

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

November 2021

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on **Wednesday, November 10, 2021** beginning at **1:30 p.m.** The public hearing will be conducted on a remote platform. Please check the Commission's website, www.drbc.gov, on or after October 29, 2021 for details regarding the 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, December 08, 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 November 26, 2021.

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

DEPARTMENT OF AGRICULTURE

Harness Racing Commission

PUBLIC NOTICE

501 Harness Racing Rules and Regulations

The Delaware Harness Racing Commission (DHRC) pursuant to 3 *Del. C.* Section 10005, proposes to amend its rules and regulations. The proposed regulation changes address needed amendments for clarity by adding a definition.

After discussions, which included technical experts, regulatory officials, and harness racing stakeholders, on October 5, 2021, the DHRC Rules Committee voted to recommend this rule amendment package to the full DHRC. On October 12, 2021, at its regular monthly meeting, the DHRC unanimously approved these proposed amendments. The DHRC rules committee meetings and DHRC regular monthly meetings are publically noticed open meetings. Subsequent to the initial 30-day comment period beginning on November 1, 2021 to December 1, 2021 and notice in the *Register of Regulations*, the DHRC plans to finalize the regulations on December 14, 2021 during its regularly scheduled monthly meeting. The meetings are held at the Delaware Department of Agriculture, 2320 South DuPont Highway Dover, DE at 10:00am. Written comments must be received by COB December 1, 2021. Those comments should be sent to the same address listed above for meeting location, attention Mr. Mark A. Davis.

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 December 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.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education meets monthly. These meetings are open to the public. The Board rotates locations of regular meetings among the three counties.

Meeting information can be accessed via the public meeting calendar.

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

The next meeting is scheduled for November 18, 2021.

Information regarding special meetings or Committee meetings of the State Board will be posted on the public meeting calendar.

Minutes from recent State Board of Education meetings can be found on the public meeting calendar.

Audio recordings are available after every Board meeting (<https://www.doe.k12.de.us/domain/225>).

Public meeting calendar: <https://publicmeetings.delaware.gov/#/search?anyall=any&agencyid=22&startdateinclusive=2019-01-01>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Medicaid and Medical Assistance

PUBLIC NOTICE

Assertive Community Integration Support Team (ACIST)

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §440.386, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Title XIX Medicaid State Plan regarding Health Home Services, specifically, Assertive Community Integration Support Team (ACIST) as an option from the Delaware Medicaid State Plan.

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 Nicole.M.Cunningham@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2021. Please identify in the subject line: Assertive Community Integration Support Team (ACIST).

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

Division of Public Health

PUBLIC NOTICE

4202 Control of Communicable and Other Disease Conditions

Pursuant to 16 Del. C. §122(3)(a) and §504, Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing Control of Communicable and Other Disease Conditions. On November 1, 2021, the Division of Public Health plans to publish as "proposed" revisions to the Control of Communicable and Other Disease Conditions regulations. These revisions include previously proposed requirements for mask use among all students, faculty, staff, and visitors inside K-12 school buildings, regardless of vaccination status, as well as a severability

clause, and new requirements for school staff to provide evidence of COVID-19 vaccination or undergo regular COVID-19 testing. The proposed regulation published in the September 2021 *Register of Regulations* (25 DE Reg. 262 (09/01/21)) is no longer being considered in favor of the amendments presented here.

Copies of the proposed regulations are available for review in the November 1, 2021 edition 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.

Any person who wishes to make written suggestions, testimony, briefs, or other written materials concerning the proposed regulations must submit them by Wednesday, December 1, 2021, at:

Division of Public Health
417 Federal Street
Dover, DE 19901
Email: DHSS_DPH_regulations@delaware.gov
Phone: (302) 744-4951

Division of Public Health
PUBLIC NOTICE
4462 Public Drinking Water Systems

Pursuant to 16 Del. C. §122(3)(c), Health Systems Protection, Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing Public Drinking Water Systems. On November 1, 2021, the Division of Public Health plans to publish as "proposed" revisions to the Public Drinking Water Systems regulations. The revisions include striking a word in subsection 12.15.2 that was mistakenly not stricken during a previous revision.

Copies of the proposed regulations are available for review in the November 1, 2021 edition 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.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit them by Wednesday, December 1, at:

Division of Public Health
417 Federal Street
Dover, DE 19901
Email: DHSS_DPH_regulations@delaware.gov
Phone: (302) 744-4951

Division of Substance Abuse and Mental Health
PUBLIC NOTICE

1201 Driving Under the Influence Evaluation Program, Courses Of Instruction, Programs of Rehabilitation and Related Fees

In compliance with the *Administrative Procedures Act* (29 Del. C. Ch. 101) and under the authority of 21 Del. C. § 4177D, the State of Delaware Department of Health and Social Service's Division of Substance Abuse and Mental Health ("the Division") is proposing the repeal of 2 DE Admin. Code § 1201 Driving Under the Influence Evaluation Program, Courses Of Instruction, Programs of Rehabilitation and Related Fees.

