
Delaware Register of Regulations

Issue Date: January 1, 2026

Volume 29 - Issue 7, Pages 562-640



IN THIS ISSUE:

Errata

Regulations:

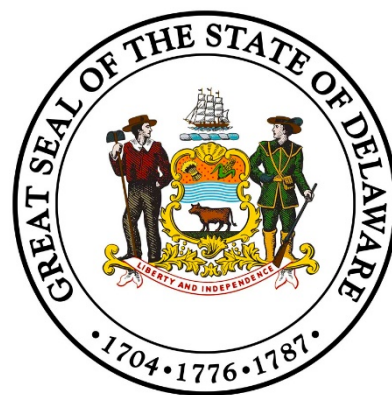
Proposed

Final

Withdrawn

General Notices

Calendar of Events &
Hearing Notices



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 December 15, 2025.

Cover Photo
Legislative Hall

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

563

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The *Delaware Register* will publish any regulations that are proposed to be adopted, amended, or repealed and any emergency regulations promulgated.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other interested parties may participate in the process by which administrative regulations are adopted, amended, or repealed, and may initiate the process by which the validity and applicability of regulations is determined.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shall file notice and full text of the proposals as they relate to the existing regulation being adopted, amended, or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to 29 **Del.C.** §1134.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

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

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
February 1	January 15	4:30 p.m.
March 1	February 16	4:30 p.m.
April 1	March 16	4:30 p.m.
May 1	April 15	4:30 p.m.
June 1	May 15	4:30 p.m.
July 1	June 15	4:30 p.m.

Published by
DIVISION OF LEGISLATIVE SERVICES
Mark J. Cutrona, Director
Holly Vaughn Wagner, Deputy Director

Office of the Registrar of Regulations:
Yvette W. Smallwood, Registrar of Regulations
Erika Schrader, Assistant Registrar of Regulations
Arun Reddy, IT Support
Natalie White, Legal Publications Editor
Leanne Voshell, Legal Publications Editor

Legislative Print Shop:
Robert Lupo, Graphics and Printing Supervisor
Nathan Poore, Graphics and Printing Technician
Quran Hernandez, Graphics and Printing Technician
Alison Weinberger, Graphics and Printing Technician

TABLE OF CONTENTS

565

Cumulative Tables	569
-------------------------	-----

ERRATA

DEPARTMENT OF EDUCATION

Office of the Secretary

1215 High Needs Educator Student Loan Payment Program	574
---	-----

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Division of Fish and Wildlife

3100 Boating	574
3900 Wildlife	575

PROPOSED

DELAWARE STATE FIRE PREVENTION COMMISSION

Delaware State Fire Prevention Commission

Appendices	576
------------------	-----

DEPARTMENT OF EDUCATION

Office of the Secretary

225 Prohibition of Discrimination	577
745 Criminal Background Check for Public School Related Employment	578
1034 DIAA Health and Safety Requirements	579

Professional Standards Board

1525 Intern Permit	581
--------------------------	-----

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Medicaid and Medical Assistance

Medication Assisted Treatment (MAT)	583
15000 Family and Community Medicaid Eligibility Groups	585

Division of Public Health

4603 End-of-Life Options	586
--------------------------------	-----

DEPARTMENT OF JUSTICE

Office of the Attorney General

Rules Pursuant to the Delaware Securities Act	589
---	-----

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

Office of the Marijuana Commissioner

5001 Rules of the Office of the Marijuana Commissioner	590
--	-----

DEPARTMENT OF STATE**Division of Professional Regulation**

3000 Board of Professional Counselors of Mental Health and Chemical Dependency Professionals	591
--	-----

DEPARTMENT OF TRANSPORTATION**Division of Planning and Policy**

2312 Regulations Governing the Practice and Procedure for Administering the Transportation Infrastructure Investment Fund	591
---	-----

FINAL**CHILD PLACEMENT REVIEW BOARD**

1401 Regulations Governing the Ivyane D.F. Davis Scholarship	596
--	-----

DEPARTMENT OF EDUCATION**Office of the Secretary**

1211 Career-Based Scholarship Program	599
1215 High Needs Educator Student Loan Payment Program	600

Professional Standards Board

1524 Classroom Aide Permit	602
----------------------------------	-----

DEPARTMENT OF HEALTH AND SOCIAL SERVICES**Division of Medicaid and Medical Assistance**

17000 SSI Related Programs	604
18000 Delaware Healthy Children Program	606
20000 Medicaid Long Term Care	608
25000 Children's Community Alternative Disability Program (CCADP).....	610
60000 Incarcerated Individuals Medicaid Program.....	612

Division of Public Health

4108 Hearing Aid Loan Bank Program	614
4453 Cosmetology and Barbering	615

DEPARTMENT OF HUMAN RESOURCES**State Employee Benefits Committee**

2007 Disability Insurance Program Rules and Regulations	616
---	-----

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**Division of Fish and Wildlife**

3100 Boating.....	617
3900 Wildlife	621

TABLE OF CONTENTS

567

DEPARTMENT OF STATE

Division of Professional Regulation

2500 Board of Pharmacy625

DEPARTMENT OF TRANSPORTATION

Division of Transportation Solutions

1207 Electronic Speed Monitoring System627

Office of the Secretary

1400 Policies and Procedures Regarding FOIA Requests627

WITHDRAWN

DEPARTMENT OF STATE

Division of Professional Regulation

Board of Dentistry and Dental Hygiene.....629

GENERAL NOTICES

DELAWARE STATE HOUSING AUTHORITY

Office of the Director

Implementation of Source of Income Protection630

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Public Health

Notice of Implementation of SB 223 of the 152nd Delaware General Assembly631

4459 Lead-Based Paint Hazards632

4459A Regulations Governing the Childhood Lead Poisoning Prevention Act.....633

4459B Residential Property Renovation, Repair and Painting633

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Division of Watershed Stewardship

5101 Sediment and Stormwater Regulations634

DEPARTMENT OF TRANSPORTATION

Division of Transportation Solutions

Senate Bill 89 as amended by Senate Amendment 1 - Westville Road (K52)635

CALENDAR OF EVENTS/HEARING NOTICES

Delaware River Basin Commission; Notice of Quarterly Business Meeting and Public Hearing
.....636

TABLE OF CONTENTS

Delaware State Fire Prevention Commission; Notice of Public Comment Period.....636

Department of Education, State Board of Education; Notice of Monthly Meeting636

Department of Health and Social Services, Division of Medicaid and Medical Assistance,
Division of Public Health; Notices of Public Comment Periods637

Department of Justice, Office of the Attorney General; Notice of Public Comment Period638

Department of Safety and Homeland Security, Office of the Marijuana Commissioner; Notice of
Public Comment Period639

Department of State, Division of Professional Regulation; Notice of Public Hearing and Public
Comment Period639

Department of Transportation, Division of Planning and Policy; Notice of Public Comment Period
.....640

The table printed below lists the regulations that have been proposed, adopted, amended or repealed in the preceding issues of the current volume of the *Delaware Register of Regulations*.

The regulations are listed alphabetically by the promulgating agency, followed by a citation to that issue of the *Register* in which the regulation was published. Proposed regulations are designated with (Prop.); Final regulations are designated with (Final); Emergency regulations are designated with (Emer.); and regulations that have been repealed are designated with (Rep.).

CHILD PLACEMENT REVIEW BOARD

No Division

1401 Regulations Governing the Ivyane D.F. Davis Scholarship29 **DE Reg.** 167 (Prop.)

DELAWARE STATE FIRE PREVENTION COMMISSION

Delaware State Fire Prevention Commission

703A Licensing Regulation for Smoke Control Systems and Components29 **DE Reg.** 7 (Prop.)

29 **DE Reg.** 392 (Final)

701 Administration and Enforcement.....29 **DE Reg.** 509 (Final)

701A Permits and Submissions29 **DE Reg.** 511 (Final)

DEPARTMENT OF AGRICULTURE

Aglands Preservation and Planning

701 Farmland Preservation Program29 **DE Reg.** 456 (Prop.)

702 Regulations Governing the Delaware Agricultural Forestlands
Preservation Program29 **DE Reg.** 457 (Prop.)

Thoroughbred Racing Commission

1001 Thoroughbred Racing Commission29 **DE Reg.** 458 (Prop.)

DEPARTMENT OF EDUCATION

Office of the Secretary

616 Uniform Due Process Procedures for Alternative Placement Meetings
and Expulsion Hearings29 **DE Reg.** 12 (Prop.)

29 **DE Reg.** 177 (Prop.)

29 **DE Reg.** 357 (Prop.)

890 Non-Academic Training for School Employees29 **DE Reg.** 33 (Final)

1040 Out-of-Season and Summer Athletic Activities and Contact.....29 **DE Reg.** 36 (Final)

29 **DE Reg.** 259 (Prop.)

29 **DE Reg.** 517 (Final)

1043 Officials29 **DE Reg.** 38 (Final)

614 Uniform Definitions for Student Conduct which may Result in Alternative
Placement or Expulsion29 **DE Reg.** 120 (Final)

734 Financial Responsibility Training29 **DE Reg.** 85 (Prop.)

29 **DE Reg.** 401 (Final)

735 Standardized Financial Reporting and Transparency.....29 **DE Reg.** 88 (Prop.)

29 **DE Reg.** 404 (Final)

742 Compensation of School District and Charter School Personnel Under
Federal Projects29 **DE Reg.** 90 (Prop.)

29 **DE Reg.** 406 (Final)

881 Releasing Students to Persons Other Than Their Parent, Guardian or
Relative Caregiver.....29 **DE Reg.** 91 (Prop.)

29 **DE Reg.** 408 (Final)

210 District and Charter School Board Member Special Education Due
Process Hearing Training.....29 **DE Reg.** 171 (Prop.)

29 **DE Reg.** 512 (Final)

211 Notice to District and Charter School Boards of Due Process Hearings29 **DE Reg.** 173 (Prop.)

29 **DE Reg.** 513 (Final)

247 Delaware Post Secondary Internship Program at The Washington
Center (TWC) for Internships and Academic Seminars.....29 **DE Reg.** 175 (Prop.)

CUMULATIVE TABLES

716 Maintenance of School District and Charter School Personnel Records.....	29 DE Reg. 397 (Final)
225 Prohibition of Discrimination	29 DE Reg. 178 (Prop.)
251 Family Educational Rights and Privacy Act (FERPA)	29 DE Reg. 399 (Final)
294 Data Governance	29 DE Reg. 250 (Prop.)
410 Satellite School Agreements	29 DE Reg. 251 (Prop.)
706 Credit for Experience for Full Time Active Duty Service in the Armed Forces	29 DE Reg. 514 (Final)
731 School Food Service Employees	29 DE Reg. 305 (Final)
1211 Career-Based Scholarship Program	29 DE Reg. 253 (Prop.)
1215 High Needs Educator Student Loan Payment Program	29 DE Reg. 515 (Final)
258 Federal Programs General Complaint Procedures*	29 DE Reg. 256 (Prop.)
609 District and School Based Intervention Services	29 DE Reg. 257 (Prop.)
775 New Teacher Hiring Data Reporting	29 DE Reg. 516 (Final)
804 Immunizations	29 DE Reg. 260 (Prop.)
817 Medications and Treatments	29 DE Reg. 263 (Prop.)
282 Private Business and Trade Schools	29 DE Reg. 352 (Prop.)
605 Student Rights and Responsibilities	29 DE Reg. 355 (Prop.)
624 School District/Charter School Policy Prohibiting Cyberbullying.....	29 DE Reg. 361 (Prop.)
725 School Administrator Contracts and Agreements	29 DE Reg. 363 (Prop.)
877 Tobacco and Smoking Policy.....	29 DE Reg. 366 (Prop.)
1210 Scholarship Incentive Program (ScIP)	29 DE Reg. 459 (Prop.)
1213 Speech-Language Pathologist Student Loan Repayment Program	29 DE Reg. 462 (Prop.)
1216 Educator Support Scholarship Program	29 DE Reg. 464 (Prop.)
1217 Mental Health Services Scholarship Program	29 DE Reg. 465 (Prop.)
1218 Mental Health Services Student Loan Repayment Program	29 DE Reg. 467 (Prop.)
Professional Standards Board	
1501 Salary Supplements for Educators	29 DE Reg. 469 (Prop.)
1559 Skilled and Technical Sciences Teacher	29 DE Reg. 472 (Prop.)
1582 School Nurse	29 DE Reg. 474 (Prop.)
1594 Special Education Director.....	29 DE Reg. 476 (Prop.)
1596 Charter School Leader	29 DE Reg. 478 (Prop.)
1510 Initial License	29 DE Reg. 39 (Final)
1534 Middle Level Social Studies Teacher	29 DE Reg. 44 (Final)
1519 Multiple Measures for Demonstrating Content Knowledge.....	29 DE Reg. 46 (Final)
1524 Classroom Aide Permit	29 DE Reg. 51 (Final)
1503 Comprehensive Educator Induction Programs	29 DE Reg. 93 (Prop.)
1517 Paraeducator Permit	29 DE Reg. 409 (Final)
1523 Long-Term Substitute Permit	29 DE Reg. 180 (Prop.)
	29 DE Reg. 519 (Final)
	29 DE Reg. 182 (Prop.)
	29 DE Reg. 520 (Final)
	29 DE Reg. 308 (Final)
	29 DE Reg. 367 (Prop.)
	29 DE Reg. 480 (Prop.)
	29 DE Reg. 482 (Prop.)
	29 DE Reg. 483 (Prop.)

DEPARTMENT OF FINANCE

Office of the State Lottery

204 Delaware Sports Lottery Rules and Regulations	29 DE Reg. 372 (Prop.)
203 Video Lottery and Table Game Regulations	29 DE Reg. 486 (Prop.)
206 Internet Lottery Rules and Regulations.....	29 DE Reg. 487 (Prop.)

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Medicaid and Medical Assistance

Lactation	29 DE Reg. 56 (Final)
Nursing Facility Rates	29 DE Reg. 123 (Final)

Physician Administered Drugs	29 DE Reg. 127 (Final)
25-16 CHIP Global Budget	29 DE Reg. 188 (Prop.)
25-21 Buy-In	29 DE Reg. 186 (Prop.)
25-23 CHIP Juvenile Justice Initiative.....	29 DE Reg. 189 (Prop.)
16000 Financial Methodologies - Application of Modified Adjusted Gross Income (MAGI) Methodology	29 DE Reg. 212 (Final)
17000 SSI Related Programs	29 DE Reg. 191 (Prop.)
20000 Medicaid Long Term Care	29 DE Reg. 193 (Prop.)
25000 Children’s Community Alternative Disability Program (CCADP).....	29 DE Reg. 194 (Prop.)
50000 Chronic Renal Disease Program	29 DE Reg. 215 (Final)
Global Budget	29 DE Reg. 309 (Final)
18000 Delaware Healthy Children Program	29 DE Reg. 267 (Prop.)
60000 Incarcerated Individuals Medicaid Program	29 DE Reg. 271 (Prop.)
Doula Services.....	29 DE Reg. 522 (Final)
Buy-In 29 DE Reg. 526 (Final)	
CHIP Juvenile Justice Initiative.....	29 DE Reg. 528 (Final)
Division of Public Health	
4107 Screening of Newborn Infants for Metabolic, Hematologic, Endocrinologic, and Certain Structural Disorders	29 DE Reg. 14 (Prop.)
	29 DE Reg. 217 (Final)
4301 Advanced Life Support Interfacility Transportation	29 DE Reg. 18 (Prop.)
	29 DE Reg. 218 (Final)
4454 Tanning Facilities Regulations	29 DE Reg. 19 (Prop.)
	29 DE Reg. 219 (Final)
4460 Mattresses, Pillows and Bedding	29 DE Reg. 21 (Prop.)
	29 DE Reg. 220 (Final)
4104 Delaware Conrad State 30 / J-1 Visa Waiver Program.....	29 DE Reg. 130 (Final)
4204 Care and Transportation of the Dead	29 DE Reg. 98 (Prop.)
4303 Automatic External Defibrillation	29 DE Reg. 131 (Final)
4302 Air Medical Ambulance Service	29 DE Reg. 200 (Prop.)
	29 DE Reg. 411 (Final)
4457 Regulations Governing the Manufacture and Sale Of Ice.....	29 DE Reg. 273 (Prop.)
4458 State of Delaware Food Code.....	29 DE Reg. 313 (Final)
4108 Hearing Aid Loan Bank Program	29 DE Reg. 374 (Prop.)
4305 Trauma System.....	29 DE Reg. 376 (Prop.)
4451 Body Art Establishments	29 DE Reg. 376 (Prop.)
4453 Cosmetology and Barbering	29 DE Reg. 377 (Prop.)
4102 School-Based Health Centers.....	29 DE Reg. 489 (Prop.)
4459 Lead-Based Paint Hazards	29 DE Reg. 492 (Prop.)
4459A Regulations Governing the Childhood Lead Poisoning Prevention Act.....	29 DE Reg. 493 (Prop.)
4459B Residential Property Renovation, Repair and Painting	29 DE Reg. 498 (Prop.)
Division of Social Services	
4000 Financial Responsibility	29 DE Reg. 274 (Prop.)
	29 DE Reg. 530 (Final)
9000 Food Stamp Program.....	29 DE Reg. 277 (Prop.)
	29 DE Reg. 531 (Final)
11000 Child Care Subsidy Program	29 DE Reg. 279 (Prop.)
	29 DE Reg. 533 (Final)
DEPARTMENT OF INSURANCE	
Office of the Commissioner	
2201 Implementation of Medical Malpractice Relief Initiative Pilot Program	29 DE Reg. 378 (Prop.)
DEPARTMENT OF LABOR	
Division of Industrial Affairs	
1331 Industrial Accident Board Regulations	29 DE Reg. 24 (Prop.)
	29 DE Reg. 314 (Final)

CUMULATIVE TABLES

1322 Prevailing Wage Regulations29 **DE Reg.** 284 (Prop.)

Division of Paid Leave

1401 Rules Defining and Regulating the Healthy Delaware Families Act,
Family and Medical Leave Insurance Program and the Division of
Paid Leave29 **DE Reg.** 135 (Final)
29 **DE Reg.** 286 (Prop.)
29 **DE Reg.** 535 (Final)

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Division of Climate, Coastal and Energy

2101 Regulations for State Energy Conservation Code29 **DE Reg.** 27 (Prop.)
29 **DE Reg.** 499 (Prop.)

2105 Regulations Governing Evaluation, Measurement, and Verification
Procedures and Standards29 **DE Reg.** 200 (Prop.)
29 **DE Reg.** 537 (Final)

Division of Fish and Wildlife

3550 Cobia (*Rachycentron canadum*)29 **DE Reg.** 60 (Final)
3900 Wildlife29 **DE Reg.** 99 (Prop.)
3100 Boating29 **DE Reg.** 287 (Prop.)
3517 Spot29 **DE Reg.** 412 (Final)

Division of Waste and Hazardous Substances

1301 Regulations Governing Solid Waste29 **DE Reg.** 504 (Prop.)

Office of the Secretary

900 Policies and Procedures Regarding FOIA Requests29 **DE Reg.** 539 (Final)

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

Division of State Police

1300 Board of Examiners of Private Investigators and Private Security
Agencies29 **DE Reg.** 380 (Prop.)

2400 Board of Examiners of Constables29 **DE Reg.** 380 (Prop.)

5500 Bail Enforcement Agents29 **DE Reg.** 381 (Prop.)

Office of the Marijuana Commissioner

5001 Rules of the Office of the Marijuana Commissioner29 **DE Reg.** 221 (Final)

DEPARTMENT OF STATE

Division of Historical and Cultural Affairs

901 Historic Preservation Tax Credit Program29 **DE Reg.** 202 (Prop.)
29 **DE Reg.** 414 (Final)

Division of Professional Regulation

103 Regulations Governing Charitable Gaming Other Than Raffles29 **DE Reg.** 28 (Prop.)

3100 Board of Funeral Services29 **DE Reg.** 62 (Final)

1400 Board of Electrical Examiners29 **DE Reg.** 100 (Prop.)

1700 Board of Medical Licensure and Discipline29 **DE Reg.** 101 (Prop.)
29 **DE Reg.** 418 (Final)

2000 Board of Occupational Therapy29 **DE Reg.** 102 (Prop.)

2500 Board of Pharmacy29 **DE Reg.** 82 (Emer.)
29 **DE Reg.** 453 (Emer.)

3900 Board of Social Work Examiners29 **DE Reg.** 103 (Prop.)
29 **DE Reg.** 545 (Final)

1100 Board of Dentistry and Dental Hygiene29 **DE Reg.** 203 (Prop.)
29 **DE Reg.** 505 (Prop.)

2700 Board of Registration for Professional Land Surveyors29 **DE Reg.** 223 (Final)

3700 Board of Examiners of Speech/Language Pathologists, Audiologists
and Hearing Aid Dispensers29 **DE Reg.** 226 (Final)
29 **DE Reg.** 315 (Final)

3500 Board of Examiners of Psychologists29 **DE Reg.** 288 (Prop.)

5300 Board of Massage and Bodywork	29 DE Reg. 507 (Prop.)
1800 Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners.....	29 DE Reg. 317 (Final)
Division of Small Business	
1901 The STEM Talent Advancement and Retention ("STAR") Fund.....	29 DE Reg. 136 (Final)
1601 The Delaware Sports Tourism Capital Investment Fund	29 DE Reg. 203 (Prop.)
	29 DE Reg. 419 (Final)
Public Service Commission	
1001 Rules of Practice and Procedure of the Delaware Public Service Commission Effective May 10, 1999.....	29 DE Reg. 104 (Prop.)
	29 DE Reg. 547 (Final)
3014 Regulations Governing Certificates of Public Convenience and Necessity for the Siting of Renewable Energy Interconnection Facilities	29 DE Reg. 140 (Final)
8002 Rules to Establish an Excavation Damage Prevention Program	29 DE Reg. 105 (Prop.)
	29 DE Reg. 548 (Final)
3007 Electric Service Reliability and Quality Standards	29 DE Reg. 205 (Prop.)
3001 Rules for Certification and Regulation of Electric Suppliers.....	29 DE Reg. 293 (Prop.)
3002 Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions.....	29 DE Reg. 294 (Prop.)
3012 Rules for Regulation of Net Metering	29 DE Reg. 299 (Prop.)
3013 Rules for and Regulation of Community Energy Facilities	29 DE Reg. 382 (Prop.)

