
Delaware Register of Regulations

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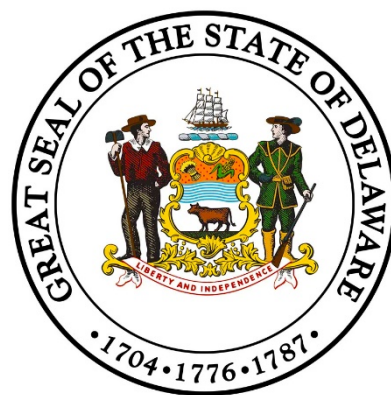
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Pursuant to 29 Del.C. Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before August 15, 2026.

Cover Photo
Blackbird State Forest
by Joel Rudnick

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

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DELAWARE REGISTER OF REGULATIONS

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

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended, or repealed and any emergency regulations promulgated.

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

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

CITATION TO THE DELAWARE REGISTER

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

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

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

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

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other interested parties may participate in the process by which administrative regulations are adopted, amended, or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

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shall file notice and full text of the proposals as they relate to the existing regulation being adopted, amended, or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to 29 **Del.C.** §1134.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

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

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

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

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

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

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

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

CLOSING DATES AND ISSUE DATES FOR THE DELAWARE REGISTER OF REGULATIONS

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

Published by

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ERRATA

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 4112F (14 **Del.C.** §4112F)
14 **DE Admin. Code** 610

ERRATA

610 Limitations on Use of Seclusion and Restraint

*** Please Note:** The Department of Education, Office of the Secretary, final regulation for 610 Limitations on Use of Seclusion and Restraint was published in the August 01, 2026 issue of the *Delaware Register of Regulations* (30 **DE Reg. 77** (08/01/26)). The following subsection was inadvertently published incorrectly.

Subsection 3.1.2 was published as:

- 3.1.2 Subject authorized by 14 **Del.C.** §4112F(c)(4) §4112F and Section 8.0, mechanical restraint and or seclusion.

Subsection 3.1.2 should have been published as:

- 3.1.2 Subject to waiver authorized by 14 **Del.C.** §4112F(c)(4) §4112F and Section 8.0, mechanical restraint and or seclusion.

This regulation was published as final in the August 01, 2026 issue of the *Delaware Register of Regulations* (30 **DE Reg. 77** (08/01/26)) with an effective date of August 11, 2026. Subsection 3.1.2 will be corrected for publication in the Delaware Administration Code.

DEPARTMENT OF TRANSPORTATION

DELAWARE TRANSIT CORP - DART

Statutory Authority: 2 Delaware Code, Section 1802(b) (2 **Del.C.** §1802(b))
2 **DE Admin. Code** 2287

ERRATA

2287 Public Carrier Regulations

*** Please Note:** The Department of Transportation, Delaware Transit Corp proposed regulation for 2287 Public Carrier Regulations was published in the May 01, 2026 issue of the *Delaware Register of Regulations* (29 **DE Reg. 922** (05/01/26)). The following subsections were inadvertently published incorrectly.

Subsection ~~3.10.2.23.9.2~~ was published as:

- ~~3.10.2.23.9.2~~ ~~Drivers—Drivers.~~ No motor vehicle shall be driven by a driver while his/~~her~~the driver's ability or alertness is so impaired through fatigue, illness, or any other cause, as to make it unsafe for him/~~her~~the driver to drive or to continue to drive a motor vehicle; nor shall he/~~she~~the driver be required or knowingly be permitted to drive while in ~~such an~~ impaired condition, except in case of grave emergency where the hazard to passengers would be increased by observance of ~~the foregoing~~this regulation.

Subsection ~~3.10.2.23.9.2~~ should have been published as:

~~3.10.2.23.9.2~~ ~~Drivers~~—~~Drivers~~. No motor vehicle shall be driven by a driver while ~~his/her~~the driver's ability or alertness is so impaired through fatigue, illness, or any other cause, as to make it unsafe for ~~him/her~~the driver to drive or to continue to drive a motor vehicle; nor shall ~~he/she~~the driver be required or knowingly be permitted to drive while in ~~such an~~impaired condition, except in case of grave emergency where the hazard to passengers would be increased by observance of ~~the foregoing~~this regulation.

Subsection ~~3.10.2.53.9.5~~ was published as:

~~3.10.2.53.9.5~~ Safe Condition of ~~Vehicle~~—~~Vehicle~~. No motor vehicle knowingly shall be operated in passenger service unless it conforms to the minimum standards of safety inspection as adopted by DelDOT. Minimum safety standards as used here means Part 393, Title 49, Code of Federal Regulations (~~See Section 7.1~~)49 CFR §393.

Subsection ~~3.10.2.53.9.5~~ should have been published as:

~~3.10.2.53.9.5~~ Safe Condition of ~~Vehicle~~—~~Vehicle~~. No motor vehicle knowingly shall be operated in passenger service unless it conforms to the minimum standards of safety inspection as adopted by DelDOT. Minimum safety standards as used here means Part 393, Title 49, Code of Federal Regulations (~~See Section 7.1~~)49 CFR §393.

Subsection ~~3.10.2.73.9.7~~ was published as:

~~3.10.2.73.9.7~~ ~~Packages~~—~~ackages~~. No public carrier shall permit the transportation of any express or parcel freight including, ~~but not limited to~~, food or other materials that may interfere with the safety or reasonable comfort of passengers.

Subsection ~~3.10.2.73.9.7~~ should have been published as:

~~3.10.2.73.9.7~~ ~~Packages~~—~~Packages~~. No public carrier shall permit the transportation of any express or parcel freight including, ~~but not limited to~~, food or other materials that may interfere with the safety or reasonable comfort of passengers.

Subsections ~~3.12.1.93.11.1.9~~, ~~3.12.1.103.11.1.10~~, and ~~3.12.23.11.2~~ were published as:

~~3.12.1.93.1.11.9~~ Refrain from physically or verbally assaulting, intimidating, or otherwise abusing the Director, a member, an employee, agent or other individual acting on behalf of the OPC, a passenger, public official or other individual publicly or privately ~~by any means~~ as annotated in ~~11 Del.C. Ch.12, Section 1240~~11 Del.C. §1240.

~~3.12.1.103.1.11.10~~ Make or offer any false or misleading statement ~~and/or~~ information to the Director, a member, an employee, agent or other individual acting on behalf of the OPC, a passenger, public official or other individual publicly or privately ~~by any means~~.

~~3.12.23.1.11.2~~ No driver shall collect fares or compensation for the transportation services other than the established rates or charges filed with OPC for the type of service being provided, provided, however, that this provision shall not apply to gratuities, nor shall the words "fares" or "compensation" be construed to include gratuities. Upon request the passenger will be given a receipt for the fare collected.

Subsections ~~3.12.1.93.11.1.9~~, ~~3.12.1.103.11.1.10~~, and ~~3.12.23.11.2~~ should have been published as:

~~3.12.1.93.11.1.9~~ Refrain from physically or verbally assaulting, intimidating, or otherwise abusing the Director, a member, an employee, agent or other individual acting on behalf of the OPC, a

passenger, public official or other individual publicly or privately ~~by any means~~ as annotated in ~~11 Del.C. Ch. 12, Section 1240~~ **11 Del.C. §1240.**

~~3.12.1.103.11.1.10~~ 3.12.1.103.11.1.10 Make or offer any false or misleading statement ~~and/or~~ information to the Director, a member, an employee, agent or other individual acting on behalf of the OPC, a passenger, public official or other individual publicly or privately ~~by any means~~.

~~3.12.23.11.2~~ 3.12.23.11.2 No driver shall collect fares or compensation for the transportation services other than the established rates or charges filed with OPC for the type of service being provided, provided, however, that this provision shall not apply to gratuities, nor shall the words "fares" or "compensation" be construed to include gratuities. Upon request the passenger will be given a receipt for the fare collected.

This regulation is corrected and being published as a final regulation in the September 01, 2026 issue of the *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.

Emergency Regulations

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

§10119. Emergency regulations.

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

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

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

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

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

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

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

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

7 DE Admin. Code 3900

EMERGENCY

ORDER

3900 Wildlife

EMERGENCY SECRETARY'S ORDER

Pursuant to 29 Del.C. §10119

Order No: 2026-F-0023

7 DE Admin. Code 3900: *Wildlife Regulation*

AUTHORITY

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

REASON FOR THE EMERGENCY ORDER

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

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

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

This Emergency Order defines health check stations and urine-based lure, defines the CWD Management Zone ("CMZ"), eliminates the use of bait in the CMZ and natural urine-based lures statewide to hunt or attract deer, establishes mandatory check-in of deer in the CMZ harvested during the November general firearms season, defines the nature by which hunters may move harvested deer out of the CMZ, and bans rehabilitation of deer originating from Sussex County.

The Department finds it necessary to adopt these measures pursuant to [29 Del.C. §10119](#), to eliminate baiting within the CMZ as it is necessary to reduce the likelihood of deer congregating at unnaturally high densities and thereby reduce opportunities for CWD transmission. Similarly, prohibiting the use of natural deer urine reduces the potential for CWD-infected material to be introduced into the environment, while preventing urine-based lures from serving as a potential mechanism for the movement of CWD across state lines. In addition, establishing requirements for the disposal of carcasses from deer harvested within the CMZ is necessary to reduce the risk that infected, or potentially infected carcass materials will be transported outside the CMZ and provide an opportunity for CWD to spread elsewhere in the state.

Further, I find that the mandatory check-in of deer harvested during the November general firearms season is necessary to maximize the opportunity to detect additional cases of CWD, as this season accounts for the largest proportion of Delaware's annual deer harvest. Timely detection is critical to determining the distribution and prevalence of CWD and informing additional management actions.

Finally, I find that prohibiting the rehabilitation of deer originating in Sussex County will limit the movement of potentially infected deer out of the CMZ. This restriction is particularly important because CWD has been detected in very young deer, including evidence of in utero exposure, demonstrating that apparently healthy fawns cannot be assumed to be free of infection and that rehabilitation and subsequent release could facilitate the movement of CWD beyond the CMZ.

EFFECTIVE DATE OF ORDER

This Emergency Order shall take effect August 17, 2026 and shall remain in effect for 120 days. At the expiration of 120 days, the Department may choose to renew this Emergency Order once for a period not exceeding 60 days, consistent with [29 Del.C. §10119\(3\)](#).

PETITION FOR RECOMMENDATIONS

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

PUBLICATION

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

ORDER

It is hereby ordered, this 17th day of August 2026, that the above referenced amendments to *Wildlife Regulation* (7 DE Admin. Code 3900), a copy of which is hereby attached, is adopted pursuant to [29 Del.C. §10119](#), and supported by the evidence contained herein.

Gregory Patterson
Secretary

3900 Wildlife

1.0 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Break in Continuity of Sections)

7.0 Deer

(Penalty Section [7 Del.C. §103\(d\)](#))

(Break in Continuity Within Section)

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

7.5 Seasons

7.5.1 Shotgun Seasons

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

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

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

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

- 7.5.3 Muzzleloader Seasons. Deer may be hunted with muzzle-loading rifles in accordance with the statutes and regulations of the State of Delaware governing the hunting of deer: from the Friday that precedes the second Monday in October through the second Sunday that succeeds the Friday opening day; and from the Monday that follows the close of the January shotgun season through the next Sunday.
- 7.5.4 Crossbow Seasons. Deer may be hunted with crossbows in accordance with statutes and regulations of the State of Delaware governing the hunting of deer: from September 1 through the last day of January or the last day of the muzzleloader season that starts in January as described in subsection 7.5.3 of this regulation, whichever is later, provided hunter orange is displayed in accordance with [7 Del.C. §718](#) when it also lawful to hunt deer with a firearm.
- 7.6 Carcass Importation BanChronic Wasting Disease
- 7.6.1 Importation Ban. It shall be unlawful to import or possess any carcass or part of a carcass of any member of the family Cervidae (deer) originating from a state, Canadian province, country or any portion of the aforementioned jurisdictions thereof as determined by the Division, in which Chronic Wasting Disease has been found. It shall be unlawful to import any carcass or part of a carcass of any member of the family Cervidae from a captive facility including those where cervids were released or confined in an enclosed (fenced) facility for the purpose of being hunted. Notwithstanding the foregoing, the following parts may be imported into the state:
- 7.6.1.1 Boned-out meat that is cut and wrapped;
- 7.6.1.2 Quarters or other portions of meat with no part of the spinal column or skull attached;
- 7.6.1.3 Hides or capes with no skull attached;
- 7.6.1.4 Clean (no meat or tissue attached) skull plates with antlers attached;
- 7.6.1.5 Antlers (with no meat or tissue attached);
- 7.6.1.6 Upper canine teeth (buglers, whistlers, or ivories); and
- 7.6.1.7 Finished taxidermy products.
- 7.6.2 Carcass Notification. Any person who imports into Delaware any deer carcass or parts described in subsection 7.6.1 of this section and is notified that the animal has tested positive for Chronic Wasting Disease must report the test results to the Division within 72 hours of receiving the notification. In order to facilitate the proper disposal of any infected material, the Division may take into possession any imported carcass or carcass part of an animal if the animal has tested positive for Chronic Wasting Disease.
- 7.6.3 For the purposes of managing Chronic Wasting Disease, the following description shall delineate the boundaries of Delaware's designated Chronic Wasting Disease Management Zones (CMZ):
- 7.6.3.1 CMZ 1: Wildlife Management Zone boundaries each of Zone 14 and Zone 16, as described in subsection 24.0 of this regulation.
- 7.6.4 Limitation on Baiting and Feeding Deer. No person shall hunt, take, or attempt to take deer by the aid of bait within a designated CMZ unless authorized by the Division. Furthermore, no person shall distribute bait for the purposes of feeding deer within a designated CMZ unless authorized by the Division.
- 7.6.5 Limitation on Possession of Natural Deer Urine. No person shall have in their possession while hunting, taking, attempting to take, attracting, or scouting deer or lures that contain urine-based lure or other bodily fluids derived from deer, or other members of the Cervidae family, while taking, attempting to take, attracting, or scouting wildlife unless authorized by the Division.
- 7.6.6 Mandatory Check-in at Health Check Station
- 7.6.6.1 If a Health Check Station is open within 24-hour period of harvesting a deer, any person who harvests a deer within a designated CMZ shall present the deer at such Health Check Station. Presentation of the harvested deer shall occur prior to the deer being processed, butchered, or removed from a CMZ, and no later than 24-hours after harvest, unless otherwise authorized by the Division.
- 7.6.6.2 If no Health Check Station is open within 24-hours of harvesting a deer, any person who harvests a deer within a designated CMZ shall report the harvest through the Division-approved electronic or telephone reporting system and comply with any subsequent instructions for biological sampling or presentation of the carcass.
- 7.6.7 Intrastate Movement of Deer Carcasses
- 7.6.7.1 Unless delivered to a taxidermist or game processor, anyone transporting whole or partial deer carcasses harvested from within a designated CMZ, shall dispose of all remaining deer carcass parts inside a plastic trash bag at least 2 mils thick, or two bags if thinner, to then be disposed of with a waste management provider or a permitted landfill.

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

(Break in Continuity of Sections)

13.0 Wildlife Rehabilitation Permits

(Penalty Section [7 Del.C. §103\(d\)](#))

13.1 Permit from Division; Exemption

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

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

13.2 Training, Housing and Veterinary Care; Inspections

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

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

13.3 Rabies Vector Species

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

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

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

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

<https://regulations.delaware.gov/register/september2026/emergency/30 DE Reg 111 09-01-26>

Symbol Key

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

Proposed Regulations

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

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

Statutory Authority: 3 Delaware Code, Sections 101(2) and 302 (3 **Del.C.** §§101(2) and 302))
3 DE Admin. Code 101

PROPOSED

PUBLIC NOTICE

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

Summary

The Delaware Department of Agriculture ("Department") Food Products Inspection Section proposes to amend its Regulation adopted in accordance with Title 3, Sections 101 and 302 of the Delaware Code. The proposed changes include revisions to the title of the Regulation, the definition of "home," and products that may be produced for sale by permittees. The changes to the title are intended to align the title to the purpose of the Regulation, which is to establish standards of practice for on-farm home food processing operations. The changes to Section 3.0 include removing definitions for terms that do not appear elsewhere in the Regulation and changing the definition of "home" to remove the requirement that the permitted kitchen must be in the primary residence on the farm, allowing for more flexibility in the location of the permitted operations. The changes to Sections 6.0 and 7.0 (previously Sections 8.0 and 9.0) remove specific lists and examples of allowable products, providing more discretion for the Department in approving permittee activities and allowing the Department to be more responsive to permittee requests for varied products as market forces evolve and provide alternative, acceptable locations to address specific facility circumstances. The proposed changes include technical and style changes to ensure the Regulation is consistent with the *Delaware Administrative Code Drafting and Style Manual*. Other regulations issued by the Department are not affected by this proposal. The Department is issuing this proposed regulation in accordance with Title 3 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 regulation is being published in the September 1, 2026 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Delaware Department of Agriculture, 2320 South DuPont Highway, Dover, Delaware 19901 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: https://regulations.delaware.gov/register/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Food Products Inspection Section at the above address as to whether this proposed regulation should be adopted, rejected or modified. Pursuant to [29 Del.C. §10118\(a\)](#), public comments must be received on or before October 1, 2026. Written materials submitted will be available for inspection at the above address.

***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/september2026/proposed/30 DE Reg 117RFA 09-01-26.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/september2026/proposed/30 DE Reg 117 09-01-26>

DEPARTMENT OF EDUCATION

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1204(a), 1205(b), and 1220 (14 Del.C. §§1203, 1204(a), 1205(b) & 1220)
14 DE Admin. Code 1521

PROPOSED

PUBLIC NOTICE

1521 Elementary Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to [14 Del.C. §§1203, 1204\(a\), 1205\(b\)](#), and [1220](#), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to [14 DE Admin. Code 1521](#) Elementary Teacher. The regulation concerns the requirements for an Elementary Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments in this regulation include striking unnecessary definitions in Section 2.0; revising Section 4.0 by striking prior ETS Test Codes and replacing with the current codes and adding a subsection that includes dates when the outdated tests will no longer be accepted; clarifying the application requirements in Section 5.0; and simplifying Section 10.0. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*, and to maintain consistency with other regulations.

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

C. IMPACT CRITERIA

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

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in 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 amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

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

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 Del.C. §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for an Elementary Teacher Standard Certificate but whose effectiveness is documented by the district or school. The amended regulation does not change a school district or charter school's ability to submit such a request. Section 6.0 is consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and educators.

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

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

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

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

***Please Note:**

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

<https://regulations.delaware.gov/register/september2026/proposed/30 DE Reg 118RFA 09-01-26.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/september2026/proposed/30 DE Reg 118 09-01-26>

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1204(a), 1205(b), and 1220 (14 Del.C. §§1203, 1204(a), 1205(b) & 1220)

PROPOSED

PUBLIC NOTICE

1528 Elementary Montessori Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§1203, 1204(a), 1205(b), and 1220 the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed 14 DE Admin. Code 1528 Elementary Montessori Teacher. The proposed regulation concerns the requirements for an Elementary Montessori Teacher in accordance with 14 Del.C. §§1203, 1204(a), 1205(b) and 1220. Proposed Section 1.0 states that the regulation outlines the qualification and training for the Elementary Montessori Teacher; Section 2.0 provides definitions for the proposed regulation; Section 3.0 provides the requirements for the issuance of an Elementary Montessori Teacher Standard Certificate; Section 4.0 provides the prescribed education, knowledge and skill requirements for the issuance of an Elementary Montessori Teacher Standard Certificate; Section 5.0 provides the application requirements; Section 6.0 concerns the Secretary of Education review process; Section 7.0 Concerns the validity of an Elementary Montessori Teacher Standard Certificate; Section 8.0 concerns disciplinary actions; Section 9.0 concerns applicants' and permit holders' contact information with the Department and specifies how they can change their name or address.

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 October 1, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the 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 education 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 certificate for elementary Montessori teachers 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 certificate for elementary Montessori teachers 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 of educators.

