Regulations adopted in accordance with Title 29 of the Delaware Code, Section 8308. The proposed amendments update the regulations to account for changes in Federal Tax Regulations and amendments to the Delaware Code, and to make technical and administrative revisions to conform to the Delaware Administrative Code Drafting and Style Manual. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulations will be published in the October 1, 2026, edition of the Delaware Register of Regulations, accessible online at https://regulations.delaware.gov. Any person who wishes to make any written suggestions, compilations of data, briefs or other written materials concerning the proposed new regulations must submit same to Cindy Starr at the Office of Pensions, 860 Silver Lake Boulevard, Suite 1, Dover, Delaware 19904-2402, or by email to cindy.starr@delaware.gov. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments is November 2, 2026.

Adoption of Proposed Regulation

On or after November 2, 2026, following review of the public comment, the Board of Pension Trustees will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

Effective Date of Amendments to Regulations

If adopted by the Board of Pension Trustees, the amendments will take effect 10 days after being published as final in the Delaware Register of Regulations.

***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/october2026/proposed/30 DE Reg 218RFA 10-01-26.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/october2026/proposed/30 DE Reg 218 10-01-26

OFFICE OF PENSIONS
Board of Pension Trustees
Statutory Authority: 29 Delaware Code, Section 8308 (29 **Del.C.** §8308)
19 **DE Admin. Code** 2005

PROPOSED

PUBLIC NOTICE

2005 County and Municipal Employees' Pension Plan

Notice of Proposed Amendments to the Regulations of the County and Municipal Employees' Pension Plan

Summary

The Board of Pension Trustees proposes to amend its Regulations adopted in accordance with 29 Del.C. §8308. The proposed amendments update the regulations to account for changes in Federal Tax Regulations and amendments to the Delaware Code, and to make technical and administrative revisions to conform to the Delaware Administrative Code Drafting and Style Manual. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulations will be published in the October 1, 2026, edition of the Delaware Register of Regulations, accessible online at https://regulations.delaware.gov. Any person who wishes to make any written suggestions, compilations of data, briefs or other written materials concerning the proposed new regulations must submit same to Cindy Starr at the Office of Pensions, 860 Silver Lake Boulevard, Suite 1, Dover, Delaware 19904-2402, or by email to cindy.starr@delaware.gov. Pursuant to 29 Del.C. §10118(a), the final date to receive written comments is November 2, 2026.

Adoption of Proposed Regulation

On or after November 2, 2026, following review of the public comment, the Board of Pension Trustees will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

Effective Date of Amendments to Regulations

If adopted by the Board of Pension Trustees, the amendments will take effect 10 days after being published as final in the Delaware Register of Regulations.

***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/october2026/proposed/30 DE Reg 219RFA 10-01-26.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/october2026/proposed/30 DE Reg 219 10-01-26

OFFICE OF PENSIONS
Board of Pension Trustees

Statutory Authority: 29 Delaware Code, Section 8308 (29 **Del.C.** §8308)
19 **DE Admin. Code** 2006

PROPOSED

PUBLIC NOTICE

2006 Delaware County and Municipal Police/Firefighter Pension Plan

Notice of Proposed Amendments to the Regulations of the
Delaware County and Municipal Police/Firefighter Pension Plan

Summary

The Board of Pension Trustees proposes to amend its Regulations adopted in accordance with 29 Del.C. §8308. The proposed amendments update the regulations to account for changes in Federal Tax Regulations and amendments to the Delaware Code, and to make technical and administrative revisions to conform to the Delaware Administrative Code Drafting and Style Manual. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulations will be published in the October 1, 2026, edition of the Delaware Register of Regulations, accessible online at https://regulations.delaware.gov. Any person who wishes to make any written suggestions, compilations of data, briefs or other written materials concerning the proposed new regulations must submit same to Cindy Starr at the Office of Pensions, 860 Silver Lake Boulevard, Suite 1, Dover, Delaware 19904-2402, or by email to cindy.starr@delaware.gov. Pursuant to 29 Del.C. §10118(a), the final date to receive written comments is November 2, 2026.

Adoption of Proposed Regulation

On or after November 2, 2026, following review of the public comment, the Board of Pension Trustees will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

Effective Date of Amendments to Regulations

If adopted by the Board of Pension Trustees, the amendments will take effect 10 days after being published as final in the Delaware Register of Regulations.

***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/october2026/proposed/30 DE Reg 220RFA 10-01-26.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/october2026/proposed/30 DE Reg 220 10-01-26

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 EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(a) (14 **Del.C.** §122(a))
14 **DE Admin. Code** 255

FINAL

ORDER

255 Definitions of Types of Schools

I. Summary of the Evidence and Information Submitted

Pursuant to 14 **Del.C.** §122(a), the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 255 Definitions of Types of Schools. The Department has made minor changes to the regulation as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manua*l.

Notice of the proposed regulation was published in the Register of Regulations on August 1, 2026.

The Department received one written comment submission. However, the written comments in the submission were not pertinent to this regulation. The written comments resulted in no additional amendments to the regulation.

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education 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 is not practical.

