

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

May 2021

DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM

PUBLIC NOTICE

1301 Delaware Criminal Justice Information System Rules and Regulations

Purpose: In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 11 of the Delaware Code, Chapter 86, Section 8605, the Delaware Criminal Justice Information System (DELJIS) Board of Managers proposes to revise its regulations. These proposed regulations are applicable to all users of the Delaware Criminal Justice Information System (CJIS) and to any agency requesting access to CJIS from the Board. The proposed regulations will ensure that access to criminal justice information conforms to the statutory requirements outlined in Chapters 85 and 86 of Title 11 of the Delaware Code.

Written Comments: The DELJIS Board of Managers will receive written comments, suggestions briefs or other written material until the close of business, 4:30 p.m., June 1, 2021. Written comments shall be submitted via e-mail to Marianne.Kennedy@delaware.gov or via the USPS to Ms. Marianne Kennedy Chair, DELJIS Board of Managers, 800 Silver Lake Blvd. Suite 101, Dover, DE 19904.

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on **Wednesday, May 12, 2021** beginning at **1:30 p.m.** In light of COVID-19 mitigation measures in effect for DRBC member states, the Commission will conduct the public hearing on a remote platform. Please check the Commission's website, www.drbc.gov, on or after April 28, 2021 for details regarding the resolutions and draft docket decisions that will be subjects of the public hearing and for information on how to attend and participate in this remote public hearing.

The Commission's quarterly business meeting will be held the following month, on **Wednesday, June 9, 2021**, beginning at **10:30 a.m.** The business meeting will also be conducted remotely. Details about the meeting format and how to attend will be posted on the Commission's website, www.drbc.gov, no later than April 28, 2021.

For additional information, please visit the DRBC website at www.drbc.gov or contact Denise McHugh at denise.mchugh@drbc.gov or Patricia Hausler at patricia.hausler@drbc.gov.

DEPARTMENT OF AGRICULTURE

FOOD PRODUCTS INSPECTION

PUBLIC NOTICE

302 Produce Safety Regulations

The Department of Agriculture proposes to amend its Regulations adopted in accordance with Title 3, Chapter 1 of the Delaware Code to revise the existing Produce Safety Regulations at 3 DE Admin. Code 302. The purpose of the amended regulations is to revise sections 3.1 and 3.4 to better address compliance of regulated farms with the federal regulations promulgated under the Food Safety Modernization Act (Title 21, Part 112 of the Code of Federal Regulations). Other regulations issued by the Department of Agriculture are not affected by this proposal. The Department of Agriculture is issuing these proposed regulations in accordance with Title 3 of the Delaware Code. Statutory Authority: 3 Delaware Code, Section 101(1), (3) & (6) (3 Del.C. §101(1), (3) & (6)). This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

A copy of the proposed regulations is being published in the May 1, 2021 edition of the *Delaware Register of*

Regulations. A copy is also on file in the office of the 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: http://regulations.delaware.gov/services/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Department of Agriculture at the above address as to whether these proposed regulations should be adopted, rejected or modified. Pursuant to 29 *Del.C.* § 10118(a), public comments must be received on or before June 1, 2021. Written materials submitted will be available for inspection at the above address.

On or after June 1, 2021, following review of the public comment, the Department of Agriculture 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 Department of Agriculture, the amendments shall take effect ten days after being published as final in the *Delaware Register of Regulations*.

PLANT INDUSTRIES SECTION
PUBLIC NOTICE

805 Rules and Regulations for Delaware Domestic Hemp Production Program

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 3 of the Delaware Code, Chapter 1, Sections 101(2) & (3), Delaware Department of Agriculture and Plant Industries Section is proposing regulations governing the Delaware Domestic Hemp Production Program.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed regulatory amendments must submit same to, the Plant Industries Section, 2320 South DuPont Highway, Camden DE 19901, by email to dda_hempprogram@delaware.gov by 4:30 p.m. on June 1, 2021. Please identify in the subject line: Regulations Governing Delaware Domestic Hemp Production Program.

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

THOROUGHBRED RACING COMMISSION
PUBLIC NOTICE

1001 Thoroughbred Racing Rules and Regulations

The Thoroughbred Racing Commission proposes to amend its Regulations adopted in accordance with Title 3, Chapter 101. The purpose of the proposed regulations is to amend Rule 13.1.3 to change the existing open claiming rule. Other regulations issued by the Thoroughbred Racing Commission are not affected by this proposal. The Thoroughbred Racing Commission is issuing these proposed regulations 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.