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/september2026/proposed/30 DE Reg 119RFA 09-01-26.pdf>

1528 Elementary Montessori Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of an Elementary Montessori Teacher Standard Certificate pursuant to [14 Del.C. §1220\(a\)](#).
- 1.2 The Elementary Montessori Teacher Standard Certificate is required to teach grades K to 6 in a Delaware public Montessori school except:
 - 1.2.1 The Early Childhood Teacher Standard Certificate [14 DE Admin. Code 1520](#) may be accepted instead of the Elementary Montessori Teacher Standard Certificate to teach grades K to 2 in a Delaware public Montessori school; and
 - 1.2.2 The Elementary Teacher Standard Certificate [14 DE Admin. Code 1521](#) may be accepted instead of the Elementary Montessori Teacher Standard Certificate to teach grades K to 6 in a Delaware public Montessori school.
- 1.3 An Elementary Montessori Teacher Standard Certificate may not be accepted to teach in a non-Montessori public school in Delaware.
- 1.4 An Elementary Montessori Teacher Standard Certificate is not a content area Standard Certificate for the purpose of adding additional standard certificates.

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.

“Educator” means a person licensed and certified by the State under [14 Del.C. Ch. 12](#) to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Professional Standards Board and approved by the State Board of Education. The term ‘educator’ does not include substitute teachers.

“License” means a credential which authorizes the holder to engage in the practice for which the license is issued.

“Regionally accredited” means institutional accreditation from an agency that was designated as a regional accreditor before July 1, 2020, and is currently recognized by the U.S. Secretary of Education as a reliable indicator of the institution’s educational quality.

“Standard Certificate” means a credential issued to certify that an educator has the prescribed knowledge, skill or education to practice in a particular area, teach a particular subject, or teach a category of students.

3.0 Issuance of a Standard Certificate

- 3.1 The Department shall issue an Elementary Montessori Teacher Standard Certificate to an applicant who meets the requirements in Section 4.0 of this regulation.
- 3.2 Notwithstanding any provision to the contrary, the Department will not act on an application for an Elementary Montessori Teacher Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications where the allegations include conduct such as immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials, until the applicant provides evidence of the investigation’s resolution.

4.0 Prescribed Education, Knowledge, and Skill Requirements

- 4.1 The applicant must have earned a bachelor’s degree from a regionally accredited college or university and hold a valid early childhood (primary), elementary I, elementary II, or elementary I/II credential from a program accredited by the Montessori Accreditation Council for Teachers of Education.
- 4.2 The applicant must have achieved a minimum score on each of the required examinations as listed in [14 DE Admin. Code 1521](#) Elementary Teacher, or met the requirements set forth in [14 DE Admin. Code 1519](#) Multiple Measures for Demonstrating Content Knowledge.
- 4.3 The applicant must have satisfactorily completed 6 college credits in evidence-based reading instruction pursuant to [14 Del.C. §1280\(c\)\(3\)](#) or an equivalent number of hours in professional development with 1 credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a regionally accredited college or university or a professional development provider approved by the Department.

5.0 Application Requirements

- 5.1 The following documentation is required for the Department to consider an application for an Elementary Montessori Teacher Standard Certificate to be complete:
 - 5.1.1 Official transcript from the applicant's regionally accredited college or university.
 - 5.1.1.1 Electronic or sealed paper transcripts may be submitted by the applicant's employing authority or regionally accredited college or university.
 - 5.1.1.2 The Department will not accept copies of transcripts.
 - 5.1.2 Official scores on the examination as provided in subsection 4.2 of this regulation.
 - 5.1.3 Proof of the completion of the evidence-based reading requirement in subsection 4.3 of this regulation.
 - 5.1.4 Additional documentation as required by the Department.
- 5.2 If the applicant is also applying for the issuance or renewal of an educator's license or paraeducator's permit, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license or permit application as specified in [14 Del.C. §1219](#) and it could delay the processing or result in the denial of the application for an Elementary Montessori Teacher Standard Certificate.

6.0 Secretary of Education Review

- 6.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for an Elementary Montessori Teacher Standard Certificate on an individual basis and grant an Elementary Montessori Teacher Standard Certificate to an applicant who otherwise does not meet the requirements but whose effectiveness is documented by the local school district or charter school.
- 6.2 The request shall be approved as provided in subsections 6.2.1 and 6.2.2.
 - 6.2.1 For school districts, requests must be approved by the superintendent of the school district.
 - 6.2.2 For charter schools, requests concerning the head of school of the charter school must be approved by the charter school's board of directors and requests concerning all other applicants must be approved by the charter school's head of school.

7.0 Validity of a Standard Certificate

- 7.1 An Elementary Montessori Teacher Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the educator's license remains current and valid.
- 7.2 An Elementary Montessori Teacher Standard Certificate is not subject to renewal.

8.0 Disciplinary Action

- 8.1 An educator's Elementary Montessori Teacher Standard Certificate may be revoked, suspended, or limited for cause as provided in [14 Del.C. §1218](#) or [14 DE Admin. Code 1514](#) Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.
- 8.2 An educator's Elementary Montessori Teacher Standard Certificate will be revoked if the educator's Initial, Continuing, or Advanced License is revoked, or the educator made a materially false or misleading statement in the educator's application in accordance with [14 Del.C. §1222](#).
- 8.3 An educator whose Elementary Montessori Teacher Standard Certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Professional Standards Board. Hearings will be conducted in accordance with the [14 DE Admin. Code 1515](#) Hearing Procedures and Rules.

9.0 Contact Information and Change of Name or Address

- 9.1 All applicants and educators are required to update the contact information in Delaware Educator Data System (DEEDS) if the contact information changes. An applicant or educator whose mailing address, email address, or phone number changes must provide the Department with the new mailing address, email address, or phone number within 14 calendar days of the change. Failure to do so may be considered willful neglect of duty and may result in disciplinary action.
- 9.2 An educator who legally changes the educator's name and wishes to change the name on the Elementary Montessori Teacher Standard Certificate must provide a notarized copy of the evidence of the name change such as a marriage license or court action.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DELAWARE HEALTH CARE COMMISSION

Diamond State Hospital Cost Review Board

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

PROPOSED

PUBLIC NOTICE

5003 Hospital Information Review

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 16 Del. C. §9952(g), the Diamond State Hospital Cost Review Board ("Board") is proposing a regulation to establish procedures for hospitals to submit financial and utilization information subject to the Board's review.

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: Delaware Health Care Commission, Herman M. Holloway Sr. Health and Social Services Campus, 1901 N. DuPont Highway, Main Administration Building, New Castle DE 19720 or by email to DHCC@delaware.gov by 4:30 p.m. on October 1, 2026. Please identify in the subject line: Diamond State Hospital Cost Review Board Regulations.

SUMMARY OF PROPOSAL

The Diamond State Hospital Cost Review Board ("Board") proposes new regulation 16 DE Admin. Code 5003, Hospital Information Review. Subchapter VI of Chapter 99 of Title 16 of the **Delaware Code** (16 Del.C. §9951, et seq.) directs hospitals to submit financial and utilization information to the Board annually and directs the Board to review that information, meet with hospitals, hold public hearings, and issue written findings of fact and determinations. 16 Del.C. §9952(g) requires the Board to promulgate regulations necessary to implement the subchapter, including a schedule for the submission of information required from hospitals under 16 Del.C. §9953 and a manual providing uniform definitions and submission criteria.

The proposed regulation implements these requirements. Section 1.0 defines terms. Section 2.0 addresses applicability and the computation of time. Section 3.0 establishes the process for hospitals to submit audited financial statements, and accompanying auditor letters and reports, within 30 days of the statements becoming finalized. Section 4.0 establishes the annual reporting calendar. Hospitals submit hospital information no later than January 31 of each year. The Board reviews the submissions and convenes a public hearing for each hospital no later than June 1, at which the hospital presents and members of the public may comment. The Board completes its final review and issues written findings of fact and determinations no later than June 30. Section 5.0 contains the Uniform Reporting Manual, which provides uniform definitions, reporting categories and classifications, and submission criteria for the categories of hospital information described in 16 Del.C. §9953(a). Each year, the Board will adopt guidance, following a public comment period and a vote of the Board, specifying the submissions required for the reporting period and the exhibits, templates, and formats for making them. Section 6.0 requires the Board to post the records that are public records under 16 Del.C. §9958(b)(2) and establishes a process for a hospital to request that the Board withhold information that is not deemed public under 29 Del.C. §10002(o). Section 7.0 establishes a process for extending deadlines, on a hospital's request or on the Board's own initiative.

The Board anticipates promulgating additional regulations to implement other components of the subchapter, including benchmark compliance plans under 16 Del.C. §9954 and enforcement under 16 Del.C. §9957.

No other regulations are affected by this proposal.

*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/september2026/proposed/30 DE Reg 123RFA 09-01-26.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/september2026/proposed/30 DE Reg 123 09-01-26>

PROPOSED REGULATIONS

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

PROPOSED

PUBLIC 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 (Agency), Health Systems Protection Section is re-proposing revisions to the Regulations Governing the Childhood Lead Poisoning Prevention Act (16 **DE Admin. Code** 4459A).

Proposed revisions to 4459A Regulations Governing the Childhood Lead Poisoning Prevention Act were previously published on December 1, 2025 (29 **DE Reg.** 493), announcing a public comment period of December 1, 2025 through January 2, 2026. Changes included 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)*. DHSS published a General Notice on January 1, 2026 (29 **DE Reg.** 633) extending the public comment period until 4:30 PM on March 3, 2026.

Entities offering written comments included the Childhood Lead Poisoning Prevention Advisory Committee. The Agency appreciates and acknowledges the comments that were submitted. Additional changes were requested for two of the defined terms, amending requirements for blood lead level screenings and tests, and amending the timeline for valid blood lead level screening and testing.

As a result of evidence review, substantive changes are being made to the definition of 'Testing', 'Healthcare provider', 'Laboratory', subsection 3.3, and Section 5.0. In addition, this regulation is consistent with HB 312, signed on May 21, 2026 (85 Del. Laws, c. 266).

Copies of the re-proposed regulation are available for review in the September 1, 2026 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 December 1, 2026. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

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

*Please Note:

(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/september2026/proposed/30 DE Reg 124RFA 09-01-26.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/september2026/proposed/30 DE Reg 124 09-01-26>

DIVISION OF PUBLIC HEALTH

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

PROPOSED

PUBLIC NOTICE

4459B Residential Property Renovation, Repair and Painting

Pursuant to 16 **Del.C.** §§122(3)(t), the Delaware Department of Health and Social Services (“DHSS”), Division of Public Health (Agency) published proposed revisions to regulation 4459B Residential Property Renovation, Repair and Painting on December 1, 2025 (29 **DE Reg.** 498), announcing a public comment period of December 1, 2025 through January 2, 2026. 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)*. DHSS published a General Notice on January 1, 2026 (29 **DE Reg.** 633) extending the public comment period until 4:30 PM on March 3, 2026.

Written comments were accepted on the proposed regulation during the public comment period (December 1, 2025 through March 3, 2026). Entities offering written comments included the Childhood Lead Poisoning Prevention Advisory Committee and the Community Legal Aid Society, Inc.

After reviewing the public comments submitted by the Community Legal Aid Society, Inc. (CLASI), the Delaware State Lead-based Paint Program determined that many of the recommended changes are already incorporated into the current Occupant Protection Plan (OPP) or would be more appropriately addressed through revisions to the OPP form rather than amendments to 16 **DE Admin. Code** 4459B. Several recommendations, including mandatory lead risk assessments and clearance testing, would significantly increase costs for property owners by adding requirements beyond the scope of the contracted renovation work. Additionally, recommendations related to Occupational Safety and Health Administration (OSHA)-aligned worker protection standards fall outside the statutory purpose of the Childhood Lead Poisoning Prevention Program, as workplace safety is already regulated under federal OSHA requirements.

Comments received also conveyed support for amendments relating to applicability. Additional changes were suggested regarding objective clearance, testing exemptions, tenant-centered protections, and worker protections.

In response to the public comments received, the Agency is working to have signs posted at work areas to be posted in the language of the tenant or tenants, as well as pursuing having the Occupant Protection Plan (OPP) document translated into Spanish and Haitian Creole. As a result of evidence review, substantive amendments to subsection 4.1.1 relating to occupant protection are being introduced in this re-proposal.

Copies of the re-proposed regulation are available for review in the September 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at <https://regulations.delaware.gov> or by calling the Division of Public Health at 302-424-7149.

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

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

*Please Note:

(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/september2026/proposed/30 DE Reg 125RFA 09-01-26.pdf](https://regulations.delaware.gov/register/september2026/proposed/30%20DE%20Reg%20125RFA%2009-01-26.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/september2026/proposed/30 DE Reg 125 09-01-26>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section §122(3)t and 16 Delaware Code, Chapter 30M (16 Del.C. §122(3)t & 16 Del.C. Ch. 30M)

PROPOSED

PUBLIC NOTICE

4459C Lead-Based Paints on Outdoor Structures

Pursuant to 16 Del.C. §122(3)t & 16 Del.C. Ch. 30M, the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is re-proposing new regulation governing the use of lead-based paints on outdoor structures.

The regulation was previously published on February 1, 2026 (29 DE Reg. 676), announcing a public comment period of February 1, 2026 through May 4, 2026.

Entities offering written comments included the Childhood Lead Poisoning Prevention Advisory Committee. The Agency appreciates and acknowledges the comments that were submitted. As a result of evidence review, substantive changes are being made to the definition of 'Lead-based paint', 'Outdoor structure', Section 4.0, and Section 5.0.

Copies of the re-proposed regulation are available for review in the September 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-424-7149.

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

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

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

<https://regulations.delaware.gov/register/september2026/proposed/30 DE Reg 126RFA 09-01-26.pdf>

4459C Lead-Based Paints on Outdoor Structures

1.0 General Provisions

- 1.1 Preamble. This regulation is adopted by the Secretary of Delaware Health and Social Services pursuant to the authority invested in the Secretary by [https://delcode.delaware.gov/title16/c001/sc02/12216 Del.C. §122\(3\)t](https://delcode.delaware.gov/title16/c001/sc02/12216 Del.C. §122(3)t). This regulation, which excludes consumer products and paints regulated under 16 CFR 1303 "Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint", establishes standards for the regulation of lead-based paint use on outdoor structures and establishes procedures for enforcement.
- 1.2 Authority. This regulation is promulgated pursuant to [81 Del. Laws, c. 396](#) and [16 Del.C. Ch. 30M](#).
- 1.3 Purpose. This regulation shall be construed and applied to promote its purpose of protecting the public health by banning the use of lead paints on outdoor structures in Delaware.

- 1.4 Severability. If any provision or application of any provision of this regulation is held invalid, that invalidity shall not affect other provisions or applications of this regulation.

2.0 Definitions

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

“Lead-based paint” means paint or other surface coating that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5% by weight.

“Non-lead paint” means paint containing lead or lead compounds and in which the lead is less than 90 parts per million (ppm) by weight of the total nonvolatile content of the paint or the weight of the dried paint film.

“Outdoor structure” means any man-made permanent or semi-permanent structure, fixture, equipment or exterior surface exposed to rain, snow, sunlight, humidity, or other outdoor forces of nature. Outdoor structures include bridges, water towers, pipes, playground equipment, highways, parking lots, guard rails, and poles or towers used in the transmission of telephone, internet, or electric power.

“Paint” means varnishes, lacquers, enamels, glazes, primers, or other surface-coating materials used for any purpose; and is typically a mixture of resins, pigments, fillers, solvents, and other additives that constitute a finished product.

“Person” means an individual, partnership, corporation, association, non-profit, or governmental entity.

3.0 Standards

- 3.1 A person who is procuring paint for application to an outdoor structure or applying a paint to an outdoor structure shall be responsible to ensure that the paint does not meet the definition of a lead paint. The determination of a lead paint will be based on either the paint manufacturer’s documentation, such as a Safety Data Sheet or product specification, or through laboratory analysis of the paint.
- 3.2 If a non-lead paint application is used to cover a lead paint on an outdoor structure, the structure owner or person applying the paint shall determine an appropriate inspection and maintenance schedule to ensure that the lead paint is not exposed to weathering or deterioration.

4.0 Compliance

- 4.1 For the purpose of demonstrating compliance with this regulation, the owner of the outdoor structure shall keep records, either printed or electronic, demonstrating that paints used on outdoor structures are non-lead paints. The records shall be retained for a minimum of 10 years.
- 4.2 Documentation demonstrating compliance may include manufacturer product specifications, safety data sheets, purchase records, or laboratory analysis reports demonstrating that the paint does not meet the definition of lead-based paint.
- 4.3 Laboratory analysis shall be conducted by a laboratory accredited for analysis of lead in paint using EPA-recognized analytical methods.
- 4.4 Paint chip samples collected for purposes of demonstrating compliance with this regulation shall be obtained by a third party that is independent of the owner and any person applying paint to the outdoor structure.
- 4.5 Records of any laboratory analysis conducted pursuant to this Section shall be retained for a minimum of 10 years and made available to the Division upon request.

5.0 Penalties and Enforcement

- 5.1 Pursuant to [16 Del.C. §3003M](#), the use by any person of lead paints on outdoor structures shall be prohibited.
- 5.2 Pursuant to [16 Del.C. §3004M](#), the Secretary of the Department of Health and Social Services, the Director of the Delaware Division of Public Health, or the Director's designee, shall enforce this regulation. Whoever violates this regulation shall be punishable by an administrative penalty of not more than \$10,000 per day for each completed violation. Each day of continued violation shall be considered as a separate violation.
- 5.3 Failure to maintain or produce records required under Section 4.0 of this regulation shall constitute a violation of this regulation and may result in the imposition of penalties established in subsection 5.2 of this regulation. The documentation must be received within 30 days of the date of request. If documentation is not available and laboratory sampling and analysis must be performed, the documentation must be received within 90 days of the date of request.
- 5.4 If it is shown that a lead paint was applied after enactment of this regulation, or a determination of compliance cannot be made, the owner of the structure will be required to either repaint the structure with a non-lead paint, abate the lead hazard through paint removal, or remove or replace the outdoor structure.

All actions taken shall be approved by the State of Delaware prior to commencement and shall be performed according to all applicable federal, state, and local laws, regulations, and codes.

5.5 If a complaint is received by the Delaware Division of Public Health that asserts a lead paint is being applied to an outdoor structure subject to this regulation, the State of Delaware may take action to ensure that the paint complies with this regulation. The complaint should include:

5.5.1 The structure type;

5.5.2 The structure location; and

5.5.3 The identity of the structure's owner and person applying the paint.

6.0 Effective Date

[81 Del. Laws, c. 396](#) was signed into law on August 29, 2018. The prohibition in this statute for any new use or application of lead-based paints, pigments, and coatings became effective January 1, 2020. The prohibition in this statute for any use or application of lead-based paints, pigments, and coatings that occurred prior to January 1, 2020 became effective on January 1, 2024.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF CLIMATE, COASTAL AND ENERGY

Statutory Authority: 26 Delaware Code, Section 1014(d)(1)(b) (26 Del.C. §1014(d)(1)(b))

PROPOSED

PUBLIC NOTICE

2106 Issuance of Waivers of Net Metering Limits for Agricultural Use Customers

SAN # 2024-16

DOCKET # 2025-R-CCE-0001

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

This regulation directs the Department of Natural Resources and Environmental Control (DNREC) how to grant waivers to agricultural use customers who receive energy distribution from Delmarva Power and Light, under a residential tariff or service offering, and are requesting to install a net metering system larger than 150 kilowatts (kW).

POSSIBLE TERMS OF THE AGENCY ACTION:

None

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

The agency does not believe that other regulations will be impacted

NOTICE OF PUBLIC COMMENT:

A virtual public hearing, Hearing Docket No. 2025-R-CCE-0001, will be held on Wednesday, September 23, beginning at 6 PM. The web link to the virtual hearing can be accessed through the DNREC Public Hearing site at <https://de.gov/dnrechearings>. If prompted, use Meeting ID: 833 6664 0780 and Passcode: 207374. To access the audio-only portion of the virtual hearing, dial 1-305-224-1968 and enter the Meeting ID and Passcode noted above. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

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

The proposed amendments may be inspected online starting September 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only by contacting Janet Redman by phone at 302-739-9409 or by email at janet.redman@delaware.gov.

Public comments will be accepted through the close of business on Thursday, October 8, 2026. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://dnrec.delaware.gov/public-hearings/comment-form/>, or by US mail to the following address:

Lisa Vest, Hearing Officer
DNREC, Office of the Secretary
89 Kings Highway
Dover, Delaware 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/september2026/proposed/30 DE Reg 128RFA 09-01-26.pdf>

2106 Issuance of Waivers of Net Metering Limits for Agricultural Use Customers

1.0 Statutory Authority

This regulation is promulgated pursuant to [26 Del.C. §1014\(d\)\(1\)\(b\)](#).