III. Findings of Facts

The Department finds that amendments to 14 **DE Admin. Code** 255 Definitions of Types of Schools are necessary. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 255 Definitions of Types of Schools beyond the amendments made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

IV. Decision to AMEND the Regulation
For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 255 Definitions of Types of Schools and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to 14 **Del.C.** §122(a), 14 **DE Admin. Code** 255 Definitions of Types of Schools is amended.

V. Text and Citation
The text of 14 **DE Admin. Code** 255 Definitions of Types of Schools is amended, and said regulation shall be cited as 14 **DE Admin. Code** 255 Definitions of Types of Schools in the Administrative Code of Regulations for the Department.

VI. Effective Date of Order
The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 14th day of September 2026

Department of Education
Cynthia Marten, Secretary of Education

***Please note that no changes were made to the regulation as originally proposed and published in the August 2026 issue of the *Register* at page 74 (30 DE Reg. 74). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**
https://regulations.delaware.gov/register/october2026/final/30 DE Reg 221 10-01-26

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF HEALTH CARE QUALITY

Statutory Authority: 16 Delaware Code, Section 1119C(a) and 29 Delaware Code, Section 7971(d)(19) (16 **Del.C.** §1119C(a) & 29 **Del.C.** §7971(d)(19))

FINAL

ORDER

3103 Division of Health Care Quality Temporary Staffing Agencies

NATURE OF THE PROCEEDINGS:
Pursuant to 16 Del.C. §1119C(a) and 29 Del.C. §7971(d)(19), the Delaware Department of Health and Social Services ("DHSS"), Division of Health Care Quality (Agency) published a proposed new regulation, 3103 Division of Health Care Quality Temporary Staffing Agencies, on April 1, 2026 (29 DE Reg. 837), announcing a public comment period of April 1, 2026 through May 1, 2026. The proposed regulation implements House Bill 204, and establishes standards for registration and renewal, reporting and recordkeeping, insurance coverage, personnel documentation, and Departmental oversight, including inspections.

SUMMARY OF EVIDENCE:
Written comments were accepted on the proposed regulation during the public comment period April 1, 2026 through May 1, 2026. Entities and individuals offering written comments included AMN Healthcare, the Governor's Advisory Council for Exceptional Citizens, the State Council for Persons with Disabilities, Annette Moore, and Tashauna Clarke. Suggested changes addressed the scope of personnel and placements subject to registration, the inspection frequency under Section 3.6, personnel record and recordkeeping requirements under Sections 5.0 and 6.0, the placement fee provision in Section 5.5, clinical competency and orientation standards, and the availability of data on agency utilization in Delaware long-term care facilities.

IMPACT ON THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE:

Division of Health Care Quality Director Amanda Levering has reviewed the proposed regulation as required by 29 Del.C. §10118(b)(3) 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 an increase in greenhouse gas emissions.

FINDINGS OF FACT:

As a result of evidence review, two changes were made to the regulation since publication as proposed. In subsection 3.1.1.1, the date establishing which temporary staffing agencies must register within 6 months after publication of the final regulation has been changed from January 1, 2026 to October 1, 2026, extending that registration window to agencies that began operating between those dates. The second sentence of subsection 5.5 has been deleted in response to public comment. That sentence described a voluntary agreement by a long-term care facility to pay a placement fee upon permanently hiring an agency's personnel, which the regulation neither requires nor authorizes, and its inclusion created ambiguity. DHSS finds that the proposed regulation, with amendments as set forth in the attached copy, should be adopted in the best interest of the public of the State of Delaware. DHSS has determined that these changes are nonsubstantive pursuant to 29 Del.C. §10118(c), and that further public notice and comment is therefore not required.

THEREFORE, IT IS ORDERED that the proposed amendments to regulation 3103 Division of Health Care Quality Temporary Staffing Agencies shall become effective 10 days after publication of the final regulation in the Delaware Register of Regulations.

9/21/2026
Date of Signature

Christen Linke Young, Secretary, DHSS

3103 Division of Health Care Quality Temporary Staffing Agencies

(Break in Continuity of Sections)

3.0 Registration Requirements and Procedures

3.1 General Requirements

3.1.1 No person shall establish, conduct or maintain in this State any temporary staffing agency that provides direct care services to a long-term care facility without first registering with and obtaining approval from the Department.

3.1.1.1 Temporary staffing agencies operating as of **[~~January 1, 2026~~ October 11, 2026]**, must register with the Department within 6 months after publication of the final regulation in the *Delaware Register of Regulations*.

3.1.1.2 Temporary staffing agencies operating after this regulation goes into effect must register with the Department 30 days prior to the first day of operation.

3.1.2 A separate registration shall be required for each temporary staffing agency in Delaware. The registration is not transferable between office locations. An agency providing services in Delaware that does not maintain an office in Delaware shall file a single registration covering its operations in the state.

3.1.3 The temporary staffing agency shall advise the Department in writing at least 30 calendar days prior to any change in office location.

3.1.4 Any temporary staffing agency that undergoes a modification of ownership and control (MOC) is required to re-register as a new agency.