DEPARTMENT OF TRANSPORTATION

Division of Planning and Policy

2308 Development Related Improvements Requiring New Rights-of-way	29 DE Reg. 106 (Prop.)
	29 DE Reg. 318 (Final)
2311 Long-Term Lease Policies and Practices	29 DE Reg. 112 (Prop.)
	29 DE Reg. 324 (Final)

Division of Transportation Solutions

2409 Procedures for Establishment of Fee Simple Ownership by the State of Delaware for Abandoned Right of Way Easements.....	29 DE Reg. 64 (Final)
2406 Policies and Procedures for Acquisition of Certain Real Property	29 DE Reg. 113 (Prop.)
	29 DE Reg. 420 (Final)
2407 Alternative Dispute Resolution Process for Acquisition of Certain Real Property.....	29 DE Reg. 117 (Prop.)
	29 DE Reg. 421 (Final)
1207 Electronic Speed Monitoring System	29 DE Reg. 383 (Prop.)

Office of the Secretary

1400 Policies and Procedures Regarding FOIA Requests	29 DE Reg. 300 (Prop.)
--	------------------------

OFFICE OF MANAGEMENT AND BUDGET

Division of Facilities Management

4105 Promoting, Maintaining and Controlling the Public Use of the Legislative Mall.....	29 DE Reg. 389 (Prop.)
---	------------------------

STATE COURTS

Office of the Child Advocate

904 Driver Education, Driver's License, and Motor Vehicle Insurance Program for Individuals Who Have Experienced Foster Care	29 DE Reg. 206 (Prop.)
	29 DE Reg. 423 (Final)
The Fostering Independence Through Education Tuition Waiver Program.....	29 DE Reg. 208 (Prop.)
	29 DE Reg. 426 (Final)

ERRATA

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 3437 (14 Del.C. §3437)
14 DE Admin. Code 1215

ERRATA

1215 High Needs Educator Student Loan Payment Program

* **Please Note:** The Department of Education, Office of the Secretary, proposed regulation for 1215 High Needs Educator Student Loan Payment Program was published in the October 01, 2025 issue of the *Delaware Register of Regulations* (29 DE Reg. 263 (10/01/25)). A definition in Section 2.0 was inadvertently published incorrectly.

The definition was published as:

“Public School Employee” means an individual employed at a Delaware public school in 1 of the following positions:

- (a) Educator;
- (b) School counselor;
- (c) School psychologist;
- (d) School social worker; or
- (e) Speech-language pathologist.

The definition should have been published as:

“Public School Employee” means an individual employed at a Delaware public school in 1 of the following positions:

- (a) Educator;
- (b) School counselor;
- (c) School psychologist;
- (d) School social worker; or
- (e) Speech-language pathologist.

This regulation is corrected and being published as a final regulation in the January 2026 *Register*.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 23 Delaware Code, Section 2114 (23 Del.C. §2114)
7 DE Admin. Code 3100

ERRATA

3100 Boating

* **Please Note:** The Department of Natural Resources and Environmental Control, Division of Fish and Wildlife, proposed regulation for 3100 Boating was published in the October 01, 2025 issue of the *Delaware Register of Regulations* (29 DE Reg. 287 (10/01/25)). Certain provisions were inadvertently published incorrectly.

Due to technical processing issues, underlining is missing from new language in Section 2.0 of the published regulation. For example, these definitions were published as:

“ECOS” means an engine cut-off switch which is a safety device installed on a vessel that immediately stops the engine when activated, typically by disconnecting the operator’s link.

“ECOS Link” means an engine cut-off switch link which is a physical or wireless connection used to attach the operator to the engine cut-off switch installed on the vessel.

The definitions should have been published as:

“ECOS” means an engine cut-off switch which is a safety device installed on a vessel that immediately stops the engine when activated, typically by disconnecting the operator’s link.

“ECOS Link” means an engine cut-off switch link which is a physical or wireless connection used to attach the operator to the engine cut-off switch installed on the vessel.

This issue is also present in the proposed publication in the Section 2.0 definitions of "first aid", "masthead light", "motor vessel", "navigable channel", "open boat", "recreational vessel", "restricted visibility", "ship lifeboat", "special flashing light", "State of principal use", "towing light", and "throwable PFD".

Subsection 10.3.5 was published as:

10.3.5 No person shall abandon a vessel or boat trailer in a parking lot. If a vessel or boat trailer is abandoned, it will be removed at the owner's expense. vessels or boat trailers left unattended in a parking lot for in excess of 48 hours without contacting ~~the Division or a Fish and Wildlife Agent~~the Natural Resources Police shall be deemed abandoned.

Subsection 10.3.5 should have been published as:

10.3.5 No person shall abandon a vehicle, vessel or boat trailer in a parking lot. If a vehicle, vessel or boat trailer is abandoned, it will be removed at the owner's expense. Vehicles, vessels or boat trailers left unattended in a parking lot for in excess of 48 hours without contacting ~~the Division or a Fish and Wildlife Agent~~the Natural Resources Police shall be deemed abandoned.

The regulation is corrected and being published as a final regulation in the January 2026 *Register*.

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Sections 102(a), 103(a) and (b), 801, and 7 Delaware Code, Chapter 60 (7 **Del.C.** §§102(a), 103(a) & (b), 801, & 7 **Del.C.** Ch. 60)
7 **DE Admin. Code** 3900

ERRATA

3900 Wildlife

* **Please Note:** The Department of Natural Resources and Environmental Control, Division of Fish and , proposed regulation for 3900 Wildlife was published in the August 01, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 99 (08/01/25)). The following provision was inadvertently published incorrectly:

Subsection 2.1.3 was published as:

2.1.3 A .17 through .22 caliber rimfire firearm or muzzleloading rifle not larger than .36 1 may be used to hunt raccoons and opossums and to take wildlife lawfully confined in a trap;

Subsection 2.1.3 should have been published as:

2.1.3 A .17 through .22 caliber rimfire firearm or muzzleloading rifle not larger than .36 caliber may be used to hunt raccoons and opossums and to take wildlife lawfully confined in a trap;

This regulation is corrected and being published as a final regulation in the January 2026 *Register*.

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.

DELAWARE STATE FIRE PREVENTION COMMISSION**DELAWARE STATE FIRE PREVENTION COMMISSION**

Statutory Authority: 16 Delaware Code, Sections 6604(1) and 6612(l) (16 **Del.C.** §§6604(1) & 6612(l))

PROPOSED**PUBLIC NOTICE****Appendices**

The Delaware State Fire Prevention Commission, pursuant to 16 *Del. C.* §6604(1) and 6612(l), proposes amendments to the Appendices. The proposed amendments update fee amounts for certain licenses and permits. The new fee amounts align with recent statutory changes.

The Commission will accept written comments, which should be sent to Sherry Lambertson, Executive Director for the Delaware Fire Prevention Commission, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments may also be sent by email to the follow email address: fire.commission@delaware.gov. The Public Comment period will end on Tuesday, February 3, 2026.

The proposed additions are reflected in underline. Deletions are reflected in strike through.

***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/january2026/proposed/29 DE Reg 576RFA 01-01-26.pdf](https://regulations.delaware.gov/register/january2026/proposed/29%20DE%20Reg%20576RFA%2001-01-26.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/january2026/proposed/29 DE Reg 576 01-01-26](https://regulations.delaware.gov/register/january2026/proposed/29%20DE%20Reg%20576%2001-01-26)

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 (14 Del.C. §122)
14 DE Admin. Code 225

PROPOSED

PUBLIC NOTICE

225 Prohibition of Discrimination

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §122, the Delaware Department of Education ("Department") developed amendments to [14 DE Admin. Code 225](#) Prohibition of Discrimination. The Department reviewed this regulation in compliance with [29 Del.C. §10407](#) which requires regulations to be reviewed on a recurring basis every four years. The Department made changes to the title and added additional language 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 February 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/january2026/proposed/29 DE Reg 577RFA 01-01-26.pdf>

225 Diversity and Prohibition of Discrimination

1.0 Diversity in Schools

Diversity in a school community means it embraces and builds on the strengths of individual and group differences, and by so doing, enriches the educational program for all students. The curriculum is inclusive

PROPOSED REGULATIONS

of many racial, ethnic, regional, religious, linguistic, and socioeconomic groups, gives visibility to all genders, to people of all ages, and to persons with disabilities, and affirms the richness of our pluralistic society. The Secretary of Education believes that students achieve their best in classrooms where diversity is commonplace.

2.0 Responsibilities of Schools

2.1 Each school district and charter school shall:

- 2.1.1 Integrate information on racial, cultural, and ethnic groups to include, but not limited to, American Indian or Alaska Native, Asian American, Black or African American, Hispanic or Latino, Native Hawaiian or other Pacific Islander, White or Caucasian throughout the K to 12 curriculum to prepare students with the knowledge and skills necessary to participate productively in a globally connected society
- 2.1.2 Provide professional learning to equip all teachers with effective instructional techniques and best practices.
- 2.1.3 Work to close gaps in student outcomes associated with the student's gender, race, ethnicity, socioeconomic status, multilingual learner status, or disability.
- 2.1.4 Ensure student counseling, assessment, discipline, and placement that are responsive to the needs of all student populations.
- 2.1.5 Provide appropriate instruction to multilingual learners so that they will have success in accessing grade level standards aligned to instruction.
- 2.1.6 Ensure strategies to attract and retain a highly skilled and committed faculty and staff reflective of the school community.
- 2.1.7 Enact measures to prevent and address inequitable and prejudicial behaviors among employees and students.
- 2.1.8 Ensure principals, school leaders, and building staff create an atmosphere which recognizes, accepts, and values individual and group differences as essential to a healthy learning environment.

4.03.0 Prohibition of Discrimination

No person in the State of Delaware shall on the basis of race, color, religion, national origin, sex, sexual orientation, genetic information, marital status, disability, ~~age~~ age, or Vietnam Era veteran's status, or any other basis protected under Chapter 45 of Title 6 of the Delaware Code be unlawfully excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving approval or financial assistance from or through the Delaware Department of Education.

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

745 Criminal Background Check for Public School Related Employment

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

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

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 February 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? 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/january2026/proposed/29 DE Reg 578RFA 01-01-26.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/january2026/proposed/29 DE Reg 578 01-01-26>

OFFICE OF THE SECRETARY DIAA

Statutory Authority: 14 Delaware Code, Section 303 (14 Del.C. §303)
14 DE Admin. Code 1034

PROPOSED

PUBLIC NOTICE

1034 DIAA Health and Safety Requirements

A. TYPE OF REGULATORY ACTION REQUESTED Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §303(f), the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposes amendments to 14 DE Admin. Code 1034 Health and Safety Requirements in order to comply with a newly enacted law requiring the Board to adopt regulations pertaining to CPR training for coaches and automated external defibrillator (AED) accessibility and emergency action plans for members schools. The proposed amendments further clarify what is required of emergency action plans as well AED availability, accessibility, and maintenance. Technical and style amendments consistent with the *Delaware Administrative Code Drafting and Style Manual* are also included.

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://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before February 3, 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 amended regulation concerns health and safety requirements and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation concerns health and safety requirements and is designed to improve or have no effect on the receipt of an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation is specifically designed to improve student health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The proposed change is designed to improve or have no effect on students' legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation is mandated by law and will therefore have no effect on the authority and flexibility of decision makers at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation is mandated by law and will therefore not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Board enforces the regulations relating to interscholastic athletics in Delaware (14 Del.C. §304).

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 will have no effect on 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? The amended regulation is mandated by law such that any cost to the state or local school boards to comply with the amended regulation is outside of the control of the Board.

*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/january2026/proposed/29 DE Reg 579RFA 01-01-26.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/january2026/proposed/29 DE Reg 579 01-01-26>

PROFESSIONAL STANDARDS BOARD

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

PROPOSED

PUBLIC NOTICE

1525 Intern Permit

A. TYPE OF REGULATORY ACTION REQUESTED

New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1204(a) and 1216A(a)(1), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed 14 **DE Admin. Code** 1525 Intern Permit. The proposed regulation concerns the requirements for an Intern Permit in accordance with 14 **Del.C.** §§1204(a) and 1216A(a)(1). Proposed Section 1.0 states that the regulation outlines the qualification and training for the Intern Permit; Section 2.0 provides definitions for the proposed regulation; Section 3.0 explains those individuals required to have an Intern Permit; Section 4.0 provides the prescribed requirements for the issuance of an Intern Permit; Section 5.0 provides the application requirements; Section 6.0 concerns the validity of an Intern Permit; Section 7.0 concerns disciplinary actions; Section 8.0 concerns applicants' and educators' contact information with the Department and specifies how they can change their name or address; and Section 9.0 lists the effective date of the regulation.

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 February 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 proposed regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the education workforce, which will help to improve student achievement.

2. Will the proposed regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 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 proposed regulation help to ensure all students' health and safety are adequately protected? The proposed regulation addresses a permit for interns and is not designed to help ensure students' health and safety is protected.

4. Will the proposed regulation help to ensure that all students' legal rights are respected? The proposed regulation addresses a permit for interns and is not designed to help ensure students' legal rights are respected.

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

6. Will the proposed regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The proposed 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 5.0 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 the licensure and certification, and permit of educators and other student support personnel.

8. Will the proposed 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 proposed 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 proposed regulation? There is not a less burdensome method for addressing the purpose of this proposed regulation.

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

***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/january2026/proposed/29 DE Reg 581RFA 01-01-26.pdf>

1525 Intern Permit

1.0 Content

This regulation provides the qualifications and training required for an individual to be issued an Intern Permit pursuant to 14 Del.C. §§1204(a) and 1216A(a)(1).

2.0 Definitions

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

“Department” means the Delaware Department of Education.

“Employing authority” means any entity which employs or hosts interns, and includes school districts, charter schools, boards of directors, and management companies.

“Permit” means a document issued by the Delaware Department of Education that verifies an individual’s qualifications to serve as an intern.

“Intern” means a person who is completing a post-secondary capstone clinical experience to become licensed as an educator or an individual who is completing clinical experience for a license issued under Title 24. An intern may be a paid or an unpaid individual.

“Secretary” means the Secretary of the Delaware Department of Education.

“Standards Board” means the Professional Standards Board pursuant to 14 Del.C. Ch. 12.

3.0 Individuals Required to Have an Intern Permit

Individuals are required to have an Intern Permit when completing a capstone clinical experience in a Delaware public school. A capstone clinical experience does not include practica or other short placements completed prior to the final capstone, internship, or residency required for licensure in a particular area.

4.0 Requirements for Issuance of an Intern Permit

4.1 The Department will not process an application for an Intern Permit:

4.1.1 Until the applicant has submitted all the required documentation. If the applicant fails to submit all the required documentation within 90 days of initial submission, the Department may close the application taking no further action.

4.1.2 If the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications.

4.2 The Department may issue an Intern Permit to an applicant who has satisfied at least 1 of the following requirements provided the applicant has not engaged in conduct in violation of 14 Del.C. §1218(a) or (b):

4.2.1 Is enrolled in an educator preparation program and has been approved by the enrolling program to proceed to a capstone clinical experience.

4.2.2 Is enrolled in a program leading to an approved professional license as specified in 14 Del.C. §1202 and will be completing part or all the applicant’s clinical experiences in a Delaware public school.

4.2.3 The applicant has been hired under the 91-day in lieu of student teaching pathway in accordance with 14 Del.C. §1210(a)(1) and the Department has approved the applicant’s eligibility for the program.

5.0 Application Requirements

5.1 Applicants for an initial Intern Permit are required to provide the following for the Department to consider the Intern Permit complete:

5.1.1 A completed initial application; and

5.1.2 Disclosure of the applicant's criminal conviction history; and

5.1.3 An unofficial transcript; and

5.1.4 One of the following forms of documentation of authorization to begin the clinical experience which includes content area, projected beginning and ending dates:

5.1.4.1 An authorization letter submitted by the institution or the fieldwork supervisor that documents that the applicant has been approved by the applicant's professional preparation program to proceed with the applicant's capstone clinical experience; or

5.1.4.2 The Department-approved form that the applicant has been authorized to begin a 91-day in lieu of student teaching assignment.

6.0 Validity of an Intern Permit

6.1 For an applicant who applied for and met the requirements of the Intern Permit, the Intern Permit shall be issued for up to 1 school year and will expire on June 30. An Intern Permit may not be renewed, but may be reissued only if:

6.1.1 There are exigent circumstances; or

6.1.2 The applicant's capstone clinical experience or 91-day placement will extend beyond June 30 of the school year in which it was issued.

7.0 Disciplinary Action

7.1 An Intern Permit may be revoked, suspended, or limited for cause as provided in [14 Del.C. §1218](#).

7.2 An intern whose Intern Permit is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with [14 DE Admin. Code 1515 Hearing Procedures and Rules](#).

8.0 Contact Information and Change of Name or Address

8.1 All applicants and interns are required to update the contact information in Delaware Educator Data System (DEEDS) if the contact information changes.

8.2 An intern who legally changes the intern's name and wishes to change the name on the Intern Permit shall provide a notarized copy of evidence of the name change such as a marriage license or court action.

8.3 An applicant or intern whose mailing address, email address, or phone number changes shall provide the Department with the new mailing address, email address, or phone number within 14 calendar days of the change.

9.0 Effective Date

The effective date of this regulation shall be August 1, 2026.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

PROPOSED

PUBLIC NOTICE

Medication Assisted Treatment (MAT)

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 Title XIX Medicaid State Plan regarding Medication Assisted Treatment (MAT), specifically, to clean up the language and remove the end 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 February 2, 2026. Please identify in the subject line: Medication Assisted Treatment (MAT)

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 Medication Assisted Treatment (MAT).

Statutory Authority

- Section 1006(b) of the SUPPORT Act
- 1902(a)(29) of the Social Security Act (SSA)

Background

Section 1006(b) of the SUPPORT Act, signed into law on October 24, 2018, amends section 1902(a)(10)(A) of the Social Security Act (the Act) to require state Medicaid plans to include coverage of MAT for those who are eligible to enroll in the state plan or waiver of state plan. States are also required to cover counseling services and behavioral therapies associated with provision of the required drug and biological coverage.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to clean up the language and remove the end date.

Summary of Proposed Changes

Effective October 1, 2025, the DHSS/DMMA proposes to amend the Title XIX Medicaid State Plan to clarify MAT.

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 February 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/january2026/proposed/29 DE Reg 583RFA 01-01-26.pdf>

Medication Assisted Treatment (MAT)

***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/January2026/03AB41B5-FFB4-4060-B200-CC9EDA6EFEA7>

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 15000

PROPOSED

PUBLIC NOTICE

15000 Family and Community Medicaid Eligibility Groups

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of **31 Del. C. §512**, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM), specifically, to simplify eligibility determinations and enrollment processes for former foster youth population.