2.0 Purpose

The purpose of this regulation is to direct the Department of Natural Resources and Environmental Control (DNREC) on how to grant waivers to “agricultural use” customers (as described in [3 Del.C. §902\(3\)](#) and defined below) who receive energy distribution from Delmarva Power and Light, or any other Public Service Commission regulated electric utility, under a residential tariff or service offering, and are requesting to install a net metering system larger than 150 kilowatts (kW).

3.0 Definitions

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

“Agricultural use” means all forms of farming, including agriculture, horticulture, aquaculture, silviculture and activities devoted to the production for sale of food and other products useful to humans which are grown, raised or harvested on lands and waters.

“Customer” means a purchaser of electricity with a Delmarva Power and Light account number for ultimate consumption and not for resale in Delaware, including the owner/operator of any building or facility, but not the occupants of the building, who purchases and supplies electricity to the occupants of the building or facility.

“Customer-generator facility” means equipment used by a customer to generate, manage, and monitor electricity. A customer-generator facility, which typically includes an electric generator or an equipment package, shall:

1. Satisfy all of the applicable requirements of [26 DE Admin. Code 3012](#) Rules for Regulation of Net Metering;
2. Meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronic Engineers, and Underwriters Laboratories to ensure that net metering customers meet applicable safety and performance standards; and
3. Comply with the electric supplier's interconnection tariffs and operating guidelines.

“Delmarva Power and Light” or “DP&L” means Delmarva Power & Light Company, the regulated utility company in the state of Delaware, or its successor.

“Department of Natural Resources and Environmental Control” or “DNREC” means the entity established by [29 Del.C. §8001](#).

“Environmental Appeals Board” means the Environmental Appeals Board established by [7 Del.C. §6007](#).

“Kilowatt” or “kW” means the basic unit of electric power equal to 1,000 watts.

“Net metering” means a service to a customer whereby electric energy generated by the customer, through a customer-generator facility and delivered to the local distribution facilities of DPL, may be used to offset electric energy provided by DP&L to the customer.

“Secretary” means the Secretary of the Department of Natural Resources and Environmental Control.

4.0 Waiver process for a DP&L agricultural use customer seeking a customer-generator facility greater than 150 kW

- 4.1 Agricultural use customers who receive energy from DP&L under a residential tariff or service offering may contact DNREC’s State Energy Office requesting a waiver of the 150 kW limit on net metering systems.

- 4.2 On a case-by-case basis, the DNREC State Energy Office may grant a waiver for a customer-generator facility greater than 150 kW if the agricultural use customer can demonstrate to the State Energy Office in a standard form of waiver request that the historic annual consumption on the farm supports a larger system by comparing the output of the proposed customer-generator facility to the energy requirements of the farm. The energy requirements of the farm shall be determined by looking at the agricultural use customer's expected aggregate electrical consumption, calculated on the average of the 2 previous 12-month periods of actual electrical usage of the agricultural use area.
- 4.3 The agricultural use customer requesting a waiver shall complete and submit a standard form of waiver request supplied by the DNREC State Energy Office, which will be posted to its website.
- 4.4 The agricultural use customer must demonstrate compliance with the requirement that no more than 110% of the host agricultural use customer's expected aggregate electrical consumption, calculated on the average of the 2 previous 12-month periods of actual electrical usage at the time of installation, is exceeded.
- 4.5 The average meter capacity for all of the agricultural use customer's meters shall not exceed 150 kW.

5.0 Procedures to appeal a denial of a net metering limits waiver request

- 5.1 Any agricultural use customer whose request for a waiver has been denied by the State Energy Office may appeal to the Secretary by giving written notice of appeal to the Secretary. Notice shall be by certified or registered mail within 20 calendar days of the State Energy Office's decision, and shall specify:
 - 5.1.1 The interest of the appellant;
 - 5.1.2 The basis of the appeal; and
 - 5.1.3 The specific laws, regulations or other legal authorities alleged to have been violated by the State Energy Office's decision.
 - 5.2 A public hearing may be held on any appeal, upon request, whenever the Secretary deems the hearing request meritorious. A request for a public hearing shall be deemed meritorious when the appeal is not frivolous and the notice of appeal exhibits a reasonable familiarity with the State Energy Office's decision. The public hearing shall be conducted as follows:
 - 5.2.1 For any hearing on an appeal, notification shall be served upon the appellant as summonses are served or by registered or certified mail not less than 20 calendar days before the time of the hearing. Notice shall also be published in a newspaper of general circulation in the county in which the activity is proposed and in a daily newspaper of general circulation throughout the State not less than 20 calendar days before the time of the hearing.
 - 5.2.2 The appellant may appear personally or be represented by counsel at the hearing and produce any competent evidence on the appellant's behalf. The Secretary or the Secretary's authorized designee may administer oaths, examine witnesses, and issue, in the name of the Department, notices of hearings or subpoenas requiring the testimony of witnesses and production of books, records or other documents relevant to any matter involved in the hearing.
 - 5.2.3 A verbatim transcript of testimony at the hearing shall be prepared and shall, along with the exhibits and other documents introduced by the Secretary or other parties, constitute the record. The Secretary or the Secretary's authorized designee shall make findings of fact based on the record. The Secretary shall then enter an order that will best further the purposes of the Act and this regulation, and the order shall include reasons. The Secretary shall promptly give written notice of the order to parties who participated in the hearing.
 - 5.2.4 Any person whose interest is substantially affected by the Secretary's Order taken pursuant to subsection 5.2.3 of this regulation may appeal to the Environmental Appeals Board in accordance with the provisions of [7 Del.C. §6008](#). Appeals of decisions by the Environmental Appeals Board shall be conducted pursuant to [7 Del.C. §6009](#).
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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 Amendment 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 changes to Section 2.0 Definitions, to modify the definition of “pre-roll”, and changes to subsection 6.7 Marijuana cultivation facility general requirements to allow a cultivation facility to prepare and sell to retail marijuana stores “pre-rolls” containing only marijuana flower cultivated by the facility and bearing only the producing facility’s branding. Additional changes are proposed to subsection 9.7 to conform those provisions to changes previously made in Section 10.0 modifying permissible colors and images on branding and packaging. See 29 DE Reg. 787 (03-01-26). 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 September 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 October 1, 2026.

Adoption of Proposed Regulation

On or after October 2, 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: 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/september2026/proposed/30 DE Reg 131RFA 09-01-26.pdf>

5001 Rules of the Office of the Marijuana Commissioner

(Break in Continuity of Sections)

2.0 Definitions

The definitions set forth in 4 Del.C. §1302 are hereby adopted and incorporated by reference in this regulation. The following words and terms, when used in this regulation, should have the following meaning:

(Break in Continuity Within Section)

"Pre-roll" means manufactured marijuana flower that is rolled into a marijuana cigarette by a marijuana product manufacturing facility establishment, as permitted by this regulation.

- "Qualifying Patient"** means an individual who meets the qualifications to receive a medical marijuana program card.
- "Responsible person"** means each officer or employee, or a member, officer, or employee of a pass-through entity, as defined in §1601 of Title 30 of the Delaware Code, who, as an officer, employee, or member of a marijuana establishment has any control over the marijuana establishment's finances or is responsible for filing the marijuana establishments Retail Marijuana Tax form, or collecting, accounting for, or remitting payment for the marijuana establishment's retail marijuana tax.
- "Retail area"** means the area of a retail marijuana store where marijuana, marijuana products, and marijuana accessories are offered for sale.
- "Retail Marijuana Tax"** means the tax imposed by [4 Del.C. §1382\(b\)](#).
- "Retail Marijuana Tax Form"** means the form prescribed by Revenue to calculate the Retail Marijuana Tax due to the State.
- "Revenue"** means the Delaware Division of Revenue, a division of the Delaware Department of Finance.
- "Seed-to-sale tracking system"** means the is the software system developed and maintained approved by the Commissioner to track and maintain records across marijuana supply chain activities.
- "Shake"** means the excess leaf, flower, or stem material removed from marijuana plants during the harvest and manufacturing processes.
- "Single-serving marijuana beverage"** means a marijuana product in a liquid form intended to be consumed orally through a single serving. Marijuana beverages do not include tinctures.
- "Tincture"** means a liquid mixture created from a concentrated extract of marijuana.
- "Topical marijuana product"** means a mixture or extract of marijuana made into a balm, lotion, ointment, or rubbing alcohol solution, that is intended to be consumed in a transcutaneous manner.
- "Transdermal marijuana product"** means a marijuana product intended to be applied to the skin, whereby the marijuana can be consumed in a transcutaneous manner. Transdermal marijuana products include stick-on patches.
- "Transport manifest"** means a record, either paper or electronic, required by the Commissioner for the transfer of any marijuana or marijuana product from 1 licensed facility to another licensed facility, including for the purposes of testing.
- "Trim"** means the same as shake.
- "Universal symbol"** means the symbol developed by the Commissioner to be placed on every marijuana product intended for sale, for purposes of identifying the product as regulated and product and sold by a licensed marijuana business.
- "Waiting area"** means the area of a retail marijuana store where customers enter the facility, have their identification and age verified, and where marijuana, marijuana products, and marijuana accessories are not present for sale.
- "Water activity"** means a measure of the quantity of water in marijuana or a marijuana product that is available, and therefore capable of, supporting bacteria, yeasts, and fungi.

(Break in Continuity of Sections)

6.0 General Compliance

(Break in Continuity Within Section)

- 6.7 Marijuana cultivation facility general requirements
- 6.7.1 Marijuana cultivation facilities are permitted to:
- 6.7.1.1 Plant and cultivate marijuana plants, subject to the limits associated with each tier of license;
 - 6.7.1.2 Harvest, trim, dry, and cure marijuana plants;
 - 6.7.1.3 Store harvested marijuana flower, including kief and marijuana trim;
 - 6.7.1.4 Sell and distribute marijuana flower, including kief and marijuana trim to marijuana cultivation facilities, marijuana product manufacturing facilities, and retail marijuana stores;
 - 6.7.1.5 Manufacture, and sell to retail marijuana stores, pre-rolls bearing only the producing facility's branding and containing only marijuana flower cultivated by the facility;
 - 6.7.1.56.7.1.6 Provide samples of marijuana and marijuana products to the Division for mandatory compliance testing in accordance with Section 11.0 of this regulation at the direction of the Commissioner;
 - 6.7.1.66.7.1.7 Collect samples of marijuana and marijuana products for research and development testing and transport those samples to a marijuana testing facility;

- ~~6.7.1.76.7.1.8~~ Prepare, package, and label marijuana flower and pre-rolls into individual retail units for wholesale to a retail marijuana store;
- ~~6.7.1.86.7.1.9~~ Transport marijuana and pre-rolls to marijuana products manufacturing facilities and retail marijuana stores; and
- ~~6.7.1.96.7.1.10~~ Destroy marijuana ~~plants and marijuana plants, marijuana, and pre-rolls~~ in accordance with Section 12.0 of this regulation.
- 6.7.2 Marijuana cultivation facilities may not:
 - 6.7.2.1 Produce marijuana concentrates, tinctures, extracts, or other marijuana ~~products; products,~~ except as provided in this regulation;
 - 6.7.2.2 Sell marijuana or marijuana products directly to consumers; and
 - 6.7.2.3 Permit marijuana or marijuana products to be consumed on the premises of the marijuana cultivation ~~facility; facility;~~
 - 6.7.2.4 Produce pre-rolls for any third party or offer pre-rolls for sale under any brand other than that of the licensed marijuana cultivation facility producing these pre-rolls;
 - 6.7.2.5 Product pre-rolls containing marijuana concentrates or kief; and
 - 6.7.2.6 Purchase marijuana flower from other marijuana establishments for the purpose of producing pre-rolls.
- 6.7.3 Standard operating procedures. A marijuana cultivation facility must establish standard operating procedures in accordance with subsection 6.4.2 of this regulation for all aspects of the planting, cultivating, harvesting, trimming, drying, curing, storing, selling, distributing, sampling, preparing, packaging, labeling, transporting, tracking, and destroying of marijuana plants. The standard operating procedures must include:
 - 6.7.3.1 The creation and timely entry of accurate data into an inventory control system that identifies and tracks the marijuana cultivation facility's inventory of marijuana from the seed or immature plant to the time they are sold or transferred to another marijuana establishment;
 - 6.7.3.2 The safe and sanitary storage of marijuana and marijuana products, including maintaining the cleanliness of any building or equipment used to store or display marijuana or marijuana products;
 - 6.7.3.3 The procedure for providing a sample of its marijuana to the Division for testing and research purposes as required by Section 11.0 of this regulation;
 - 6.7.3.4 The creation and maintenance of a record of samples provided to the Division for the purposes of mandatory compliance testing, the identity of the marijuana testing facility that tested the samples, and the results of the mandatory compliance testing;
 - 6.7.3.5 The proper packaging and labeling of marijuana to be sold to retail marijuana stores, as required by Section 9.0 of this regulation;
 - 6.7.3.6 The selling or transferring of marijuana, including seeds, immature plants, mature plants, and packaged and labeled marijuana, to retail marijuana stores, marijuana product manufacturing facilities, and other marijuana cultivation facilities;
 - 6.7.3.7 The proper disposal and segregated storage of marijuana that is outdated, damaged, deteriorated, misbranded, or adulterated;
 - 6.7.3.8 The training of all personnel in the standard operating procedures and retention of attendance records; and
 - 6.7.3.9 A copy of the standard operating procedures must be readily available on-site for inspection by the Commissioner.
- 6.7.4 A marijuana cultivation facility must have an environmental and sustainability plan that includes efforts the facility will take to minimize the environmental impact of its operations and plans to minimize water usage.
- 6.7.5 Batch size. Marijuana cultivation facilities may not package marijuana in batches larger than 10 pounds.
- 6.7.6 Marijuana cultivation facility security requirements
 - 6.7.6.1 Marijuana cultivation facilities must comply with the following facility protocols:
 - 6.7.6.1.1 Ensure all activities related to the cultivation of marijuana plants take place within a fully enclosed secure indoor facility or within a secured fenced area;
 - 6.7.6.1.2 Have sufficient gas, suction, electrical outlets, sinks, hot and cold running water, and bathroom facilities;
 - 6.7.6.1.3 Have adequate temperature and humidity controls;
 - 6.7.6.1.4 Prominently display a list of all trained personnel inside or immediately outside of the extraction area; and

PROPOSED REGULATIONS

- 6.7.6.1.5 Process only marijuana that has been harvested in areas designated for processing.
- 6.7.6.2 Marijuana cultivation facilities must comply with the following safety and security protocols:
 - 6.7.6.2.1 Update their safety, security, and prevention and diversion plan upon requesting a 1-tier increase in size each renewal period; and
 - 6.7.6.2.2 Implement the general security requirements required in subsection 6.3 of this regulation.

(Break in Continuity of Sections)

9.0 Packaging and Labeling Requirements for Marijuana and Marijuana Products

(Break in Continuity Within Section)

- 9.7 Marijuana and marijuana product packaging and labels may not contain the following:
 - ~~9.7.1 Neon colors;~~
 - ~~9.7.29.7.1~~ Imitation or resemblance of any existing branded consumer products;
 - ~~9.7.39.7.2~~ Cartoons, ~~cartoon-like fonts,~~ caricatures, ~~fruit, human or animal shapes, balloons~~ balloons, or toys; or
 - ~~9.7.4 Depictions of a celebrity or celebrity likeness; or~~
 - ~~9.7.59.7.3~~ Images of minors or words or images that refer to products that are commonly associated with minors or marketed to minors, including the word "candy," minors.
- 9.8 Child Safety Measures
 - 9.8.1 A retail marijuana store must provide with all marijuana and marijuana products sold at retail a written notification in at least 12-point font which contains the following warnings:
 - 9.8.1.1 Marijuana ingestion by children can cause severe illness and hospitalization.
 - 9.8.1.2 Marijuana products should be kept out of reach of children and in locked storage containers.
 - 9.8.1.3 Allowing, through negligence or otherwise, children to ingest marijuana and marijuana products or storing marijuana and marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect.
 - 9.8.1.4 Common signs and symptoms of marijuana ingestion in children are:
 - 9.8.1.4.1 Dizziness;
 - 9.8.1.4.2 Confusion;
 - 9.8.1.4.3 Abnormal heart rate;
 - 9.8.1.4.4 Sleepiness/Drowsiness;
 - 9.8.1.4.5 Upset stomach;
 - 9.8.1.4.6 Vomiting;
 - 9.8.1.4.7 Diarrhea; and
 - 9.8.1.4.8 Changes in breathing.
 - 9.8.1.5 If your child collapses, appears to be having a seizure, or has difficulty breathing, contact 911 immediately.
 - 9.8.2 A retail marijuana store must provide with all marijuana and marijuana products sold at retail safe drug storage educational information.
 - 9.8.3 Each retail marijuana store shall offer for sale containers for the storage of marijuana and marijuana products which lock and are designed to prohibit children from unlocking and opening the container.

***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/september2026/proposed/30 DE Reg 131 09-01-26>

DEPARTMENT OF STATE

OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER

Statutory Authority: 4 Delaware Code, Section 304(a)(1) (4 **Del.C.** §304(a)(1))
4 **DE Admin. Code** Rule 903

PROPOSED

PUBLIC NOTICE

Rule 903 (Formerly Rule 8.1) A Rule Governing the Shipment and Storage of Alcoholic Liquors by Suppliers and Wholesalers

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 4 **Del.C.** §304, the Delaware Alcoholic Beverage Control Commissioner proposes to update its regulation related to the at-rest requirement of 18 hours.

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

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

Comments may also be directed via electronic mail to OABCCrulescomments@delaware.gov. Any written submission in response to this notice and relevant to the proposed regulation must be received by the Delaware Alcoholic Beverage Control Commissioner no later than 4:00 p.m. EST, October 1, 2026.

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

Background

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

Summary of Proposal

4 **DE Admin. Code** 903 is updated so reference to the 18 hour at-rest requirement is consistent throughout the regulation.

Statutory Authority 4 **Del.C.** §304

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

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

<https://regulations.delaware.gov/register/september2026/proposed/30 DE Reg 135RFA 09-01-26.pdf>

Rule 903 (Formerly Rule 8-1) A Rule Governing the Shipment and Storage of Alcoholic Liquors by Suppliers and Wholesalers

1.0 Purpose

- 1.1 This amended ~~rule~~ regulation is promulgated, in part, pursuant to the Commissioner's authority to regulate time, place, and manner in which alcoholic liquor is sold or dispensed, and provides regulations for the marking of vehicles used by licensed importers for the transportation of alcoholic liquor. It also establishes standards for the distribution of alcoholic liquor by importers to establishments licensed by the Commissioner for the sale of alcoholic liquor.
- 1.2 In addition, the Commissioner has found, pursuant to the Commissioner's authority, to promulgate rules and regulations necessary for the enforcement and furtherance of the objectives of **4 Del.C. §501**, that all alcoholic liquor imported into this state must be unloaded and physically stored for a reasonable period of time to allow for enforcement of the regulatory provisions of the Liquor Control Act and Commissioner Rules. This ~~rule~~ regulation, therefore, implements and clarifies **4 Del.C. §501(f)** as to what period of time alcoholic liquors must be physically stored after it is unloaded in order to comply with **4 Del.C. §501(f)** and all other provisions of Title 4, the Liquor Control Act, and the Commissioner Rules and Regulations promulgated thereto.
- 1.3 Specifically, the Commissioner has found that ~~seventy-two (72)~~ **18** hours is a reasonable "at-rest" period of time to enable the DATE to carry out its statutory duties to inspect and inventory licensed Delaware warehouses.

2.0 Definitions: ~~As Used in this Rule~~ Definitions

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

"DATE" means the Division of Alcohol and Tobacco Enforcement.

"Establishment" means any place located physically in this state where alcoholic liquor of ~~one~~ **one** or more varieties is stored, sold, or used by authority of any law of this state, or where alcoholic liquor of ~~one~~ **one** or more varieties is manufactured by virtue of any law of this state.

"Importer" ~~shall mean wholesaler and shall be located within the State of Delaware.~~ means a wholesaler located in the State of Delaware.