3.1.5 A registration is not transferable from person to person or from entity to entity.

3.1.6 The submission of a registration application form is in no way a guarantee that the completed application will be accepted or that a registration will be issued by the Department.

3.2 Registration Process

3.2.1 All persons or entities wanting to apply to open a temporary staffing agency shall submit to the Department the following information:

3.2.1.1 A completed registration application, including registration fee.

3.2.1.2 Identity of:

3.2.1.2.1 Each officer and director of the corporation, if the entity is organized as a corporation;
3.2.1.2.2 Each general partner or managing member, if the entity is organized as an unincorporated; and
3.2.1.2.3 The governing body.
3.2.1.3 The names and addresses of each person having an ownership interest in the temporary staffing agency.
3.2.1.4 The names, addresses, and types of agencies owned or managed by the applicant;
3.2.1.5 Disclosure of any officer, director, partner, employee, managing member, or member of the governing body with a felony criminal record;
3.2.1.6 Name of the individual who is responsible for the management of the temporary staffing agency.
3.2.1.7 Any other information required by the Department.
3.2.2 Applications not completed within 90 days of submission will be deemed incomplete and will be closed. Application fees are non-refundable.
3.3 Issuance of Registrations
3.3.1 A registration shall be granted for a period 1 calendar year to every agency that completes the application process consistent with this regulation and whose policies and procedures demonstrate compliance with this regulation. A temporary staffing agency shall renew the registration annually.
3.3.2 To renew a registration, the temporary staffing agency must submit a completed renewal application and any additional information requested by the Department.
3.3.3 A temporary staffing agency must apply for renewal of registration at least 30 calendar days prior to the expiration date of the registration.
3.4 Modification of Ownership and Control
3.4.1 Any proposed MOC must be reported to the Department a minimum of 30 calendar days prior to the change.
3.4.2 A MOC voids the current registration in possession of the agency.
3.4.3 A MOC may include:
3.4.3.1 Transfer of full ownership rights;
3.4.3.2 Transfer of the majority interest;
3.4.3.3 Transfer of ownership interests that result in the owner with the majority interest becoming a minority interest owner;
3.4.3.4 Transfer or re-organization that results in an additional majority interest that is equal in ownership rights; or
3.4.3.5 Transfer resulting in a measurable impact upon the operational control of the agency.
3.5 Fees
3.5.1 Fees shall be in accordance with 16 **Del.C.** §1119D(e).
3.5.2 The Department will evaluate the registration fees annually.
3.6 Inspection. A representative of the Department shall periodically inspect every temporary staffing agency for which a registration has been issued under this regulation. Inspections by authorized representatives of the Department may occur at any time and may be scheduled or unannounced.
3.7 Notice to long-term care facilities. The temporary staffing agency shall notify each long-term care facility at least 30 calendar days before the voluntary surrender of its registration, or as directed under an order of denial, revocation or suspension of registration issued by the Department.

(Break in Continuity of Sections)

5.0 Personnel Records

5.1 A temporary staffing agency shall ensure that each employee the staffing agency assigns or refers for a position at a long-term care facility meets state and federal qualification requirements and has the appropriate work experience for that position.
5.1.1 The personnel's required professional qualifications must be current in the state of Delaware and in good standing.
5.1.2 If the temporary staffing agency has been informed, or has reason to know, that a personnel's professional credentials are no longer in good standing, the temporary staffing agency must notify the long-term care facility.
5.2 A temporary staffing agency shall maintain a record for each employee that must include documented evidence of:

5.2.1 Credentials;
5.2.2 Required immunizations;
5.2.3 Orientation;
5.2.4 In-service education;
5.2.5 Completion of training or educational program required by law; and
5.2.6 All other pertinent requirements relating to the health and other qualifications of personnel employed in long-term care facilities.

5.3 A temporary staffing agency shall keep current the complete personnel record of each temporary staffing agency employee.

5.4 A temporary staffing agency shall provide, upon request, the complete personnel record to the long-term care facility where the employee is assigned and to authorized representatives of the Department.

5.5 The temporary staffing agency may not restrict in any manner the employment opportunities of health care personnel. **[~~This provision shall not be construed as prohibiting an agreement by a long-term care facility to pay an agency a placement fee if the facility hires the agency's personnel on a permanent basis.~~]**

***Please note that no additional changes were made to the regulation as originally proposed and published in the April 2026 issue of the *Register* at page 837 (29 DE Reg. 837). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:**

https://regulations.delaware.gov/register/october2026/final/30 DE Reg 222 10-01-26

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Board of Medical Licensure and Discipline

Statutory Authority: 24 Delaware Code, Section 1775(c) (24 **Del.C.** §1775(c))
24 **DE Admin. Code** 1770

FINAL

ORDER

1770 Respiratory Care Practice Advisory Council

After due notice in the *Register of Regulations* and two Delaware newspapers, a public hearing was held on July 8, 2026 at a scheduled meeting of the Respiratory Care Practice Advisory Council ("the Council") of the Board of Medical Licensure and Discipline ("the Board") to receive comments regarding proposed amendments to the Council's rules and regulations. The Council proposed revisions to clarify when students are qualified to practice as working student respiratory care practitioners and set forth the parameters under which such practice may occur. The proposed changes also eliminate provisions which are duplicative of the statute and implement grammar and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

The proposed changes to the rules and regulations were published in the *Register of Regulations,* Volume 29, Issue 11 on May 1, 2026. The public hearing took place on July 8, 2026 at a scheduled Council meeting. Notice of the hearing was published in the *News Journal* (Exhibit 1) and the *Delaware State News.* Exhibit 2. Pursuant to 29 **Del.C.** § 10118(a), the date to receive final written comments was July 23, 2026, 15 days following the public hearing. The Council deliberated on the proposed revisions on August 26, 2026.