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 by mail 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 February 2, 2026. Please identify in the subject line: Former Foster Care

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

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM), regarding Former Foster Care.

Statutory Authority

- Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment and Communities (SUPPORT) Act Section 1002(a)(1)
- State Health Official (SHO) Letter 22-003

Background

The SUPPORT Act establishes that individuals are eligible for the Former Foster Care Group if they were receiving Medicaid while in foster care under the responsibility of any state at the time they age out of foster care. These individuals can also be eligible for but not be receiving benefits in other mandatory Medicaid groups.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to simplify eligibility determinations and enrollment processes for the former foster care youth population.

Summary of Proposed Changes

Effective March 11, 2026, the DHSS/DMMA proposes to amend the DSSM regarding Former Foster Care.

Public Notice

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on February 2, 2026.

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 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/january2026/proposed/29 DE Reg 585RFA 01-01-26.pdf>

**15000 Family and Community Medicaid Eligibility Groups
(Break in Continuity of Sections)**

15550 Former Foster Children Group

This section describes the eligibility requirements for the Former Foster Children Group. This group is established through the enactment of the Affordable Care Act of 2010. Coverage under this group is effective January 1, 2014.

This group's eligibility has been updated by section 1002(a)(1)(A) of the SUPPORT Act effective January 1, 2023.

15550.1 Former Foster Children Group General Eligibility Requirements

An individual must meet the general eligibility requirements in Section 14000.

15550.2 Technical Eligibility

An individual must:

15550.2.1 be age 18 or older and under age 26; and

15550.2.2 have been in foster care under the responsibility of the Delaware Department of Services for Children, Youth, and Their Families (DSCYF) and enrolled in Delaware Medicaid upon attaining age 18 or older (up to age 21); or

15550.2.3 ~~Have~~have been in foster care and on Medicaid in any state at the time they turned 18 or aged out of the foster care system; and

15550.2.4 ~~not be eligible under the following mandatory groups — Parent/Caretaker Relative, Transitional, Prospective, Pregnant Women, Children, and Supplemental Security Income (SSI). may have been eligible for but not enrolled in another mandatory group at the time they became eligible for the Former Foster Care Group.~~

***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/january2026/proposed/29 DE Reg 585 01-01-26>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 2511C(a)(1) (16 **Del.C.** §2511C(a)(1))

PROPOSED

PUBLIC NOTICE

4603 End-of-Life Options

Pursuant to 16 **Del.C.** §2511C(a)(1), the Delaware Department of Health and Social Services, Division of Public Health is proposing new regulation 4603 End-of-Life Options. This regulation aligns with 16 **Del.C.** Ch. 25C, regarding the self-administration of medication to end life in a humane and dignified manner by a terminally ill adult, and the facilitation of the collection of information for reporting purposes. House Bill 140 (85 **Del. Laws**, c. 19), known as "The Ron Silverio/Heather Block End of Life Options Law", was signed on May 20, 2025.

Copies of the proposed regulation are available for review in the January 1, 2026, issue of the *Delaware Register of Regulations*, and is accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 p.m. on February 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
417 Federal Street
Dover, DE 19901

***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/january2026/proposed/29 DE Reg 586RFA 01-01-26.pdf>

4603 End-of-Life Options

1.0 Scope and Purpose

- 1.1 A terminally ill adult individual who has decision-making capacity has the right to request and self-administer medication to end the individual's life in a humane and dignified manner.
- 1.2 A terminally ill individual should not be coerced, pressured, or otherwise compelled to self-administer medication to end the individual's life and the decision to self-administer medication to end life must be made voluntarily by a terminally ill adult individual with decision-making capacity, not by a guardian or other surrogate health-care decision maker or by the individual in an advance health-care directive.
- 1.3 Health-care providers shall not be subject to civil or criminal liability or professional discipline for honoring a request from a terminally ill adult individual for medication to end the individual's life in a humane and dignified manner that is made in compliance with the requirements of 16 Del.C. Ch. 25C.
- 1.4 The self-administration of medication to end life in a humane and dignified manner by a terminally ill adult shall not impact life insurance or annuity policies.
- 1.5 This regulation facilitates the collection of information regarding compliance with 16 Del.C. Ch. 25C End of Life Options.

2.0 Authority

This regulation is promulgated pursuant to the statutory authority provided under [85 Del. Laws, c. 19](#) and [16 Del.C. §2511C\(a\)\(1\)](#).

3.0 Reporting (Pursuant to 16 Del.C. §2511C)

- 3.1 Within 30 calendar days of writing a prescription for medication to end the life of a qualified patient, the attending physician or attending APRN shall send the following completed, signed, and dated documentation by USPS mail to the Health Statistics Center at the Bureau of Vital Records and Health Statistics, James Williams State Service Center, Suite 109, 805 River Road, Dover, DE 19901 or secure electronic email to the Bureau of Vital Records and Health Statistics at DE_HealthStatistics@delaware.gov:
 - 3.1.1 A copy of the patient's completed written request for medication to end life, either using the Written Request for Medication to End My Life in a Humane and Dignified Manner (Appendix A of this regulation) form or in substantially the form described in [16 Del.C. §2505C](#);
 - 3.1.2 Attending Physician or Attending APRN Compliance Form (Appendix B of this regulation);
 - 3.1.3 Consulting Physician or Consulting APRN Compliance Form (Appendix C of this regulation);
 - 3.1.4 Psychiatrist or Psychologist Compliance Form (Appendix D of this regulation), if an evaluation was performed.
- 3.2 Within 30 calendar days of dispensing medication, the dispensing health care provider shall send a copy of the Medication Dispensing Form (Appendix E of this regulation) to the Bureau of Vital Records and Health Statistics, by USPS mail or secure electronic mail. Information to be reported shall include:
 - 3.2.1 The patient's name and date of birth;
 - 3.2.2 The prescribing physician or APRN's name, phone number, and drug enforcement administration certificate number, pursuant to [16 Del.C. §2508C\(12\)\(a\)](#);
 - 3.2.3 The dispensing health care provider's name, address, phone number, and pharmacist license number;
 - 3.2.4 The medication dispensed and quantity;
 - 3.2.5 The date the prescription was written; and
 - 3.2.6 The date the medication was dispensed.
- 3.3 Within 20 calendar days of a patient's ingestion of lethal medication obtained pursuant to the Act, or death from any other cause, whichever comes first, the attending physician or attending APRN shall complete the

PROPOSED REGULATIONS

Attending Physician or Attending APRN Follow-Up Form (Appendix F of this regulation) to the Bureau of Vital Records and Health Statistics by USPS mail or secure electronic mail.

3.4 The Division shall make the forms accessible on the Department website <https://dhss.delaware.gov/dph/eolo/>.

4.0 Annual Report (Pursuant to 16 Del.C. §2511C)

4.1 The Division shall generate and make available to the public an annual statistical report of information collected. Data will be aggregated to ensure the protection of the individual's privacy. This annual statistical report will be made available online at <https://dhss.delaware.gov/dph/eolo/>.

4.2 Data elements to be included in the annual statistical report shall include, at a minimum, the following:

4.2.1 The number of individuals who received prescriptions (written or filled);

4.2.2 The number of individuals who died after ingesting;

4.2.3 The number of individuals who died without having ingested or died from other causes;

4.2.4 Demographics:

4.2.4.1 Sex;

4.2.4.2 Age group;

4.2.4.3 Race/ethnicity

4.2.5 Enrollment in hospice or palliative care at the time of death;

4.2.6 Underlying illness (also known as the primary terminal diagnosis); and

4.2.7 Place of death.

APPENDIX A

Written Request for Medication to End My Life in a Humane and Dignified Manner

<https://regulations.delaware.gov/register/January2026/0B236366-04BC-44D2-86C8-5763A1BA5CA6>

APPENDIX B

Attending Physician or Attending APRN Compliance Form

<https://regulations.delaware.gov/register/January2026/3E3637DA-DAAB-432B-9F5D-D954A6085821>

APPENDIX C

Consulting Physician or Consulting APRN Compliance Form

<https://regulations.delaware.gov/register/January2026/3AB5EA7A-135B-4A8D-A18E-B7764E1913FA>

APPENDIX D

Psychiatrist or Psychologist Compliance Form

<https://regulations.delaware.gov/register/January2026/7826C229-2EC5-4486-8554-153DAD47A71C>

APPENDIX E

Medication Dispensing Form

<https://regulations.delaware.gov/register/January2026/A42CD540-2901-466A-8DFC-B0B9F854E20C>

APPENDIX F

Attending Physician or Attending APRN Follow-Up Form

<https://regulations.delaware.gov/register/January2026/664AE8F4-3551-4DEB-BBA2-32A586C638A7>

DEPARTMENT OF JUSTICE OFFICE OF THE ATTORNEY GENERAL

Statutory Authority: 6 Delaware Code, Section 73-102(b) (6 Del.C. §73-102(b))

PROPOSED

PUBLIC NOTICE

Rules Pursuant to the Delaware Securities Act

In compliance with The Delaware Securities Act, Section 73-102(b) of Title 6 of the Delaware Code, the Investor Protection Unit of the Delaware Department of Justice (“the Unit”) hereby publishes notice of a proposed revision to the Rules Pursuant to the Delaware Securities Act.

Persons wishing to comment on the proposed revision may submit their comments in writing to:

Jillian Lazar
Investor Protection Director
Department of Justice, Investor Protection Unit
State Office Building, 5th Floor
820 N. French Street
Wilmington, DE 19801

The comment period on the proposed revision will be held open for a period of thirty days from the date of the publication of this notice in the Delaware Register of Regulations, and will close February 2, 2026.

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

Statutory Authority 6 Del. C. §73-102(b).

Section 73-102(b) of the Delaware Securities Act enables the Investor Protection Director to make, amend and rescind rules, regulations, forms and orders to carry out and define the provisions of this chapter.

Background

The Rules Pursuant to the Delaware Securities Act may be used to clarify and establish appropriate procedures for the Unit to enforce the Delaware Securities Act.

Summary of Proposal

The proposed amendments seek to modify examination requirements of applicants to harmonize them with the current requirements of the Financial Industry Regulatory Authority and many state securities regulators; clarify the process for marking applications as “abandoned” in the Central Registration Depository database; and clarify the Unit’s process for requesting and providing no action guidance.

***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/january2026/proposed/29 DE Reg 589RFA 01-01-26.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/january2026/proposed/29 DE Reg 589 01-01-26>

PROPOSED REGULATIONS

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

OFFICE OF THE MARIJUANA COMMISSIONER

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

PROPOSED

PUBLIC NOTICE

5001 Rules of the Office of the Marijuana Commissioner

Notice of Proposed Amendments to Regulations of the Office of the Marijuana Commissioner

Summary

The Office of the Marijuana Commissioner proposes to amend its Regulations adopted in accordance with Title 4 of the Delaware Code, Chapter 13, Section 1331. The Office of the Marijuana Commissioner proposes: adding a definition for “financial interest” to clarify what constitutes a financial interest in a marijuana establishment; changes to Section 3.0 Licensing and 4.0 Application Process and Issuance of Licenses to clarify the types of licenses available; changes to Section 8.3 Marijuana product package size to align with industry standards; changes to Section 10.0 Advertising modifying permissible colors and images on branding and packaging; and changes to Section 11.0 Testing and Sampling to update the process for collection and submission of samples and the number of required samples, and to add additional testing options for microbiological contaminants. The Office of the Marijuana Commissioner is issuing these proposed regulations in accordance with Title 4 of the Delaware Code. 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 January 1, 2026 edition of the Delaware Register of Regulations, accessible online at <http://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 Taylor Shannon, Delaware Office of the Marijuana Commissioner, 1128 South Bradford Street, Dover, DE 19904 or by email to OMC@delaware.gov. Pursuant to 29 Del.C. §10118(a), the final date to receive written comments is February 2, 2026.

Adoption of Proposed Regulation

On or after February 3, 2026, following review of the public comment, the Office of the Marijuana Commissioner 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 Office of the Marijuana Commissioner, 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/january2026/proposed/29 DE Reg 590RFA 01-01-26.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/january2026/proposed/29 DE Reg 590 01-01-26>

DEPARTMENT OF STATE**DIVISION OF PROFESSIONAL REGULATION****Board of Mental Health and Chemical Dependency Professionals**

Statutory Authority: 24 Delaware Code, Section 3006(a)(1) (24 **Del.C.** §3006(a)(1))
24 **DE Admin. Code** 3000

PROPOSED**PUBLIC NOTICE****3000 Board of Professional Counselors of Mental Health and Chemical Dependency Professionals**

The Delaware Board of Mental Health and Chemical Dependency Professionals, pursuant to 24 Del. C. § 3006(a)(1), proposes to revise its regulations. The proposed amendments seek to clarify the supervision requirements for LPCMHs, LCDPs, and LMFTs, including the required qualifications of supervisors and documentation applicants are required to submit when applying. The changes clarify the requirements to apply by reciprocity and attempt to eliminate inconsistencies throughout the regulations. Finally, the proposed changes add the American Counseling Association's code of ethics to the regulations.

The Board will hold a public hearing on the proposed rule change on January 28, 2026 at 12:00 p.m., in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904 and virtually. The virtual link will be published on the meeting agenda at least seven days prior to the hearing. Written comments should be sent to Maya Echols, Administrator of the Delaware Board of Mental Health and Chemical Dependency Professionals, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904. Written comments will be accepted until February 12, 2026.

***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/january2026/proposed/29 DE Reg 591RFA 01-01-26.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/january2026/proposed/29 DE Reg 591 01-01-26>

DEPARTMENT OF TRANSPORTATION**DIVISION OF PLANNING AND POLICY**

Statutory Authority: 29 Delaware Code, Section 8422(d) (29 **Del.C.** §8422(d))
2 **DE Admin. Code** 2312

PROPOSED**PUBLIC NOTICE****2312 Regulations Governing the Practice and Procedure for Administering the Transportation Infrastructure Investment Fund**

Pursuant to the authority provided by 29 **Del.C.** §8422(d), the Delaware Department of Transportation (the "Department") seeks to adopt revisions to its existing regulation related to the Transportation Infrastructure Investment Fund ("TIIF") program.

The Department, through its Division of Economic Development Coordination, seeks to adopt these revisions to administer the TIIF program, which is established in support of Delaware's economic development initiatives to provide economic assistance for renovation, construction, or any other type of improvements to roads and related transportation infrastructure in order to attract new businesses to the State, or expand existing businesses in the State, when such an economic development opportunity would create a significant number of direct, permanent, quality, full-time jobs.

Public Comment Period

DelDOT will take written comments on the proposed revisions to Regulation 2312 of Title 2, Delaware Administrative Code, from January 1, 2026, through February 2, 2026. The public may submit their comments to:

Susanne K. Laws, P.E.
TIIF Coordinator
(Susanne.Laws@delaware.gov) or in writing to her attention,
Delaware Department of Transportation
Division of Economic Development Coordination
800 S. Bay Road
Dover, DE 19901

***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/january2026/proposed/29 DE Reg 591aRFA 01-01-26.pdf](https://regulations.delaware.gov/register/january2026/proposed/29%20DE%20Reg%20591aRFA%2001-01-26.pdf)

2312 Regulations Governing the Practice and Procedure for Administering the Transportation Infrastructure Investment Fund

1.0 Authorization

This regulation is adopted pursuant to [29 Del.C. §8422\(d\)](#).

2.0 Purpose

The purpose of ~~these Regulations~~ this regulation is to establish the practice and procedure for the administration of the Transportation Infrastructure Investment Fund (the "Fund"). ~~The Regulations contain~~ This regulation contains procedures governing the process for applying to the ~~Council~~ council for economic assistance under the Fund, pre-closing and post-closing procedures and criteria for the approval or disapproval of an application for economic assistance under the Fund.

3.0 Definitions

The following words and terms, ~~unless the context clearly indicates a different meaning when used in this regulation,~~ shall have the following respective meanings:

"Application" means an application made to the ~~Council on such~~ council on the form or forms, together with all relevant attachments, as the ~~Council~~ council may, in its sole discretion, require in connection with administration of the Fund.

"Applicant" means ~~any a~~ any a person, including individuals, firms, partnerships, trusts, public or private corporations, or other legal entities, for which a ~~Project~~ project is undertaken or proposed to be undertaken.

"Council" means the Transportation Infrastructure Investment Fund Council as set forth in [29 Del.C. §8422](#).

"DelDOT" means the Delaware Department of Transportation.

"Final Approval" means the final approval of an ~~Application~~ application by the Secretary of the Department of Transportation and the Secretary of State.

"Grant" means a financial award in the form of funds to ~~Applicants~~ applicants for the specific intended use of the proceeds from the Fund.

"Grantee" means an applicant who has been awarded a grant.

"Project" means economic development or redevelopment activity to attract or expand employment.

"Public Endorser endorser" means the State of Delaware or ~~any an~~ any an agency thereof, or ~~any County~~ any county, municipality, local political subdivision within the State of Delaware.

"Secretaries" means the Cabinet Secretary of State and the Cabinet Secretary of Transportation jointly.

"TIIF scope of work" means the transportation infrastructure for which funding from the Fund is requested or awarded.

"Transportation Infrastructure infrastructure" for purposes of ~~these Regulations~~ this regulation, shall include ~~but not be limited to~~ the following:

- ~~Any~~ any project that would construct, maintain, extend or enhance ~~any a~~ any a highway, ~~and/or road, and/or~~ and/or road or bridge.

- ~~Any~~A project that would construct, maintain, extend or enhance access to ~~any~~a transit and/or ~~or~~ intermodal system.
- ~~Any~~A project that would construct, maintain, extend or enhance ~~any~~ access to commercial ports and/or ~~or~~ airports.

4.0 Infrastructure Grants

- 4.1 Grant Description. Proceeds of a ~~Grant~~grant are to be used to reimburse work performed for renovation, construction or ~~any~~ other type of improvements to ~~Transportation Infrastructure~~transportation infrastructure.
- 4.2 Eligibility Standards. To be eligible for a ~~Grant~~grant, a ~~Project~~project must have at least one ~~Public Endorser~~public endorser and expand employment in the State. Grants would only be authorized for ~~Transportation Infrastructure~~transportation infrastructure located within the public right-of-way or on public land.
- 4.3 Project Approval Standards
 - 4.3.1 Findings. As a precondition to approving a ~~Grant~~grant, the ~~Council~~council shall find that the ~~Project~~project would create a significant number of direct, permanent, quality, full-time jobs, and the associated ~~Transportation Infrastructure~~transportation infrastructure improvements would benefit the public by improving infrastructure within the State. The ~~Council~~council shall apply the following standards, where applicable, in making ~~such~~those findings and determinations:
 - 4.3.1.1 Employment Standard. The ~~Council~~council will review information concerning the ~~Applicant~~applicant as submitted in an ~~Application~~application. As a condition precedent to making a ~~Grant~~grant, the ~~Council~~council shall determine that the ~~Applicant~~applicant intends to provide gainful employment within the State. The standards to be considered by the ~~Council~~council will include, ~~but not be limited to~~, the number of permanent, quality, full-time jobs created as a result of the ~~Project~~project, the wage scale applicable to persons to be employed as a result of the ~~Project~~project, the effect of the ~~Project~~project on the tax base of the State and/or ~~or~~ the county or municipality in which the ~~Project~~project is to be located, and the expected impact that the ~~Project~~project will have on the development of new or expanded economic activity within the State.
 - 4.3.1.2 In determining whether the ~~Project~~project will assist in creating "direct, permanent, quality full-time jobs" in the State, the ~~Applicant~~applicant shall demonstrate to the ~~Council~~council that the ~~Applicant~~applicant, operator or principal user thereof has the capability to operate and maintain ~~such~~the project efficiently and that the ~~Applicant~~applicant has not been convicted of a major labor law violation or of a violation involving moral turpitude by ~~any~~an agency or court of the federal government or agency or court of ~~any~~a state in the 2-year period immediately prior to ~~before~~ the approval of the ~~Applicant's Application~~applicant's application. In this regard, the ~~Council~~council may, in its discretion, rely on a sworn affidavit of the ~~Applicant~~applicant or an officer of the ~~Applicant~~applicant or an opinion of counsel of the ~~Applicant~~applicant to ~~such~~the effect. If an ~~Applicant~~applicant has been convicted of ~~such~~a violation, the ~~Council~~council, in its sole discretion, may decline to consider the ~~Application~~application. If requested by the ~~Council~~council, ~~the applicant similar proof shall provide similar proof be obtained from any~~an operator or principal user of the ~~Project~~project.
 - 4.3.1.3 Financial Stability and Economic Sustainability. The ~~Applicant~~applicant shall demonstrate to the ~~Council~~council that it possesses financial stability and can also demonstrate that the ~~Project~~project is economically sustainable. The ~~Applicant~~applicant must meet all of the following:
 - 4.3.1.3.1 Validly exist as a corporation, limited liability company, or other regulated entity.
 - 4.3.1.3.2 Be in good standing under the laws of this State, duly-qualified to do business.
 - 4.3.1.3.3 Be in good standing in ~~each other jurisdiction~~jurisdictions in which its conduct of business requires ~~such~~this qualification.
 - 4.3.1.3.4 Possess business and professional licenses required under Titles 24 and 30.
 - 4.3.1.4 Public Purpose Standard. When applying the "public purpose standard", the ~~Council~~council shall take into consideration whether the ~~Transportation Infrastructure~~transportation infrastructure improvements associated with the ~~Project~~project will enhance the infrastructure of the ~~state, such~~State and that it would have a positive impact on Delaware's future economic health and competitiveness. Factors to be considered by the ~~Council~~council shall include, ~~but not be limited to~~, whether the ~~Transportation Infrastructure~~transportation infrastructure improvements will benefit the greater public and not just the ~~Applicant~~applicant, whether the ~~Transportation Infrastructure~~transportation infrastructure improvements will help attract

additional economic development to the area where the ~~Project~~project is being built, whether the ~~Transportation Infrastructure~~transportation infrastructure would have otherwise required the use of State funding to be completed.