~~Supplier~~ "Supplier" ~~may be~~ means a brewery, winery, distiller, alcoholic beverage importer, or alcoholic beverage broker that sells alcoholic beverages to ~~Importers~~ importers of the State of Delaware. A supplier's organization may be located within or without the State of Delaware.

3.0 Procedures

- 3.1 Importer's vehicles, in which alcoholic beverages are shipped into and throughout Delaware, shall have painted on both of their sides the name of the importer and the words "Delaware Alcoholic Beverage Control Commissioner - License Number" (Insert the importer's license number) in letters at least ~~two~~ **two** inches high, uncovered, and clearly visible.
- 3.2 Vehicles owned by suppliers in which alcoholic beverages are shipped into Delaware, need not have the name of the Commissioner or the Delaware licensed importer's license number affixed to the side of the vehicle.
- 3.3 Vehicles owned by suppliers shall not be used for delivery of alcoholic beverages to retailers in the State of Delaware.
- 3.4 No peddling shall be allowed. Definite orders for all alcoholic beverages shipped from an ~~Importer's~~ importer's warehouse shall have been received from customers before the loaded vehicles leave the warehouse.
- 3.5 No alcoholic beverages in excess of that ordered shall be carried on the vehicles.
- 3.6 A statement showing the destination of each package of alcoholic beverages shall be furnished the driver and carried by over the route.
- 3.7 Upon the driver's return to the warehouse, the driver shall sign the statement showing the alcoholic beverages have been delivered to the destination listed. This statement shall be available for inspection by the Commissioner at all times.

4.0 Importers' Warehouses

- 4.1 Importers may have ~~one~~ 1 or more warehouses in different locations within the State of Delaware provided proper application for ~~such the extra warehouse(s)~~ warehouse is filed and approved by the Commissioner.
- 4.2 The person in charge of an ~~Importer's~~ importer's warehouse must be approved by the Commissioner.
- 4.3 All ~~Importers'~~ importers' warehouses used for the storage of alcoholic liquor, except public cold storage establishments, must be either owned or rented directly by the ~~Importer~~ importer or a business entity in which the ~~Importer~~ importer maintains complete ownership. The person in charge of the importer's warehouse is to be upon the regular salary list or payroll of ~~such Importer~~ the importer.
- 4.4 The ~~Importer~~ importer is responsible for ensuring compliance with the Liquor Control Act and Commissioner Rules at all premises licensed in its name by the Commissioner.

5.0 Hours of Delivery

- 5.1 Delivery trucks and other vehicles of an ~~Importer~~ importer, licensed by the Commissioner for the delivery of alcoholic liquor to licensed retail establishments, may leave the warehouse after ~~five o'clock in the morning~~ 5:00 a.m. on any day when deliveries of alcoholic liquors are permitted; provided, however, that no actual delivery of beer, spirits, or wine to any licensed establishment is permitted before ~~seven o'clock in the morning~~ 7:00 a.m. and no ~~Importer~~ importer may require a ~~Retailer~~ retailer to accept deliveries prior to nine o'clock in the morning 9:00 a.m. The general hours of delivery above notwithstanding, importers and retail licensees may voluntarily agree in advance to early delivery hours; early delivery hours permit delivery trucks to leave the warehouse as early as 3:00 a.m. and make a delivery to a retail licensee as early as 4:00 a.m. The early delivery hours are voluntary only; neither an importer or retailer may require the other to use early delivery hours.
- 5.2 Delivery trucks or other vehicles may operate as late as necessary to properly deliver orders; provided the trucks or other vehicles leave the warehouse prior to ~~five-thirty o'clock in the afternoon~~ 5:30 p.m., other than during the period from December 10 to December 31 when the trucks or other vehicles shall be permitted to leave the warehouse prior to ~~eight o'clock in the evening~~ 8:00 p.m.
- 5.3 There shall be no delivery of beer, spirits, or wine on any holiday specified in **4 Del.C. §709 (d)**.
- 5.4 Deliveries of alcoholic liquor by ~~Importers~~ importers, or their authorized representatives, to retail establishments, at any time not permitted by this ~~rule~~ regulation is prohibited.

6.0 The "At-Rest Requirement" [4 Del.C. Section 501(f)]

- 6.1 A licensed Delaware ~~Importer~~ importer shall not import alcoholic liquor into the State of Delaware unless ~~said the~~ alcoholic liquor is delivered directly from a Delaware licensed supplier by either the supplier, the ~~Importer~~ importer, or common carrier to a licensed Delaware warehouse or warehouses.
- 6.2 ~~Said The~~ Said licensed Delaware warehouse or warehouses must be owned, leased, or operated in accordance with subsection 4.3 of this ~~rule~~ regulation.
- 6.3 All alcoholic liquor delivered to ~~said the~~ warehouse or warehouses must be unloaded and physically stored for a period of at least ~~eighteen (18)~~ 18 hours.
- 6.4 The minimum period of ~~eighteen (18)~~ 18 hours "at rest" is required to enable the Commissioner, or DATE, to inspect and inventory wholesale warehouses for the purpose of verifying taxes that are required to be paid on alcoholic liquor purchased by ~~Importers~~ importers, pursuant to **4 Del.C. §581(a)** and Delaware Alcoholic Beverage Control Commissioner Rule 601.
- 6.5 Variances of the ~~eighteen (18)~~ 18 hour storage requirement may be granted for good cause if formally made in writing and submitted to the Commissioner.

7.0 Inspections and Inventories

Pursuant to **4 Del.C. §304 (A)(2) and (5)** and **4 Del.C. §581(c)**, DATE and the Division of Revenue may inspect the establishment of any licensed Delaware ~~Importer~~ importer and inventory any or all alcoholic liquor in the ~~Importer's~~ importer's possession at any time they deem reasonable and necessary to carry out their statutory duties to verify the reporting and collection of taxes payable to the State of Delaware.

8.0 Interstate Shipments

- 8.1 Every person in charge of transportation by motor vehicle, by railroad, by water vessel, by common carrier, or by any other vehicle that transports alcoholic beverages in or through the State of Delaware in an interstate shipment shall have a way bill. The carrier must have in his possession the way bill and be prepared to present it when asked.

- 8.2 The way-bill shall embody these written or printed terms:
- 8.2.1 The date of its issue.
 - 8.2.2 The name and address of the consignor.
 - 8.2.3 The name and address of the consignee.
 - 8.2.4 A statement as to whether the goods will be delivered to a specified person or to the order of a specified person.
 - 8.2.5 A description of the package, stating the number and contents.
 - 8.2.6 The signature of the carrier or his duly authorized agent.
-

OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER

Statutory Authority: 4 Delaware Code, Section 304(a)(1) (4 **Del.C.** §304(a)(1))
4 **DE Admin. Code** Rule 909

PROPOSED

PUBLIC NOTICE

Rule 909 (Formerly Rule 77) A Rule Pertaining to the License of Direct Shippers

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 4 **Del.C.** §304, the Delaware Alcoholic Beverage Control Commissioner proposes to update its rules related to licensure requirements for direct shipping and common carriers.

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

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

Comments may also be directed via electronic mail to OABCCrulescomments@delaware.gov. Any written submission in response to this notice and relevant to the proposed regulations must be received by the Delaware Alcoholic Beverage Control Commissioner no later than 4:00 p.m. EST, October 1, 2026.

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

Background

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

Summary of Proposal

4 DE Admin. Code 909 is updated to set forth requirements for licensure involving direct shippers and common carriers of alcoholic liquors in Delaware. This update is necessary to be consistent with H.B. 187, which added Section 526(d)(5) of Title 4 of the Delaware Code, for direct shipment through a licensed common carrier by Delaware licensees that are currently represented by a Delaware licensed importer/wholesaler, including wineries that are a subsidiary of a larger wine manufacturer or supplier licensed pursuant to Section 501 of Title 4. The regulation also defines the meaning of a “subsidiary” to be an entity that is owned, directly or indirectly, in whole or in part, with the term “in part” defined as 20% or more ownership, by a corporation over the affairs of which the corporation, directly or indirectly, exercises control.

Statutory Authority **4 Del.C. §304.**

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

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

<https://regulations.delaware.gov/register/september2026/proposed/30 DE Reg 138RFA 09-01-26.pdf>

Rule 909 (Formerly Rule 77) A Rule Pertaining to the License of Direct Shippers and Common Carriers

1.0 Purpose

For the purpose of fulfilling the requirements set forth by the General Assembly in section 1 of 72 Del.Laws, c.230, to be codified at 4 **Del.C. §526** ~~§§526 and 527, effective June 1, 2000, this rule regulation is to set forth the applicable license fee for a Direct Shipper and to establish the procedure for collection and payment of taxes~~ licensing and for delivery of orders via a licensed direct shipper by a licensed common carrier.

2.0 Authority

The Delaware Alcoholic Beverage Control Commissioner is authorized pursuant to **4 Del.C. §304(a)(1) and (2)** to adopt rules governing the time, place and manner in which alcoholic beverages are sold and dispensed throughout the State.

3.0 Applicability

This rule regulation applies to all persons who are licensed as direct shippers by the Commissioner and all licensed wholesalers, licensed retailers, and Delaware residents who deliver or receive sparkling wine, still wine, and/or beerwine, still or sparkling, obtained via direct shippers as set forth in **4 Del.C. §526.** This regulation applies to all persons licensed as a common carrier by the Commissioner as set forth in 4 Del.C. §527.

4.0 License Fee

The license fee for a direct shipper is a biennial fee of one hundred (\$100) dollars.

5.0 Taxes

Pursuant to ~~4 Del.C. §581(e), all persons licensed pursuant to 4 Del.C. §526 shall pay to the State of Delaware, Division of Revenue, the tax on such wine and beer sold to Delaware residents at the rates set forth in 4 Del.C. §581(d). Collection and payment of such taxes shall be in a manner consistent with Title 4 of the Delaware Code and the Commissioner's Rules and Regulations.~~

6.0 Delivery

~~Wine and beer ordered pursuant to 4 Del.C. §526 will be delivered at the licensee's place of business by a Delaware off-premises retail licensee to a Delaware resident consistent with Title 4 of the Delaware Code and the Commissioner's Rules and Regulations. In order to receive wine or beer from the retail licensee, the Delaware resident will present to the retail licensee a valid Delaware drivers license, with photograph identification, that indicates the resident is 21 years of age or older.~~

4.0 Definitions

"Fulfillment provider" means an entity, acting on behalf of a licensed direct wine shipper pursuant to a written agreement between the parties, that arranges for the packing and for the transport of wine by a licensed common carrier to the consumer.

"Subsidiary" as that term is used in [4 Del.C. §526\(d\)\(5\)](#), means any entity owned, directly or indirectly, in whole or in part (in part defined as 20% or more ownership), by a corporation and over the affairs of which the corporation directly or indirectly exercises control.

5.0 Requirements for Licensure

5.1 In addition to the requirements outlined in [4 Del.C. §526](#), a direct shipper applicant shall provide executed copies of all contracts with common carriers that will ship wine from it to Delaware consumers.

5.2 A direct shipper applicant that chooses to use a fulfillment provider to provide packing and transport support services for shipments to be presented to a licensed common carrier for delivery to Delaware consumers shall also submit executed copies of contracts with fulfillment providers, along with the fulfillment provider's home state business license, for the Office's review and approval before the direct shipper license is issued.

5.2.1 No fulfillment provider may provide services for wine to be shipped to Delaware until it has been approved by the Office.

5.2.2 Any change in fulfillment provider or common carrier must be reviewed and approved by the Office before wine is transported into Delaware.

5.3 In addition to the requirements outlined in [4 Del.C. §527](#), a common carrier applicant shall provide executed copies of all contracts with direct shipper applicants/licensees that wish to ship wine to Delaware consumers. Any contracts entered into with wineries for shipping into Delaware after licensure shall also be provided to the Office by the common carrier licensee within 10 days of execution.

6.0 Delivery

Wine ordered pursuant to [4 Del.C. §526](#) will be delivered to a Delaware resident consistent with Title 4 of the Delaware Code and the Commissioner's regulations. In order to receive wine from a wine direct ship licensee, the Delaware resident will present to the employee or independent contractor of the common carrier licensee a valid Delaware driver's license, with photograph identification, that indicates the resident is 21 years of age or older.

7.0 Reporting

7.1 All direct shipper licensees shall upload to the Office's licensing portal by the tenth of each month the following data from the prior month for all wine shipped into Delaware:

7.1.1 The total amount of wine shipped into Delaware in the preceding quarter;

7.1.2 The name and address of the individuals to whom the wine was sold and the amount of wine sold in each sale;

7.1.3 The tracking number for each shipment;

7.1.4 The name and license number of the common carrier to whom the order was sent for delivery; and

7.1.5 The name of the fulfillment provider (previously approved by the Office pursuant to Section 6.0 of this regulation) used to pack products for shipment by the common carrier and the products that were packed for shipment by that fulfillment provider.

7.2 All common carrier licensees shall report monthly through the Office's licensing portal the following data:

7.2.1 The names and addresses of the direct shipper licensee of the shipment;

7.2.2 The name and address of the customer of the shipment; and

7.2.3 The tracking number for each shipment made under this Section 7.0.

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRANSPORTATION SOLUTIONS

Statutory Authority: 21 Delaware Code, Section §4101(d) (21 Del.C. §4101(d))
2 DE Admin. Code 1205

PROPOSED

PUBLIC NOTICE

1205 Electronic Red Light Safety Program (ERLSP)

Pursuant to the authority provided by 21 Del.C. §4101(d), the Delaware Department of Transportation (DelDOT) seeks to adopt revisions to its existing regulation related to the Electronic Red Light Safety Program (ERLSP) at qualifying intersections across the State of Delaware.

The Department, through its Division of Transportation Solutions seeks to adopt these revisions to support the administration of the ERLSP. The program provides an effective means of monitoring selected intersections for motorists who violate traffic signal laws. Using data-driven, engineering-based criteria, the ERLSP is designed to reduce severe angle crashes and deter red-light violations at hazardous intersections statewide.

Public Comment Period

DelDOT will take written comments on the proposed revisions to Regulation 1205 of Title 2, Delaware Administrative Code, from September 1, 2026 – October 1, 2026. The public may submit their comments to:

Peter Haag, P.E.
Chief of Traffic Engineering
(Peter.Haag@delaware.gov) or in writing to his attention,
Delaware Department of Transportation
Division of Transportation Solutions
169 Brick Store Landing Road
Smyrna, DE 19977

***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/september2026/proposed/30 DE Reg 141RFA 09-01-26.pdf>

1205 Electronic Red Light Safety Program (ERLSP)

1.0 Statement of Purpose

The purpose of ~~these regulations~~ this regulation is to provide for the establishment and administration of an Electronic Red Light Safety Program (ERLSP) at qualifying intersections across the State of Delaware. The Delaware Department of Transportation (DelDOT) ~~and/or~~ the governing body of any city or county may install and operate traffic light signal violation monitoring systems and assess fines accordingly. The Program shall use recognized safety and crash criteria in determining whether and where to add any new enforcement locations to the Program, and in any event shall continue to confirm that any ~~such~~ new locations are not objected to by the incumbent state Senator and Representative for the districts in which ~~such new~~ locations are proposed. ~~These regulations are~~ This regulation is being promulgated in accordance with 21 Del.C. §4101(d) and 73 Del. Laws, c. 350, sec. 92.

2.0 Locations of Traffic Light Signal Monitoring Systems

DelDOT is specifically directed to identify intersections with high crash incidents as potential candidates for the placement of electronic red light camera systems. If a camera installation is performed on state-maintained streets or roads by an entity other than DelDOT, the Department must first approve ~~such the~~ installation. In addition, the Department must approve the engineering of any new cameras installed. All intersections using a traffic control photographic system or other traffic light signal violation monitoring system must adhere to the exact duration of the yellow light change interval. This time period must be no

less than the yellow light change interval duration specified in the design manual developed by the Department of Transportation.

3.0 System Vendor

The Department of Transportation utilizes a supporting vendor to provide enforcement monitoring systems and assist in administering the ERLSP. System vendors are selected through an open competitive procurement process which allows for the government and the taxpayer to benefit from improved quality at lower pricing. To assure integrity and propriety, no person involved in the administration or enforcement of the Program shall own any interest or equity in the vendor used by the department to support the administrative elements of the Program. Any such person with an ownership or equity interest in ~~such this~~ vendor must divest from this ownership or investment no later than ~~ninety~~90 days after the effective date of this act. This restriction applies to anyone with either direct involvement in the administering or enforcement of the Program and those in any supervisory capacity above ~~such these~~ persons.

4.0 Fines

~~Violation notices are sent to the registered owner of the vehicle that fails to comply with a traffic light signal, as evidenced by information obtained from a traffic light signal monitoring system, and shall be subject to a civil offense rather than a criminal offense. At the time of this revision, the present violation fine of \$112.50 is calculated using two components: a base fine of \$75.00 and a surcharge of \$37.50. The \$75.00 fee is authorized by 21 Del.C. §4101(d)(2). The \$37.50 surcharge originates from 11 Del.C. §410, which requires fines or fees levied for violations of Title 21 to include an additional 50% surcharge assessment.~~

4.1 Violation notices are sent to the registered owner of the vehicle that fails to comply with a traffic light signal, as evidenced by information obtained from a traffic light signal monitoring system, and shall be subject to a civil offense rather than a criminal offense. The base fine for a violation is set at \$95, as permitted by 21 Del.C. §4101(d)(3). Assessments as defined under 11 Del.C. §4101 shall also be assessed as follows:

4.1.1 A Transportation Trust Fund surcharge of \$47.50 pursuant to 11 Del.C. §4101(g)(1);

4.1.2 The Fund to Combat Violent Crimes surcharge of \$15 pursuant to 11 Del.C. §4101(h); and

4.1.3 The Volunteer Ambulance Company Fund surcharge of \$10 pursuant to 11 Del.C. §4101(j).

5.0 Violation Criteria

For a violation to occur, the front of a vehicle must be behind the stop line marked on the pavement at the time the traffic light signal turns red and must then continue into the intersection while the traffic light signal is red.

6.0 Determination of Violation

The technology for electronic enforcement utilizes a specialized camera, coupled with a traffic signal. The device detects the movement of vehicles into the intersection after a signal turns red. The technology video tapes this movement while simultaneously taking a picture of the violator's license plate to identify the vehicle. ~~A trained technician, such as a law enforcement officer, employed by a state agency or entity designated by a state agency for this purpose inspects the evidence. A technician employed by a state agency or entity designated by a state agency for the purpose of carrying out the proof of violation, inspects the evidence and affirms a violation did occur.~~ Using this information, a violation notice is generated and sent to the registered owner of the vehicle.

7.0 Exemptions

7.1 The following vehicles are exempt from receiving a notice of violation:

7.1.1 Emergency vehicles with active emergency lights;

7.1.2 Vehicles moving through the intersection to avoid or clear the way for a marked emergency vehicle;

7.1.3 Vehicles under police escort; and

7.1.4 Vehicles in a funeral procession.

8.0 Notice of Violation Content

8.1 A Notice of Violation shall contain:

8.1.1 The name and address of the registered owner of the vehicle that committed the violation;

8.1.2 The registration number of the motor vehicle involved in the violation;

8.1.3 The violation charges;

8.1.4 The location where the violation occurred;

- 8.1.5 The date and time of the violation;
- 8.1.6 Copies of 2 or more photographs, or microphotographs or other recorded images, taken as proof of the violation;
- 8.1.7 The amount of the civil assessment imposed and the date by which the civil assessment should be paid;
- 8.1.8 Information advising the summonsed person of the manner, time and place by which liability as alleged in the notice may be contested, and warning that the failure to pay the civil assessment or to contest liability in a timely manner is an admission of liability and may result in a judgment being entered against the summonsed person or the denial of the registration or the renewal of any of the owner's vehicles; and
- 8.1.9 Notice of the summonsed person's ability to rebut the presumption that the summonsed person was the operator of the vehicle at the time of the alleged violation and the means for rebutting ~~such the~~ presumption.