Summary of the Evidence and Information Submitted

The following exhibits were made a part of the record:
Council Exhibit 1: *News Journal* Affidavit of Publication.
Council Exhibit 2: *Delaware State News* Affidavit of Publication.

There was no public comment presented in the form of testimony at the July 8, 2026 hearing. Further, no written comment was submitted either before the hearing or during the 15-day period following the hearing.

Assessment of the impact on achievement of 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 if promulgated, the regulation would have a neutral or positive impact on the State's resiliency to climate change because compliance with the regulation would not reasonably involve the increase in greenhouse gas emissions.

Findings of Fact and Conclusions

The public was given notice and an opportunity to provide the Council with comments in writing and by testimony on the proposed amendments to the Council's rules and regulations. The Council did not receive any written comments, and no members of the public attended the hearing to offer testimony.

Pursuant to 24 **Del.C.** § 1775(c), the Council has the statutory authority to promulgate rules and regulations governing the practice of respiratory care after a public hearing and subject to the approval of the Board. Given the absence of comments, either by testimony or in writing, the Council recommends to the Board that it approve the rules and regulations as published, attached hereto as Exhibit A.

RECOMMENDATION TO THE BOARD OF MEDICAL LICENSURE AND DISCIPLINE

By the affirmative vote of the undersigned members, the Respiratory Care Practice Advisory Council hereby adopts the rules and regulations as published in the *Register of Regulations* of May 1, 2026, Volume 29, Issue 11 and recommends approval of such rules and regulations to the Board of Medical Licensure and Discipline.

If approved by the Board, these rules and regulations will be effective ten days after publication of the Board's final order in the *Register of Regulations.*

Respectfully submitted this 26th day of August 2026.

/s/ Katie Burr
Katie Burr, Vice Chairperson

/s/ Michelle Bair
Michelle Bair

/s/ Christina Conrad
Cristina Conrad

/s/ Todd Sauer
Todd Sauer

/s/ Joseph Parise
Joseph Parise, D.O.

AND NOW, this 1st day of September, 2026;

WHEREAS, the Board of Medical Licensure and Discipline has considered the attached recommendation of the Respiratory Care Practice Advisory Council for approval of amended rules and regulations related to the licensure process and licensees' duty to update their addresses; and

WHEREAS, the Board has determined to approve the aforesaid rules and regulations as proposed by the Respiratory Care Practice Advisory Council and attached hereto as Exhibit A.

NOW THEREFORE IT IS ORDERED by the Board of Medical Licensure and Discipline:

1. The rules and regulations recommended by the Respiratory Care Practice Advisory Council governing the licensure process and licensees' duty to update their addresses are hereby approved by the Board of Medical Licensure and Discipline.

2. The rules and regulations shall be effective ten days after publication of this Final Order in the *Register of Regulations.*

IT IS SO ORDERED this 1st day of September, 2026:

/s/ Joseph Parise
Joseph Parise, D.O.

/s/ Sara Moghaddam
Sara Moghaddam, M.D.

/s/ Anna D'Amico
Anna D'Amico, M.D.

/s/ Joseph Rubacky
Joseph Rubacky, D.O.

/s/ Lauren Davey
Lauren Davey, PA

/s/ Melissa Warren
Melissa Warren, Public Member

/s/ Janice Truitt
Janice Truitt, Public Member

/s/ Mansh Purohit
Manish Purohit, M.D.

/s/ Garret Colmorgen
Garret Colmorgen, M.D.

/s/ Sharon Williams-Mayo
Sharon Williams-Mayo, Public Member

(absent)
Awele Maduka-Ezeh, M.D.

(absent)
Randeep Kahlon, M.D.

(absent)
Mary Lomax, Public Member

(absent)
Ray Blackwell, M.D.