- 4.3.2 ~~Clawback Provision.~~ The ~~Council~~council shall determine appropriate clawback provisions for ~~each Applicant~~applicants under which the ~~Applicant~~applicant may be required to repay some or all of the ~~Grant~~grant.
- 4.3.3 ~~Post-Grant Period - Annual Reporting.~~ Unless waived or amended by the ~~Council~~council, the ~~Applicant~~applicant shall, for a period of ~~five (5)~~7 years following the award of ~~Grant~~grant, submit to the Division of Small Business, on an annual basis, financial statements in a form acceptable to the ~~Council~~council, a progress report on the status of the project, including, ~~but not limited to,~~ the number of permanent, quality, full-time jobs created or saved as a result of the ~~Project~~project and the wage scale applicable to ~~such~~those persons, ~~any~~an economic impact of the funding (~~such as~~ sales, costs, etc.) and any other information required by the ~~Council~~council. ~~Each applicant~~Applicants shall report to the Division of Small Business no later than June 30 of ~~each~~of the years for which the report is required.

5.0 Application Procedure

- 5.1 Applicants may obtain ~~Application~~application forms through DelDOT.
- 5.2 To apply for the ~~Grant~~grant, an ~~Applicant~~applicant must submit a completed ~~Application~~application concerning the ~~Project~~project to DelDOT. ~~Each Application~~ An application must include the written certification of at least one ~~Public Endorser~~public endorser for the ~~Project~~project, a narrative of the ~~Transportation Infrastructure~~transportation infrastructure needed to support the ~~Project~~project outlining both the direct need and the benefits to the general public, proof of employment standards, financial stability and economic sustainability.
- 5.3 Completed ~~Applications~~applications will be reviewed by the DelDOT and the Division of Small Business. DelDOT and the Division of Small Business shall use its reasonable best efforts to complete its review of the ~~Application~~application within ~~sixty (60)~~60 days from the ~~Application~~application deadline. No application will be reviewed by the ~~Council~~council until it is complete to the satisfaction of DelDOT and ~~the~~ Division of Small Business.
- 5.4 Applications will be accepted on a quarterly basis, unless otherwise directed by the ~~Council~~council.
- 5.5 ~~Any~~A business applying to the Transportation Infrastructure Investment Fund shall validly exist as a corporation, limited liability company or other regulated entity and shall be in good standing under the laws of the State of Delaware, duly qualified to do business and shall be in good standing in ~~each~~ other ~~jurisdiction~~jurisdictionsin which its conduct of business requires ~~such~~this qualification. ~~Such~~ An applying business shall possess required business and professional licenses in accordance with Titles 24 and 30 of the Delaware Code.

6.0 Approval Process

- 6.1 The ~~Council~~council shall use its reasonable best efforts to complete its review of the ~~Application~~application for preliminary approval or disapproval within ~~thirty (30)~~30 days from the date DelDOT and ~~the~~ Division of Small Business deems an ~~Application~~application is complete, provided, however, that if no meeting of quorum of ~~Council~~council is scheduled or held within 30 days of the ~~Application~~application being deemed complete, the ~~Application~~application will be considered at the next meeting of the ~~Council~~council at which quorum is present.
- 6.2 If a majority of the ~~Council~~council present determines that a ~~Project~~project meets the approval standards outlined ~~above~~ in subsection 6.1, and that the ~~Grant~~grant award would represent a prudent use of the Fund, then the ~~Council~~council shall adopt a resolution recommending the issuance of the ~~Grant~~grant to the Secretary of Transportation and the Secretary of State ~~Secretaries~~ for consideration for ~~Final Approval~~final approval.
- 6.3 ~~Final Approval~~ approval will be binding ~~is binding~~, however, the Secretary of Transportation and Secretary of State ~~Secretaries~~ may withdraw ~~Final Approval~~final approval at any time prior to ~~before~~ the disbursement of the ~~Grant~~grant, if it determines that ~~(1) the~~that:
- 6.3.1 ~~Applicant's circumstances~~The applicant's circumstances have changed adversely since the date of ~~Final Approval~~final approval or since completion of the ~~Application~~application, if ~~such~~ this adverse change did not come to the ~~Council's~~council's attention prior to ~~Final Approval~~before final approval; or
- 6.3.2 ~~(2) the Application~~The application contained a statement that was materially false or failed to include information necessary to prevent the ~~Application~~application from being materially ~~false~~false; or

- 6.3.3 The applicant fails to enter into an agreement detailing the terms and conditions of the commitment letter within 1 year from the date of the commitment letter as detailed in subsection 6.5.
- 6.4 The ~~Council~~council will establish the term of the ~~Grant~~grant and the reimbursement schedule. The ~~Council~~council may make ~~recommendation~~recommendations on limitations or grant extensions and may only ~~be withdrawn~~recommend withdrawal as set forth in subsection 6.3.
- 6.5 The ~~Applicant~~applicant shall be issued a commitment letter outlining the terms and conditions of the ~~Final Approval~~final approval. The ~~Grant~~grant is encumbered from the Fund for the ~~Transportation Infrastructure~~transportation infrastructure associated with the ~~Project~~upon project on the execution of an agreement detailing the terms and conditions of the commitment letter.
- 6.6 The applicant shall enter into an agreement as set forth in subsection 6.5 within 1 year from the date of the commitment letter, or the grant may be forfeited as detailed in subsection 6.3.

7.0 Assignment Process

- 7.1 Following execution of an agreement and before requesting reimbursement for the TIF scope of work, the grantee may make a request to the council for consideration of assignment of the grant in its entirety to another business entity, provided the grantee is proposing:
- 7.1.1 No changes to the TIF scope of work;
- 7.1.2 No changes in the previously awarded funding amount; and
- 7.1.3 No changes to the employment standard in the grantee's original application.
- 7.2 The grantee shall include a written explanation of the reason for the assignment request.
- 7.3 A business entity under consideration for assignment of the grant shall validly exist as a corporation limited liability company or other regulated entity and shall be in good standing under the laws of the State of Delaware, duly qualified to do business and shall be in good standing in other jurisdictions in which its conduct of business requires this qualification. A business entity shall possess required business and professional licenses in accordance with Titles 24 and 30 of the Delaware Code.
- 7.4 The grantee shall submit the assignment request with evidence of good standing under the laws of the State of Delaware, proof of qualification to do business, and required business and professional licenses per subsection 7.3 and at least 3 years of financial statements and personal financial statements, incomes tax returns and other documentation necessary for the Division of Small Business to determine the good standing and financial stability of the business entity under consideration for assignment.
- 7.5 Complete assignment requests will be reviewed by DeIDOT and the Division of Small Business. DeIDOT and the Division of Small Business shall use their reasonable best efforts to complete their review of the assignment request within 60 days from receipt of all required documentation per subsections 7.2 and 7.4. No assignment request shall be considered by the council until it is complete to the satisfaction of DeIDOT and the Division of Small Business.
- 7.6 If the council determines that an assignment request meets the approval standard outlined in subsections 7.1, 7.2, 7.3, 7.4, and 7.5 and that the grant assignment would represent a prudent use of the Fund, then the council shall adopt a resolution recommending the assignment of the grant to the Secretaries for consideration for final approval.
- 7.7 Following the council's recommendation of the assignment, the assignment process shall follow subsections 6.3, 6.4, 6.5, and 6.6 of this regulation.
- 7.8 A grantee that submits an assignment request that proposes changes to the TIF scope of work or changes in the previously awarded funding amount or changes to the employment standard in the grantee's original application shall follow the application procedure in Section 5.0 and approval process in Section 6.0 contained in this regulation.

Symbol Key

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

Final Regulations

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

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

CHILD PROTECTION ACCOUNTABILITY COMMISSION

Statutory Authority: 14 Delaware Code, Section 3463 (14 Del.C. §3463)

1 DE Admin. Code 1401

FINAL**ORDER****1401 Regulations Governing the Ivyane D.F. Davis Scholarship****I. NATURE OF THE PROCEEDINGS**

Pursuant to its authority under Title 14 of the **Delaware Code**, Section 3463, the Child Protection Accountability Commission (CPAC) proposed to amend regulations regarding the administration of the Ivyane D.F. Davis Memorial Scholarship Fund (the Scholarship). The Scholarship was established by the General Assembly in 1989 to provide scholarships to students who experienced foster care in Delaware. The proposed regulation sought to reflect the change in administration of the Scholarship from the Child Placement Review Board to CPAC, and to update definitions and add clarity and detail regarding eligibility, application and award process, covered expenses, and suspension or termination of award. In accordance with [29 Del.C. §10118\(a\)](#), notice of the proposed regulation was published in the *Delaware Register of Regulations* on September 1, 2025, and provided for a public comment period through October 1, 2025. CPAC did not receive any comments from the public. This is CPAC's Decision and Order adopting the proposed regulation.

II. SUMMARY OF EVIDENCE

In accordance with law, public notice regarding the proposed regulation was published in the *Delaware Register of Regulations*. The public comment period was open from September 1, 2025 through October 1, 2025. During this period, CPAC did not receive any comments from the public.

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

CPAC 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.

IV. FINDINGS OF FACT

1. The public was given the required notice of CPAC's intention to adopt the proposed regulation and was given opportunity to submit comments.
2. The required Regulatory Flexibility Analysis and Impact Statement for this proposed regulation was submitted.
3. CPAC did not receive any comments from the public regarding the proposed regulation.
4. CPAC finds the proposed regulation, as set forth in the September 2025 *Register of Regulations*, provides the necessary updates and clarity required for further administration of the Program.
5. Thus, CPAC finds that the proposed regulation should be adopted.

V. DECISION AND ORDER

For the foregoing reasons, CPAC concludes that it is appropriate to adopt the proposed regulation for administration of the Ivyane D.F. Davis Memorial Scholarship Fund under [14 Del.C. §3463](#). The regulation will be effective January 12, 2026.

IT IS SO ORDERED this 19th day of November, 2025.

/s/ Mary Dugan

Mary Dugan, Esq., Chair

/s/ Steven Yeatman

The Honorable Steven Yeatman, Commissioner

/s/ Abigail Rodgers

Abigail Rodgers, Esq., Commissioner

/s/ Trenee Parker

Trenee Parker, Commissioner

/s/ Kelly Singleton

Kelly Singleton, Esq., Commissioner

/s/ Michael Newell

The Honorable Michael Newell, Commissioner

/s/ Joelle Hitch

The Honorable Joelle Hitch, Commissioner

/s/ Krista Griffith

The Honorable Krista Griffith, Commissioner

/s/ Daniel Cruce

The Honorable Daniel Cruce, Commissioner

/s/ Angela DiNunzio Seguin

Angela DiNunzio Seguin, Commissioner

/s/ Cassandra Codes-Benjamin

Cassandra Codes-Benjamin, Commissioner

/s/ Aileen Fink

Dr. Aileen Fink, Commissioner

/s/ Garrett Colmorgen

Garrett Colmorgen, M.D., Commissioner

/s/ Molly Shaw

Molly Shaw, Esq., Commissioner

/s/ Daykia Hunter-McKnight

Daykia Hunter-McKnight, Commissioner

/s/ Meg Garey

Meg Garey, Commissioner

/s/ Andrea Warfel

Corporal Andrea Warfel, Commissioner

/s/ Allan De Jong

Allan De Jong, M.D., Commissioner

/s/ Elizabeth Higley

Dr. Elizabeth Higley, Commissioner

/s/ Patricia Dailey Lewis

Patricia Dailey Lewis, Esq., Commissioner

/s/ Stephanie Reid

Stephanie Reid, Esq., Commissioner

ABSENT

Colonel Joseph Bloch, Commissioner

ABSENT

Dr. Julius Mullen, Commissioner

ABSENT

Ellen Levin, Commissioner

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

***Please note that no changes were made to the regulation as originally proposed and published in the September 2025 issue of the *Register* at page 167 (29 DE Reg. 167). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/january2026/final/29 DE Reg 596 01-01-26>

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 3411, 3416, 3438, and 3439(a) (14 **Del.C.** §§3411, 3416, 3438 & 3439(a))
14 **DE Admin. Code** 1211

FINAL

ORDER

1211 Career-Based Scholarship Program

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§3411, 3416, 3438 and 3439(a), the Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 1211 Career-Based Scholarship Program. This regulation is being amended to ensure alignment with current practice. The following sections have been revised: Title and purpose, definitions, and other sections throughout the regulation.

Notice of the proposed regulation was published in the Register of Regulations on October 1, 2025. The Department did not receive any written submittals concerning the proposed 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 the proposed amendments to 14 **DE Admin. Code** 1211 Career-Based Scholarship Program are necessary to implement and enforce 14 **Del.C.** §§3411, 3416, 3438 and 3439(a). Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1211 Career-Based Scholarship Program beyond the minimal 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** 1211 Career-Based Scholarship Program as proposed. Therefore, pursuant to 14 **Del.C.** §§3411, 3416, 3438 and 3439 (a), 14 **DE Admin. Code** 1211 Career-Based Scholarship Program is amended.

V. Text and Citation

The text of 14 **DE Admin. Code** 1211 Career-Based Scholarship Program is amended and said regulation shall be cited as 14 **DE Admin. Code** 1211 Needs Based Scholarship Programs Administered by the Delaware Higher Education Office excluding Memorial Scholarships 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 20th day of November 2025

Department of Education

Cynthia Marten, Secretary of Education

Approved this 20th day of November 2025

State Board of Education

/s/ Shawn Brittingham
Shawn Brittingham, President

FINAL REGULATIONS

/s/ Deborah Stevens
Deborah Stevens, Vice President

(Absent)
Meredith L. Griffin, Jr

(Absent)
Rajalakshmi Lodhavia

/s/ Rev. Provey Powell, Jr. Rev.
Provey Powell, Jr.

/s/ James L. Simmons III
James L. Simmons III

*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 260 (29 DE Reg. 260). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/january2026/final/29 DE Reg 599 01-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 3437 (14 Del.C. §3437)
14 DE Admin. Code 1215

FINAL

ORDER

1215 High Needs Educator Student Loan Payment Program

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to [14 Del.C. §3437](#), the Secretary of Education seeks the consent of the State Board of Education to amend [14 DE Admin. Code 1215](#) High Needs Educator Student Loan Payment Program. This regulation is being amended to ensure alignment with current practice. The following sections have been revised: Title and purpose, definitions, and other sections throughout the regulation.

Notice of the proposed regulation was published in the Register of Regulations on October 1, 2025. The Department did not receive any written submittals concerning the proposed 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 the proposed amendments to [14 DE Admin. Code 1215](#) High Needs Educator Student Loan Payment Program are necessary to implement and enforce [14 Del.C. §3437](#). Accordingly, the Department finds that it is appropriate to amend [14 DE Admin. Code 1215](#) High Needs Educator Student Loan Payment Program beyond the minimal 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 1215](#) High Needs Educator Student Loan Payment Program as proposed. Therefore, pursuant to [14 Del.C. §3437](#), [14 DE Admin. Code 1215](#) High Needs Educator Student Loan Payment Program is amended.

V. Text and Citation

The text of [14 DE Admin. Code 1215](#) High Needs Educator Student Loan Payment Program is amended and said regulation shall be cited as [14 DE Admin. Code 1215](#) Public School Employee Support Program for High Need Areas 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 20th day of November 2025

Department of Education
Cynthia Marten, Secretary of Education

Approved this 20th day of November 2025

State Board of Education

/s/ Shawn Brittingham
Shawn Brittingham, President

/s/ Deborah Stevens
Deborah Stevens, Vice President

(Absent)
Meredith L. Griffin, Jr

(Absent)
Rajalakshmi Lodhavia

/s/ Rev. Provey Powell, Jr.
Rev. Provey Powell, Jr.

/s/ James L. Simmons III
James L. Simmons III

*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 263 (29 DE Reg. 263). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/january2026/final/29 DE Reg 600 01-01-26>

PROFESSIONAL STANDARDS BOARD

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

FINAL

ORDER

1524 Classroom Aide Permit

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1204(a) and 1216A(a)(1), the Professional Standards Board (“Board”), acting in consultation and cooperation with the Delaware Department of Education (“Department”), developed 14 DE Admin. Code 1524 Classroom Aide Permit. The regulation concerns the requirements for a Classroom Aide Permit in accordance with 14 Del.C. §1220. The proposed regulation concerns the requirements for a Classroom Aide Permit in accordance with 14 Del.C. §1204(a) and 1216A(a)(1). Proposed Section 1.0 states that the regulation outlines the qualification and training for the Classroom Aide Permit; Section 2.0 provides definitions for the proposed regulation; Section 3.0 concerns the scope of work of a classroom aide; Section 4.0 provides the prescribed requirements for the issuance of a Classroom Aide Permit; Section 5.0 provides the requirements for the reissuance of an expired Classroom Aide Permit; Section 6.0 provides the application requirements; Section 7.0 concerns the requirements for allowable professional development for the renewal of a Classroom Aide Permit; Section 8.0 lists allowable professional development for renewal; Section 9.0 concerns the validity of a Classroom Aide Permit; Section 10.0 concerns disciplinary actions; and Section 11.0 concerns applicants’ and educators’ contact information with the Department and specifies how they can change their name or address.

Notice of the proposed regulation was published in the *Register of Regulations* on November 1, 2025. The Professional Standards Board received two written submissions from the public. Anna Reddybook commented on the clear and accessible forum for public feedback, that it is encouraging to see that all comments submitted during the open period will be treated equally and published in full. Susannah Eaton-Ryan, Chairperson of the State Council of Persons with Disabilities, wishes to emphasize the importance of not replacing paraeducators, and to make that clear. Council can only support the proposed regulation with the following recommended changes: 1. Request that DDOE add disability-specific competencies to the professional development requirements, including training in communication supports, behavior-support strategies, trauma-informed practices, assistive technology; 2. Request that Section 3.2 be expanded to include examples or clarifying language distinguishing tasks that are and are not considered “IEP-related special education services”, to prevent inappropriate delegation and ensure IDEA compliance; 3. Request that DDOE reconsider burdensome administrative requirements, including the 90-day automatic closure rule and notarization requirements, or provide alternative, accessible verification processes; 4. Request that DDOE provide clearer guidance to local districts that classroom aides may not be used to replace paraeducators and that assignments must be consistent with IDEA staffing requirements.

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 Board deliberated on the proposed regulation at its December 4, 2025 meeting. Prior to deliberations, the Board reviewed each written submittal. The board found that it does not usually require specific training to be written in regulation but does require in this regulation and others that training be related to the individual’s work with students. The Board also found that requests two and four were similar and could be accomplished through guidance to local education agencies. It further found that the administrative requirements were necessary for the operation of the Department’s licensure system and there were no requirements for notarization. On December 4, 2025, the Professional Standards Board voted to propose 14 DE Admin. Code 1524 Classroom Aide Permit for adoption by the Department subject to the State Board of Education’s approval.