9.0 Affidavits

- 9.1 If the registered owner of a vehicle whom has received a notice of violation contends that the registered owner was not the operator of the vehicle at the time of the violation, the registered owner must furnish evidence that the vehicle was, at the time of the violation, in the care, custody or control of another person. ~~Such presumption~~Presumption shall be rebutted if the owner:
 - 9.1.1 Furnishes an affidavit by regular mail to the entity indicated on the summons that the owner was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person or company who leased, rented or otherwise had the care, custody or control of the vehicle, or attaches a certified copy of a police report showing that the vehicle or license plate or plates had been reported to the police as stolen prior to the time of the alleged violation; or
 - 9.1.2 Provides proof in court or to the entity handling the administrative appeal process that the owner was not the operator of the vehicle at the time of the alleged violation or that the owner failed to comply with the traffic signal either in order to yield the right-of-way to an emergency vehicle or as part of a funeral procession.
- 9.2 An affidavit must be ~~provided~~ postmarked by the registered owner of a vehicle receiving a Notice of Violation within ~~90~~30 days of the ~~issue~~mail date of the Notice of Violation or no later than 10 days prior to a hearing if one is requested, whichever date is earlier.
- 9.3 Upon receipt of an affidavit by the State of Delaware or the system vendor or vendors, the newly implicated person will be mailed a notification of the violation.

10.0 Payment of Civil Assessment

A person electing to pay the civil assessment should follow the process as outlined on the Notice of Violation.

11.0 Procedures to Contest a Violation

A person receiving a Notice of Violation may request a hearing to contest the violation by notifying in writing the entity designated on the summons, within 30 days of the issue date of the first notice of violation. Upon timely receipt of a hearing request, a civil hearing shall be scheduled and the defendant notified of the hearing date by first class mail. Costs for ~~such the~~ hearing shall not be assessed against the prevailing party. There shall be no right of transfer to the Court of Common Pleas.

12.0 Failure to Pay Civil Assessment

If the owner or the operator identified by the owner fails to pay the civil penalty by voluntary assessment, request a hearing within the required time or submit an affidavit stating that the owner or operator identified was not the driver, the Division of Motor Vehicles may refuse to renew the registration of the owner's vehicle operated at the time the summons was issued. If the owner or an operator identified by the owner is found responsible at a hearing and fails to pay as ordered by the Court, or requests a hearing and fails to pay as ordered by the Court, or requests a hearing and fails to appear, the Division of Motor Vehicles shall suspend the license of the owner or operator.

Symbol Key

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

Final Regulations

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

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

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b) and 4152 (14 **Del.C.** §§122(b) and 4152)
14 **DE Admin. Code** 503

FINAL

ORDER

503 Instructional Program Requirements

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§122(b) and 4152, the Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 503 Instructional Program Requirements. The Department made changes to the regulation as a result of recent statutory changes.

Notice of the proposed regulation was published in the *Register of Regulations* on March 1, 2026. The Department received five written submittals related to the proposed regulation. The written submittals were from the State Council for Persons with Disabilities (SPCD), the Governor's Advisory Council for Exceptional Citizens (GACEC), and three written submittals from citizens who did not list any specific concerns related to this regulation.

Issue: GACEC and SCPD express concern that financial fraud is one of the fastest growing forms of abuse targeting seniors and adults with disabilities. Financial literacy will be important for all students but particularly so for students with disabilities. Online and social media safety should be addressed in the curriculum, as individuals with ill intent target individuals with disabilities in this way.

Agency Response: The Department acknowledges this concern and notes that Delaware's Financial Literacy Standards explicitly address fraud, identity theft, and online scams within Financial Literacy Standard Four, emphasizing consumer awareness, risk reduction, and the protection of personal information for all students, including those most vulnerable. The Department also acknowledges the importance of online and social media safety instruction. Media Literacy and

Digital Citizenship instruction is implemented, for all students, by each school district and charter school in accordance with the Digital Citizenship Education Act (SB 195 of the 151st General Assembly).

Issue: GACEC and SCPD expressed concern that the word “such” was stricken from 5.4 regarding waiver of physical education requirements upon excuse from a qualified licensed healthcare provider or religious beliefs. It is unclear if 5.4 is being used to exempt students with disabilities from gym, or if waivers are utilized in cases of temporary physical limitations (e.g., broken leg). Therefore, Council would like to inquire and suggest that the Department consider guidance to districts about adaptive physical education for students with disabilities, and/or future language changes to ensure adaptive education is considered.

Response: The word “such” was removed as required by the Delaware Administrative Code Style Manual. The Department acknowledges the importance of adaptive physical education for students with complex needs. The Department is engaged in working with educators to develop and pilot a state- designated physical education assessment that provides access for all students. The intent is not to exempt students with disabilities from physical education. The intent is to allow exemption based on health-related concerns documented by a qualified licensed healthcare provider or objections based on religious beliefs.

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 FACT

The Department finds that the proposed amendments to [14 DE Admin. Code 503](#) Instructional Program Requirements are necessary to implement [14 Del.C. §§122\(b\)](#) and [4152](#). Accordingly, the Department finds that it is appropriate to amend [14 DE Admin. Code 503](#) Instructional Program Requirements minimally and 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 503](#) Instructional Program Requirements as proposed. Therefore, pursuant to [14 Del.C. §§122\(b\)](#) and [4152](#), [14 DE Admin. Code 503](#) Instructional Program Requirements is amended.

V. TEXT AND CITATION

The text of [14 DE Admin. Code 503](#) Instructional Program Requirements is amended, and said regulation shall be cited as [14 DE Admin. Code 503](#) Instructional Program Requirements 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 16th day of July

Department of Education

Cynthia Marten, Secretary of Education

State Board of Education

/s/ Jonathan V. Sheehan

Jonathan V. Sheehan, President

/s/ Deborah Stevens

Deborah Stevens, Vice President

/s/ Timothy Banks, Sr.

Timothy Banks, Sr.

/s/ Meredith L. Griffin, Jr.

Meredith L. Griffin, Jr.

/s/ Michele Marinucci

Michele Marinucci

/s/ James Simmons III

James 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 March 2026 issue of the *Register* at page 742 (29 DE Reg. 742). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/september2026/final/30 DE Reg 144 09-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b)(6) (14 Del.C. §122(b)(6))
14 DE Admin. Code 505

FINAL

ORDER

505 High School Graduation Requirements and Diplomas

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to [14 Del.C. §122\(b\)\(6\)](#), the Secretary of Education seeks the consent of the State Board of Education to amend [14 DE Admin. Code 505](#) High School Graduation Requirements and Diplomas. The Department made changes to the regulation as a result of recent statutory changes.

Notice of the proposed regulation was published in the *Register of Regulations* on March 1, 2026 and later re-proposed on June 1, 2026. The Department received two written submittals related to the re-proposed regulation. The written submittals were from the State Council for Persons with Disabilities (SPCD) and the Governor's Advisory Council for Exceptional Citizens (GACEC).

Issue: The GACEC and the SCPD request additional explanation regarding the exemptions provided for students enrolled in adult education programs.

Response: The exemptions provided for students enrolled in adult education programs specifically address the needs and time requirements of adult learners. They also acknowledge that adult education programs are not limited to the semester structure of standard K-12 programs.

Issue: The SCPD recommends that James H. Groves Special Education services be added along with DSCYF at the beginning of new subsection 9.1.

Response: This subsection outlines the entities that award credits towards high school graduation requirements. The entity is the Department of Education's Adult and Prison Education Resources Workgroup which includes the James H. Groves Adult High School that provides general education and special education services.

Issue: GACEC and SCPD suggested that the definition of "Adult Education" may create confusion because special education in adult correctional facilities is operated by the James H. Groves High School, but is a K12 educational program, and recommended that the definition be modified accordingly to reflect the WIOA definition.

Response: Special education services in the correctional facilities are provided through the James H. Groves Adult High School. The Groves Adult High School is not part of the K12 system. The WIOA definition reflects the goals of Adult Basic Education/GED(R) instruction as mandated by WIOA funding. James H. Groves Adult High School doesn't receive WIOA federal funding and is not mandated to follow WIOA goals. The proposed definition reflects the broader range of services provided by Adult Education.

Issue: The GACEC and the SCPD recommend that the DDOE involve further stakeholder discussion in order to implement the requirements of HB 203 through a proposal that more adequately addresses the concerns related to

constraining schedule and time for other subjects and including language around education about financial exploitation risks.

Response: The DDOE has and will continue to involve stakeholders through Social Studies Coalition and Communication & Collaboration Network meetings which include representation from local education agencies.

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 FACT

The Department finds that the proposed amendments to 14 DE Admin. Code 505 High School Graduation Requirements and Diplomas are necessary to implement 14 Del.C. §122(b)(6). Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 505 High School Graduation Requirements and Diplomas minimally and 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 505 High School Graduation Requirements and Diplomas as proposed. Therefore, pursuant to 14 Del.C. §122(b)(6), 14 DE Admin. Code 505 High School Graduation Requirements and Diplomas is amended.

V. TEXT AND CITATION

The text of 14 DE Admin. Code 505 High School Graduation Requirements and Diplomas is amended, and said regulation shall be cited as 14 DE Admin. Code 505 High School Graduation Requirements and Diplomas 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 16th day of July

Department of Education
Cynthia Marten, Secretary of Education

State Board of Education

/s/ Jonathan V. Sheehan

Jonathan V. Sheehan, President

/s/ Deborah Stevens

Deborah Stevens, Vice President

/s/ Timothy Banks, Sr.

Timothy Banks, Sr.

/s/ Meredith L. Griffin, Jr.

Meredith L. Griffin, Jr.

/s/ Michele Marinucci

Michele Marinucci

/s/ James Simmons III

James 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 June 2026 issue of the *Register* at page 960 (29 DE Reg. 960). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/september2026/final/30 DE Reg 146 09-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 303 (14 Del.C. §303)
14 DE Admin. Code 1043

FINAL

ORDER

1043 Officials

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. § 303, the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposes amendments to 14 DE Admin. Code 1043 Officials in order to increase officials' fees commensurate with the average state employee increase based on the annual recommended budget for the state that is released in late January of each year in accordance with subsection 5.6 of this regulation. The proposed changes also clarify that volleyball officials are only required to take one NFHS rules interpretation clinic per school year. Finally, the proposed changes clarify that boys' and girls' basketball and lacrosse have the same guidelines for numbers of officials per game. Other grammar and style changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on July 1, 2026. No comments were submitted in response to the proposed changes.

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 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.

III. FINDINGS OF FACTS

The DIAA Board found that because there were no written public comments submitted, there was no basis to make any changes to the proposed regulation and voted to amend 14 DE Admin. Code 1043 Officials as proposed.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Board concludes that it is appropriate to amend 14 DE Admin. Code 1043 Officials. Therefore, pursuant to 14 Del.C. § 303(b)(1), 14 DE Admin. Code 1043 Officials, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of 14 DE Admin. Code 1043 Officials amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 DE Admin. Code 1043 Officials 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 13th day of August 2026.

/s/ Jason Bastianelli

/s/ Kevin Dickerson

Jason Bastianelli, Chairperson

Kevin Dickerson

/s/ Amber Hickman-Taylor

Amber Hickman-Taylor

/s/ Bradley Bley

Bradley Bley, D.O., FAAP, RMSK, CSCS

/s/ Trisha Stiles

Trisha Stiles

/s/ Chad Jones

Chad Jones

/s/ Freeman Williams, III

Freeman Williams, III

/s/ Kristin DiGregory

Kristin DiGregory

/s/ Lauren DiSabitino

Lauren DiSabitino

/s/ Kathleen Kenney

Kathleen Kenney

(absent)

Von Homer

/s/ WilliamSchultz

William Schultz

/s/ Clarence Armstrong

Clarence Armstrong

***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 July 2026 issue of the *Register* at page 14 (30 DE Reg. 14). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/september2026/final/30 DE Reg 148 09-01-26>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

FINAL

ORDER

Glucagon-Like Peptide-1 (GLP-1)

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 regarding Glucagon-Like Peptide-1 (GLP-1), specifically, to broaden the language in the State Plan with guidance from CMS, to provide the state with increased flexibility to determine coverage of drugs for anorexia, weight loss, and weight gain without additional changes to the State Plan. 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 July 2026 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by July 31, 2026, 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 regarding GLP-1.

Background

This change is administrative in nature. It aligns the State Plan language with current coverage practice and is not intended to change which medications/agents/drugs are covered or the criteria for coverage. The category of drugs to

treat weight conditions is undergoing rapid change. The state seeks to update the language in the State Plan to increase flexibility to determine coverage of these medications, including participation in federal and manufacturer models designed to improve access and improve pricing, without the need to make additional changes to the State Plan. The proposed change removes specific language about state coverage of weight loss drugs and replaces it with more general language that indicates that select agents for anorexia, weight loss, and weight gain will be covered as listed on the state's website. This change enables the state to determine and communicate coverage of drugs for these indications directly through the state's website.

Statutory Authority

- 42 CFR §440.120

Purpose

The purpose of this regulation is to provide the state with increased flexibility to determine coverage of drugs for anorexia, weight loss, and weight gain without additional changes to the State Plan.

Summary of Proposed Changes

Effective January 1, 2026, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to clarify criteria for GLP-1.

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 July 31, 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 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: A suggestion was received about ensuring safeguards are in place such as, accessible and easy-to-find coverage information, protection of medically necessary treatment, ability to expand coverage as evidence changes, and public record of coverage changes.

Agency Response: DMMA appreciates the commenters thorough review of the proposed regulation and thoughtful recommendations. We will take this into consideration.

DMMA thanks the following commenter for their engagement and consideration of this important issue:

State Council for Persons with Disabilities (SCPD)

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 July 2026 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Title XIX Medicaid State Plan regarding GLP-1, specifically, to broaden the language in the State Plan with guidance from CMS and to provide the state with

increased flexibility to determine coverage of drugs for anorexia, weight loss, and weight gain without additional changes to the State Plan is adopted and shall be final effective ten days after publication in the Register.

8/14/2026

Date of Signature

Christen Linke Young, Secretary, DHSS

Glucagon-Like Peptide-1 (GLP-1)

***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/September2026/CE955302-E611-44B1-95C3-EF2D88182306>

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

FINAL

ORDER

14000 Medicaid General Eligibility Requirements

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance initiated proceedings to amend the Division of Social Services Manual (DSSM) regarding 14000 Medicaid General Eligibility Requirements, specifically, to amend the retroactive eligibility requirements to ensure claims received during the retroactive period can be processed within the timely filing period and to support system changes and staff training scheduled due to other federal changes. 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 July 2026 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by July 31, 2026, 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 the Division of Social Services Manual (DSSM), regarding 14000 Medicaid General Eligibility Requirements.

Background

Delaware Medicaid proposes implementing a six-month time limitation for requesting retroactive eligibility determinations measured from the date of application or, for Supplemental Security Income Medicaid, from the date the agency receives the Social Security data exchange. Implementing a six-month time limit for requesting a determination of retroactive eligibility will reduce systemic challenges that staff encounter in processing retroactive eligibility determinations and align with upcoming 2027 regulatory changes.

Statutory Authority

- 42 CFR §435.915

Purpose

The purpose of this regulation is to amend the retroactive eligibility requirements to ensure claims received during the retroactive period can be processed within the timely filing period and to support system changes and staff training scheduled due to other federal changes.

Summary of Proposed Changes

Effective October 1, 2026, the DHSS/DMMA proposes to amend the DSSM regarding retroactive eligibility.

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 July 31, 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 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: There were concerns regarding the operational and financial impacts of expanding the timeframe for requesting retroactive Medicaid eligibility determinations. Specifically, the commenter stated that services requiring Managed Care Organization (MCO) prior authorization may not be reimbursable when eligibility is established retroactively because required authorizations could not be obtained while eligibility was pending. The commenter also requested clarification regarding MCO Authorization requirements, timely filing limits, and potential reimbursement implications associated with retroactive eligibility.

Agency Response: The Division appreciates the commenters' thoughtful feedback and recognizes the operational and financial concerns raised regarding reimbursement for services that require Managed Care Organization (MCO) prior authorization when Medicaid eligibility is established retroactively. The Division would like to clarify that payment for covered services provided during a retroactive eligibility period (i.e. month(s) prior to the month of application for Medicaid) is processed through the Medicaid fee-for-services payment structure. Accordingly, the MCO prior authorization, claims payment, and timely filing requirements discussed in the comment do not apply to payment of retroactive eligible claims processed under fee-for-service.

The proposed amendment does not modify existing MCO authorization requirements, MCO claims payment policies, or contractual timely filing requirements. Claims submitted for payment for covered State Plan Services furnished during the retroactive eligibility period must continue to satisfy all applicable Medicaid fee-for-service coverage and payment requirements.

The Division appreciates the commenter's broader observations regarding MCO authorization processes, reimbursement, timely filing limits, and potential claim recoupments. While those issues are important considerations, they involve managed care operational and contractual policies that are beyond the scope of this regulatory amendment. The Division values the commenters' feedback and will take these considerations into account as it continues to administer the Medicaid program.

Comment: The commenter requests clarification regarding the authority for the proposed six-month time limit to request a determination of retroactive Medicaid eligibility, noting that neither Section 71112 of the One Big Beautiful Bill Act (HR1) nor the commenter's review of federal regulations appears to require such a limitation. The commenter expresses concern that the proposed policy could create barriers for individuals who receive medical bills well after services are provided or whose Medicaid applications are delayed. The commenter recommends that DMMA identify the specific federal authority supporting the change and revise the proposal to account for delays in eligibility determinations and provider billing so individuals will not lose access to retroactive coverage.

Agency Response: DMMA appreciates the comment and the opportunity to clarify the basis for this amendment. The federal retroactive eligibility requirement is established in 42 C.F.R. § 435.915. Section 71112 of HR1 modified the

length of retroactive eligibility beginning in 2027 but did not establish a timeframe for requesting a retroactive eligibility determination.

The proposed amendment establishes a six-month timeframe for requesting a retroactive eligibility determination as part of DMMA's implementation of updated retroactive eligibility policies. The timeframe aligns the request period with the upcoming HR1 retroactive eligibility changes and helps ensure that claims for retroactive coverage can be considered within applicable Medicaid timely filing requirements.

DMMA acknowledges the commenter's concerns regarding circumstances that may delay an individual's ability to request retroactive eligibility. In response to these concerns, the regulation has been revised to clarify that, in the event of an agency error, DMMA may accept a request for retroactive eligibility beyond six months from the date of application. This includes, but is not limited to, cases in which the final determination of an application is delayed pending the outcome of a Fair Hearing decision.

Based on the comments received and the revision described above, DMMA has determined to adopt the regulation as proposed with the modification described in this response.

DMMA thanks the following commenters for their engagement and consideration of this important issue:

Easterseals Delaware & Maryland's Eastern Shore
Chimes Delaware
State Council for Persons with Disabilities (SCPD)
The Ability Network of Delaware (A.N.D.)
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 July 2026 *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 the Division of Social Services Manual (DSSM) regarding 14000 Medicaid General Eligibility Requirements, specifically, to amend the retroactive eligibility requirements to ensure claims received during the retroactive period can be processed within the timely filing period and to support system changes and staff training scheduled due to other federal changes is adopted and shall be final effective ten days after publication in the Register.

8/14/2026

Date of Signature

Christen Linke Young, Secretary, DHSS

14000 Medicaid General Eligibility Requirements

This section describes the general eligibility requirements for Medicaid.

(Break in Continuity of Sections)

14920.3 — Retroactive Coverage Time Limits to Request Retroactive Eligibility

There is no time limitation on requests for retroactive coverage. They may be processed at any time.

Requests for Medicaid retroactive eligibility are limited to[6]:

~~Six-6]~~ months from the date of [application; or

~~Six months from the date the agency receives the Social Security data exchange for those individuals determined eligible for Supplemental Security Income (SSI) Medicaid.~~ application. In the event of an agency error, the Division of Medicaid and Medical Assistance (DMMA) may accept a request for retroactive eligibility

beyond 6 months from the date of application. This includes cases in which the final determination of an application is delayed pending the outcome of a Fair Hearing decision.

For individuals who are determined eligible through the Social Security Administration (SSA) for Supplemental Security Income (SSI), and SSI Medicaid, the retroactive eligibility period is the month or months just before the date the application with the SSA was submitted. Individuals who subsequently request retroactive coverage of medical bills will have a determination for an alternative eligibility pathway within the retroactive period. Subsequent requests for retroactive eligibility following SSI eligibility through SSA are limited to requests received within 6 months of the agency receiving the Social Security data exchange. This allows any potential claims for qualifying medical services with dates of service within the retroactive eligibility period to be submitted within timely filing limits for payment consideration.]

See Section 14920.2 Retroactive Coverage of Medical Bills.

*Please note that no additional changes were made to the regulation as originally proposed and published in the July 2026 issue of the *Register* at page 16 (30 DE Reg. 16). 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/september2026/final/30 DE Reg 151 09-01-26>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3) (16 Del.C. §122(3))
16 DE Admin. Code 4104

FINAL

ORDER

4104 Delaware Conrad State 30 / J-1 Visa Waiver Program

NATURE OF THE PROCEEDINGS:

The Delaware Department of Health and Social Services (“DHSS”), Division of Public Health (“DPH”) has authorized proceedings to amend regulation 4104 Delaware Conrad State 30/J-1 Visa Waiver Program. These proceedings are initiated pursuant to 29 Del.C. §10113 and the authority as prescribed by 16 Del.C. §122(3).

SUMMARY OF EVIDENCE:

After recent review of 16 DE Admin. Code 4104, it was determined that the following non-substantive revisions are necessary:

- Updating the definition of U.S. Department of State, Bureau of Consular Affairs Waiver Review Division;
- Updating the URLs used to enroll in the Screening for Life Health Care Connection and the VIP program;
- Updating the mailing address for the non-refundable processing fee and reporting requirements; and
- Other spelling and technical corrections.

Copies of the exempt final regulation are available for review in the September 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-424-7149.

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

Division of Public Health Interim Director Tesha Quail, PhD, LPCMH, NCC conducted a review of 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 exempt final 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 4104 Delaware Conrad State 30/J-1 Visa Waiver Program shall become effective September 11, 2026, 10 days after publication of the exempt final regulation in the *Delaware Register of Regulations*.

8/6/2026

Date

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

***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/september2026/final/30 DE Reg 154 09-01-26>

DIVISION OF SOCIAL SERVICES

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

FINAL

ORDER

9000 Food Stamp Program

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend the Division of Social Services Manual (DSSM) regarding 9000 Food Stamp Program, specifically, to clarify internal policies and procedures. 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 June 2026 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by July 1, 2026, 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 Social Services (DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding 9000 Food Stamp Program.

Background

The U.S. Department of Agriculture, Food and Nutrition Service requires states administering the Supplemental Nutrition Assistance Program (SNAP) to conduct data matching to establish and verify initial and ongoing eligibility.

This amendment adds a data matching section to the Division of Social Services Manual for food benefits and incorporates policy requirements for prisoner data matching. The Division of Social Services will establish a system to identify and prevent individuals who are incarcerated in any federal, state, or local detention or correctional institution for more than 30 days from being included in a SNAP household.

Statutory Authority

- 42 CFR §272.13

Purpose

The purpose of this regulation is to amend data matching requirements.

Summary of Proposed Changes

Effective August 11, 2026, the DHSS/DSS proposes to amend the DSSM regarding data matching requirements.

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/DSS 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 July 1, 2026.

Fiscal Impact Statement

There is no anticipated fiscal impact.

Summary of Comments Received with Agency Response and Explanation of Changes

DSS is pleased to provide the opportunity to receive public comments and greatly appreciates the thoughtful input given by:

State Council for Persons with Disabilities (SCPD)

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

The DSS 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 June 2026 *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 9000 Food Stamp Program, specifically, to clarify internal policies and procedures, is adopted and shall be final effective ten days after publication in the Register.

8/14/2026

Date of Signature

Christen Linke Young, Secretary, DHSS

9000 Food Stamp Program

(Break in Continuity of Sections)

9096 Data Matching Requirements

9096.1 Requiring Prisoner Data Matching for Food Benefits

Statutory Authority: 7 CFR 272.13

The State is required to match all adult household members against the Social Security Administration's Prisoner Update Processing System (PUPS) at application and renewal for food benefits.

Staff will follow the current procedures to complete the prisoner data match requirements in this policy.

1. Individuals held in a federal, state, or local detention or correctional facility for more than 30 days are ineligible for food benefits.

2. Staff must complete the prisoner data match in the eligibility system at application and renewal before confirming eligibility for food benefits.

A. Staff must run the prisoner data match to compare household members aged 18 and older to the results from PUPS.

B. Staff must not run the prisoner data match for:

i. Household members under age 18; or

ii. One-person households that complete a face-to-face interview.

3. If there is a prisoner match for a household member, staff must complete the following steps:

A. Verify the accuracy of the data match results to determine whether the household member is or is not currently incarcerated.

i. Staff may use the following verification methods to confirm the household member is incarcerated:

a. Self-declaration from another member of the food benefit household;

b. Documentation of the household member's incarceration status;

- c. A collateral contact with the facility or someone outside the household who can confirm the household member's incarceration status; or
 - d. Confirmation from the Audit and Recovery Management Services (ARMS) of the household member's incarceration status.
 - ii. Staff may use the following verification methods to confirm the household member is no longer incarcerated or was never incarcerated:
 - a. Face-to-face or telephone contact with the household member who had a prisoner match after the household member's identity is verified;
 - b. Documentation of the household member's release from incarceration that includes the release date;
 - c. Documentation of the household member's current employment, living arrangements, or other information that proves the household member is not incarcerated;
 - d. A collateral contact with the facility of someone outside the household who can confirm the household member's release date; or
 - e. Confirmation from the Audit and Recovery Management Services (ARMS) of the household member's release date.
 - B. Send the household the notice of match results from the eligibility system, which explains what information is needed for the household and the consequences of failing to respond to the notice.
 - i. The notice is not required if the household member is verified as not incarcerated [before the notice is sent].
 - C. Give the household at least 10 days to respond to the notice before taking any adverse action to deny, close, or reduce benefits.
 - D. Take the appropriate action on the food benefit case after the notice response deadline.
 - i. If the household member is verified as incarcerated for more than 30 days, update the case to make the incarcerated household member ineligible for food benefits.
 - ii. If the household member is verified as incarcerated for 30 days or less, no adverse action should be taken on the case.
 - iii. If the household member is verified as not incarcerated, no adverse action should be taken on the case.
 - iv. If the household does not respond to the notice of match results or responds but refuses to provide the requested information, update the case to make the incarcerated household member ineligible for food benefits.
 - E. Process an overpayment for food benefits when:
 - i. The household member is verified as incarcerated for more than 30 days; and
 - ii. Benefits were issued for the household member while they were incarcerated.
 - F. Enter a case comment in the eligibility system that the prisoner match was completed and the details about the match results, verification, notification to the household, changes in eligibility or benefit level, and overpayment, if applicable.
 - G. Save verification documents, the notice of match results, and the overpayment referral to the case record, if applicable.
 4. If there is no prisoner match for the household members, staff must enter a case comment in the eligibility system that the prisoner match was completed for all adult household members.
 5. If the State receives an alert of a prisoner match for a household member during the certification period, staff will complete the steps in (3) of this policy within 30 days of the alert.

***Please note that no additional changes were made to the regulation as originally proposed and published in the June 2026 issue of the *Register* at page 989 (29 DE Reg. 989). 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/september2026/final/30 DE Reg 155 09-01-26>

DEPARTMENT OF LABOR**DIVISION OF EMPLOYMENT AND TRAINING**

Statutory Authority: 19 Delaware Code, Section 202 (19 **Del.C.** §202)
19 **DE Admin. Code** 1101

FINAL**ORDER****1101 Apprenticeship and Training Regulations**

Pursuant to the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 19 Del.C. §202, the Delaware Department of Labor, Division of Employment and Training, State Apprenticeship Agency proposed to modify 19 DE Admin. Code 1101, Sections 1.0 through 13.0 regarding the regulation of State Registered Apprenticeship Programs.

Background Summary

The Delaware Department of Labor is granted the authority to regulate the State registration of Apprentices and Apprenticeship Programs consistent with Statutory Authority 19 Del.C. §105 and 19 Del.C. §202 of the Delaware Code. Such rules shall be for the purpose of establishing standards for apprenticeship in conformity Delaware Code and applicable statutes and regulations of the federal government; studying the effectiveness of apprenticeship programs and making recommendations in accordance with such programs for their improvement and to terminate, cancel or modify any apprenticeship programs in accordance with such programs; Encouragement and promotion of the standards established in accordance with this chapter and with the basic standards of the Bureau of Apprenticeship and Training, United States Department of Labor. The Delaware Department of Labor ("Department") is further authorized to promulgate rules and regulations not inconsistent with Title 19 or of any other law of the state; provided, however that no such rule or regulation shall extend, modify or conflict with any law of this state or the reasonable implications thereof; and provided further, however, that such rules and regulations, as established by the Department, shall focus primarily on the State Registered Apprenticeship.

The proposed changes to Sections 1.0 through 13.0 of this regulation contains updates to terminology, as well as administrative updates that align the State Apprenticeship Agency with federal regulation found in 29 CFR Part 29. Additional revisions are technical and style changes consistent with the Delaware Administrative Code Drafting and Style Manual.

Summary of Evidence

The Department solicited written comments from the public for thirty (30) days as mandated by 29 Del.C. §10118(a). Notice of the proposed regulation was published in the *Register of Regulations* on April 1, 2026, Volume 29, Issue 10. The Division received one written comment from The State Council for Persons with Disabilities (SCPD)

SCPD reviewed the proposed regulation with attention to its impact on individuals with disabilities. Their Recommendation was as follows:

SCPD supports the proposed amendments to 19 DE Admin. Code 1101 as consistent with Title 19 and federal apprenticeship standards, including nondiscrimination protections for individuals with disabilities.

Statement of Impact

By aligning with federal equal opportunity requirements, the regulation supports a consistent framework for nondiscrimination in recruitment, selection, training, and program participation. This alignment helps promote inclusion in skilled trades and other apprenticeship-based career pathways. There is no practical impact of the proposed revised regulations on the State's greenhouse gas emissions reduction target and the State's resiliency to climate change.

Findings of Fact

The public was given the required notice of the proposed changes to these regulations. The only written response was in support of the changes proposed. The Department finds that the proposed changes as set forth in the April 2026, Volume 29, Issue 10 Register of Regulations should be adopted.

Decision and Order

Therefore, it is ordered that the proposed regulation revisions to amend 19 DE Admin. Code 1101 are adopted as set forth below. The effective date of this order is 10 days from the date of its publication in the *Delaware Register of Regulations* in accordance with 29 Del.C. §10118(g).

IT IS SO ORDERED the 20th day of August 2026

Department of Labor

LaKresha Moultrie, Secretary of Labor

***Please note that no changes were made to the regulation as originally proposed and published in the April 2026 issue of the *Register* at page 843 (29 DE Reg. 843). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/september2026/final/30 DE Reg 158 09-01-26>

DEPARTMENT OF STATE**DIVISION OF SMALL BUSINESS**

Statutory Authority: 30 Delaware Code, Section 2005F (30 **Del.C.** §2005F)

FINAL**ORDER****2000 Delaware Entertainment Production Tax Credit Program****SUMMARY OF THE EVIDENCE**

1. House Bill No. 364 and House Amendment No. 2 to House Bill No. 364 of the 153rd General Assembly and 30 Del.C. §2005F authorize the Division of Small Business of the Department of State (the "Division") to promulgate regulations in relation to the powers, duties, and functions for the administration of the Delaware Entertainment Production Tax Credit Program.
2. Pursuant to this authority, the Division is responsible for and intends to promulgate regulations regarding the process, procedures, and requirements concerning this program.
3. Notice of the proposed amendments were published in the July 1, 2026 edition of the Delaware Register of Regulations, and the public was given 30 days to provide written comment.
3. The Division received one written submission with comments from the public.
4. Having provided the opportunity for public comment on the proposed amendments in accordance with the Delaware Administrative Procedures Act, 29 Del.C. Ch. 101, et. seq., this is the Order adopting the proposed amended regulations published previously with non-substantive changes.

FINDINGS OF FACT

1. Many of the comments the Division received suggest clarification on elements of the program that are more appropriate for and will be explained in greater detail in the program application, which will be posted on the Division's website, rather than the regulations. Other comments the Division received addressed changes the Division will consider proposing in future amendments to the regulations. Some comments recommended revisions to the proposed amendments that would run contrary to the Program's objectives. Finally, some comments address tax-related issues better suited to regulations promulgated by the Division of Revenue, Department of Insurance, or the Office of the State Bank Commissioner, as permitted by 30 Del.C. §2005F(c).

2. The Division added reference to elements of the enabling legislation as suggested by the comments, but these references are non-substantive in nature, because they are already contained in the statute. The Division also corrected the listed House Amendment to the Bill to House Amendment No. 2, which is a necessary and non-substantive change to the final regulations.

3. The Division has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute pursuant to 30 Del.C. §2005F(b).

4. Having solicited and requested public comment on the proposed regulations in accordance with the Delaware Administrative Procedures Act, 29 Del.C. Ch. 101, et. seq., and determining that no substantive changes are required to the proposed regulations, this is the Division's Decision and Order adopting the proposed regulations with the proposed non-substantive edits set forth herein and with the rest of the proposed rules as published remaining unchanged.

5. For the reasons stated above, the Division finds no reason to substantively amend the regulations.

IMPACT ON GREENHOUSE GAS EMISSIONS

An assessment of the impact of the proposed amendments on the achievement of the State's greenhouse gas emissions reduction targets is not practical for the Delaware Entertainment Production Tax Credit Program.

DECISION AND ORDER

For the foregoing reasons, the Division concludes that it is appropriate to promulgate regulations regarding the Program and in which the text of the final regulation shall be in the form referenced herein. Therefore, the amended regulations shall be adopted in accordance with this Order. The effective date of this Order shall be 10 days from the date this Order is published in the Delaware Register of Regulations.

IT IS SO ORDERED this 21 day of August, 2026.

CJ Bell, Director
Division of Small Business
Department of State

2000 Delaware Entertainment Production Tax Credit Program

1.0 Statutory Authority and Enabling Legislation

The Delaware Entertainment Production Tax Credit Program was established pursuant to House Bill No. 364 and House Amendment No. [42] to House Bill No. 364 of the 153rd General Assembly, which directs the Division to prescribe regulations as may be necessary to administer the Program.

2.0 Purpose and Intent

2.1 The purpose of the Program is to encourage artistic endeavors and investment in Delaware in the film, television, esports, and videogame industries, and the economic opportunities that come with them, by providing a tax credit for qualified production activities in the State.

2.2 This regulation contains procedures governing the process for applying to the Division for a tax credit under the Program and criteria for the Division's approval or disapproval of an application for a tax credit under the Program.

3.0 Definitions

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

"Act" means the Delaware Entertainment Production Tax Credit created by House Bill No. 364 and House Amendment No. [42] to House Bill No. 364 of the 153rd General Assembly.

"Commercial multi-market distribution" means broadcast of the resulting content from qualified activities inside and outside of the State through theaters, cable networks, over the air broadcast, streaming, digital means, and hardware for distribution of digital interactive media, and other means of content distribution hereafter developed.

“Completion application” means the form of application applicants must submit for approval by the Division to determine whether the qualified production and audit meet the criteria for a tax credit provided by the Act and this regulation.

“Division” means the Division of Small Business.

“Eligibility application” means the form of application applicants must submit for approval by the Division to determine whether a production is engaged in qualified activities under the Act.

“Esports” means organized, competitive video gaming, where players or teams face off in structured matches, leagues, or tournaments; it blends traditional sports elements like coaching, strategy, training, and spectators with digital gameplay.

“Loan-out company” means a personal service company contracted with, and retained by a production company to provide individual personnel who are not employees of the production company, including actors, directors, producers, writers, production designers, production managers, costume designers, directors of photography, editors, casting directors, first assistant directors, second unit directors, stunt coordinators, and similar personnel, for performance of services used directly in a qualified activity. The term does not include persons retained by a production company to provide tangible property or outside independent contractor services, such as catering, construction, trailers, equipment, and transportation.

“Program” means the Entertainment Production Tax Credit Program.

“Qualified activities” include the following: the creation of media projects including feature films, series, productions, commercial advertisements, webisodes, music videos, pilots, award shows, game shows, and esports events, which are created for commercial multi-market distribution and creation of digital interactive entertainment, including videogames, and including subsequent updates and subsequent editions of digital interactive entertainment. Qualified activities do not include the following: political advertising; industrial or instructional videos; content which meets the definition of “obscene” under [11 Del.C. §1364](#); live or prerecorded athletic events, which do not include esports; website development; or infomercials, infotainment, or solicitation-based products.

“Qualified company” means a company primarily engaged in or created to engage in qualified activities, which is either incorporated under the laws of Delaware or registered to do business in Delaware. “Qualified company” does not include any business owned, affiliated, or controlled, in whole or in part, by any company or person which is in default on any tax obligation of the State, or a loan made by the State, or a loan guaranteed by the State.

“Qualified production” means a production engaged in qualified activities which have been approved by the Division in accordance with 30 Del.C. §2005F of the Delaware Code.

“State” means the State of Delaware.

(Break in Continuity of Sections)

8.0 Selection Process

- 8.1 The Division shall review all applications and all other information it deems appropriate from applicants, **[including the Delaware Impact Plan as required by 30 Del.C. §2005F(d),]** determine whether the production constitutes a qualified production, and provide preliminary approval or denial to the applicant within 60 days of the application submission. **[The Division may consult with the Motion Picture and Television Development Commission during the selection process pursuant to 30 Del.C. §2005F(e).]**
- 8.2 The following applicants shall be prioritized for tax credit awards:
 - 8.2.1 Applicants that employ a significant amount of Delaware residents.
 - 8.2.2 Applicants that use Delaware based vendors and facilities.
 - 8.2.3 Repeat applicants or applicants that have multiple project commitments in the State.
 - 8.2.4 Applicants that expect to permanently expand their presence in the State.
- 8.3 Upon approval of an eligibility application, the amount of tax credits sought in the eligibility application shall be set aside for that applicant by the Division from the total \$10 million tax credit pool. However, failure to begin qualified production activities within 30 days following the start date specified in the application, the applicant may forfeit its claim to the tax credit for that fiscal year.
 - 8.3.1 Applicants who believe they may not be able to begin qualified production activities within 30 days following the start date specified in the application may write to the Division to request an extension of time to begin qualified production activities.
 - 8.3.2 Any extension request must be received by the Division in writing before the expiration of 30 days following the start date specified in the application.