***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 May 2026 issue of the *Register* at page 920 (29 DE Reg. 920). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**
https://regulations.delaware.gov/register/october2026/final/30 DE Reg 225 10-01-26

PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code, Sections 117(g) and 209(a) (26 **Del.C.** §§117(g) and 209(a))
26 **DE Admin. Code** 3002

FINAL

ORDER

3002 Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions

IN THE MATTER OF THE REGULATION GOVERNING TERMINATION OF RESIDENTIAL ELECTRIC OR NATURAL GAS SERVICE BY PUBLIC UTILITIES FOR NON-PAYMENT DURING EXTREME SEASONAL TEMPERATURE CONDITIONS (OPENED SEPTEMBER 4, 1979	))))))	REG. 53

ORDER NO. 10950

AND NOW, this 28th day of January 2026, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, on November 13, 2024 Commission Staff ("Staff") filed a petition requesting the Commission amend 26 **DE Admin. Code** §3002, "Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions" (the "Regulation");

WHEREAS, Staff noted in its petition that Delaware's temperature threshold for disconnections during the cooling season is higher than surrounding states and should be revised;

WHEREAS, Staff also noted in its Memo that with the advent of Advanced Metering Infrastructure meters, utilities can connect and disconnect customers remotely which reduces expenses for the utility and ultimately for customers;

WHEREAS, Staff noted in its Memo that revising the Regulations should reduce utility expenses related to disconnections and align the Commission with best practices used throughout the country;

WHEREAS, the Commission signed Order No. 10561 in which it determined good cause existed to amend the Regulation, and empowered Staff to work with its Deputy Attorney General and submit the appropriate documents required by 29 **Del.C** §10111 *et seq.* and 29 **Del.C** §10401 *et seq.* to the Delaware Office of the Registrar of Regulations for publication of the proposed Regulations in the January 2025 edition of the *Delaware Register of Regulations*;

WHEREAS, due to a misprint of the proposed Regulation in the January 2025 edition of the *Delaware Register*

of Regulations, Staff removed the public comment hearing scheduled for January 29, 2025, from the Agenda to allow for the Registrar to republish the proposed Regulations as intended and extend the written comment period.

WHEREAS, with the introduction of House Bill 62 to the Delaware House to supersede major portions of the Regulation, Staff did not republish the proposed Regulations or hold a public comment session;

WHEREAS, the Delaware Legislature passed amendments to codify portions of the Regulation at 26 **Del.C.** §117 (the Statute) which was signed into law by the governor on May 22, 2025;

WHEREAS, on August 13th, in Order No. 10773, the Commission empowered Staff and its Deputy Attorney General to submit updated proposed amendments to the Regulations and appropriate documents to the Office of the Registrar of Regulations (the "Registrar") for publication in the *Delaware Register of Regulations*;

WHEREAS, pursuant to 26 **Del.C.** §102A, the Secretary of the Commission published the proposed amendments to the Regulations and accompanying Public Notice submitted to the Registrar on the Commission's website located at https://depsc.delaware.gov;

WHEREAS, the Commission held a public hearing on the proposed Regulation as provided by the published Public Notice on January 7, 2026 and the public comment remained open through January 22, 2026 as was noticed in the December 2025 *Delaware Register of Regulations*;

WHEREAS, the Commission received no public comments on the proposed Regulation;

WHEREAS, the Regulation has no impact on the achievement of the State's greenhouse gas emissions reduction targets, as specified in § 10003 of Title 7; and

NOW, THEREFORE, IT IS ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. The Commission has determined to amend its Regulation by adopting the proposed amendments.
2. Pursuant to 26 **Del.C.** §117(g), 26 **Del.C.** §209(a), and 29 **Del.C.** §10111 *et seq.*, the Commission determined to publish the proposed amendments to the Regulation as final in the attached Exhibit A.
3. Staff shall work with its Deputy Attorney General and submit the appropriate documents required by 29 **Del.C.** §10111 *et seq.* to the Registrar for final publication in the *Delaware Register of Regulations*, and revise such documents as recommended by the Registrar.
4. The effective date of this order shall be 10 days after the date the Regulation is published as final in the *Delaware Register of Regulations*.
5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

Dated: January 28, 2026

BY ORDER OF THE COMMISSION:

/s/ Dallas Winslow voted via teleconference pursuant to 29 Del. C. § 10006(A)(d)
Dallas Winslow, Chairman

Joann Conaway, Commissioner

/s/ Harold Gray voted via teleconference pursuant to 29 Del. C. § 10006(A)(d)
Harold Gray, Commissioner

Manubhai "Mike" Karia, Commissioner

/s/ K.F. Drexler voted via teleconference pursuant to 29 Del. C. § 10006(A)(d)
Kim Drexler, Commissioner

ATTEST:
Crystal Beenick, Commission Secretary

***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 October 2025 issue of the *Register* at page 294 (29 DE Reg. 294). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

https://regulations.delaware.gov/register/october2026/final/30 DE Reg 227 10-01-26

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR QUALITY

Statutory Authority: 7 Delaware Code, Section 6010(a) and (c) (7 **Del.C.** §6010(a) & (c))

GENERAL NOTICE

NOTICE

Delaware State Implementation Plan (SIP) Revision

Implementation, Maintenance, and Enforcement of the 2024 Annual Primary Fine Particulate Matter ($PM_{2.5}$) and Secondary Sulfur Dioxide (SO_2) National Ambient Air Quality Standard (NAAQS)

DOCKET # 2026-R-A-0007

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:
The Department of Natural Resources and Environmental Control (DNREC) will conduct a public hearing on a proposed revision to Delaware's State Implementation Plan (SIP).