The Department finds that the proposed regulation is necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to adopt 14 **DE Admin. Code 1524** Classroom Aide Permit.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code 1524** Classroom Aide Permit subject to the State Board of Education's approval. On December 11, 2025, the State Board of Education approved adopting 14 **DE Admin. Code 1524** Classroom Aide Permit. Therefore, pursuant to 14 **Del.C. §§1204(a) and 1216A(a)(1)**, 14 **DE Admin. Code 1524** Classroom Aide Permit, attached hereto as Exhibit A, is hereby adopted.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code 1524** Classroom Aide Permit adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code 1524** Classroom Aide Permit 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 11th day of December, 2025.

Department of Education

Cynthia Marten, Secretary of Education
Approved this 11th day of December 2025.

State Board of Education

/s/ Shawn Brittingham, President

/s/ Deborah Stevens, Vice President

/s/ Meredith L. Griffin, Jr.

/s/ Rajalakshmi Lodhavia

Rev. Provey Powell, Jr. (ABSENT)

/s/ James L. Simmons III

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

1524 Classroom Aide Permit

1.0 Content

This regulation provides the qualifications and training required for an individual to be issued and to renew a Classroom Aide Permit pursuant to 14 **Del.C. §§1204(a) and 1216A(a)(1)**. Individuals who qualify for a Paraeducator Permit may not apply for a Classroom Aide ~~Permit~~**Permit.**

(Break in Continuity of Sections)

10.0 Disciplinary Action

10.1 A classroom aide's Classroom Aide Permit may be revoked, suspended, or limited for cause as provided in 14 **DE Admin. Code 1514** Limitation, Suspension, and Revocation of Licenses, Certificates, and ~~Permit~~**Permits**.

10.2 A classroom aide's Classroom Aide Permit shall be revoked if the classroom aide made a materially false or misleading statement in the classroom aide's application in accordance with 14 **Del.C. §1218**.

- 10.3 A classroom aide whose Classroom Aide Permit is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with [14 DE Admin. Code 1515](#) Hearing Procedures and Rules.

***Please note that no additional changes were made to the regulation as originally proposed and published in the November 2025 issue of the *Register* at page 367 (29 DE Reg. 367). 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/january2026/final/29 DE Reg 602 01-01-26>

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** 17000

FINAL

ORDER

17000 SSI Related Programs

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services (“Department”) / Division of Medicaid and Medical Assistance initiated proceedings to amend Division of Social Services Manual (DSSM) regarding 17000 SSI Related Programs, specifically, to make it permanent that for some Medicaid groups that normally have an asset limit, the state does not have to check their resources again when they renew coverage. The Department’s proceedings to amend its regulations were initiated pursuant to [29 Del.C. §10114](#) and its authority as prescribed by [31 Del.C. §512](#).

The Department published its notice of proposed regulation changes pursuant to [29 Del. C. §10115](#) in the September 2025 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by October 1, 2025, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

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 Division of Social Services Manual (DSSM) regarding 17000 SSI Related Programs.

Background

Regularly scheduled renewals of Medicaid eligibility require Delaware Medicaid to renew eligibility on basis of information available through databases such as the Asset Verification System (AVS) prior to asking the recipient to submit verification at renewal. Currently, recipients of Medicaid programs are subject to an asset test: Long Term Care (LTC), Children’s Community Alternative Disability Program (CCADP), and SSI related Programs (Widows/Widowers (Age 60-64), Disabled Widows/Widowers (Age 50-59), and 17160 Adult Disabled Children). These groups must all undergo a manual renewal process, as the Asset Verification System (AVS) is not compatible with ASSIST Worker Web (AWW) for data exchange. As part of the manual review process, eligibility staff complete the ex-parte process manually, prior to generating and sending a pre-populated renewal form. This process is an intensive workload for DMMA eligibility staff. Implementing a permanent allowance for the resource test to be waived at renewal for certain Medicaid recipients who are subject to an asset test would allow DMMA to:

- Increase the State’s compliance with the ex-parte process,
- Reduce administrative burden on the State,
- Reduce worker burden, and
- Reduce member burden by increasing the number of members who may be passively renewed.

Statutory Authority

- 42 CFR §435.916

Purpose

The purpose of this regulation is to make it permanent that for some Medicaid groups that normally have an asset limit, the state does not have to check their resources again when they renew coverage.

Summary of Proposed Changes

Effective July 1, 2025, the DHSS/DMMA proposes to amend the Division of Social Services Manual (DSSM) to clarify resource tests.

Public Notice

In accordance with the *federal* public notice requirements established at 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 gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on October 1, 2025.

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 to provide any 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 Statement

There is no anticipated fiscal impact.

Summary of Comments Received with Agency Response and Explanation of Changes

DMMA is pleased to provide the opportunity to receive public comments and greatly appreciates the support given by:

- State Council for Persons with Disabilities (SCPD)
- Governor's Advisory Council for Exceptional Citizens (GACEC)
- Community Legal Aid Society Inc. (CLASI)

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

The DMMA Division Director 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 the increase in greenhouse gas emissions.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the September 2025 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Division of Social Services Manual (DSSM) regarding 17000 SSI Related Programs, specifically, to make it permanent that for some Medicaid groups that normally have an asset limit, the state does not have to check their resources again when they renew coverage is adopted and shall be final effective January 11, 2026.

12/12/2025 | 7:32 AM EST

Date of Signature

Christen Linke Young

Christen Linke Young, Secretary, DHSS

*Please note that no changes were made to the regulation as originally proposed and published in the September 2025 issue of the *Register* at page 191 (29 DE Reg. 191). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/january2026/final/29 DE Reg 604 01-01-26>

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)
16 DE Admin. Code 18000

FINAL

ORDER

18000 Delaware Healthy Children Program

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services (“Department”) / Division of Medicaid and Medical Assistance initiated proceedings to amend Division of Social Services Manual (DSSM) regarding 18000 Delaware Healthy Children Program, specifically, to improve care transitions for individuals who are incarcerated and are eligible for Children’s Health Insurance Program (CHIP). The Department’s proceedings to amend its regulations were initiated pursuant to [29 Del.C. §10114](#) and its authority as prescribed by [31 Del.C. §512](#).

The Department published its notice of proposed regulation changes pursuant to 29 Del. C. §10115 in the October 2025 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by October 31, 2025, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

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 Division of Social Services Manual (DSSM) regarding 18000 Delaware Healthy Children Program.

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 (EPSDT) services for eligible juveniles who are within 30 days of release post-adjudication, and Targeted Case Management (TCM) for eligible juveniles who are within 30 days of release post-adjudication and for at least 30 days following release.

Statutory Authority

- State Health Official (SHO) Letter 24-004
- The Consolidated Appropriations Act (CAA) of 2023

Purpose

The purpose of this regulation is to improve care transitions for individuals who are incarcerated and are eligible for CHIP.

Summary of Proposed Changes

Effective January 11, 2026, the DHSS/DMMA proposes to amend the DSSM regarding 18000 Delaware Healthy Children Program.

Public Notice

In accordance with the *federal* public notice requirements established at 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 gave public notice and provided an open comment period for 30 days to allow all stakeholders an

opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on October 31, 2025.

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 to provide any 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 Statement

There is no anticipated fiscal impact.

Summary of Comments Received with Agency Response and Explanation of Changes

Comment: Recommend that DHSS insert the word “not” in the brackets in the second bullet point of 18800.3 (“The child’s DHCP eligibility must [] be terminated during their CE period unless they experience another permissible exception to CE. See section 18800.1 Continuous Eligibility for Target Low-Income Children.”).

Agency Response: Thank you, we are aware of the error and have added the word “not”.

Comment: We support the proposed regulatory amendment as these changes bring Delaware into compliance with the CAA and these changes would promote more effective transition and medical services benefits juveniles with disabilities.

Agency Response: Thank you for your support.

DMMA is pleased to provide the opportunity to receive public comments and greatly appreciates the support given by:

- State Council for Persons with Disabilities (SCPD)
- Governor’s Advisory Council for Exceptional Citizens (GACEC)

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

The DMMA Division Director 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 the increase in greenhouse gas emissions.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the October 2025 *Register of Regulations* should be adopted with additions. The Department finds that the proposed does not require further public notice or comment under the APA because the amendments are non-substantive pursuant to 29 Del.C. §10118(c).

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Division of Social Services Manual (DSSM) regarding 18000 Delaware Healthy Children Program, specifically, to improve care transitions for individuals who are incarcerated and are eligible for Children’s Health Insurance Program (CHIP) is adopted and shall be final effective January 11, 2026.

12/12/2025 | 7:32 AM EST

Date of Signature

Christen Linke Young, Secretary, DHSS

FINAL REGULATIONS

18000 Delaware Healthy Children Program (Break in Continuity of Sections)

18800.3 Continuous Eligibility During Incarceration

-Children who are determined eligible for DHCP at initial application or renewal who later become incarcerated during a CE period must remain eligible for the duration of their CE period.

-The child's DHCP eligibility must [not] be terminated during their CE period unless they experience another permissible exception to CE. See section 18800.1 Continuous Eligibility for Target Low-Income Children.

-Eligibility may no longer be terminated for otherwise-eligible children in DHCP at renewal if the only reason for the termination is that they are inmates of a public institution. See section 60100 Incarcerated Individuals Definitions.

***Please note that no additional changes were made to the regulation as originally proposed and published in the October 2025 issue of the Register at page 267 (29 DE Reg. 267). 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/january2026/final/29 DE Reg 606 01-01-26>

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)
16 DE Admin. Code 20000

FINAL

ORDER

20000 Medicaid Long Term Care

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance initiated proceedings to amend Division of Social Services Manual (DSSM) regarding 20000 Medicaid Long Term Care, specifically, to make it permanent that for some Medicaid groups that normally have an asset limit, the state does not have to check their resources again when they renew coverage. The Department's proceedings to amend its regulations were initiated pursuant to 29 Del.C. §10114 and its authority as prescribed by 31 Del.C. §512.

The Department published its notice of proposed regulation changes pursuant to 29 Del. C. §10115 in the September 2025 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by October 1, 2025, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

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 Division of Social Services Manual (DSSM) regarding 20000 Medicaid Long Term Care.

Background

Regularly scheduled renewals of Medicaid eligibility require Delaware Medicaid to renew eligibility on basis of information available through databases such as the Asset Verification System (AVS) prior to asking the recipient to submit verification at renewal. Currently, recipients of Medicaid programs are subject to an asset test: Long Term Care (LTC), Children's Community Alternative Disability Program (CCADP), and SSI related Programs (Widows/Widowers (Age 60-64), Disabled Widows/Widowers (Age 50-59), and 17160 Adult Disabled Children). These groups must all undergo a manual renewal process, as the Asset Verification System (AVS) is not compatible with ASSIST Worker Web (AWW) for data exchange. As part of the manual review process, eligibility staff complete the ex-parte process manually, prior to generating and sending a pre-populated renewal form. This process is an intensive workload for DMMA eligibility

staff. Implementing a permanent allowance for the resource test to be waived at renewal for certain Medicaid recipients who are subject to an asset test would allow DMMA to:

- Increase the State's compliance with the ex-parte process,
- Reduce administrative burden on the State,
- Reduce worker burden, and
- Reduce member burden by increasing the number of members who may be passively renewed.

Statutory Authority

- 42 CFR §435.916

Purpose

The purpose of this regulation is to make it permanent that for some Medicaid groups that normally have an asset limit, the state does not have to check their resources again when they renew coverage.

Summary of Proposed Changes

Effective July 1, 2025, the DHSS/DMMA proposes to amend the Division of Social Services Manual (DSSM) to clarify resource tests.

Public Notice

In accordance with the *federal* public notice requirements established at 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 gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on October 1, 2025.

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 to provide any 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 Statement

There is no anticipated fiscal impact.

Summary of Comments Received with Agency Response and Explanation of Changes

DMMA is pleased to provide the opportunity to receive public comments and greatly appreciates the support given by:

- Governor's Advisory Council for Exceptional Citizens (GACEC)
- Community Legal Aid Society Inc. (CLASI)

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

The DMMA Division Director 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 the increase in greenhouse gas emissions.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the September 2025 *Register of Regulations* should be adopted.

FINAL REGULATIONS

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Division of Social Services Manual (DSSM) regarding 20000 Medicaid Long Term Care, specifically, to make it permanent that for some Medicaid groups that normally have an asset limit, the state does not have to check their resources again when they renew coverage is adopted and shall be final effective January 11, 2026.

12/12/2025 | 7:32 AM EST

Date of Signature

Christen Linke Young, Secretary, DHSS

***Please note that no changes were made to the regulation as originally proposed and published in the September 2025 issue of the *Register* at page 193 (29 DE Reg. 193). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/january2026/final/29 DE Reg 608 01-01-26>

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 25000

FINAL

ORDER

25000 Children's Community Alternative Disability Program (CCADP)

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance initiated proceedings to amend Title XIX Medicaid State Plan and Division of Social Services Manual (DSSM) regarding 25000 Children's Community Alternative Disability Program (CCADP), specifically, to make it permanent that for some Medicaid groups that normally have an asset limit, the state does not have to check their resources again when they renew coverage. The Department's proceedings to amend its regulations were initiated pursuant to [29 Del.C. §10114](#) and its authority as prescribed by [31 Del.C. §512](#).

The Department published its notice of proposed regulation changes pursuant to [29 Del. C. §10115](#) in the September 2025 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by October 1, 2025, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

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 Title XIX Medicaid State Plan and Division of Social Services Manual (DSSM) regarding 25000 Children's Community Alternative Disability Program (CCADP).

Background

Regularly scheduled renewals of Medicaid eligibility require Delaware Medicaid to renew eligibility on basis of information available through databases such as the Asset Verification System (AVS) prior to asking the recipient to submit verification at renewal. Currently, recipients of Medicaid programs are subject to an asset test: Long Term Care (LTC), Children's Community Alternative Disability Program (CCADP), and SSI related Programs (Widows/Widowers (Age 60-64), Disabled Widows/Widowers (Age 50-59), and 17160 Adult Disabled Children). These groups must all undergo a manual renewal process, as the Asset Verification System (AVS) is not compatible with ASSIST Worker Web (AWW) for data exchange. As part of the manual review process, eligibility staff complete the ex-parte process manually, prior to generating and sending a pre-populated renewal form. This process is an intensive workload for DMMA eligibility staff. Implementing a permanent allowance for the resource test to be waived at renewal for certain Medicaid recipients who are subject to an asset test would allow DMMA to:

- Increase the State's compliance with the ex-parte process,
- Reduce administrative burden on the State,
- Reduce worker burden, and
- Reduce member burden by increasing the number of members who may be passively renewed.

Statutory Authority

- 42 CFR §435.916

Purpose

The purpose of this regulation is to make it permanent that for some Medicaid groups that normally have an asset limit, the state does not have to check their resources again when they renew coverage.

Summary of Proposed Changes

Effective July 1, 2025, the DHSS/DMMA proposes to amend the Title XIX Medicaid State Plan and Division of Social Services Manual (DSSM) to clarify resource tests.

Public Notice

In accordance with the *federal* public notice requirements established at 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 gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on October 1, 2025.

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 to provide any 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 Statement

There is no anticipated fiscal impact.

Summary of Comments Received with Agency Response and Explanation of Changes

DMMA is pleased to provide the opportunity to receive public comments and greatly appreciates the support given by:

- State Council for Persons with Disabilities (SCPD)
- Governor's Advisory Council for Exceptional Citizens (GACEC)
- Community Legal Aid Society Inc. (CLASI)

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

The DMMA Division Director 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 the increase in greenhouse gas emissions.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the September 2025 *Register of Regulations* should be adopted.

FINAL REGULATIONS

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Title XIX Medicaid State Plan and Division of Social Services Manual (DSSM) regarding 25000 Children's Community Alternative Disability Program (CCADP), specifically, to make it permanent that for some Medicaid groups that normally have an asset limit, the state does not have to check their resources again when they renew coverage is adopted and shall be final effective January 11, 2026.

12/12/2025 | 7:32 AM EST

Date of Signature

Christen Linke Young, Secretary, DHSS

***Please note that no changes were made to the regulation as originally proposed and published in the September 2025 issue of the *Register* at page 194 (29 DE Reg. 194). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/january2026/final/29 DE Reg 610 01-01-26>

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

16 **DE Admin. Code** 60000

FINAL

ORDER

60000 Incarcerated Individuals Medicaid Program

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance initiated proceedings to amend Division of Social Services Manual (DSSM) regarding 60000 Incarcerated Individuals Medicaid Program, specifically, to improve care transitions for individuals who are incarcerated and are eligible for Children's Health Insurance Program (CHIP). The Department's proceedings to amend its regulations were initiated pursuant to [29 Del.C. §10114](#) and its authority as prescribed by [31 Del.C. §512](#).

The Department published its notice of proposed regulation changes pursuant to [29 Del. C. §10115](#) in the October 2025 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by October 31, 2025, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

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 Division of Social Services Manual (DSSM) regarding 60000 Incarcerated Individuals Medicaid Program.

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 (EPSDT) services for eligible juveniles who are within 30 days of release post-adjudication and Targeted Case Management (TCM) for eligible juveniles who are within 30 days of release post-adjudication and for at least 30 days following release.

Statutory Authority

- State Health Official (SHO) Letter 24-004
- The Consolidated Appropriations Act (CAA) of 2023

Purpose

The purpose of this regulation is to improve care transitions for individuals who are incarcerated and are eligible for CHIP.

Summary of Proposed Changes

Effective January 11, 2026, the DHSS/DMMA proposes to amend the DSSM regarding 60000 Incarcerated Individuals Medicaid Program.

Public Notice

In accordance with the *federal* public notice requirements established at 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 gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on October 31, 2025.

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 to provide any 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 Statement

There is no anticipated fiscal impact.

Summary of Comments Received with Agency Response and Explanation of Changes

There were no public comments received.

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

The DMMA Division Director 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 the increase in greenhouse gas emissions.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the October 2025 *Register of Regulations* should be adopted with additions. The Department finds that the proposed does not require further public notice or comment under the APA because the amendments are non-substantive pursuant to 29 Del.C. §10118(c).

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Division of Social Services Manual (DSSM) regarding 60000 Incarcerated Individuals Medicaid Program, specifically, to improve care transitions for individuals who are incarcerated and are eligible for Children's Health Insurance Program (CHIP) is adopted and shall be final effective January 11, 2026.

12/12/2025 | 7:32 AM EST

Date of Signature

Christen Linke Young, Secretary, DHSS

60000 Incarcerated Individuals Medicaid Program

(Break in Continuity of Sections)

60100 Incarcerated Individuals Definitions

Eligible Juvenile - an individual who is under 21 years of age who was determined eligible for Medicaid or DHCP in any eligibility group before becoming an inmate of a public institution or while an inmate of a public institution. This also includes the Former Foster Care [groupChildren Group] ages 18 [~~26~~ or older and under age 26].

Inmate - an individual of any age who is in custody and held involuntarily in a public institution under the operation of law enforcement authorities. Regardless of the label attached to any particular custody status, an important consideration of whether an individual is an "inmate" is the individual's legal ability to exercise personal freedom.

Inmate of a Public Institution- Federal law defines an inmate of a public institution as "a person living in a public institution."

Public Institution - Federal Law defines a public institution as "an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control. A public institution includes a correctional institution."

(See DSSM section 14120 for additional institution definitions)

***Please note that no additional changes were made to the regulation as originally proposed and published in the October 2025 issue of the Register at page 271 (29 DE Reg. 271). 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/january2026/final/29 DE Reg 612 01-01-26>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122 (16 Del.C. §122)

16 DE Admin. Code 4108

FINAL

ORDER

4108 Hearing Aid Loan Bank Program

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("DHSS"), Division of Public Health recently initiated proceedings to repeal regulation 4108 Hearing Aid Loan Bank Program. These proceedings were initiated pursuant to 29 Del.C. Ch. 101 and the authority as prescribed by 16 Del.C. §122.

On November 1, 2025 (29 DE Reg. 374), DHSS published in the *Delaware Register of Regulations* its notice of the proposed repeal, pursuant to 29 Del.C. §10115. The Division of Public Health requested that written materials and suggestions from the public concerning the proposed repeal be delivered to DHSS by December 1, 2025, after which time DHSS would review information, factual evidence, and public comment to the proposed regulation. No comments were received during the public comment period.

SUMMARY OF EVIDENCE:

In accordance with Delaware law, the public notice regarding the proposed repeal of the regulation governing the State of Delaware Hearing Aid Loan Bank Program was published in the *Delaware Register of Regulations*. Written comments were accepted on the proposed repeal during the public comment period (November 1, 2025, through December 1, 2025).

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

Division of Public Health Director Steven Blessing 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 the increase in greenhouse gas emissions.

