

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

July 2024

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on Wednesday, August 7, 2024, commencing at 1:30 p.m. The public hearing will be conducted remotely. The draft docket decisions and draft resolutions that will be subjects of the public hearing, along with details about the remote platform and how to attend, will be posted on the Commission's website, www.drbc.gov, at least ten (10) days prior to the meeting date.

The Commission's quarterly business meeting will be held on Thursday, September 5, 2024, commencing at 10:30 a.m. The business meeting also will be held remotely. An agenda, along with details about the remote platform and how to attend, will be posted on the Commission's website, www.drbc.gov, at least ten (10) days prior to the meeting date.

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

Pamela M. Bush, J.D., M.R.P.
Commission Secretary and Assistant General Counsel

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

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

The State Board of Education provides information about meeting dates and times, materials, minutes, and audio recordings on its website:

<https://education.delaware.gov/community/governance/state-board-of-education/sbe-monthly-meetings/>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Pharmacists as Providers

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan Attachment 3.1-A page 3.1 Addendum, specifically, to add the role of pharmacist as a provider type.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on July 31, 2024. Please identify in the subject line: Pharmacists as Providers

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

by other interested persons.

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF FACILITIES MANAGEMENT
PUBLIC NOTICE

4104 Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects

Pursuant to the authority provided by 29 *Del. C.* § 6908(a)(6), the Office of Management and Budget established regulations that require contractors and subcontractors to implement a program of mandatory drug testing for employees who work on Large Public Works Contracts funded all or in part with public funds. The regulations established the mechanism, standards and requirements of a Mandatory Drug Testing Program that was incorporated by reference into all Large Public Works Contracts awarded pursuant to 29 *Del. C.* § 6962.

New Castle County has a drug testing requirement set forth in New Castle County Ordinance 2.05/395 for all construction projects which mirrors the drug testing program imposed by the State of Delaware. Currently, contractors and subcontractors must comply with both programs, for all Large Public Works projects located in New Castle County. This is duplicative and costly. The New Castle County drug testing program is comparable to the one imposed by the State. The purpose of the proposed regulation amendment is to allow the State to accept New Castle County drug tests that are up to six months old in lieu of requiring contractors and subcontractors to have new tests done for all Large Public Works projects located in New Castle County.

Public Comment Period

The Division of Facilities Management of the Office of Management and Budget will take written comments on the proposed amendment to Regulation 4104-5.0 by close of business (4:30 p.m. EST) on or before July 31, 2024. The public may submit their comments to:

Jennifer Coverdale
Director, Division of Facilities Management
Office of Management and Budget
122 Martin Luther King Jr. Blvd. S
Dover, DE 19901
jennifer.coverdale@delaware.gov

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

Summary

In compliance with Delaware's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 4 of the Delaware Code, Chapter 13, Section 1331, the Office of the Marijuana Commissioner proposes to adopt regulations. This regulation establishes the standards for issuing marijuana establishment licenses, social equity businesses, and a retail sales tax. They also include a system for inspection, tracking, packaging, and testing marijuana to ensure the marijuana products are safe.

Proposed regulations for the Office of the Marijuana Commissioner were first published in the May 1, 2024 *Delaware Register of Regulations*, and comments accepted until June 3, 2024. As a result of the comments received, the Office of Marijuana Commissioner determined to withdraw the regulations published in 27 **DE Reg.** 859 (05/01/24), which will no longer be considered in favor of the new proposed regulations. The new proposed

regulations include the following changes:

1. Additional child protection measures under Packaging and Labeling Requirements and Advertising;
2. Additional details on operating manual requirements and required personnel training;
3. Additional details on quality assurance and quality control programs;
4. Additional guidance on requirements during temporary seed-to-sale tracking failures;
5. Requirement that vehicles transporting marijuana plants, marijuana, and marijuana flower be equipped with a GPS tracking device;
6. Procedures for refusal of shipments;
7. Additional guidance on advertising and audience composition requirements;
8. Allowance for co-location of manufacturing facilities and retail establishments provided certain conditions are met; and
9. Technical fixes throughout including: elimination of duplicative subsections and correction of misnumbering, relocation of subsections for more logical flow, and grammatical corrections.

Comments

Copies of the proposed regulations will be published in the July 1, 2024 edition of the Delaware Register of Regulations, accessible online at <http://regulations.delaware.gov>. Copies are also posted on the Office of the Marijuana Commissioner's website at <https://omc.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, Thomas Collins Building, 3rd Floor, Suite 1-A, 540 S Dupont Hwy, Dover, DE 19901 or by email to OMC@delaware.gov. All submissions from the public will be posted on the Office of the Marijuana Commissioner's website at <https://omc.delaware.gov>. Pursuant to 29 Del.C. §10118(a), the final date to receive written comments is July 31, 2024.