On February 7, 2024, and December 11, 2024, the Environmental Protection Agency (EPA) promulgated a revised annual primary $PM_{2.5}$ and secondary SO_2 NAAQS. The EPA changed the annual primary $PM_{2.5}$ NAAQS from 12.0 micrograms per cubic meter ($\mu g/m^3$) to 9.0 $\mu g/m^3$ and the secondary SO_2 NAAQS from 0.5 parts per million as a 3-hour average, not to be exceeded more than once in a year, to an annual standard with a level of 10 parts per billion, averaged over 3 years.

The Clean Air Act requires states to submit an infrastructure plan within three years after the promulgation of a revised or new NAAQS. Infrastructure plans address how states will implement, maintain, and enforce the 2024 annual primary $PM_{2.5}$ and secondary SO_2 NAAQS. This proposed infrastructure plan demonstrates that Delaware has the legal and programmatic infrastructure in place to enforce the 2024 $PM_{2.5}$ and SO_2 standards.

POSSIBLE TERMS OF THE AGENCY ACTION:
None

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:
None

NOTICE OF PUBLIC COMMENT:
A virtual public hearing (Docket #2026-R-A-0007) will be held on Wednesday, October 28, 2026, beginning at 6 p.m. The weblink to the virtual hearing can be accessed through the DNREC Public Hearing site at https://de.gov/dnrechearings. If prompted for a password, please use: 465982. To access the audio-only portion of the virtual hearing, dial 1-305-224-1968 and enter the Meeting ID 822 3546 2853. Language assistance is available by request within 10 days of the hearing. Closed captioning is available via Zoom virtual meeting tool.

Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon of the date of the virtual hearing at https://de.gov/dnreccomments or by telephone at 302-739-9001.

For additional information regarding this hearing matter visit https://de.gov/dnrechearings or to review the proposed SIP revisions visit https://regulations.delaware.gov/register/current_issue beginning October 1, 2026. For any questions or to view the proposed SIP revision in person, by appointment-only, contact Jasmine Steward, at Division of Air Quality, 100 West Water St, Dover Delaware 19904, or via phone 302-739-9402 or by email at Jasmine.Steward@delaware.gov.

The Department will accept public comment through the close of business on Thursday, November 12, 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
Kings Highway, Dover, DE 19901

***Please Note: Due to the size and formatting requirements of the notice document, it is being attached here as a PDF document:**

https://regulations.delaware.gov/register/October2026/D63242BB-D6F8-4F0D-B75A-C8FAC86033F7

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 Senate Amendment 1-Bridge 1-686 Load Restriction

September 1, 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 the Delaware Department of Transportation, Bridge & Structures Section, as approved and ordered by the Secretary of the Department of Transportation pursuant to 21 **Del.C.** §4505(c), for the following temporary load restrictions for the safe movement of traffic in the area:

Bridge 1686 029 that carries South Walnut Street (US13 Business) over Norfolk Southern Railroad south of Wilmington for the following temporary load restriction:

S335: 3 Axle Single Unit Vehicle at 30 tons
S437: 4 Axle Single Unit Vehicle at 29 tons
SU6: 6 Axle Single Unit Vehicle at 33 tons
SU7: 7 Axle Single Unit Vehicle at 33 tons

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

Thank you,
Kevin Lindell, P.E.
Chief of Bridge & Structures

DIVISION OF TRANSPORTATION SOLUTIONS

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

GENERAL NOTICE

NOTICE

Senate Bill 89 as amended by Senate Amendment 1 - Alley Mill Rd.

August 18, 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 Alley Mill Road (N483) between DE 15 Vandyke Greenspring Road (N47) and DE 6 Millington Road (K39)

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
Notice of Public Hearing

The Delaware River Basin Commission will hold a public hearing on **Wednesday, November 4, 2026** commencing at **1:30 PM.** The public hearing will be conducted remotely. The draft docket decisions that will be subjects of the public hearing, along with details about the remote platform and how to attend, will be posted on the Commission's website, www.drbc.gov, at least 10 days prior to the meeting date.

The Commission's quarterly business meeting will be held on **Thursday, December 3, 2026**, commencing at **10:00 AM.** The business meeting will be conducted remotely and will be live streamed. Please consult the DRBC website at www.drbc.gov for the most current information. Additional details about how to attend the meeting, as well as links to the live streams of this event and an agenda, will be available on the DRBC website at least ten days prior to the meeting date.

For additional information, including links to live streams of these events, please visit the DRBC website at www.drbc.gov or contact@drbc.gov.

Naomi Mendelsohn, Esquire
Commission Secretary and Assistant General Counsel

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION
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 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 November 2, 2026. Please identify in the subject line: 14000 Medicaid General Eligibility Requirements

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Alien Changes Part 3

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 Alien Changes Part 3, 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 November 2, 2026. Please identify in the subject line: Alien Changes Part 3

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

Juvenile Justice

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 Juvenile Justice, specifically, to remove the sunset date.