FINDINGS OF FACT:

No changes were made to the regulation since publication as proposed. The Department finds that the proposed repeal of the regulation, as set forth in the attached copy, should be adopted in the best interest of the public of the State of Delaware.

THEREFORE, IT IS ORDERED that the proposed repeal of regulation 4108 Hearing Aid Loan Bank Program shall become effective January 11, 2026, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

12/15/2025 | 9:35 AM EST
Date

Christen Linke Young
Cabinet Secretary
Delaware Department of Health and Social Services

***Please note that no changes were made to the regulation as originally proposed and published in the November 2025 issue of the *Register* at page 374 (29 DE Reg. 374). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/january2026/final/29 DE Reg 614 01-01-26>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3)v (16 Del.C. §122(3)v)
16 DE Admin. Code 4453

FINAL

ORDER

4453 Cosmetology and Barbering

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("DHSS"), Division of Public Health initiated proceedings to amend regulation 4453 Cosmetology and Barbering on November 1, 2025 (29 DE Reg. 377). These proceedings were initiated pursuant to 29 Del.C. Ch. 101 and the authority as prescribed by 16 Del.C. §122.

DHSS published in the *Delaware Register of Regulations* its notice of the proposed amendments, pursuant to 29 Del.C. §10115. The Division of Public Health requested that written materials and suggestions from the public concerning the proposed regulation be delivered to DHSS by December 1, 2025, after which time DHSS would review information, factual evidence, and public comment on the proposed regulation. No comments were received during the public comment period.

SUMMARY OF EVIDENCE:

In accordance with 29 Del.C. §10115, the public notice regarding the proposed amendments to the regulation governing body art establishments was published in the *Delaware Register of Regulations*. Written comments were accepted on the proposed regulation during the public comment period (November 1, 2025 through December 1, 2025).

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

Division of Public Health Director Steven Blessing 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 the increase in greenhouse gas emissions.

FINDINGS OF FACT:

No changes were made to the regulation since publication as proposed. The Department finds that the proposed regulation, as set forth in the attached copy, should be adopted in the best interest of the public of the State of Delaware.

THEREFORE, IT IS ORDERED that the proposed amendments to regulation 4453 Cosmetology and Barbering shall become effective January 11, 2026, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

12/15/2025 | 9:35 AM EST

Date

Christen Linke Young
Cabinet Secretary
Delaware Department of Health and Social Services

***Please note that no changes were made to the regulation as originally proposed and published in the November 2025 issue of the *Register* at page 377 (29 DE Reg. 377). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/january2026/final/29 DE Reg 615 01-01-26>

DEPARTMENT OF HUMAN RESOURCES

STATE EMPLOYEE BENEFITS COMMITTEE

Statutory Authority: 29 Delaware Code, Sections 5256(4) and 9602(b)(4) (29 **Del.C.** §§5256(4) & 9602(b)(4))

19 **DE Admin. Code** 2007

FINAL

ORDER

2007 Disability Insurance Program Rules and Regulations

Pursuant to House Bill No. 4 amended by House Amendment No. 1 (149th General Assembly) and further amended by Senate Bill 161 (152nd General Assembly), the Department of Human Resources and the Division of Statewide Benefits and Insurance Coverage of the Department of Human Resources was established effective July 1, 2017, having powers, duties and functions as follows:

“(1) With the exception of deferred compensation pursuant to Chapter 60A of this title and any other investment or retirement savings plan, the Director of Statewide Benefits and Insurance Coverage shall be responsible for the management and administration of all currently existing and future state employee benefits programs, including but not limited to group health, group life, flexible benefits, dental, vision, prescription, long-term care, disability, and supplemental benefits.”

Epilogue language referenced below from Section 25 House Bill No. 195 (152nd General Assembly) allows the State Employee Benefits Committee (SEBC) to amend the Disability Insurance Program (DIP) Rules & Regulations.

“Section 25. Notwithstanding the provisions of the Administrative Procedures Act, 29 e.l. C. c. 101 or any other laws to the contrary, the State Employee Benefits Committee is authorized to amend the rules for Employees Eligible to Participate in the Group Health Insurance Program and the State Disability Insurance Program by approving such amendments and causing the amendments to be published in the Register of Regulations with such amendments to be effective as of the date of such publication unless otherwise specified by the State Employee Benefits Committee.”

The SEBC 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 the increase in greenhouse gas emissions or any assessment of the proposed regulation is not practical.

Pursuant to the authority vested in the State Employee Benefits Committee (SEBC) by **29 Del.C. §10118(b)(3)**, **29 Del.C. §§5256(4)**, **9602(b)(4)**, the SEBC hereby amends the Rules and Regulations for the State of Delaware Disability

Insurance Program (19 DE Admin. Code 2007), as shown on the attached version of such rules. The amendments shall have an effective date of January 1, 2026.

This order is effective January 1, 2026.

STATE OF DELAWARE DEPARTMENT OF HUMAN RESOURCES

By: Stephanie R. Hartos
Director, Statewide Benefits and Insurance Coverage Office

Date: December 9, 2025

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

[https://regulations.delaware.gov/register/january2026/final/29 DE Reg 616 01-01-26](https://regulations.delaware.gov/register/january2026/final/29%20DE%20Reg%20616%2001-01-26)

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 23 Delaware Code, Section 2114 (23 Del.C. §2114)
7 DE Admin. Code 3100

FINAL

ORDER

3100 Boating

Secretary's Order No.: 2025-F-0036

RE: Approving Final Amendments to 7 DE Admin. Code 3100: *Boating*

Date of Issuance: December 08, 2025

Effective Date of the Amendment: January 11, 2026

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), pursuant to 23 *Del. C.* 2114, the Department's general authority as provided under 7 *Del. C.* Chapter 60, and all other relevant statutory authority, the following findings of fact based on the record, reasons and conclusions are entered as an Order of the Secretary in the above-referenced promulgation.

Background, Procedural History and Findings of Fact

This Order relates to the Department's proposed regulatory amendments to 7 DE Admin. Code 3100: *Boating* ("Amendments"). The Department's Division of Fish and Wildlife ("DFW") is proposing to amend eight (8) sections of Delaware's existing Boating regulations. These Amendments pertain to the compliance and enforcement of all vessels used on Delaware's waterways. Specifically, Amendments are proposed within the following sections: 1.0 *General*; 2.0 *Definitions*; 3.0 *Vessel Registration & Numbering*; 4.0 *Casualty Reporting*; 5.0 *Water Skiing*; 6.0 *Vessel Speed*; 9.0 *Minimum Required Equipment*; and 10.0 *Boat Ramps & Parking Lots Administered by Division*.

In addition to the Amendments being proposed to the sections noted above, there are numerous clerical changes being made throughout the existing Boating regulations (i.e., updating formatting and style) to comply with the current *Delaware Administrative Code Drafting and Style Manual*. It should be noted that such changes are not substantive in nature and thus do not change the intent of the Department's existing regulations.

The Department's proposed Amendments serve to align Delaware's boating safety measures in accordance with the safety procedures outlined by the United States Coast Guard and federal law. Specifically, the Amendments seek to raise the threshold for reportable accidents, introduce immediate notification requirements, establish no-wake buffer zones for emergency vehicles, and to update mandatory safety equipment standards. The Amendments also broaden prohibited areas for water skiing and clarify parking restrictions. Additionally, the Department has made clerical changes to clarify existing definitions, reduce ambiguity, update administrative criteria for boating registrations, and to modernize language to reflect current terminology, thus resulting in higher efficiency with DNREC's internal protocols,

and a greater understanding of these regulations within the boating community. The Department notes that these Amendments are not anticipated to have a detectable impact on the environment, nor result in additional costs to the affected entities.

The following section of this Order provides a brief description of the Amendments proposed by the DFW, as published in the State of Delaware *Register of Regulations* on October 1, 2025:

Section 1.0: General

The proposed Amendments to Section 1.0 are needed to update the terminology regarding the Department's law enforcement personnel to reflect the official title of "Natural Resources Police officer." This change not only brings consistency in the terms used between the Department and Delaware's Administrative Code, but further serves to clarify the officer's jurisdiction, thus strengthening their authority in enforcement and compliance actions relating to these regulations.

Section 2.0: Definitions

The proposed Amendments within Section 2.0 are needed to bring the existing regulations into compliance with federal laws, clarify multiple safety-related definitions, and to add new definitions. Specifically, the proposed Amendments to Section 2.0 will (1) introduce new terms, such as "Docking facility," "ECOS," "ECOS Link," "Throwable PFD," "Underway," "Vessel," and "Wearable PFD"; (2) replace "Enforcement officer" with "Natural Resources Police officer"; and (3) clarify the definition for "State of Principle Use."

Section 3.0: Vessel Registration & Numbering

The proposed Amendments within Section 3.0 are needed to modernize vessel registration requirements and align Delaware's registration process with federal standards. Specifically, the proposed Amendments to Section 3.0 will (1) remove the application requirement for a social security number and replace it with alternative owner identifiers such as the owner's tax identification number, or their date of birth in tandem with their driver's license number or other unique number; (2) remove the size dimensions for the Certificate of Number ("CON") and replace it with "pocket-sized"; (3) add that the CON must be in a hard copy or digital format; (4) add terms to identify the use of the vessel ("commercial operation," "charter fishing," and "documented"); (5) add terms to identify the type of the vessel's hull ("rubber/vinyl/canvas"); (6) add terms to identify vessel type ("air boat," "auxiliary sail," "cabin motorboat," "houseboat," "inflatable boat," "open motorboat," "paddle craft," "personal watercraft," "pontoon boat," "rowboat," "sail only," and "other"); (7) add terms to identify the propulsion type ("air thrust," "manual," "propeller," "sail," "water jet," and "other"); (8) add terms to identify the drive type ("inboard," "outboard," "pod drive," "sterndrive," and "other"); (9) add terms to identify fuel type ("gas" and "electric"); and (10) replace outdated references to "Enforcement officer" with "Natural Resources Police officer."

Section 4.0: Casualty Reporting

The proposed Amendments within Section 4.0 are needed to align the existing regulations with federal reporting requirements and to enhance public safety on Delaware waterways. Specifically, the proposed Amendments to Section 4.0 will (1) increase the reporting damage threshold from five-hundred U.S. dollars (\$500) to two-thousand U.S. dollars (\$2,000); (2) add a requirement to immediately notify the Natural Resources Police in the event that a vessel causes property damage and the property owner cannot be immediately located; and (3) replace outdated division names/agent titles with "Natural Resources Police" or "Natural Resources Police officer."

Section 5.0: Water Skiing

The proposed Amendments within Section 5.0 are needed to reduce collisions, property damage, and injury in high-traffic waterways. This will be accomplished by adding the Chesapeake and Delaware Canal to the list of areas prohibited for water skiing.

Section 6.0: Vessel Speed

The proposed Amendments within Section 6.0 are needed to improve safety conditions for first responders to reduce potential wake-related damage or accidents. This will be accomplished by adding a slow-no-wake requirement when within one hundred (100) feet of any law enforcement or other emergency vessel with emergency lights activated.

Section 9.0: Minimum Required Equipment

The proposed Amendments within Section 9.0 are needed to modernize the safety equipment standards to align the existing regulation with United States Coast Guard requirements. Specifically, the proposed Amendments to Section 9.0 will (1) add an engine cut-off switch ("ECOS") requirement for all vessels under twenty-six (26) feet in length that are capable of developing one-hundred and fifteen (115) pounds of thrust or three (3) horsepower while on plane or above a slow-no-wake-speed, unless the operator is wearing an ECOS link; (2) include an exception for enclosed-helm vessels and older vessels not originally equipped with ECOS; (3) clarify requirements for portable and semi-portable fire extinguishers onboard a vessel; (4) explain how a semi-portable extinguisher must be fitted to cover the area of concern; (5) address other types of fire extinguishers that may be carried onboard as excess equipment; (6) simplify terminology for Personal Flotation Devices ("PFD") by replacing Types I-V with the new terms, "wearable" and

“throwable”; (7) update the old typing codes for fire extinguishers with the current manufacturer’s terms; and (8) replace outdated references to “enforcement officer” with “Natural Resources Police officer.”

It should be noted that clerical error was discovered in Subsection 9.4 of the proposed Amendments by Department staff subsequent to their publication in the October 1, 2025, edition of the *Register of Regulations*. That error, which was non-substantive in nature, was corrected by the Department and then fully vetted to the public at the time of the public hearing on October 22, 2025. The *revised* proposed Amendments, which are now being adopted as final Amendments, reflect this correction.

Section 10.0: Boat Ramps & Parking Lots Administered by Division

The proposed Amendments to Section 10.0 are needed to clarify parking regulations for Division-owned properties. Specifically, the proposed Amendments to Section 10.0 will (1) add the term “vessel” to the list of equipment that cannot be left unattended in a Division-owned parking lot in excess of forty-eight (48) hours without contacting the Natural Resources Police; (2) replace “boat trailer” with “trailer”; and (3) replace outdated division names/agent titles with “Natural Resources Police” or “Natural Resources Police officer.”

The Department has the statutory basis and legal authority to promulgate the above proposed Amendments, pursuant to 23 *Del.C.* §2114, and the general authority provided to the Department under 7 *Del.C.* Ch. 60. All notification and noticing requirements concerning this matter were met by the Department. Proper notice of the hearing was provided as required by law.

Department staff, as well as members of the public, attended the public hearing held on October 22, 2025. Pursuant to 29 *Del.C.* §10118(a), the Record remained open for receipt of public comment through November 7, 2025, however, no comments were received by the Department at any time throughout the course of this regulatory promulgation. Thereafter, Hearing Officer Lisa A. Vest prepared her Hearing Officer’s Report (“Report”) dated December 2, 2025. The Report expressly incorporated into the Record the *revised* proposed Amendments, attached thereto as Appendix “A.” Furthermore, the Report set forth the procedural history, summarized and established the Record, and provided findings of fact, reasons and conclusions that recommend the adoption of the *revised* proposed Amendments as final.

Reasons and Conclusions

Currently pending before the Department are the *revised* proposed Amendments to 7 DE Admin. Code 3100, *Boating*. As noted previously, the Department believes the additional *revisions* made to the proposed Amendments during the post-hearing phase of this promulgation, which are non-substantive in nature, provide further understanding and clarity to the regulated community in this matter, and are non-substantive in nature. Thus, no additional publication or public hearing is necessary in this matter.

Based on the Record developed in this matter, I find and conclude that the Department has provided appropriate reasoning regarding the need for the *revised* proposed Amendments. I also find that the *revised* proposed Amendments comply with all applicable federal and state laws and regulations, and that the same are in accordance with the safety procedures outlined by the United States Coast Guard, pursuant to 23 *Del.C.* § 2114. Accordingly, I recommend promulgation of the *revised* proposed Amendments to 7 DE Admin. Code 3100: *Boating*, in the customary manner provided by law.

Further, the following reasons and conclusions are hereby entered:

1. The Department has the statutory basis and legal authority to act with regard to the *revised* proposed Amendments to 7 DE Admin. Code 3100: *Boating*, pursuant to 23 *Del.C.* §2114;
2. The Department has jurisdiction under its statutory authority, pursuant to 7 *Del. C.* Ch. 60, to issue an Order adopting the *revised* proposed Amendments as final;
3. The Department provided adequate public notice of the proposed Amendments and all proceedings in a manner required by the law and regulations, and provided the public with an adequate opportunity to comment on the same, including at the time of the virtual public hearing held on October 22, 2025, and during the days subsequent to the public hearing (through November 7, 2025), before making any final decision;
4. Promulgation of the *revised* proposed Amendments will enable the Department to align Delaware’s boating safety measures in accordance with the safety procedures outlined by the United States Coast Guard and all applicable state and federal laws, improve efficiency within the agency, and provide a greater understanding of these regulations to the boating community;

FINAL REGULATIONS

5. The Department has reviewed the *revised* proposed Amendments in the light of the *Regulatory Flexibility Act*, consistent with 29 *Del.C.* Ch. 104, and believes the same to be lawful, feasible, and desirable, that it will not establish substantive additional costs for individuals or small businesses, and that the recommendations as proposed should be applicable to all Delaware individuals or small businesses equally;
6. Further, the Department has reviewed this *revised* proposed regulatory promulgation in the light of 7 *Del.C.* §10003 and 29 *Del.C.* §10118(b)(3), and has determined that conducting such an assessment regarding the impact of this regulation on the achievement of the State of Delaware's greenhouse gas emissions reduction targets is not practical;
7. The Department's Hearing Officer's Report, including its established Record and the recommended proposed Amendments as set forth in Appendix "A" therein, are hereby adopted to provide additional reasons and findings for this Order;
8. The Department's proposed Amendments, as published in the October 1, 2025, *Delaware Register of Regulations*, then *revised* to correct clerical error and fully vetted as such at the public hearing held on October 22, 2025, are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, they should be approved as final Amendments, to go into effect ten (10) days after their publication in the next available issue of the *Delaware Register of Regulations*;
9. The Department has an adequate Record of its decision, and no further public hearing is appropriate or necessary;
10. The Department shall submit this Order approving the *revised* proposed Amendments as final Amendments to the *Delaware Register of Regulations* for publication in its next available issue, and provide such other notice as the law and regulation require, as the Department determines is appropriate; and
11. The Department shall serve and publish its Order on its internet site.

Gregory Patterson
Secretary

3100 Boating

(Break in Continuity of Sections)

9.0 Minimum Required Equipment for Vessels Using State Waters (Formerly BR-9)

(Penalty Section 23 ~~Del.C.~~ §2125)

(Break in Continuity Within Section)

9.4 Engine cut-off switch (ECOS).

No person shall operate a vessel less than 26 feet in length, and capable of developing 115 pounds of ~~trust~~ thrust or 3 horsepower, while on plane or above a slow-no-wake speed unless the operator is wearing an ECOS link.

This regulation may not apply if the main helm of the vessel is installed ~~with and~~ within an enclosed cabin; or the vessel or outboard engine was manufactured prior to 2020 and was not equipped with an ECOS.

***Please note that no additional changes were made to the regulation as originally proposed and published in the October 2025 issue of the *Register* at page 287 (29 DE Reg. 287). 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/january2026/final/29 DE Reg 617 01-01-26>

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Sections 102(a), 103(a) and (b), 801, and 7 Delaware Code, Chapter 60 (7 **Del.C.** §§102(a), 103(a) & (b), 801, & 7 **Del.C.** Ch. 60)
7 **DE Admin. Code** 3900

FINAL

ORDER

3900 Wildlife

Secretary's Order No.: 2025-F-0037

RE: Approving Final Amendments to 7 DE Admin. Code 3900: *Wildlife*

Date of Issuance: December 8, 2025

Effective Date of the Amendment: January 11, 2026

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), and pursuant to 7 *Del C.* §§102(a), 103(a) and (b), 801, the general authority as provided under 7 *Del.C.* Chapter 60, and all other relevant statutory authority, the following findings of fact based on the record, reasons and conclusions are entered as an Order of the Secretary in the above-referenced promulgation.

Background, Procedural History and Findings of Fact

This Order relates to the Department's proposed regulatory amendments to 7 DE Admin. Code 3900: *Wildlife* ("Amendments"). The Department's Division of Fish and Wildlife ("DFW") is proposing to amend eight (8) sections of Delaware's existing Wildlife regulations pertaining to the management and conservation of wildlife, including activities involving hunting and activities authorized on Division-owned lands. Specifically, amendments are being proposed within the following sections: 2.0 *Method of Take*, 3.0 *Federal Laws and Regulations Adopted*, 4.0 *Seasons*, 5.0 *Wild Turkeys*, 7.0 *Deer*, 8.0 *General Rules and Regulations Governing Land and Waters Administered by the Division*, 20.0 *Game Bird Releases*, and 23.0 *Non-native/Invasive Wildlife*.

In addition to the Amendments being proposed to the sections noted above, there are numerous clerical changes being made throughout the existing Wildlife regulations (i.e., updating formatting and style) to comply with the current *Delaware Administrative Code Drafting and Style Manual*.

The Department's proposed Amendments serve to provide additional hunting opportunities in Delaware, such as the expansion of current seasons, the removal of age restrictions, and the elimination or modification of harvest reporting requirements. Other proposed Amendments clarify appropriate seasons to use certain types of firearms and allow the use of motorized carts to transport game or equipment.

The following section of this Order provides a brief description of the Department's proposed Amendments, as published in the State of Delaware *Register of Regulations* on August 1, 2025:

Section 2.0: Method of Take

The proposed Amendments within Section 2.0 are needed to revise existing ambiguous language contained therein, specifically, to clarify the seasons for which muzzleloaders may be used to harvest deer.