***Please note that no additional changes were made to the regulation as originally proposed and published in the July 2026 issue of the *Register* at page 25 (30 DE Reg. 25). 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/september2026/final/30 DE Reg 159 09-01-26>

PUBLIC SERVICE COMMISSION

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

FINAL

ORDER

3001 Rules for Certification and Regulation of Electric Suppliers

IN THE MATTER OF THE ADOPTION OF	)	
RULES AND REGULATIONS TO	)	
IMPLEMENT THE PROVISIONS OF 26 DEL.	)	
C. CH. 10 RELATING TO THE CREATION	)	PSC REGULATION 3001
OF A COMPETITIVE MARKET FOR RETAIL	)	
ELECTRIC SUPPLY SERVICE	)	
(OPENED APRIL 27, 1999 AND AS AMENDED))	)	

ORDER NO. 11068

AND NOW, this 5th day of August 2026, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, on March 26, 2025, Commission Staff ("Staff") filed a petition (the "Petition") to reopen the Commission's *Rules for Certification and Regulation of Electric Suppliers, codified at 26 Del. Admin. C. § 3001* ("Reg. 3001" or the "Regulation") for the purpose of improving the customer solicitation process, notification of supplier rates on customer's bills, and other changes to improve the customer experience regarding the electric choice process; and

WHEREAS, the Commission entered Order No. 10678 on April 2, 2025, granting the Petition; and

WHEREAS, on April 30, 2025, Staff conducted a workshop with interested stakeholders to discuss amendments to Reg. 3001; and

WHEREAS, notice of the workshop was provided to certified electric suppliers and other interested parties; and

WHEREAS, Staff did not receive any proposed changes at the workshop and no comments were received by the deadline of May 7, 2025; and

WHEREAS, on June 4, 2025 in Order No. 10728, the Commission ordered Staff to publish the proposed amendments to Reg. 3001 in the *Delaware Register of Regulations*; and

WHEREAS, the Registrar published the proposed amendments in the October 2025 *Delaware Register of Regulations*; and

WHEREAS, during the public comment session, Delmarva Power & Light Company ("DPL") submitted written comments to recommend additional changes to the Regulation to better protect consumers; and

WHEREAS, on November 5, 2025, the Commission held a public hearing on the updated Regulation as provided in the public notice at which DPL presented their pre-filed comments; and

WHEREAS, because of DPL's comments, Staff made substantive changes to the proposed amendments; and

WHEREAS, on January 7, 2026, in Order No. 10928, the Commission empowered Staff to submit updated proposed amendments to the Regulations and appropriate documents to the Office of the Registrar of Regulations (the "Registrar") for publication in the *Delaware Register of Regulations*; and

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

WHEREAS, the Registrar published the updated proposed amendments in the February 2026 *Delaware Register of Regulations*; and

WHEREAS, on March 4, 2026, during the comment period for the updated proposed amendments, the Retail Energy Supply Association ("RESA") filed public comment with the Commission in which RESA requested a change to the proposed notice requirements and to require DPL to make customer lists available to electric suppliers; and

WHEREAS, on March 11, 2026, the Commission held a public hearing on the updated proposed Regulation as provided in the public notice at which RESA presented their pre-filed comment; and

WHEREAS, Staff filed a memorandum dated April 1, 2026, in which Staff recommended substantive changes to the Regulation based on RESA's comments; and

WHEREAS, on April 8, 2026, the Commission considered the public comments made by RESA and Staff's April 1, 2026 memorandum and voted to adopt Staff's recommended edits to the Regulation, pursuant to Order No. 10996; and

WHEREAS, the Registrar published the updated proposed amendments in the June 2026 *Delaware Register of Regulations*; and

WHEREAS, on July 15, 2026, the Commission held a public hearing on the updated proposed Regulation as provided in the public notice at which the Commission heard comments from DPL and RESA consistent with filed written comments; and

WHEREAS, Pursuant to [29 Del.C. §10118\(a\)](#), the time period to provide written comments remained open until July 30, 2026; and

WHEREAS, Staff filed a memorandum dated July 29, 2026, in which Staff recommended non-substantive changes to the regulation to correct a scrivener's error at Section 9, update Section 9 to correctly identify the Division of the Public Advocate, and to clarify when the notice period begins in Section 11. Staff also recommended a change to Section 2 to update the notice requirements of the Regulation to comply with the notice requirements of [26 Del.C. §102A](#), which the Commission can change informally pursuant to [29 Del.C. §10113\(b\)\(5\)](#); and

WHEREAS, on August 5, 2026, the Commission considered the public comments made by RESA and DPL, and Staff's July 29, 2026 memorandum, and concluded Staff's proposed amendments were in the public interest because of the reasons stated in Staff's July 29, 2026 memorandum; and

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

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

1. Pursuant to [26 Del.C. §209\(a\)](#), and [29 Del.C. §10111 et seq.](#), the Commission determined to publish the proposed amendments to the Regulation as final in the attached Exhibit A.
2. Staff shall work with its Deputy Attorney General and submit the appropriate documents required by [29 Del.C. §10111 et seq.](#) to the Registrar for final publication in the *Delaware Register of Regulations*, and revise such documents as recommended by the Registrar.
3. The effective date of this order shall be 75 days after the date the Regulation is published as final in the *Delaware Register of Regulations*.
4. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

Dated: August 5, 2026

BY ORDER OF THE COMMISSION:

Harold Gray, Chairman

Dr. Anthony DePrima, Commissioner

Regina A. Iorii, Commissioner

Michael Richard, Commissioner

Robert C. Wheatley, Commissioner

ATTEST:

Crystal Beenick, Commission Secretary

3001 Rules for Certification and Regulation of Electric Suppliers

*(Break in Continuity of Sections)***2.0 Certification of Electric Suppliers.***(Break in Continuity Within Section)*

- 2.6 Notice. Each applicant, except brokers, shall publish notice ~~[of the filing of its application in 1 newspaper of general circulation throughout the State in a Commission-approved form, which will be provided to the applicant after receipt of the application in accordance with 26 Del.C. §102A.]~~
- 2.7 Application Fee. An applicant for an electric supplier certificate shall submit a non-refundable application fee of \$750 with the application.
- 2.8 Incomplete or Abandoned Applications. The Commission may reject an application that is not complete or that does not contain subsequent information requested by the staff within 4 months of a failure by the applicant to respond to ~~such requests~~ the requests of staff.
- 2.9 Waiver of Certification Requirements. Upon the request of any applicant, the Commission, upon notice and opportunity for comment, may, for good cause, waive any of the requirements of this regulation that are not required by statute. The waiver may not be inconsistent with the purpose of this regulation or 26 Del.C. §1001 et seq.
- 2.10 Review of the Application. After the close of the comment period, staff shall make a recommendation to the Commission to approve, conditionally approve or deny the application. The Commission may choose to approve, approve with conditions, modify, or deny an electric supplier certificate to an applicant where it finds that doing so is in the public interest.
- 2.11 Material Change in Application Information. Applicants shall inform staff of any material changes in any information submitted in the application that occur from the time the application is submitted to the time the Commission considers the application. The failure to provide such notice within 10 business days after the change may be grounds for rejection of the application.
- 2.12 Accuracy of Information. Failure to provide accurate and factual information, or the submission of false or misleading information, or the omission of material information in any communication with staff or the Commission, may be grounds for rejection of an application or a recommendation that an application be denied.
- 2.13 Term of ESC. Electric supplier certificates are valid until revoked by the Commission or relinquished by the electric supplier after the requisite notice to the Commission and to its customers.
- 2.14 Transfer or Relinquishing of ESC.
- 2.14.1 The transfer of an ESC is prohibited without notice and approval of the Commission.
- 2.14.2 No electric supplier shall cease doing business within the State unless it has provided at least 60 days written notice to the Commission, the DPA, the affected EDC(s) EDC, and its customers.
- 2.14.3 The Commission will consider an ESC to be relinquished if the electric supplier does not provide the required yearly compliance filing in subsection 12.3 of this regulation within 90 days of the required date. An electric supplier shall be allowed 30 days' notice to cure a late annual filing.

*(Break in Continuity of Sections)***9.0 Notice of Change in Fixed Price or Material Terms; Expiration; and Cancellation.**

- 9.1 ~~Changes in fixed price or material terms. An electric supplier shall provide written notice to its residential customer or and small commercial customer of any change in the fixed price or other material terms of service. The written notice must precede the effective date of the proposed changes by at least 30 days and no more than 60 days. Customers shall have at least 30 days to respond to the electric supplier's written notice before the changes become effective, prior to the expiration of a fixed price contract or prior to a change in contract terms.~~
- 9.2 ~~Expiration or Cancellation of Contracts That Will Not Be Renewed. An electric supplier shall provide written notice to its residential customers or small commercial customers at least 30 days before expiration or cancellation of a contract that will not be renewed. The written notice shall include:~~
- 9.2.1 ~~Final bill payment instructions;~~
- 9.2.2 ~~A statement informing the residential customer or small commercial customer that, unless the customer selects a new service provider, cancellation of the Contract shall return the customer to SOS; and~~
- 9.2.3 ~~The toll free telephone number and the website address of the Commission.~~

- 9.1.1 An initial notice shall be provided to each affected customer 45 to 60 days prior to the expiration date of the fixed price contract or the effective date of the proposed change in terms. For customers who have elected to receive electronic communications from the electric supplier, the notice shall be transmitted in the manner chosen by the customer. The initial notice must include:
- 9.1.1.1 A general description of the proposed change in terms of service;
 - 9.1.1.2 The date a change shall be effective or when the fixed duration contract is to expire;
 - 9.1.1.3 An explanation of why a change in contract terms is necessary;
 - 9.1.1.4 A statement explaining that the options notice must discuss the customer's options to the proposed change in terms of service or expiring fixed duration contract;
 - [9.1.1.5 A statement explaining that the options notice must discuss the customer's options to the proposed change in terms of service or expiring fixed duration contract; and**
 - 9.1.1.69.1.5]** A statement indicating whether the existing fixed duration contract has a cancellation fee, and an explanation of the fee amount and how to avoid the fee, including a notice that the customer is not subject to the cancellation fee if the customer terminates the contract at any time after the customer receives the options notice required under this regulation.
- 9.2 An options notice shall be provided, by first class mail, to each affected customer at least 30 days prior to the expiration date of the fixed duration contract or the effective date of the proposed change in terms. The options notice must include:
- 9.2.1 A statement advising the customer of the specific changes being proposed by the electric supplier and informing the customer of how to exercise the customer's options, including the customer's ability to accept the proposed changes, to choose another product offering from the customer's existing electric supplier, to select another electric supplier or to return to SOS;
 - 9.2.2 Information regarding new pricing or renewal pricing including the price to be charged, per kilowatt-hour, for the first billing cycle of electric supplier service:
 - 9.2.2.1 If a customer fails to respond to the options notice and is converted to a month-to-month contract, the electric supplier shall provide a disclosure statement under subsection 7.1 of this regulation.
 - 9.2.2.1.1 Notice of a subsequent change in pricing shall be provided to the customer at least 30 days prior to the new price being charged.
 - 9.2.2.1.2 For customers who have elected to receive electronic communications from the electric supplier, notice of the change in pricing shall be transmitted in the manner chosen by the customer. For all other customers, notice shall be provided by first-class mail.
 - 9.2.2.2 If a customer fails to respond to the options notice and is entered into a new fixed duration contract, the electric supplier shall provide the fixed, per kilowatt-hour price to be charged and term length of the contract.
 - 9.2.3 The telephone numbers and internet addresses, as applicable, for the **[Office of Public AdvocateDivision of the Public Advocate]** and the Commission;
 - 9.2.4 Language clearly visible on the front of the envelope used to provide the options notice stating that it contains important information regarding the expiration or changes in terms of the customer's electric supply contract; and
 - 9.2.5 A statement indicating whether the existing fixed price contract has a cancellation fee and, if so, that the customer is not subject to the cancellation fee if the customer terminates the contract at any time between the date of the options notice and the expiration date of the fixed price contract.
- 9.3 When a customer fails to respond to either notice, the following apply:
- 9.3.1 A fixed duration contract shall be converted to 1 of the following:
 - 9.3.1.1 A month-to-month contract, either at the same terms and conditions or at revised terms and conditions, as long as the contract does not contain cancellation fees; and
 - 9.3.1.2 Another fixed duration contract, as long as the new contract includes a customer-initiated cancellation provision that allows the customer to cancel at any time, for any reason, and does not contain cancellation fees.
 - 9.3.2 The converted contracts shall remain in place until the customer chooses 1 of the following options:
 - 9.3.2.1 Select another product offering from the existing electric supplier;
 - 9.3.2.2 Enroll with another electric supplier; and
 - 9.3.2.3 Return to SOS.

(Break in Continuity of Sections)

11.0 Enrollment, Marketing, and Advertising.**(Break in Continuity Within Section)**

- 11.6 Enrollment Authorization. An electric supplier must obtain authorization from the customer before switching a customer's provider of electric supply service.
- 11.6.1 There are 3 principal ways in which an electric supplier may obtain a residential customer or small commercial customer's authorization to enter into a contract for electric supply service:
- 11.6.1.1 Recorded verbal consent via the telephone;
 - 11.6.1.2 Electronic contract; or
 - 11.6.1.3 Written contract.
- 11.6.2 If an electric supplier offers a customer a check, prize, or other incentive which requires a signature or ~~electric~~electronic signature, that signature or ~~electric~~electronic signature cannot be used as the contract signature or ~~electric~~electronic signature.
- 11.6.3 Electric suppliers shall send written notice of enrollment to customers within 7 calendar days of [enrollment, the utility's notice to the supplier of enrollment acceptance.] The written notice shall include:
- 11.6.3.1 The name, toll-free telephone number, and address of the electric supplier;
 - 11.6.3.2 That the supplier will begin supplying electricity when the utility processes the supplier's enrollment request, which the supplier anticipates to be within the next 10 business days; and
 - 11.6.3.3 Information on how to cancel the contract.

***Please note that no additional changes were made to the regulation as originally proposed and published in the June 2026 issue of the *Register* at page 991 (29 DE Reg. 991). 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/september2026/final/30 DE Reg 162 09-01-26>

DEPARTMENT OF TRANSPORTATION**DELAWARE TRANSIT CORP - DART**

Statutory Authority: 2 Delaware Code, Section 1802(b) (2 **Del.C.** §1802(b))
2 DE Admin. Code 2287

FINAL**ORDER****2287 Public Carrier Regulations**

The Department of Transportation, Delaware Transit Corporation ("Department") in compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 2 **Del. C.** §1802(b) proposes to amend its regulations for public carrier law as described in 2 **Del. C.** Ch. 18.

Proposed amendments to 2287 Public Carrier Regulations were published in the May 1, 2026 edition of the *Delaware Register of Regulations* allowing public comments to be submitted through June 1, 2026.

FINDINGS OF FACTS AND CONCLUSIONS

The public was given notice and an opportunity to provide the Department with comments in writing on the proposed amendments to the regulation. There were no public comments provided to the Department during the public comment period.

Under 2 **Del. C.** § 1802(b), the Department has the statutory authority to promulgate rules and regulations. The purpose of the amendments are to correct word and number formatting in compliance with registrar rules, eliminate outdated requirements and references, to modify inspection requirements, and to update the notice, hearing and citation process.

The Department reviewed the proposed regulations 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 emissions.

DECISION AND ORDER

The Department hereby adopts the text of the proposed regulations as proposed in the May 1, 2026 *Delaware Register of Regulations* as final regulations. The effective date of this Order shall be 10 days from the date this Order is published in the *Delaware Register of Regulations*.

Delaware Transit Corporation

Lilia Montoya, CEO, Delaware Transit Corp.

***Please note that no changes were made to the regulation as originally proposed and published in the May 2026 issue of the *Register* at page 922 (29 DE Reg. 922). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/september2026/final/30 DE Reg 166 09-01-26>

DELAWARE TRANSIT CORP - DART

Statutory Authority: 2 Delaware Code, Section 1922 (2 **Del.C.** §1922)

2 **DE Admin. Code** 2289

FINAL

ORDER

2289 Transportation Network Companies

The Department of Transportation, Delaware Transit Corporation ("Department") in compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 2 **Del. C.** §1922 proposes to amend its regulations for transportation network law as described in 2 **Del. C.** Ch. 19.

Proposed amendments to 2289 Transportation Network Companies were published in the May 1, 2026 edition of the *Delaware Register of Regulations* allowing public comments to be submitted through June 1, 2026.

FINDINGS OF FACTS AND CONCLUSIONS

The public was given notice and an opportunity to provide the Department with comments in writing on the proposed amendments to the regulation. Public comment was received from Raiser LLC regarding the change from annual to quarterly reporting in Section 5.1, requesting clarification on Section 4.1.16.2 and requesting electronic delivery of records under Section 8.2.2.

The Department has considered the comments from Raiser and the argument regarding an industry shift to a continuous monitoring system. The Department will maintain Section 5.1 as an annual requirement. The Department clarified the language in Section 4.1.16.2. The Department appreciates the request for electronic reporting but does not think a regulation change is needed for this. TNCs may submit information electronically already. The spelling of insurance was corrected in 6.7.2

Under 2 **Del. C.** §1922, the Department has the statutory authority to promulgate rules and regulations. The amendments revise the regulations to correct word and number formatting in compliance with registrar rules. The amendments eliminate definitions duplicated in the Delaware Code and incorporate by reference those definitions. A definition is added to accommodate the scheduling of a ride by an authorized agent of the rider and to make clear that such rides may not include transportation for visits requiring protective oversight.

The Department reviewed the proposed regulations 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 emissions.

DECISION AND ORDER

The Department hereby adopts the text of the proposed regulations as proposed in the May 1, 2026 *Delaware Register of Regulations* with additions. The Department finds that the proposed regulations with additions do not require further public notice or comment under the APA because the changes are non-substantive in that they revert to already existing language or only clarify and narrow what was already proposed.

The effective date of this Order shall be 10 days from the date this Order is published in the *Delaware Register of Regulations*.

Delaware Transit Corporation

Lilia Montoya, CEO, Delaware Transit Corp.

2289 Transportation Network Companies

(Break in Continuity of Sections)

4.0 TNC responsibilities

4.1 To operate within the State of Delaware, a TNC must:

(Break in Continuity Within Section)

4.1.16 Within 30 days of the end of each quarter, the TNC shall submit quarterly reports to the Division documenting:

4.1.16.1 The TNC's total number of active drivers;

4.1.16.2 All motor vehicle citations received by the TNC's drivers during the previous quarter [which constitute a potentially disqualifying event in accordance with subsection 5.3 of this regulation];

4.1.16.3 The total number of prearranged rides completed by the TNC during the previous quarter; and

4.1.16.4 The total mileage completed on the platform during the previous quarter.

5.0 Rider and TNC Vehicle Safety

5.1 A TNC must obtain and review a driving history research report for each prospective TNC driver. ~~driver,~~ and

~~5.1.1 A~~ a TNC must check, at least ~~[annually]~~ [quarterly] ~~annually~~, the driving record of every TNC driver in order to verify that the TNC driver has not accrued any disqualifying moving violations as described in this regulation.

(Break in Continuity Within Section)

6.0 Insurance Requirements

6.1 All TNCs, TNC drivers, and personal vehicles must be covered with insurance as specified in ~~the~~ this regulation. It shall be unlawful and a violation of this regulation to lease or operate a personal vehicle that is not insured to the extent required ~~herein~~ in this regulation.

6.2 The insurance coverage required by this regulation may be placed with an insurer licensed under Delaware law or with a surplus lines insurer eligible under Delaware law.

6.3 The insurance coverage required by this regulation may be satisfied by any combination of policies maintained by either a TNC or TNC driver.

6.4 The insurance requirements must be disclosed on each TNC's digital network and website.

6.5 Each TNC must file its insurance policies under seal with the Department as part of applying for a permit. The permit for the TNC will automatically expire upon expiration of the insurance policy, unless and until the TNC provides an updated insurance policy and applies to renew the permit.

6.6 A TNC's insurance shall provide coverage in the event a TNC driver maintains an insurance policy as described in this regulation and the TNC driver's policy has declined coverage, ceased to exist or has been cancelled.

~~6.7 TNC insurance requirements are defined by three service periods:~~

~~Period 1: Digital network or Software Application open – waiting for a match.~~

~~Period 2: Match accepted – but passenger not yet picked up (i.e. driver is on his/her way to pick up the passenger).~~

~~Period 3: Passenger in the vehicle and until the passenger exits the vehicle.~~

~~6.7.1 Period 1 – TNCs shall provide primary insurance in the amount of at least fifty thousand dollars (\$50,000) for death and personal bodily injury per person, one hundred thousand dollars (\$100,000) for death and personal injury per incident, and twenty-five thousand dollars (\$25,000) for property damage. TNCs may satisfy this requirement through: (a) TNC insurance maintained by the driver; (b) TNC insurance maintained by the TNC that provides coverage if a driver does not maintain the required TNC insurance, or if the driver's TNC insurance ceases to exist or is cancelled; or (c) a combination of (a) and (b).~~

- 6.7.2 — Periods 2 and 3 – TNCs must provide primary commercial liability insurance in the amount of one million dollars (\$1,000,000) per accident. TNCs may satisfy this requirement through: (a) TNC insurance maintained by the driver, if the TNC verifies that the driver's TNC insurance covers the driver's use of a vehicle for TNC services; (b) TNC insurance maintained by the TNC; or (c) a combination of (a) and (b).
- 6.7.3 — Period 2 and 3 – TNCs shall also provide uninsured motorist coverage and underinsured motorist coverage in the minimum amount required under 18 Del.C. §3902. TNCs may satisfy this requirement through: (a) TNC insurance maintained by the driver, if the TNC verifies that the driver's TNC insurance covers the driver's use of a vehicle for TNC services; (b) TNC insurance maintained by the TNC; or (c) a combination of (a) and (b). The policy may also provide this coverage during any other time period, if requested by a participating driver relative to insurance maintained by the driver.
- 6.7 TNC Insurance Requirements
- 6.7.1 TNC insurance requirements are defined by 3 service periods:
- 6.7.1.1 Period 1: Digital network or Software Application open-waiting for a match.
- 6.7.1.2 Period 2: Match accepted – but passenger not yet picked up (i.e. driver is on the way to pick up the passenger).
- 6.7.1.3 Period 3: Passenger in the vehicle and until the passenger exits the vehicle.
- 6.7.2 Minimum ~~[insurance]~~**[insurance]** requirements are as follows:
- 6.7.2.1 Period 1 – TNCs shall provide primary insurance in the amount of at least \$50,000 for death and personal bodily injury per person, \$100,000 for death and personal injury per incident, and \$25,000 for property damage. TNC's may satisfy this requirement through:
- 6.7.2.1.1 TNC insurance maintained by the driver;
- 6.7.2.1.2 TNC insurance maintained by the TNC that provides coverage if a driver does not maintain the required TNC insurance, or if the driver's TNC insurance ceases to exist or is cancelled;
- or
- 6.7.2.1.3 A combination of subsections 6.7.2.1.1 and 6.7.2.1.2 of this regulation.
- 6.7.2.2 Periods 2 and 3 – TNCs must provide primary commercial liability insurance in the amount of \$1 million per accident. TNCs may satisfy this requirement through:
- 6.7.2.2.1 TNC insurance maintained by the driver, if the TNC verifies that the driver's TNC insurance covers the driver's use of a vehicle for TNC services;
- 6.7.2.2.2 TNC insurance maintained by the TNC; or
- 6.7.2.2.3 A combination of subsections 6.7.2.2.1 and 6.7.2.2.2 of this regulation.
- 6.7.2.3 Period 2 and 3 – TNCs shall also provide uninsured motorist coverage and underinsured motorist coverage in the minimum amount required under 18 Del.C. §3902. TNCs may satisfy this requirement through:
- 6.7.2.3.1 TNC insurance maintained by the driver, if the TNC verifies that the driver's TNC insurance covers the driver's use of a vehicle for TNC services;
- 6.7.2.3.2 TNC insurance maintained by the TNC; or
- 6.7.2.3.3 A combination of subsections 6.7.2.3.1 and 6.7.2.3.2 of this regulation. The policy may also provide this coverage during any other time period, if requested by a participating driver relative to insurance maintained by the driver.
- 6.8 If involved in an accident while providing TNC Services:
- 6.8.1 The TNC and/or or a TNC driver must provide proof of insurance information to the other party involved in the accident.
- 6.8.2 Notify the TNC and the Division of the accident within 30 days.