Adoption of Proposed Regulation

On or after July 31, 2024, following review of any public comments received, the Office of the Marijuana Commissioner will determine whether to adopt the proposed rules as originally published or make additional changes.

Effective Date of Amendments to Regulations

If adopted by the Office of the Marijuana Commissioner, the amendments shall take effect 10 days after being published as final in the Delaware Register of Regulations.

Robert Coupe, Marijuana Commissioner

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
500 Board of Podiatry

The Delaware Board of Podiatry, pursuant to 24 Del.C. §506(a)(1), proposes to revise its regulations. The proposed amendments to the regulations eliminate the requirement that an inactive license must be renewed biennially.

The Board will hold a public hearing on the proposed rule change on September 4, 2024 at 5:00 p.m., in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904 and virtually. The virtual link will be published on the meeting agenda at least seven days prior to the hearing. Written comments should be sent to Michelle Loper, Administrator of the Delaware Board of Podiatry, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904. Written comments will be accepted until September 19, 2024.

**DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE**

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

The Delaware Board of Mental Health and Chemical Dependency Professionals, pursuant to 24 **Del.C.** § 3006(a)(1), proposes to revise its regulations. The proposed amendments to the regulations seek to clarify what is required of a master's degree that is not in clinical mental health counseling in order for that degree to be deemed acceptable to the Board under 24 **Del.C.** § 3032(a)(1). The proposed regulations also clarify that face-to-face supervision or counseling includes live video conferencing. Other changes were made to ensure compliance with the Delaware Administrative Code Drafting and Style Manual.

The Board will hold a public hearing on the proposed rule change on August 28, 2024 at 12:00 p.m., in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904 and virtually. The virtual link will be published on the meeting agenda at least seven days prior to the hearing. Written comments should be sent to Maya Echols, Administrator of the Delaware Board of Mental Health and Chemical Dependency Professionals, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904. Written comments will be accepted until September 13, 2024.

**PUBLIC SERVICE COMMISSION
PUBLIC NOTICE**

3007 Electric Service Reliability and Quality Standards

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 26 **Del.C.** §§209(a)(1), the Delaware Public Service Commission (the "Commission" or "PSC") proposes to revise 26 DE Admin. Code. 3007 *Electric Service Reliability and Quality Standards* (the "Regulation") for regulatory enhancement and public benefit.

This Regulation requires electric distribution companies ("EDCs") subject to the Commission's jurisdiction to engage in distribution planning and to submit annual reports prepared with the input of Commission Staff ("Staff") and the Delaware Division of the Public Advocate ("DPA"). EDCs, Staff, and the DPA have engaged in four annual distribution planning cycles. Staff and DPA have consistently maintained that EDCs ignore their input with respect to distribution system improvements, replacements, or repairs that could be done at less cost to ratepayers without sacrificing service reliability. Staff drafted the proposed amendments to this Regulation to address these concerns.

A copy of the proposed amendments to this Regulation is being published in the July 2024 issue of the *Delaware Register of Regulations*. The proposed amendments are also addressed in Commission Order No. 10457 in PSC Docket No. 18-9035, and can be found in the PSC's electronic filing system, Delafile, located at <http://delafile.delaware.gov> by searching for Docket No. 18-9035. If you wish to obtain written copies of the Order and proposed regulation, please contact the PSC at (302)736-7500. Copies in excess of the first twenty (20) pages are \$0.10 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

Pursuant to 29 *Del. C.* § 10118(a), interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Commission by filing such comments electronically in Delafile at <http://delafile.delaware.gov> and filling out the "Public Comment Form" located under "Public Links." Written comments may also be mailed to: Crystal Beenick, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904, or via email to crystal.beenick@delaware.gov, with the subject line "Docket 18-0935." Written comments will be accepted until August 15, 2024, pursuant to 29 *Del. C.* § 10118(a). **There will be a public hearing on the proposed amendments to the Regulation on July 31, 2024 at 1:00 p.m. at the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the July 31, 2024, hearing, however, written comments must be submitted on or before July 19, 2024.**

Following review of the public comment, the Commission will determine whether to amend its regulations by adopting the proposed rules or make additional changes because of the public comments received. If adopted by the Commission, the amendments shall take effect ten days after being published as final in the Delaware Register

of Regulations.