Section 3.0: Federal Laws and Regulations Adopted

The proposed Amendments within Section 3.0 are needed to bring Delaware's existing regulations into compliance with federal laws. Specifically, the proposed Amendments to Section 3.0 will allow all hunters under the age of sixteen (16) to participate during the special youth hunts for waterfowl and migratory gamebirds.

Section 4.0: Seasons

The proposed Amendments within Section 4.0 are needed to adjust existing seasons and remove certain harvesting requirements. Delaware's existing regulatory language in this Section is outdated, as it reflects past restrictions of Sunday hunting for game birds; that law was amended several years ago by Delaware's General Assembly. The Department's proposed changes would provide hunters with more weekend hunting opportunities.

Additionally, the removal of present mandatory reporting requirements is reflective of the Department's shift towards collecting harvest information through alternative means. The proposed Amendments to Section 4.0 will (1) allow crow hunting on Fridays, Saturdays, and Sundays from the fourth Friday in June through the last Sunday in March; and (2) eliminate the gray fox harvest reporting requirement.

Section 5.0: Wild Turkeys

The proposed Amendments within Section 5.0 are needed to extend existing seasons, remove erroneous text regarding harvest reporting, and to modify age restrictions for youth hunts. As is the case in the previous Section, the existing regulatory language in Section 5.0 is outdated, as it reflects past restrictions of Sunday hunting for game birds; as noted previously, that law was amended several years ago by the General Assembly. Additional outdated regulatory language defining turkey harvesting requirements will be removed to reflect the shift towards electronic reporting. Specifically, the proposed Amendments to this Section will (1) clarify that the turkey season will now end on Sunday instead of Saturday; (2) eliminate obsolete turkey harvest reporting requirements; and (3) allow all hunters under the age of 16 to participate in the special youth hunts for turkeys.

Section 7.0: Deer

The proposed Amendments within Section 7.0 are needed to modify age restrictions for youth hunts. Specifically, the proposed changes will allow all hunters under the age of 16 to participate in the special youth hunts for deer.

Section 8.0: General Rules and Regulations Governing Land and Waters Administered by the Division

The proposed Amendments within Section 8.0 are needed to allow motorized electric carts, wagons, or wheelbarrows to transport hunting and fishing equipment or game and fish on lands administered by the Division, provided they are not ridden or used to transport any person. The Department notes that anyone using such equipment must walk during the duration of its use.

Section 20.0: Game Bird Releases

The proposed Amendments within Section 20.0 are needed to revise erroneous text regarding the differentiating number of gamebirds released, specifically, to clarify which permit an individual would need in such instances.

Section 23.0: Non-Native/Invasive Wildlife

The proposed Amendments within Section 23.0 are needed to extend existing seasons, and to remove certain harvesting requirements to reflect the Department's shift towards collecting harvest information through alternative means. Specifically, the proposed Amendments to this Section will (1) extend the coyote hunting season from July 1 to June 30; and (2) eliminate the coyote harvest reporting requirement.

The Department has the statutory basis and legal authority to promulgate the above proposed Amendments, pursuant to 7 *Del.C.* §§102(a), 103(a) and (b), 801, and the general authority provided to the Department under 7 *Del.C.* Ch. 60.

Department staff, as well as members of the public, attended the public hearing held on August 27, 2025. Comments were received from the public by the Department at the time of the public hearing, as well as during both the pre- and post-hearing phases of this promulgation. Pursuant to 29 *Del.C.* §10118(a), the Record remained open subsequent to the date of the public hearing for receipt of public comment through September 12, 2025.

At the request of Hearing Officer Lisa A. Vest, the Department's subject matter experts in the DFW provided a Technical Response Memorandum ("TRM") for the benefit of the Record generated in this matter. The Department's TRM, dated October 1, 2025, is discussed in greater detail below. It should be noted that all notification and noticing requirements concerning this matter were met by the Department. Proper notice of the hearing was provided as required by law.

Following receipt of the Department's TRM, Hearing Officer Vest prepared her Hearing Officer's Report ("Report") dated December 2, 2025. The Report expressly incorporated the following documents into the Record generated in this matter, and attached the same to the Report as Appendices "A" and "B," respectively:

- **Appendix "A"**: The Department's proposed Amendments, as published in the August 1, 2025, Delaware Register of Regulations; and
- **Appendix "B"**: TRM dated October 1, 2025.

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

Reasons and Conclusions

Currently pending before the Department is the adoption of the *revised* proposed Amendments to 7 DE Admin. Code 3900, *Wildlife*. The following section of this Report addresses the specific areas of concern mentioned in the public comments received by the Department in this matter and provides the DFW's responses to the same.

1. **Section 8.0: General Rules and Regulations Governing Land and Waters Administered by the Division**

The DFW received several comments in opposition to the permitting of motorized carts, wagons, or wheelbarrows utilized to transport equipment or harvested game on lands administered by the Division. Specifically, concerns were raised that the use of such devices would lead to an increased hunting presence and the disturbance of state wildlife areas (which already receive significant pressure by hunters). One commenter stated that it was inappropriate to allow such motorized devices while restricting the use of other motorized conveyances (such as e-

bikes). Another commenter indicated that such devices should only be permitted to haul game, so as to minimize environmental impacts on the state wildlife areas.

In response to these comments, the DFW believes that permitting the use of motorized carts, wagons, or wheelbarrows will not increase hunter numbers on state wildlife areas, as they anticipate individuals who might use such devices are likely already hunting in these public areas. Rather, the Division believes that permitting such devices may assist in retaining participation from the aging hunting population. Additionally, the Division does not believe that the use of such devices will lead to environmental impacts on our public areas, as they are extremely slow (unlike an e-bike), and any noise disturbance would be comparable to an individual dragging out a harvested deer or carrying in hunting equipment.

2. Section 23.0: Non-native/Invasive Species

The majority of the comments received by the Department in this promulgation concerned the proposed extension of the coyote hunting season from its current length of six months to year-round. The Department anticipated the increased public feedback on this particular proposal, as the DFW received extensive feedback when the coyote regulations were first established in 2014.

Five (5) of the comments received by the Department on Section 23.0 were in support of the extension of the hunting season, while six (6) individuals opposed it. Those in support of this proposal believed that extending the coyote season would allow hunters to better manage this invasive/non-native species and help prevent impacts to native wildlife while increasing hunting opportunities. One commenter stated that coyotes should be eradicated from Delaware because they are an invasive/non-native species, while another commenter supported the expansion of the hunting season because they had seen coyotes in their suburban 55+ community and, being disabled, feared for both their and their pet's safety.

The commenters in opposition to the year-round extension of the coyote hunting season voiced numerous reasons for the same. Several commenters noted that coyotes, as predators of deer, may help to control Delaware's deer population and reduce agricultural crop damage. Other comments referenced the importance of predators like coyotes in maintaining healthy ecosystems. One commenter believed that coyotes are not a threat to pets or livestock; rather, their presence may help to create a balance of nature in Delaware. Another commenter mentioned the role predators play in preventing the transmission of diseases such as Chronic Wasting Disease ("CWD") in deer, while one commenter expressed frustration with the Department for expanding hunting seasons to generate more revenue.

The most extensive comments originated from the *Northeast Regional Director of the Humane World for Animals* (formerly known as the *Humane Society of the United States*). This organization strongly opposed the extension of the coyote hunting season to year-round and the elimination of the requirement for coyote hunters and trappers to report their kills. In support thereof, the organization cited studies asserting that year-round hunting of coyotes does not reduce their population; rather, it could potentially increase it by disrupting the species' social structure (thereby encouraging more breeding and migration). The organization further stated that research has shown that the year-round hunting of coyotes does not prevent livestock conflicts, and could even exacerbate them, again, based on the disruption of coyote pack structure. Additionally, they stated that the year-round hunting of coyotes would not result in an increased population of game animals, especially deer, as coyote populations are not limiting deer numbers. Lastly, the organization declared that the indiscriminate hunting of coyotes would remove an ecologically important species from the landscape, leading to the orphaning and starvation of dependent young.

In response to these comments, the TRM notes that extensive scientific studies conducted in Pennsylvania (as well as research done by the DFW in collaboration with the University of Delaware) have shown that coyotes are not significant predators of deer in the Mid-Atlantic region. Unlike in New England areas, the Mid-Atlantic region does not typically have sufficient deep snow for an extended period (thus making deer more vulnerable to coyote predation).

Additionally, unlike many southern states, deer in the Mid-Atlantic region have a synchronous breeding cycle, where the fawning season is relatively short. Consequently, most fawns have been born and are mobile enough to escape predation by the time coyotes become aware that fawns are available. Therefore, it is the DFW's opinion that coyotes are not a significant predator of deer in Delaware, and as such, the expansion of their hunting season is not being proposed to increase or decrease deer populations.

The DFW further notes in the TRM that some of the comments made by the above organization are counterintuitive, such as their position that expanding the hunting season will likely increase the coyote population in Delaware. For example, they state that an increased harvest will cause a disruption of the coyote's social structure (thus leading to increased breeding); however, they also state that a year-round hunting season will also increase the mortality of young coyotes. The Department notes that, in practice, Pennsylvania and other nearby states have had year-round coyote hunting seasons for decades with little impact, positively or negatively, to the statewide coyote population. One point the DFW does agree with is that there is over a century's worth of data showing that hunting, trapping and even extensive predator control methods (i.e., bounties and poisoning) will not control coyotes on a landscape or even a statewide level. Ultimately, what will determine how many coyotes are in Delaware are the coyotes themselves.

Additionally, the DFW notes that the proposed expansion to the hunting season is not intended to better manage the species on a statewide level, but rather to improve management of coyotes at the local or land parcel level. Increasing hunting opportunities for landowners can be very effective in reducing local numbers of coyotes, as year-round hunting pressure provides more opportunities for harvest and can cause coyotes to abandon an area. Although DNREC has had a year-round coyote depredation order in effect since 2014, it is only intended for use when there is an imminent threat of injury to people, livestock, or pets. Currently, there is no legal means for a landowner to remove coyotes from their property outside the current September – February hunting season in the absence of such an imminent threat as noted above. The proposed year-round coyote hunting season will provide these landowners with another wildlife management tool, similar to the DFW's deer damage program that provides landowners a mechanism to protect their agricultural crops.

Although the DFW is proposing to eliminate the reporting requirement for hunter and trapper harvested coyotes, they believe this information can be accurately calculated through their annual hunter and trapper harvest surveys, which are currently used to estimate the harvest of all other furbearers like red foxes, raccoons, muskrats and opossums. After eleven years of gathering coyote harvest data, the DFW believes that the reporting requirement is unnecessary, and that by switching to the annual harvest surveys, the Department will be better able to compare harvest and population trends of coyotes with those of other furbearers – which would be important if population trends of these mesocarnivores were to be effected by a disease outbreak or a change in furbearers hunting or trapping pressure. Lastly, it is important to note that the reported coyote harvest in Delaware has remained stable and very low since the DFW established a coyote hunting and trapping season and a depredation order in 2014. During the four-year period between 2020-2023, the reported harvest has been 8, 4, 5 and 12 individual coyotes, respectively. The DFW does not anticipate a year-round hunting season to significantly increase harvest numbers; however, as previously noted, it will allow landowners an additional wildlife management tool and increased hunting opportunities.

Based on the Record developed in this matter, I find and conclude that the Department has provided appropriate reasoning regarding the need for the proposed Amendments. Accordingly, I recommend promulgation of the proposed Amendments to 7 DE Admin. Code 3900: *Wildlife*, in the customary manner provided by law.

Further, the following reasons and conclusions are entered:

1. The Department has the statutory basis and legal authority to act with regard to the proposed Amendments to 7 DE Admin. Code 3900: *Wildlife*, pursuant to 7 *Del.C.* §§102(a), 103(a) and (b), and 801;
2. The Department has jurisdiction under its statutory authority, pursuant to 7 *Del. C.* Ch. 60, to issue an Order adopting the proposed Amendments as final;
3. The Department provided adequate public notice of the proposed Amendments and all proceedings in a manner required by the law and regulations, and provided the public with an adequate opportunity to comment on the proposed Amendments, including at the time of the virtual public hearing held on August 27, 2025, and during the days subsequent to the public hearing (through September 12, 2025), in order to consider all public comment on the same before making any final decision;
4. Promulgation of the proposed Amendments will enable DNREC to provide additional hunting opportunities in Delaware with the expansion of current seasons, the removal of age restrictions, and the elimination or modification of harvest reporting requirements. Additionally, the proposed Amendments will clarify the appropriate seasons to use certain types of firearms and allow the use of motorized carts to transport game or equipment. Lastly, the proposed Amendments further serve to provide minor administrative updates to correct grammar and misspellings, and to bring the existing Wildlife regulations into current formatting style;
5. The Department has reviewed the proposed Amendments in the light of the Regulatory Flexibility Act, consistent with 29 *Del.C.* Ch. 104, and believes the same to be lawful, feasible, and desirable, that it will not establish substantive additional costs for individuals or small businesses, and that the recommendations as proposed should be applicable to all Delaware individuals or small businesses equally;
6. Further, the Department has reviewed this proposed regulatory promulgation in the light of 7 *Del.C.* §10003 and 29 *Del.C.* §10118(b)(3), and has determined that conducting such an assessment regarding the impact of this regulation on the achievement of the State of Delaware's greenhouse gas emissions reduction targets is not practical;
7. The Department's Hearing Officer's Report, including its established Record and the recommended proposed Amendments as set forth in its Appendix "A" attached thereto, are hereby adopted to provide additional reasons and findings for this Order;
8. The Department's proposed Amendments, as published in the August 1, 2025, *Delaware Register of Regulations*, then fully vetted to the public at the aforementioned public hearing held on August 27, 2025, are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, they should be approved as final regulatory Amendments, which shall go into effect ten (10) days after publication in the next available issue of the *Delaware Register of Regulations*;

9. The Department has an adequate Record of its decision, and no further public hearing is appropriate or necessary;
10. The Department shall submit this Order approving the proposed Amendments as final Amendments to the *Delaware Register of Regulations* for publication in its next available issue, and shall provide such other notice as the law and regulation require, as the Department determines is appropriate; and
11. The Department shall serve and publish its Order on its internet site.

Gregory Patterson
Secretary

***Please note that no changes were made to the regulation as originally proposed and published in the August 2025 issue of the *Register* at page 99 (29 DE Reg. 99). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/january2026/final/29 DE Reg 621 01-01-26>

**DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Pharmacy**

Statutory Authority: 24 Delaware Code, Section 2506(a)(1) (24 **Del.C.** §2506(a)(1))
24 **DE Admin. Code** 2500

FINAL

ORDER

2500 Board of Pharmacy

After due notice in the Delaware Register of Regulations and two Delaware newspapers, a public hearing was held on August 20, 2025 at a scheduled meeting of the Delaware Board of Pharmacy ("Board") to receive comments regarding proposed amendments to the Board's regulation. The Board proposed to amend subsection 5.1.6, pertaining to compounding; a new Section 21.0 was added concerning work conditions for pharmacists; and a new Section 22.0 was added to set forth the parameters where a pharmacist may decline to fill a prescription based on professional judgment.

The proposed amendments were published in the January 1, 2025 *Delaware Register of Register of Regulations*, Volume 28, Issue 7. The public hearing was scheduled for February 19, 2025. However, the hearing was cancelled. The hearing was rescheduled to April 16, 2025, but due to lack of quorum, was cancelled. As a result, the hearing was rescheduled for August 20, 2025. A General Notice was published in the July 1, 2025 *Delaware Register of Regulations*, Volume 29, Issue 1. Notice of the August 20, 2025 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 September 4, 2025. The Board deliberated on the proposed revisions at its regularly scheduled meeting on September 30, 2025.

Summary of the Evidence and Information Submitted

The following exhibits were made a part of the record:

Board Exhibit 1: *News Journal* Affidavit of Publication.

Board Exhibit 2: *Delaware State News* Affidavit of Publication.

Board Exhibit 3: Letter from Albertsons Companies, dated August 29, 2025.

In the August 29, 2025 letter, Board Exhibit 3, Anthony DalPonte of Albertsons Companies requested that the Board withdraw the proposed Section 21.0 and work collaboratively with stakeholders to develop a standard of care regulatory framework. Mr. DalPonte suggested changes to the proposed regulatory amendments. He asserted that rather than improving patient care, proposed Section 21.0 risks "creating operational inefficiencies, enforcement inconsistencies, and barriers to innovation.

In addition, at the hearing on August 20, 2025, one member of the public addressed the Board. Alison Panicola from Albertsons made public comment by stating that she strongly opposed proposed Section 21.0 which will place an unnecessary administrative burden and compliance costs on pharmacies and pose risks to patient access to services such as immunizations. If adopted, the proposed Section 21.0 will make Delaware the most restrictive state with respect to pharmacy work conditions.

FINDINGS OF FACT AND CONCLUSIONS

1. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed amendments to the Board's regulation.
2. There were public comments provided to the Board both in writing and by testimony at the public hearing.
3. Pursuant to 24 **Del.C.** § 2506(a)(1), the Board has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute.
4. The Board proposed to amend its regulation. Specially, the Board proposed to amend subsection 5.1.6, pertaining to compounding; a new Section 21.0 was added concerning work conditions for pharmacists; and a new Section 22.0 was added to set forth the parameters where a pharmacist may decline to fill a prescription based on professional judgment.
5. In deliberations on the proposed regulatory amendments, the Board considered the public comments presented. The Board determined that regulations pertaining to pharmacist work conditions are needed now to ensure safe practice in the best interests of pharmacy patients. To the extent that pharmacy practice evolves, and further revisions are needed, the regulation can be revisited later.
6. The Board has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation on the State's resiliency to climate change is not practical.

Decision and Effective Date

The Board finds that the regulation shall be adopted as final in the form proposed. These changes will become effective ten days following publication of this Final Order in the Delaware *Register of Regulations*.

Text and Citation

The exact text of the regulation, as amended, is attached to this Final Order as Exhibit A.

IT IS SO ORDERED this 23rd day of October 2025 by the Delaware Board of Pharmacy.

DELAWARE BOARD OF PHARMACY

/s/ Joshua Coffield, PharmD
President

/s/ Cheri Briggs, PharmD
Vice President

/s/ Nicholas Juliano, PharmD

/s/ Solomon Ezembakwe, PharmD

/s/ Vincent Madaline, PharmD

/s/ Safwat Ibrahim, RPh

/s/ Lakeisha Cunningham

***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 January 2025 issue of the *Register* at page 507 (28 DE Reg. 507). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/january2026/final/29 DE Reg 625 01-01-26>

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRANSPORTATION SOLUTIONS

Statutory Authority: 21 Delaware Code, Section 4170A (21 Del.C. §4170A)

2 DE Admin. Code 1207

FINAL

ORDER

1207 Electronic Speed Monitoring System

Pursuant to the authority provided by 21 Del.C. §4170A, the Delaware Department of Transportation (the "Department") adopted revisions to its existing regulation related to the Electronic Speed Monitoring System (ESMS) program along qualifying roadways across the State of Delaware.

Findings of Fact and Conclusions of Law

1. The public was given notice and the opportunity to provide comments in writing concerning the proposed regulation.
2. This proposed regulation was originally published in the November 2025 *Register* and the Department is now finalizing the proposed regulation for the January 2026 *Register*.
3. The proposed regulations are useful and proper, and the Department believes that the adoption of these regulations is appropriate.
4. Per Section 10118 (b)(3) of Title 29 regarding the State's greenhouse gas emissions reduction targets and resiliency to climate change, assessment is not practical for this regulation.

Decision and Effective Date

Based on the provision of Delaware law and the record of this docket, I hereby adopt the Electronic Speed Monitoring System as set forth in the version attached, to be effective within 10 days of publication.

IT IS SO ORDERED 8TH day of December 2025.

Shanté Hastings, PE
Secretary, Delaware Department of Transportation

***Please note that no changes were made to the regulation as originally proposed and published in the November 2025 issue of the *Register* at page 383 (29 DE Reg. 383). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/january2026/final/29 DE Reg 627 01-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 29 Delaware Code, Chapter 100 (29 Del.C. Ch. 100)

8 DE Admin. Code 1400

FINAL

ORDER

1400 Policies and Procedures Regarding FOIA Requests

Pursuant to the authority provided by 29 Del.C. Ch. 100, the Delaware Department of Transportation (the "Department") established policy and procedures that the Department may use regarding Delaware Freedom of Information of Information Requests.