***Please note that no additional changes were made to the regulation as originally proposed and published in the May 2026 issue of the Register at page 923 (29 DE Reg. 923). 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/september2026/final/30 DE Reg 167 09-01-26>

GENERAL NOTICES

DEPARTMENT OF FINANCE

DIVISION OF REVENUE

Statutory Authority: 29 Delaware Code, Section 8303(7) (29 Del.C. §8303(7))

GENERAL NOTICE

NOTICE

Effective Date of the Organ and Bone Marrow Transplantation Tax Credit

BACKGROUND

Senate Substitute 1 for Senate Bill 301, of the 151st Session of the General Assembly, was enacted on October 3, 2022 and codified at 83 Del. Laws, c. 440 (the "Act"). The provisions set forth in § 20E-104 of Section 1 of the Act authorized a tax credit to Delaware employers who provide employees who donate an organ or bone marrow with paid time off for the purpose of the transplantation, in the amount of 25% of the employee's gross wages paid to the employee during the time missed from work, not including any amount paid to the person by the employer as traditional paid time off, for a period of up to 30 days of missed work for each donation. For qualified expenses used for a tax credit under the Act, to the extent otherwise allowable under Title 30, no tax deduction is allowed for either the donor or the employer. It also provides that lost wages, for purposes of the individual tax credit, do not include any amounts paid to the person as traditional paid time off, as other than traditional paid time off, as worker's compensation benefits, or pursuant to Chapter 37 of Title 19. Similarly, gross wages, for purposes of the employer tax credit, do not include any amount paid to the person by the employer as traditional paid time off. Section 2 of the Act states that unless the Secretary of Finance provides notice of an earlier effective date in such notice for publication by the Registrar of Regulations, the provisions set forth in § 20E-104 of this Act will take effect on January 1 following the calendar year of publication of such notice.

PURPOSE

Pursuant to Section 2 of the Act, this communication constitutes notice to the Registrar of Regulations that the Division of Revenue has implemented the corporate income tax release of the Integrated Revenue Administration System and that the provisions set forth in § 20E-104 of Section 1 of the Act shall take effect on January 1, 2026.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR QUALITY

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

GENERAL NOTICE

NOTICE

Delaware State Implementation Plan (SIP) Revision

Serious Classification Requirements for New Castle County for the 2015 8-Hour Ozone National Ambient Air Quality Standard

DOCKET # 2025-R-A-0015

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

On June 4, 2018, the Environmental Protection Agency (EPA) designated 51 areas of the country as "non-attainment" under the 2015 8-hour ozone National Ambient Air Quality Standard (NAAQS) of 0.070 parts per million. Ground level ozone, one of the principal components of "smog", is a serious air pollutant that harms human health and the environment. Among those non-attainment areas was the Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) Moderate Non-Attainment Area (Philadelphia NAA). This NAA included New Castle County in Delaware. On October 7, 2022, EPA published a final rule to reclassify certain ozone nonattainment areas from Marginal to Moderate for the

2015 ozone NAAQS. Under the Moderate non-attainment classification, the Philadelphia NAA did not meet the standard by the deadline of August 3, 2024.

On July 30, 2024, EPA published a final rule to reclassify the Philadelphia NAA as Serious for the 2015 8-hour ozone NAAQS, with a new attainment date of August 3, 2027, and instructed states in the NAA to develop non-attainment plans. Subsequently, on June 4, 2026, EPA issued a final rule creating a stand-alone NAA for New Castle County, Delaware; removing Delaware from the Philadelphia NAA. This hearing will address Delaware's Serious Non-attainment Plan for New Castle County for the 2015 8-Hour Ozone NAAQS.

POSSIBLE TERMS OF THE AGENCY ACTION:

None

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 Del.C. Ch. 60, Section 6010 (a) and (c)

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

None

NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket #2025-R-A-0015) will be held on Tuesday, September 22, 2026 beginning at 6 p.m. The weblink to the virtual hearing can be accessed through the DNREC Public Hearing site at <https://de.gov/dnrehearings>. If prompted for a passcode, please use: 842725. To access the audio-only portion of the virtual hearing, dial 1-305-224-1968 and enter the Meeting ID 858 7818 6053. Language assistance is available by request within 10 days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

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

For additional information regarding the hearing matter visit <https://de.gov/dnrehearings> or to view the proposed SIP revisions visit https://regulations.delaware.gov/register/current_issue beginning September 1, 2026. For any questions or to view the proposed SIP revisions in person, by appointment-only, contact Kelsey Schiliro, at Division of Air Quality, 715 Grantham Lane, New Castle, Delaware 19720, or via phone 302-323-4542 or by email at Kelsey.Schiliro@delaware.gov.

The Department will accept public comment through the close of business on Wednesday, October 7, 2026. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

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

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

<https://regulations.delaware.gov/register/September2026/73F05381-B379-4AA2-9936-49C0DB63D78D>

GENERAL NOTICES

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).

The revised regulatory guidance document and a brief description of changes follows:

- DURMM v 2.6 - General updates to address omissions in underlying formulas, including:
 - LOD Tab, Step 2.1 to reference the impervious percentage in 1.4.b.
 - Rpv Tab, BMP #2 Steps 3.7, 4.3, 5.4, to ensure the crediting and release rate calculations are appropriate.
 - Report Tab, Row 40 to ensure BMP #2 reports credits appropriately.
 - TMDL Tab, Step 4.1 for the C&D Canal East TSS Value.

The DNREC Sediment and Stormwater Program hereby provides notice of this regulatory guidance document, 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 September 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.

This document 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 at 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 – Bridge 1686 029

July 22, 2026

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

Ms. Smallwood,

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

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

§4505. Traffic control devices.

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

In accordance with [21 Del.C. §4505\(d\)\(1\)](#), Notice is hereby given by the Delaware Department of Transportation, Bridge & Structures Section, as approved and ordered by the Secretary of the Department of Transportation pursuant to [21 Del.C. §4505\(c\)](#), for the following temporary load restrictions for the safe movement of traffic in the area:

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

20 Ton GVW Posting Limit

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

Thank you,

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

CALENDAR OF EVENTS/HEARING NOTICES

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

PUBLIC NOTICE

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

Summary

The Delaware Department of Agriculture ("Department") Food Products Inspection Section proposes to amend its Regulation adopted in accordance with Title 3, Sections 101 and 302 of the Delaware Code. The proposed changes include revisions to the title of the Regulation, the definition of "home," and products that may be produced for sale by permittees. The changes to the title are intended to align the title to the purpose of the Regulation, which is to establish standards of practice for on-farm home food processing operations. The changes to Section 3.0 include removing definitions for terms that do not appear elsewhere in the Regulation and changing the definition of "home" to remove the requirement that the permitted kitchen must be in the primary residence on the farm, allowing for more flexibility in the location of the permitted operations. The changes to Sections 6.0 and 7.0 (previously Sections 8.0 and 9.0) remove specific lists and examples of allowable products, providing more discretion for the Department in approving permittee activities and allowing the Department to be more responsive to permittee requests for varied products as market forces evolve and provide alternative, acceptable locations to address specific facility circumstances. The proposed changes include technical and style changes to ensure the Regulation is consistent with the *Delaware Administrative Code Drafting and Style Manual*. Other regulations issued by the Department are not affected by this proposal. The Department is issuing this proposed regulation in accordance with Title 3 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 regulation is being published in the September 1, 2026 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Delaware Department of Agriculture, 2320 South DuPont Highway, Dover, Delaware 19901 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: https://regulations.delaware.gov/register/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Food Products Inspection Section at the above address as to whether this proposed regulation should be adopted, rejected or modified. Pursuant to [29 Del.C. §10118\(a\)](#), public comments must be received on or before October 1, 2026. Written materials submitted will be available for inspection at the above address.

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

PUBLIC NOTICE

Notice of Monthly Meeting

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

CALENDAR OF EVENTS/HEARING NOTICES

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DEPARTMENT OF HEALTH AND SOCIAL SERVICES DELAWARE HEALTH CARE COMMISSION Diamond State Hospital Cost Review Board PUBLIC NOTICE 5003 Hospital Information Review

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 16 **Del. C.** §9952(g), the Diamond State Hospital Cost Review Board ("Board") is proposing a regulation to establish procedures for hospitals to submit financial and utilization information subject to the Board's review.

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: Delaware Health Care Commission, Herman M. Holloway Sr. Health and Social Services Campus, 1901 N. DuPont Highway, Main Administration Building, New Castle DE 19720 or by email to DHCC@delaware.gov by 4:30 p.m. on October 1, 2026. Please identify in the subject line: Diamond State Hospital Cost Review Board Regulations.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF PUBLIC HEALTH PUBLIC 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 (Agency), Health Systems Protection Section is re-proposing revisions to the Regulations Governing the Childhood Lead Poisoning Prevention Act (16 **DE Admin. Code** 4459A).

Proposed revisions to 4459A Regulations Governing the Childhood Lead Poisoning Prevention Act were previously published on December 1, 2025 (29 **DE Reg.** 493), announcing a public comment period of December 1, 2025 through January 2, 2026. Changes included 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)*. DHSS published a General Notice on January 1, 2026 (29 **DE Reg.** 633) extending the public comment period until 4:30 PM on March 3, 2026.

Entities offering written comments included the Childhood Lead Poisoning Prevention Advisory Committee. The Agency appreciates and acknowledges the comments that were submitted. Additional changes were requested for two of the defined terms, amending requirements for blood lead level screenings and tests, and amending the timeline for valid blood lead level screening and testing.

As a result of evidence review, substantive changes are being made to the definition of 'Testing', 'Healthcare provider', 'Laboratory', subsection 3.3, and Section 5.0. In addition, this regulation is consistent with HB 312, signed on May 21, 2026 (85 Del. Laws, c. 266).

Copies of the re-proposed regulation are available for review in the September 1, 2026 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 December 1, 2026. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

CALENDAR OF EVENTS/HEARING NOTICES

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

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

PUBLIC NOTICE

4459B Residential Property Renovation, Repair and Painting

Pursuant to 16 **Del.C.** §§122(3)(t), the Delaware Department of Health and Social Services ("DHSS"), Division of Public Health (Agency) published proposed revisions to regulation 4459B Residential Property Renovation, Repair and Painting on December 1, 2025 (29 **DE Reg.** 498), announcing a public comment period of December 1, 2025 through January 2, 2026. 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)*. DHSS published a General Notice on January 1, 2026 (29 **DE Reg.** 633) extending the public comment period until 4:30 PM on March 3, 2026.

Written comments were accepted on the proposed regulation during the public comment period (December 1, 2025 through March 3, 2026). Entities offering written comments included the Childhood Lead Poisoning Prevention Advisory Committee and the Community Legal Aid Society, Inc.

After reviewing the public comments submitted by the Community Legal Aid Society, Inc. (CLASI), the Delaware State Lead-based Paint Program determined that many of the recommended changes are already incorporated into the current Occupant Protection Plan (OPP) or would be more appropriately addressed through revisions to the OPP form rather than amendments to 16 **DE Admin. Code** 4459B. Several recommendations, including mandatory lead risk assessments and clearance testing, would significantly increase costs for property owners by adding requirements beyond the scope of the contracted renovation work. Additionally, recommendations related to Occupational Safety and Health Administration (OSHA)-aligned worker protection standards fall outside the statutory purpose of the Childhood Lead Poisoning Prevention Program, as workplace safety is already regulated under federal OSHA requirements.

Comments received also conveyed support for amendments relating to applicability. Additional changes were suggested regarding objective clearance, testing exemptions, tenant-centered protections, and worker protections.

In response to the public comments received, the Agency is working to have signs posted at work areas to be posted in the language of the tenant or tenants, as well as pursuing having the Occupant Protection Plan (OPP) document translated into Spanish and Haitian Creole. As a result of evidence review, substantive amendments to subsection 4.1.1 relating to occupant protection are being introduced in this re-proposal.

Copies of the re-proposed regulation are available for review in the September 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at <https://regulations.delaware.gov> or by calling the Division of Public Health at 302-424-7149.

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

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

CALENDAR OF EVENTS/HEARING NOTICES

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DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

PUBLIC NOTICE

4459C Lead-Based Paints on Outdoor Structures

Pursuant to [16 Del.C. §122\(3\)](#) & 16 Del.C. Ch. 30M, the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is re-proposing new regulation governing the use of lead-based paints on outdoor structures.

The regulation was previously published on February 1, 2026 (29 DE Reg. 676), announcing a public comment period of February 1, 2026 through May 4, 2026.

Entities offering written comments included the Childhood Lead Poisoning Prevention Advisory Committee. The Agency appreciates and acknowledges the comments that were submitted. As a result of evidence review, substantive changes are being made to the definition of 'Lead-based paint', 'Outdoor structure', Section 4.0, and Section 5.0.

Copies of the re-proposed regulation are available for review in the September 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-424-7149.

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

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

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR QUALITY

PUBLIC NOTICE

Delaware State Implementation Plan (SIP) Revision

NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket #2025-R-A-0015) will be held on Tuesday, September 22, 2026 beginning at 6 p.m. The weblink to the virtual hearing can be accessed through the DNREC Public Hearing site at <https://de.gov/dnrehearings>. If prompted for a passcode, please use: 842725. To access the audio-only portion of the virtual hearing, dial 1-305-224-1968 and enter the Meeting ID 858 7818 6053. Language assistance is available by request within 10 days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

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

For additional information regarding the hearing matter visit <https://de.gov/dnrehearings> or to view the proposed SIP revisions visit https://regulations.delaware.gov/register/current_issue beginning September 1, 2026. For any questions or to view the proposed SIP revisions in person, by appointment-only, contact Kelsey Schiliro, at Division of Air Quality, 715 Grantham Lane, New Castle, Delaware 19720, or via phone 302-323-4542 or by email at Kelsey.Schiliro@delaware.gov.

CALENDAR OF EVENTS/HEARING NOTICES

The Department will accept public comment through the close of business on Wednesday, October 7, 2026. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnreccomments>, or by U.S. mail to the following address:

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

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF CLIMATE, COASTAL AND ENERGY

PUBLIC NOTICE

2106 Issuance of Waivers of Net Metering Limits for Agricultural Use Customers

SAN # 2024-16
DOCKET # 2025-R-CCE-0001

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

This regulation directs the Department of Natural Resources and Environmental Control (DNREC) how to grant waivers to agricultural use customers who receive energy distribution from Delmarva Power and Light, under a residential tariff or service offering, and are requesting to install a net metering system larger than 150 kilowatts (kW).

POSSIBLE TERMS OF THE AGENCY ACTION:

None

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

The agency does not believe that other regulations will be impacted

NOTICE OF PUBLIC COMMENT:

A virtual public hearing, Hearing Docket No. 2025-R-CCE-0001, will be held on Wednesday, September 23, beginning at 6 PM. The web link to the virtual hearing can be accessed through the DNREC Public Hearing site at <https://de.gov/dnrechearings>. If prompted, use Meeting ID: 833 6664 0780 and Passcode: 207374. To access the audio-only portion of the virtual hearing, dial 1-305-224-1968 and enter the Meeting ID and Passcode noted above. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

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

The proposed amendments may be inspected online starting September 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only by contacting Janet Redman by phone at 302-739-9409 or by email at janet.redman@delaware.gov.

Public comments will be accepted through the close of business on Thursday, October 8, 2026. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://dnrec.delaware.gov/public-hearings/comment-form/>, or by US mail to the following address:

Lisa Vest, Hearing Officer
DNREC, Office of the Secretary
89 Kings Highway
Dover, Delaware 19901

CALENDAR OF EVENTS/HEARING NOTICES

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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 changes to Section 2.0 Definitions, to modify the definition of “pre-roll”, and changes to subsection 6.7 Marijuana cultivation facility general requirements to allow a cultivation facility to prepare and sell to retail marijuana stores “pre-rolls” containing only marijuana flower cultivated by the facility and bearing only the producing facility’s branding. Additional changes are proposed to subsection 9.7 to conform those provisions to changes previously made in Section 10.0 modifying permissible colors and images on branding and packaging. See 29 **DE Reg.** 787 (03-01-26). 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 September 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 October 1, 2026.

Adoption of Proposed Regulation

On or after October 2, 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.

DEPARTMENT OF STATE

OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER

PUBLIC NOTICE

Rule 903 (Formerly Rule 8.1) A Rule Governing the Shipment and Storage of Alcoholic Liquors by Suppliers and Wholesalers

In compliance with the State’s Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 4 **Del.C. §304**, the Delaware Alcoholic Beverage Control Commissioner proposes to update its regulation related to the at-rest requirement of 18 hours.

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

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

Comments may also be directed via electronic mail to OABCCrulescomments@delaware.gov. Any written submission in response to this notice and relevant to the proposed regulation must be received by the Delaware Alcoholic Beverage Control Commissioner no later than 4:00 p.m. EST, October 1, 2026.

CALENDAR OF EVENTS/HEARING NOTICES

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

DEPARTMENT OF STATE
OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
PUBLIC NOTICE
Rule 909 (Formerly Rule 77) A Rule Pertaining to the License of Direct Shippers

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of [4 Del.C. §304](#), the Delaware Alcoholic Beverage Control Commissioner proposes to update its rules related to licensure requirements for direct shipping and common carriers.

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

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

Comments may also be directed via electronic mail to OABCCrulescomments@delaware.gov. Any written submission in response to this notice and relevant to the proposed regulations must be received by the Delaware Alcoholic Beverage Control Commissioner no later than 4:00 p.m. EST, October 1, 2026.

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

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION SOLUTIONS
PUBLIC NOTICE
1205 Electronic Red Light Safety Program (ERLSP)

Pursuant to the authority provided by [21 Del.C. §4101\(d\)](#), the Delaware Department of Transportation (DelDOT) seeks to adopt revisions to its existing regulation related to the Electronic Red Light Safety Program (ERLSP) at qualifying intersections across the State of Delaware.

The Department, through its Division of Transportation Solutions seeks to adopt these revisions to support the administration of the ERLSP. The program provides an effective means of monitoring selected intersections for motorists who violate traffic signal laws. Using data-driven, engineering-based criteria, the ERLSP is designed to reduce severe angle crashes and deter red-light violations at hazardous intersections statewide.

Public Comment Period

DelDOT will take written comments on the proposed revisions to Regulation 1205 of Title 2, Delaware Administrative Code, from September 1, 2026 – October 1, 2026. The public may submit their comments to:

Peter Haag, P.E.
Chief of Traffic Engineering
(Peter.Haag@delaware.gov) or in writing to his attention,
Delaware Department of Transportation
Division of Transportation Solutions
169 Brick Store Landing Road
Smyrna, DE 19977