A person may make suggestions or provide compilations of data, testimony, briefs, or other materials concerning the Division's proposal by written submission to the Community Behavioral Health Bureau, Division of Substance Abuse and Mental Health. The Division will receive submissions made before 4:30 p.m. on December 1, 2021, by mail to 1901 North DuPont Highway, New Castle, DE 19720-0906, by fax to (302) 255-4427, and by email to david.okeke@delaware.gov. Please identify in the subject line: 1201 DUI Regulations.

The Division's determination to adopt this proposal will include analysis and consideration of submissions received by the Division.

Division of Substance Abuse and Mental Health

PUBLIC NOTICE

1204 Drinking Driver Programs Standard Operating Procedures

In compliance with the *Administrative Procedures Act* (29 Del. C. Ch. 101) and under the authority of 21 Del. C. § 4177D, the State of Delaware Department of Health and Social Service's Division of Substance Abuse and Mental Health ("the Division") is proposing the repeal of 2 DE Admin. Code § 1204 Drinking Driver Programs Standard Operating Procedures.

A person may make suggestions or provide compilations of data, testimony, briefs, or other materials concerning the Division's proposal by written submission to the Community Behavioral Health Bureau, Division of Substance Abuse and Mental Health. The Division will receive submissions made before 4:30 p.m. on December 1, 2021, by mail to 1901 North DuPont Highway, New Castle, DE 19720-0906, by fax to (302) 255-4427, and by email to david.okeke@delaware.gov. Please identify in the subject line: 1204 DUI Regulations.

The Division's determination to adopt this proposal will include analysis and consideration of submissions received.

Division of Substance Abuse and Mental Health

PUBLIC NOTICE

6003 DUI Programs

In compliance with the *Administrative Procedures Act* (29 Del. C. Ch. 101) and under the authority of 21 Del. C. § 4177D, the State of Delaware Department of Health and Social Service's Division of Substance Abuse and Mental Health ("the Division") is proposing regulations governing driving under the influence programs ("DUI programs").

A person may make suggestions or provide compilations of data, testimony, briefs, or other materials concerning the Division's proposal by written submission to the Community Behavioral Health Bureau, Division of Substance Abuse and Mental Health. The Division will receive submissions made before 4:30 p.m. on December 1, 2021, by mail to 1901 North DuPont Highway, New Castle, DE 19720-0906, by fax to (302) 255-4427, and by email to david.okeke@delaware.gov. Please identify in the subject line: 6003 DUI Regulations.

The Division's determination to adopt this proposal will include analysis and consideration of submissions received.

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

Office of the Alcoholic Beverage Control Commissioner

PUBLIC NOTICE

Rule 1008 (Formerly Rule 19.1) Bottle Clubs - Licensing and Operation

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 introduce an updated definition within Rule 1008, governing the standards of a restaurant and bottle club, specifically concerning the number of dining seats at tables on the premises.

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:

Wendy Hudson
Deputy Commissioner
Office of the Delaware Alcoholic Beverage Control Commissioner
820 N. French St., 3rd 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 p.m. on December 1, 2021.

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
Division of Professional Regulation
2925 Real Estate Commission Education Committee
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2906(a)(1), the Delaware Real Estate Commission ("Commission") has proposed revisions to its Education Guidelines ("Guidelines").

Specifically, subsection 10.6, pertaining to first time instructor applicants, has been revised to state that an applicant who applies for instructor approval for the first time may be approved to teach only one continuing education module, and after obtaining at least 60 positive course evaluations, the instructor may apply to teach additional modules. This change broadens the instructor approval process to permit first time applicants to teach more than just Module 7.

A public hearing will be held on December 9, 2021 at 9:00 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Real Estate Commission, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Commission at the above address or at danielle.cross@delaware.gov.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be December 27, 2021. The Commission will deliberate on all of the public comments at its regularly scheduled meeting.

Division of Professional Regulation
Controlled Substance Advisory Committee
PUBLIC NOTICE
Uniform Controlled Substances Act Regulations

Pursuant to 16 **Del.C.** § 4731(a), the Delaware Secretary of State has proposed revisions to the Uniform Controlled Substance Act Rules and Regulations. Specifically, the proposed changes, set forth in subsection 4.7, address the expiration of controlled substance prescriptions for Schedule II and III medications and the partial filling of controlled substance prescriptions for Schedule II - V medications. These changes will make the Rules and Regulations consistent with the federal Comprehensive Addiction and Recovery Act, which Congress passed in 2016. The Controlled Substance Advisory Committee will serve as the Secretary of State's designee in the hearing on the proposed regulatory changes. 16 **Del.C.** § 4731(b). Additional technical and stylistic edits were made to the regulation as well.

A public hearing will be held on December 1, 2021 at 9:00 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Office of Controlled Substances, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Office of Controlled Substances at the above address or at sarah.siook@delaware.gov.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be December 16, 2021. The Controlled Substance Advisory Committee will deliberate on all of the public comments at its next regularly scheduled meeting.