Findings of Fact and Conclusions of Law

1. The public was given notice and the opportunity to provide comments in writing concerning the proposed regulation.
2. The final version of the proposed regulation, including minor edits made after the public comment period, incorporates non-substantive changes which are administrative and non-substantive in nature to conform to the *Delaware Administrative Code Drafting and Style Manual*.
3. This proposed regulation was originally published in October 2025 *Register*, and the Department is now finalizing the proposed regulation for the January 2026 *Register*.
4. The proposed regulations are useful and proper, and the Department believes that the adoption of this regulation is appropriate.
5. Per Section 10118 (b)(3) of Title 29 regarding the State's greenhouse gas emissions reduction targets and resiliency to climate change, assessment is not practical for this regulation.

Decision and Effective Date

Based on the provision of Delaware law and the record of this docket, I hereby adopt the Policies and Procedures Regarding FOIA Requests as set forth in the version attached, to be effective within 10 days of publication.

IT IS SO ORDERED 8th day of December 2025.

Shanté Hastings, PE
Secretary, Delaware Department of Transportation

1400 Policies and Procedures Regarding FOIA Requests

(Break in Continuity of Sections)

3.0 Records Request, Response Procedures and Access

(Break in Continuity Within Section)

3.6 Requests for Other Non-Custodial Records

3.6.1 If all or any portion of a FOIA Request seeks records controlled by the Agency but that are either not within its possession or cannot otherwise be fulfilled by the Agency with reasonable effort from records it possesses (collectively, the "Non-Custodial Records" [~~“non-custodial records”~~], **“non-custodial records”**),] then the Agency shall promptly request that the relevant public body provide the ~~Non-Custodial Records~~ non-custodial records to the Agency. Prior to disclosure, records may be reviewed in accordance with §3.7 hereunder by the Agency, the public body fulfilling the request, or both. Without limitation, ~~Non-Custodial Records~~ non-custodial records shall include budget data relating to the Agency.

3.6.2 Before requesting any ~~Non-Custodial Records~~ non-custodial records, the Agency shall provide a written cost estimate to the ~~Requesting Party~~ requesting party, listing all charges expected to be incurred in retrieving such records. Upon receipt of the estimate, the Requesting Party may decide whether to proceed with, cancel or modify the request.

***Please note that no additional changes were made to the regulation as originally proposed and published in the October 2025 issue of the *Register* at page 300 (29 DE Reg. 300). 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/january2026/final/29 DE Reg 627a 01-01-26>

WITHDRAWN

Department of State

Division of Professional Regulation

[1100 Board of Dentistry and Dental Hygiene](#)

29 DE Reg. 203 (09/01/2025) (Proposed)

GENERAL NOTICES

DELAWARE STATE HOUSING AUTHORITY

OFFICE OF THE DIRECTOR

Statutory Authority: Senate Substitute 1 for Senate Bill 293 (152nd GA)

GENERAL NOTICE

NOTICE

Implementation of Source of Income Protection

December 12, 2025

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

Dear Ms. Smallwood:

The Delaware General Assembly passed Senate Substitute 1 for Senate Bill 293 as amended by House Amendment 1 on June 30, 2024. The legislation, which relates to the state's Fair Housing Act, was subsequently signed by Governor Carney on August 9, 2024.

The legislation amends both the Delaware Fair Housing Act, Chapter 46 of Title 6, and the Residential Landlord-Tenant Code, Chapter 51 of Title 25, to prohibit discrimination based on source of income.

Section 4. of the legislation provides that the bill is to be implemented the later of the following:

(1) Notice by the Director of the Delaware State Housing Authority published in the Register of Regulations that the consultant has confirmed that the public housing authorities have successfully adopted and implemented all of the short-term recommendations in the third-party consultant's May 2024 report, "Alignment of Delaware Housing Choice Voucher Programs to Create Efficiencies and Increase Landlord Engagement".

(2) January 1, 2026.

The purpose of this notice is to confirm that the consultant has indicated that the five public housing authorities have successfully adopted and implemented all the short-term recommendations contained in the consultants May 2024 report titled "Alignment of Delaware Housing Choice Voucher Programs to Create Efficiencies and Increase Landlord Engagement".

Please accept this notification by the Delaware State Housing Authority in order to publish the information in the *Register of Regulations*.

Thank you.

Sincerely,
Matthew J. Heckles, Director
Delaware State Housing Authority

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 9817 (16 **Del.C.** §9817)

GENERAL NOTICE

NOTICE

Notice of Implementation of SB 223 of the 152nd Delaware General Assembly

The Delaware Department of Health and Social Services (DHSS), Division of Public Health (DPH), Office of Emergency Medical Services & Preparedness (Office) is announcing the statutory implementation plan for SB 223 of the 152nd Delaware General Assembly (84 Del. Laws c, 419).

Section 6 of the Act, approved and effective September 24, 2024, is hereby implemented upon the publication of this notice in the *Delaware Register of Regulations*, by the Director of the Office of Emergency Medical Services.

This Act integrates mobile-integrated healthcare and community paramedicine programs into existing regulatory structures in this State by authorizing the establishment of mobile-integrated healthcare and community paramedicine programs in this State through the Office. Specifically, this Act does the following: (1) Authorizes an organization licensed as or actively seeking licensure as an emergency medical services provider agency to apply to the Office to establish a mobile-integrated healthcare or community paramedicine program. (2) Requires the Office to review applications to establish mobile-integrated healthcare or community paramedicine programs and make recommendations to the Director of the Division of Public Health, who is required to approve applications that meet the requirements established by this Act. (3) The Office is required to establish standards, approved by the Board of Medical Licensure and Discipline, for the establishment and operation of mobile-integrated healthcare or community paramedicine programs.

SUMMARY OF STATUTORY IMPLEMENTATION

The Office is announcing the implementation of [84 Del. Laws c. 419](#) as follows:

EMSPS established a mobile-integrated healthcare (MIH) / community paramedicine (CP) program on September 24, 2024, by utilizing paramedics under the oversight and regulatory authority of DPH/the Office. Guided by the purpose of this legislation, which is designed to permit the deployment of paramedics in a patient-centered, innovative care model, EMSPS will oversee development of programs focused on delivering on-demand, needs-based clinical and preventive services directly within the patient's home or mobile environment. This framework allowed EMSPS to implement oversight for structured, compliant MIH/CP programs that aligns with state requirements and supports improved access to care, reduced reliance on emergency departments, and enhanced continuity of patient services.

The process for reviewing applications to establish a mobile-integrated healthcare or community paramedicine program begins with submission by an organization that is licensed, or actively seeking licensure, as an emergency medical services provider agency. Once the application is submitted, the Office conducts a formal review to ensure the application is complete. After completing its review, the Office provides a recommendation to the Director of the Division of Public Health. The Director then makes the final determination, approving the application if all criteria have been satisfied.

The Office reviews each application on a case-by-case basis, as all the MIHs have different goals and objectives. The standards implemented by OEMS adhere to 16 **Del.C.** Ch. 98 and are approved by the Board of Medical Licensure and Discipline (BMLD). Anything outside the scope of 16 **Del.C.** Ch. 98 will go before the BMLD for further review.

OPPORTUNITY FOR PUBLIC COMMENT

The opportunity for public comment on the statutory implementation plan is available for 30 days beginning January 1 through February 2, 2026. Comments may be provided to the Office by mail or email to:

Delaware Division of Public Health
Office of Emergency Medical Services & Preparedness

100 Sunnyside Rd Smyrna, DE 19977

Email: OEMS@delaware.gov

Responses to individual questions and comments will not be provided; however, Office staff will review and consider all comments and make any modifications to the statutory implementation plan that are deemed necessary.

DIVISION OF PUBLIC HEALTH

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

GENERAL NOTICE

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, proposed revisions to the regulation governing lead-based paint hazards (16 **DE Admin. Code** 4459).

The proposed amendments were published in the December 1, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 492), indicating public comments would be accepted until 4:30 PM on January 2, 2026. This notice announces the extension of the public comment period.

The proposed amendments introduced several important changes to better serve and protect Delawareans. Changes include updated definitions, revised guidelines for certification, fees, and reciprocity, and additional technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.

Copies of the proposed regulation are available for review in the December 1, 2025 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 PM on March 3, 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
417 Federal Street
Dover, DE 19901

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Sections 122(3)(t) and 2601-2606 (16 **Del.C.** §§122(3)(t) & 2601-2606)
16 **DE Admin. Code** 4459A

GENERAL NOTICE

NOTICE

4459A Regulations Governing the Childhood Lead Poisoning Prevention Act

Pursuant to 16 **Del.C.** §§122(3)t and 2601-2606, the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the Regulations Governing the Childhood Lead Poisoning Prevention Act (16 **DE Admin. Code** 4459A).

The proposed amendments were published in the December 1, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 493), indicating public comments would be accepted until 4:30 PM on January 2, 2026. This notice announces the extension of the public comment period.

The proposed amendments introduce several important changes to better serve and protect Delawareans. Changes include adding a new definition of blood lead reference value and additional revisions to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.

Copies of the proposed regulation are available for review in the December 1, 2025 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 PM on March 3, 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
417 Federal Street
Dover, DE 19901

DIVISION OF PUBLIC HEALTH

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

GENERAL NOTICE

NOTICE

4459B Residential Property Renovation, Repair and Painting

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 residential property renovation, repair, and painting (16 **DE Admin. Code** 4459B).

The proposed amendments were published in the December 1, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 498), indicating public comments would be accepted until 4:30 PM on January 2, 2026. This notice announces the extension of the public comment period.

The proposed amendments introduce several important changes to better serve and protect Delawareans by aiming to enhance compliance, align with current federal standards, and strengthen protections against lead-based paint hazards in residential properties. Changes include incorporating clarity of content and simpler language, revising technical terms and acronyms, and additional changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.

Copies of the proposed regulation are available for review in the December 1, 2025 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 PM on March 3, 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
417 Federal Street
Dover, DE 19901

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**DIVISION OF WATERSHED STEWARDSHIP**

Statutory Authority: 7 Delaware Code, Section 4006 (h) and (i) (7 **Del.C.** §4006(h) & (i))
7 **DE Admin. Code** 5101

GENERAL NOTICE**NOTICE****5101 Sediment and Stormwater Regulations**

The Department of Natural Resources and Environmental Control (DNREC) Division of Watershed Stewardship Sediment and Stormwater Program has released a revised regulatory guidance document for public review. This document supports **Regulation No. 5101 Sediment and Stormwater Regulations** (DSSR), as set forth at 7 *Del.C.* §4006(h) and (i).

A brief description of the revised regulatory guidance document follows:

- The safety features portions of Sections 10.0 Detention Practices, 12.0 Constructed Wetlands, and 13.0 Wet Ponds of the Post-Construction Stormwater BMP Standards and Specifications have been revised to state, in non-bold language, that stormwater management systems with a permanent pool, and that are reasonably accessible to the public, should include barriers to restrict public access while not impeding the facility's function or restrict necessary maintenance access.

The DNREC Sediment and Stormwater Program hereby provides notice of these regulatory guidance documents, pursuant to 7 *Del.C.* §4006(i), which incorporates the provisions of 7 *Del.C.* §6004. A public hearing will NOT be held unless the Secretary receives a meritorious request for a hearing within 15 days of date of this notice, ending January 16, 2026. A request for a public hearing shall be in writing and show familiarity with the regulatory guidance document and provide a reasoned statement of the regulatory guidance document's probable impact.

These revisions may be reviewed at the following link:

<https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/>

Questions regarding the revised regulatory guidance document may be directed to Bonnie Arvay, bonnie.arvay@delaware.gov.

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

Senate Bill 89 as amended by Senate Amendment 1 - Westville Road (K52)

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, Traffic Operation Section, as approved and ordered by the Secretary of the Department of Transportation pursuant to 21 **Del. C.** §4505(c), for the following temporary traffic control device for the safe movement of traffic in the area:

“Trailers, semi-trailers, and recreational trailers unattached to a motor vehicle, shall be prohibited from stopping, standing, or parking” on Westville Road (K52) between Greens Village Drive (The Green at Wyoming entrance) and approximately 660' west of Hazletville Road (K73)”

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, P.E., PTOE
Chief of Traffic Engineering

CALENDAR OF EVENTS/HEARING NOTICES

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

Notice of Quarterly Business Meeting and Public Hearing

The Delaware River Basin Commission will hold a public hearing on **Wednesday, February 4, 2026** commencing at **1:30 p.m.** 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 ten (10) days prior to the meeting date.

The Commission's quarterly business meeting will be held on **Wednesday, March 4, 2026** commencing at **10:30 a.m.** The business meeting will also be held remotely. An agenda, along with details about the remote platform and how to attend, will be posted on the Commission's website, www.drbc.gov, at least ten (10) 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 Patricia Hausler at patricia.hausler@drbc.gov.

Pamela M. Bush, J.D., M.R.P.

Commission Secretary and Assistant General Counsel

DELAWARE STATE FIRE PREVENTION COMMISSION

DELAWARE STATE FIRE PREVENTION COMMISSION

PUBLIC NOTICE

Appendices

The Delaware State Fire Prevention Commission, pursuant to 16 *Del. C.* §6604(1) and 6612(l), proposes amendments to the Appendices. The proposed amendments update fee amounts for certain licenses and permits. The new fee amounts align with recent statutory changes.

The Commission will accept written comments, which should be sent to Sherry Lambertson, Executive Director for the Delaware Fire Prevention Commission, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments may also be sent by email to the follow email address: fire.commission@delaware.gov. The Public Comment period will end on Tuesday, February 3, 2026.

The proposed additions are reflected in underline. Deletions are reflected in strike through.

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

PUBLIC NOTICE

Notice of Monthly Meeting

The State Board of Education meets monthly, generally at 5:00pm on the third Thursday of the month. These meetings are open to the public. The Board rotates locations of regular meetings among the three 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/>

CALENDAR OF EVENTS/HEARING NOTICES

637

DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF MEDICAID AND MEDICAL ASSISTANCE PUBLIC NOTICE Medication Assisted Treatment (MAT)

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 Title XIX Medicaid State Plan regarding Medication Assisted Treatment (MAT), specifically, to clean up the language and remove the end 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 February 2, 2026. Please identify in the subject line: Medication Assisted Treatment (MAT)

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.

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE PUBLIC NOTICE 15000 Family and Community Medicaid Eligibility Groups

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of **31 Del. C. §512**, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM), specifically, to simplify eligibility determinations and enrollment processes for former foster youth population.

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 by mail 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 February 2, 2026. Please identify in the subject line: Former Foster Care

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

DIVISION OF PUBLIC HEALTH PUBLIC NOTICE 4603 End-of-Life Options

Pursuant to **16 Del.C. §2511C(a)(1)**, the Delaware Department of Health and Social Services, Division of Public Health is proposing new regulation 4603 End-of-Life Options. This regulation aligns with **16 Del.C. Ch. 25C**, regarding the self-administration of medication to end life in a humane and dignified manner by a terminally ill adult, and the facilitation of the collection of information for reporting purposes. House Bill 140 (**85 Del. Laws, c. 19**), known as "The Ron Silverio/Heather Block End of Life Options Law", was signed on May 20, 2025.

Copies of the proposed regulation are available for review in the January 1, 2026, issue of the *Delaware Register of Regulations*, and is accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

CALENDAR OF EVENTS/HEARING NOTICES

Public comments will be accepted until 4:30 p.m. on February 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
417 Federal Street
Dover, DE 19901

DEPARTMENT OF JUSTICE OFFICE OF THE ATTORNEY GENERAL PUBLIC NOTICE Rules Pursuant to the Delaware Securities Act

In compliance with The Delaware Securities Act, Section 73-102(b) of Title 6 of the Delaware Code, the Investor Protection Unit of the Delaware Department of Justice (“the Unit”) hereby publishes notice of a proposed revision to the Rules Pursuant to the Delaware Securities Act.

Persons wishing to comment on the proposed revision may submit their comments in writing to:

Jillian Lazar
Investor Protection Director
Department of Justice, Investor Protection Unit
State Office Building, 5th Floor
820 N. French Street
Wilmington, DE 19801

The comment period on the proposed revision will be held open for a period of thirty days from the date of the publication of this notice in the Delaware Register of Regulations, and will close February 2, 2026.

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

Statutory Authority 6 Del. C. §73-102(b).

Section 73-102(b) of the Delaware Securities Act enables the Investor Protection Director to make, amend and rescind rules, regulations, forms and orders to carry out and define the provisions of this chapter.

Background

The Rules Pursuant to the Delaware Securities Act may be used to clarify and establish appropriate procedures for the Unit to enforce the Delaware Securities Act.

Summary of Proposal

The proposed amendments seek to modify examination requirements of applicants to harmonize them with the current requirements of the Financial Industry Regulatory Authority and many state securities regulators; clarify the process for marking applications as “abandoned” in the Central Registration Depository database; and clarify the Unit’s process for requesting and providing no action guidance.

CALENDAR OF EVENTS/HEARING NOTICES

639

DEPARTMENT OF SAFETY AND HOMELAND SECURITY OFFICE OF THE MARIJUANA COMMISSIONER PUBLIC NOTICE 5001 Rules of the Office of the Marijuana Commissioner

Summary

The Office of the Marijuana Commissioner proposes to amend its Regulations adopted in accordance with Title 4 of the Delaware Code, Chapter 13, Section 1331. The Office of the Marijuana Commissioner proposes: adding a definition for “financial interest” to clarify what constitutes a financial interest in a marijuana establishment; changes to Section 3.0 Licensing and 4.0 Application Process and Issuance of Licenses to clarify the types of licenses available; changes to Section 8.3 Marijuana product package size to align with industry standards; changes to Section 10.0 Advertising modifying permissible colors and images on branding and packaging; and changes to Section 11.0 Testing and Sampling to update the process for collection and submission of samples and the number of required samples, and to add additional testing options for microbiological contaminants. The Office of the Marijuana Commissioner is issuing these proposed regulations in accordance with Title 4 of the Delaware Code. 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 January 1, 2026 edition of the Delaware Register of Regulations, accessible online at <http://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 Taylor Shannon, Delaware Office of the Marijuana Commissioner, 1128 South Bradford Street, Dover, DE 19904 or by email to OMC@delaware.gov. Pursuant to 29 Del.C. §10118(a), the final date to receive written comments is February 2, 2026.

Adoption of Proposed Regulation

On or after February 3, 2026, following review of the public comment, the Office of the Marijuana Commissioner will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION Board of Mental Health and Chemical Dependency Professionals PUBLIC NOTICE

3000 Board of Professional Counselors of Mental Health and Chemical Dependency Professionals

The Delaware Board of Mental Health and Chemical Dependency Professionals, pursuant to 24 Del. C. § 3006(a)(1), proposes to revise its regulations. The proposed amendments seek to clarify the supervision requirements for LPCMHs, LCDPs, and LMFTs, including the required qualifications of supervisors and documentation applicants are required to submit when applying. The changes clarify the requirements to apply by reciprocity and attempt to eliminate inconsistencies throughout the regulations. Finally, the proposed changes add the American Counseling Association’s code of ethics to the regulations.

The Board will hold a public hearing on the proposed rule change on January 28, 2026 at 12:00 p.m., in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904 and virtually. The virtual link will be published on the meeting agenda at least seven days prior to the hearing. Written comments should be sent to Maya Echols, Administrator of the Delaware Board of Mental Health and Chemical Dependency Professionals, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904. Written comments will be accepted until February 12, 2026.

CALENDAR OF EVENTS/HEARING NOTICES

DEPARTMENT OF TRANSPORTATION

DIVISION OF PLANNING AND POLICY

PUBLIC NOTICE

2312 Regulations Governing the Practice and Procedure for Administering the Transportation Infrastructure Investment Fund

Pursuant to the authority provided by [29 Del.C. §8422\(d\)](#), the Delaware Department of Transportation (the "Department") seeks to adopt revisions to its existing regulation related to the Transportation Infrastructure Investment Fund ("TIIF") program.

The Department, through its Division of Economic Development Coordination, seeks to adopt these revisions to administer the TIIF program, which is established in support of Delaware's economic development initiatives to provide economic assistance for renovation, construction, or any other type of improvements to roads and related transportation infrastructure in order to attract new businesses to the State, or expand existing businesses in the State, when such an economic development opportunity would create a significant number of direct, permanent, quality, full-time jobs.

Public Comment Period

DelDOT will take written comments on the proposed revisions to Regulation 2312 of Title 2, Delaware Administrative Code, from January 1, 2026, through February 2, 2026. The public may submit their comments to:

Susanne K. Laws, P.E.

TIIF Coordinator

(Susanne.Laws@delaware.gov) or in writing to her attention,

Delaware Department of Transportation

Division of Economic Development Coordination

800 S. Bay Road

Dover, DE 19901