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 November 2, 2026. Please identify in the subject line: Juvenile Justice

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

4202 Control of Communicable and Other Disease Conditions

Pursuant to 16 **Del.C.** §122(3)a and 505, the Delaware Department of Health and Social Services, Division of Public Health, Office of the State Medical Director, is proposing revisions to the regulation governing the control of communicable and other disease conditions (16 **DE Admin. Code** 4202).

The amendments propose new definition "**Sexually transmitted infection**" or "**STI**"; new subsection 7.7 Mandatory Hospital Influenza Vaccine Offering to all Inpatients Age 65 and Older, Prior to Hospital Discharge; updates to Appendix 1, Section 2(S); and additional technical changes to align the regulation with House Bill 346 (85 Del. Laws, c. 389), signed July 23, 2026.

Copies of the proposed regulation are available for review in the October 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 302-424-7149.

Public comments will be accepted until 4:30 PM on November 2, 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, Delaware 19963

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

PUBLIC NOTICE

4459 Lead-Based Paint Hazards

Pursuant to 16 **Del.C.** §122(3)t, the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the regulation governing lead-based paint hazards (16 **DE Admin. Code** 4459).

After the final regulation was submitted for the July 1, 2026 publication, the DHSS website URL style was updated. The new URL scheme for the updated website is not redirecting the old-style links to the renamed pages. After recent review of 16 **DE Admin. Code** 4459, it was determined that the following revisions to the existing URLs listed below are necessary:

Subsection 5.6.4.6: http://dhss.delaware.gov/dhss/dph/hsp/leadregcomm.html
Subsection 3.3.13.4: http://dhss.delaware.gov/dhss/dph/hsp/leadregcomm.html
Subsection 3.3.14.3: http://dhss.delaware.gov/dhss/dph/hsp/leadregcomm.html

Additional technical changes include the relocation of a comma in subsections 3.10.2 and 4.1.1.2 and providing clarity on the meaning of "samples" in subsection 5.4.10.

Copies of the proposed regulation are available for review in the October 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 31, 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 SAFETY AND HOMELAND SECURITY

DIVISION OF STATE POLICE

PUBLIC NOTICE

1301 Nonconsensual Towing

The Delaware Department of Safety and Homeland Security (DSHS), pursuant to 21 **Del.C.** §6901(c), proposes to amend 2 DE **Admin. Code** 1301. The proposed amendments primarily amend the regulations to require approved Delaware State Police towers to charge rates and fees approved by DSP rather than use a reasonable standard.

Written comments, suggestions, or other materials regarding the proposed amendments to the regulations may be submitted to by mail to Gerald Windish, Traffic Commander, Delaware State Police, 1441 N. DuPont Highway, Dover, P.O. Box 430, Dover Delaware 19903-0430 or by email to Gerald Windish at gerald.windish@delaware.gov. Any written submission in response to this notice and the relevant proposed regulations must be received no later than 4:30 p.m. (EST) on November 2, 2026. A copy of the proposed revisions to the regulations may be viewed online at the Registrar of Regulation's website, https://regulations.delaware.gov/services/current_issue.shtml.

DECISION AND ORDER CONCERNING THE REGULATIONS

NOW THEREFORE, under the statutory authority and for the reasons sent forth above, the DSHS does hereby ORDER that the regulations be, and that they hereby are, proposed to be enacted as set forth below.

Joshua Bushweller, Secretary

DEPARTMENT OF STATE

DIVISION OF SMALL BUSINESS

PUBLIC NOTICE

1601 The Delaware Sports Tourism Capital Investment Fund

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 29 **Del.C.** §8705A, the Delaware Department of State's Division of Small Business ("Division") proposes to introduce amendments to the regulations related to the Delaware Sports Tourism Capital Investment Fund, administered by the Division.

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:

Jessica Welch
Director, Delaware Tourism Office, Division of Small Business
Delaware Department of State
99 Kings Highway
Dover, DE 19901

Comments may also be directed via electronic mail to jessica.welch@Delaware.gov. Any written submission in response to this notice and relevant to the proposed regulations must be received by the above contact at the Division of Small Business no later than 4:00 p.m. EST, on November 2, 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
OFFICE OF PENSIONS
Board of Pension Trustees
PUBLIC NOTICE
2002 State Employees' Pension Plan

Summary

The Board of Pension Trustees proposes to amend its Regulations adopted in accordance with 29 Del.C. §8308. The proposed amendments update the regulations to account for changes in Federal Tax Regulations and amendments to the Delaware Code, and to make technical and administrative revisions to conform to the Delaware Administrative Code Drafting and Style Manual. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulations will be published in the October 1, 2026, edition of the Delaware Register of Regulations, accessible online at https://regulations.delaware.gov. Any person who wishes to make any written suggestions, compilations of data, briefs or other written materials concerning the proposed new regulations must submit same to Cindy Starr at the Office of Pensions, 860 Silver Lake Boulevard, Suite 1, Dover, Delaware 19904-2402, or by email to cindy.starr@delaware.gov. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments is November 2, 2026.

Adoption of Proposed Regulation

On or after November 2, 2026, following review of the public comment, the Board of Pension Trustees will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

Effective Date of Amendments to Regulations

If adopted by the Board of Pension Trustees, the amendments will take effect 10 days after being published as final in the Delaware Register of Regulations.

OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF PENSIONS
Board of Pension Trustees
PUBLIC NOTICE
2003 State Judiciary Pension Plan

Summary

The Board of Pension Trustees proposes to amend its Regulations adopted in accordance with Title 29 of the Delaware Code, Section 8308. The proposed amendments update the regulations to account for changes in Federal Tax Regulations and amendments to the Delaware Code, and to make technical and administrative revisions to conform to the Delaware Administrative Code Drafting and Style Manual. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulations will be published in the October 1, 2026, edition of the Delaware Register of Regulations, accessible online at https://regulations.delaware.gov. Any person who wishes to make any written suggestions, compilations of data, briefs or other written materials concerning the proposed new regulations must submit same to Cindy Starr at the Office of Pensions, 860 Silver Lake Boulevard, Suite 1, Dover, Delaware 19904-2402, or by email to cindy.starr@delaware.gov. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments is November 2, 2026.

Adoption of Proposed Regulation

On or after November 2, 2026, following review of the public comment, the Board of Pension Trustees will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

Effective Date of Amendments to Regulations
If adopted by the Board of Pension Trustees, the amendments will take effect 10 days after being published as final in the Delaware Register of Regulations.

OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF PENSIONS
Board of Pension Trustees
PUBLIC NOTICE
2004 State Police Pension Plan

Summary
The Board of Pension Trustees proposes to amend its Regulations adopted in accordance with Title 29 of the Delaware Code, Section 8308. The proposed amendments update the regulations to account for changes in Federal Tax Regulations and amendments to the Delaware Code, and to make technical and administrative revisions to conform to the Delaware Administrative Code Drafting and Style Manual. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.
Comments
A copy of the proposed regulations will be published in the October 1, 2026, edition of the Delaware Register of Regulations, accessible online at https://regulations.delaware.gov. Any person who wishes to make any written suggestions, compilations of data, briefs or other written materials concerning the proposed new regulations must submit same to Cindy Starr at the Office of Pensions, 860 Silver Lake Boulevard, Suite 1, Dover, Delaware 19904-2402, or by email to cindy.starr@delaware.gov. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments is November 2, 2026.
Adoption of Proposed Regulation
On or after November 2, 2026, following review of the public comment, the Board of Pension Trustees will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.
Effective Date of Amendments to Regulations
If adopted by the Board of Pension Trustees, the amendments will take effect 10 days after being published as final in the Delaware Register of Regulations.

OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF PENSIONS
Board of Pension Trustees
PUBLIC NOTICE
2005 County and Municipal Employees' Pension Plan

Summary
The Board of Pension Trustees proposes to amend its Regulations adopted in accordance with 29 Del.C. §8308. The proposed amendments update the regulations to account for changes in Federal Tax Regulations and amendments to the Delaware Code, and to make technical and administrative revisions to conform to the Delaware Administrative Code Drafting and Style Manual. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.
Comments
A copy of the proposed regulations will be published in the October 1, 2026, edition of the Delaware Register of Regulations, accessible online at https://regulations.delaware.gov. Any person who wishes to make any written suggestions, compilations of data, briefs or other written materials concerning the proposed new regulations must submit same to Cindy Starr at the Office of Pensions, 860 Silver Lake Boulevard, Suite 1, Dover, Delaware 19904-2402, or by email to cindy.starr@delaware.gov. Pursuant to 29 Del.C. §10118(a), the final date to receive written comments

is November 2, 2026.

Adoption of Proposed Regulation

On or after November 2, 2026, following review of the public comment, the Board of Pension Trustees will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

Effective Date of Amendments to Regulations

If adopted by the Board of Pension Trustees, the amendments will take effect 10 days after being published as final in the Delaware Register of Regulations.

OFFICE OF MANAGEMENT AND BUDGET

OFFICE OF PENSIONS

Board of Pension Trustees

PUBLIC NOTICE

2006 Delaware County and Municipal Police/Firefighter Pension Plan

Summary

The Board of Pension Trustees proposes to amend its Regulations adopted in accordance with 29 Del.C. §8308. The proposed amendments update the regulations to account for changes in Federal Tax Regulations and amendments to the Delaware Code, and to make technical and administrative revisions to conform to the Delaware Administrative Code Drafting and Style Manual. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulations will be published in the October 1, 2026, edition of the Delaware Register of Regulations, accessible online at https://regulations.delaware.gov. Any person who wishes to make any written suggestions, compilations of data, briefs or other written materials concerning the proposed new regulations must submit same to Cindy Starr at the Office of Pensions, 860 Silver Lake Boulevard, Suite 1, Dover, Delaware 19904-2402, or by email to cindy.starr@delaware.gov. Pursuant to 29 Del.C. §10118(a), the final date to receive written comments is November 2, 2026.

Adoption of Proposed Regulation

On or after November 2, 2026, following review of the public comment, the Board of Pension Trustees will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

Effective Date of Amendments to Regulations

If adopted by the Board of Pension Trustees, the amendments will take effect 10 days after being published as final in the Delaware Register of Regulations.