A copy of the proposed regulations is being published in the May 1, 2021 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: http://regulations.delaware.gov/services/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Thoroughbred Racing Commission at the above address as to whether these proposed regulations should be adopted, rejected or modified. Pursuant to 29 *Del.C.* § 10118(a), public comments must be received on or before June 1, 2021. Written materials submitted will be available for inspection at the above address.

On or after June 1, 2021, following review of the public comment, the Thoroughbred Racing 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 Thoroughbred Racing Commission, the amendments shall take effect ten days after being published as final in the *Delaware Register of Regulations*.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

On March 12, 2020, Governor Carney issued a declaration of a state of emergency for the state of Delaware due to a public health threat. The State of Emergency allows all public meetings of executive branch public bodies, including the SBE, to be conducted electronically, either by means of telephone conference call or video-conference call.

In accordance with the State of Emergency, the State Board of Education is currently holding meetings electronically. The meeting information can be accessed via the public meeting calendar (<https://publicmeetings.delaware.gov/Search?q=&AnyAll=Any&AgencyID=22&StartDateInclusive=2020-08-01>). Members of the public can join the meeting via the web or telephone.

Meeting materials are available on the State Board of Education's eBoard site (<https://simbli.eboardsolutions.com/index.aspx?s=190001>). (If you are having technical difficulties accessing the site, please try a different browser.)

DEPARTMENT OF ELECTIONS

OFFICE OF THE STATE ELECTION COMMISSIONER

PUBLIC NOTICE

101 Procedures for Addressing Post-Election Voting Machine Audit Discrepancies

The Department of Elections, pursuant to 15 **Del.C.** § 5012A(f), proposes to enact a new regulation. The proposed regulation outlines the procedures to be followed by the Department of Elections in the case of a discrepancy discovered during a post-election audit performed in accordance with the provisions of 15 **Del.C.** § 5012A. The proposed regulation is not substantially likely to impose additional costs or burdens upon individuals and/or small businesses. Other regulations issued by the Department of Elections or the State Election Commissioner are not affected by this proposal. This Notice is issued pursuant to the requirements of 29 **Del.C.**, Ch. 11, Subchapter III, 29 **Del.C.**, Ch. 101, Subchapter II, and 29 **Del.C.**, Ch. 104, §§ 10404A(b)(1) and 10404B(b)(1).

This proposed regulation is being published in the May 2021 edition of the *Delaware Register of Regulations*. Copies are also on file in the Office of the State Election Commissioner, 905 S. Governors Avenue, Suite 170, Dover, DE 19904 and are available for inspection during regular office hours. Copies are available upon request.

Interested parties may offer comments on the proposed regulation or submit written suggestions, compilations of data, briefs, or other materials to State Election Commissioner Anthony Albence at the above address as to whether the proposed regulation should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before June 4, 2021. Written materials submitted will be available for inspection at the above address.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Drug Utilization Review (DUR) - Opioid Provisions

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of 31 *Del. C.* § 512, Delaware Health and Social Services

(DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Title XIX Medicaid State Plan regarding the Drug Utilization Review (DUR), specifically, to update policy to comply with the published Final Rule.

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, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on June 1, 2021. Please identify in the subject line: Drug Utilization Review (DUR) - Opioid Provisions.

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

DIVISION OF SOCIAL SERVICES
PUBLIC NOTICE

Child Care for Families Receiving Temporary Assistance for Needy Families (TANF)

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of 31 *Del. C.* § 512, Delaware Health and Social Services (DHSS) / Division of Social Services (DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding Child Care for Families Receiving TANF, specifically to explain the child care eligibility requirements for parents, caretakers, and minor parents participating in the Temporary Assistance for Needy Families (TANF) program.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Division of Social Services (DSS), 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on June 1, 2021. Please identify in the subject line: Child Care for Families Receiving TANF.

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

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DELAWARE SEX OFFENDER MANAGEMENT BOARD
PUBLIC NOTICE

1100 Delaware Sex Offender Management Board

The Sex Offender Management Board (SOMB), pursuant to 11 *Del. C.* 4120A (c)(8), proposes to revise its regulations. The proposed amendments, which were voted on in a General Meeting by the SOMB on March 29, 2021, seek to add an associate level service provider, add provisions for declared states of emergencies, as well as update and clarify information regarding qualifications for Sex Offense Service Providers and the credentialing process.

The SOMB will allow for the submission of written comments, suggestions, or other materials regarding the proposed rules to the Criminal Justice Council Attn: Bridget V. Poulle, Carvel State Office Building, 10th Floor, 820 N French Street, Wilmington, Delaware 19801-3590 or e-mail BridgetV.Poulle@state.de.us. Any written submission in response to this notice and the relevant proposed regulations must be received by the Department of Safety and Homeland Security no later than 4:30 p.m. (EST) on June 3, 2021. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml.