

LAWS OF DELAWARE
VOLUME 85
CHAPTER 68
153rd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 169

AN ACT TO AMEND TITLE 3, TITLE 6, TITLE 9, TITLE 10, TITLE 11, TITLE 14, TITLE 16, TITLE 19, TITLE 21, TITLE 24, TITLE 26, TITLE 29, TITLE 30, AND TITLE 31 OF THE DELAWARE CODE, AND THE CHARTER OF THE TOWN OF NEWPORT, RELATING TO TECHNICAL CORRECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fourths of all members elected to each house thereof concurring therein):

Section 1. Amend § 1202, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1202. Definitions.

For the purposes of this chapter:

(6) “Dealer permit” means a written certificate, issued by the Department, authorizing the sale of restricted use pesticides or state restricted use pesticides.

(6)(7) “Defoliant” means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

(7)(8) “Department” means the Department of Agriculture of ~~the~~ this State.

(8)(9) “Desiccant” means any substance or mixture of substances intended for artificially accelerating the drying of plant tissues.

(9)(10) “Device” means any instrument or contrivance (other than firearm) which is intended for trapping, destroying, ~~repelling~~ repelling, or mitigating any pest or any other form of plant or animal life (other than humans and other than bacteria, virus or other microorganism on or in living humans or other living animals), but ~~shall~~ does not include equipment used for the application of pesticides when sold separately therefrom.

(10)(11) “Distributed” means to offer for sale, hold for sale, sell, ~~barter~~ barter, or supply pesticides or devices within this State.

(11)(12) “Environment” includes water, air, ~~land~~ land, and all plants and humans and other animals living therein, and the interrelationships which exist among these.

(12)(13) “E.P.A.” means the United States Environmental Protection Agency.

~~(13)~~(14) “FIFRA” means the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. § 136 et seq.].

~~(14)~~(15) “Fungus” means any nonchlorophyll-bearing thallophytes (that is, any nonchlorophyll-bearing plant of a lower order than mosses and liverworts), as for example, rust, smut, mildew, mold, ~~yeast~~ yeast, and bacteria, except those on or in living humans or other animals, and except those on or in processed food, ~~beverages~~ beverages, or pharmaceuticals.

(16) “Inert ingredient” means an ingredient which is not an active ingredient.

~~(15)~~(17) “Ingredient statement” means a statement which ~~contains~~ contains all of the following:

a. The name and percentage of each active ingredient, and the total percentage of all inert ingredients, in the ~~pesticide~~; and pesticide.

b. If the pesticide contains arsenic in any form, a statement of the percentages of total and ~~water soluble~~ water-soluble arsenic, calculated as elementary arsenic.

~~(16)~~ “Inert ingredient” means ~~an ingredient which is not an active ingredient~~.

~~(17)~~(18) “Insect” means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising 6-legged, usually winged forms, as for example, beetles, bugs, bees, flies and to other allied classes of arthropods whose members are wingless and usually have more than 6 legs, as for example, spiders, mites, ticks, ~~centipedes~~ centipedes, and wood lice.

~~(18)~~(19) “Label” means the written, ~~printed~~ printed, or graphic matter on, or attached to, the pesticide or device or its containers or wrappers.

~~(19)~~(20) “Labeling” means all labels and all other written, ~~printed~~ printed, or graphic matter:

a. Accompanying the pesticide or device at any time; or

b. To which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the E.P.A., the United States Departments of Agriculture and Interior, the ~~Department of Health, Education and Welfare~~, Department of Health and Human Services, Department of Education, state experiment stations, state agricultural ~~colleges~~ colleges, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

~~(20)~~(21) "Land" means all land and water areas, including airspace, and all plants, animals, structures, buildings, ~~contrivances~~ contrivances, and machinery, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

~~(21)~~(22) "License" is means, written permission issued by the Department to engage in the business of applying any pesticides to the lands of another.

~~(22)~~(23) "Misbranded" shall apply:

a. To any pesticide or its container if its labeling bears any statement, design or graphic representation relative thereto or to its ingredients which is false or misleading in any ~~particular~~; particular.

b. To any ~~pesticide~~; pesticide meeting at least 1 of the following conditions:

1. If it is an imitation of or is offered for sale under the name of another ~~pesticide~~; pesticide.

2. If its labeling bears any reference to registration under this chapter and such pesticide has not been registered pursuant to this ~~chapter~~; chapter.

3. If the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and, if complied with, together with any requirements imposed under § 3(d) of FIFRA [7 U.S.C. § 136a(d)], are adequate to protect health and the ~~environment~~; environment.

4. If the label does not contain a warning or caution statement which may be necessary, and if complied with, adequate to prevent injury to living humans and other vertebrate ~~animals~~; animals.

5. If the label or container of the product does not bear an ingredient statement that may be clearly read and understood when the unit for sale is displayed under customary conditions of purchase, handling, storage and ~~use~~; or use.

6. If any word, statement or other information required by or under the authority of this chapter to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or graphic matters in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and ~~use~~; use.

c. To any device or its container if its labeling bears any statement, ~~design~~ design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.

~~(23)~~(24) “Nematode” includes invertebrate animals of the phylum Nemathelminthes and class Nematoda, that is, unsegmented roundworms with elongated, ~~fusiform~~ fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, ~~plants~~ plants, or plant parts; may also be referred to as nemas or eelworms.

~~(24)~~(25) “Permit” means a written certificate, issued by the Department, authorizing the purchase, ~~possession and/or possession~~, or use of certain pesticides which are to be used for purposes designated as “state restricted pesticide uses” or for experimental use.

~~(25)~~(26) “Person” means any individual, partnership, association, fiduciary, ~~corporation~~ corporation, or any organized group of persons whether incorporated or not.

~~(26)~~(27) “Pest” ~~means:~~ means any of the following:

- a. Any insect, rodent, nematode, fungus, ~~weed~~; or weed.
- b. Any other form of terrestrial or aquatic plant or animal life or virus, ~~baeteria~~ bacteria, or other microorganism (except viruses, ~~baeteria~~ bacteria, or other microorganisms on or in living humans or other living animals) which is declared to be a pest under regulations pursuant to § 1203(f) of this title.

~~(27)~~(28) “Pesticide” ~~means:~~ means any of the following:

- a. Any substance or mixture of substances intended for preventing, destroying, ~~repelling~~ repelling, or mitigating any ~~pest~~; or pest.
- b. Any substance or mixture of substances intended for use as a plant regulator, ~~defoliant~~ defoliant, or desiccant.

~~(28)~~(29) “Plant regulator” means any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but ~~shall~~ does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant ~~inoculants~~ inoculants, or soil amendments.

~~(29)~~(30) “Registrant” means the person who has registered any pesticide pursuant to this chapter.

~~(30)~~(31) “Restricted use pesticide” means any pesticide or pesticide use classified by the Administrator of E.P.A. for use only by a certified applicator or competent individual under the direct supervision of a certified applicator.

~~(31)~~(32) “State restricted pesticide use” means any pesticide use which, when used as directed or in accordance with a widespread and commonly recognized practice, the Department determines, subsequent to a hearing, requires additional restrictions to prevent unreasonable adverse effects on the environment.

~~(32)~~(33) “Unreasonable adverse effects on the environment” means any unreasonable risk to humans or the environment, taking into account the economic, ~~social~~ social, and environmental costs and benefits of the use of any pesticide.

~~(33)~~(34) “Weed” means any plant which grows where not wanted.

~~(34)~~(35) “Wildlife” means all living things that are neither human, domesticated nor, as defined in this chapter, pests, including but not limited to, mammals, ~~birds~~ birds, and aquatic life.

~~(35)~~(36) “Secretary” means the Secretary of the Department of Agriculture of the State or the Secretary’s duly authorized designee.

~~(36) “Dealer permit” means a written certificate, issued by the Department, authorizing the sale of restricted use pesticides and/or state restricted use pesticides.~~

Section 2. Amend § 1301, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1301. Definitions.

~~The following words shall, for~~ For purposes of this ~~chapter, be defined as follows:~~ chapter:

(1) ~~“Agent”~~— “Agent” means any person ~~who~~ that performs services for another person under an express or implied agreement. A person may be an agent without receiving compensation for services.

(2) ~~“Agriculture”~~— “Agriculture” means the production of plants and animals useful to humans, including all forms of farm products and farm production.

(3) ~~“Broker”~~— “Broker” means any person ~~who~~ that negotiates the purchase or sale of any material. A broker may or may not handle either the material which is involved or the proceeds of a sale.

(4) ~~“Certificate”~~— “Certificate” means a document authorized or prepared by an authorized federal or state regulatory official that affirms, declares, or verifies that a plant or other regulated article meets phytosanitary (quarantine), nursery inspection, pest freedom, plant registration or certification, or other legal requirements. Such documents are known by their purpose of ~~issuance;~~ issuance and include: phytosanitary certificate (for the purpose of verifying compliance with phytosanitary (quarantine) requirements); nursery inspection certificate (for the

purpose of verifying compliance with nursery inspection and pest freedom standards); registration or certification tags, or seals (for the purpose of verifying compliance with registration or certification ~~requirements~~); ~~etc.~~ requirements).

(5) ~~“Certification”~~— “Certification” means the act by the Department of affirming, declaring, or verifying compliance with phytosanitary (quarantine), nursery inspection, pest freedom, plant registration or certification, or any other set of legal requirements.

(6) ~~“Chain store”~~— “Chain store” means any business with 1 or more retail outlets that sells plants, plant ~~material~~ material, or nursery stock, ~~and that are stock and which is~~ owned by a common parent business entity.

(7) ~~“Commission merchant”~~— “Commission merchant” means any ~~person, who~~ person that receives on consignment or solicits any material from a licensee, ~~producer~~ producer, or producer’s agent or accepts material in trust for purposes of sale and sells or resells any material on commission or for a fee.

(8) ~~“Consignee”~~— “Consignee” means any person to whom any plant, nursery stock, horticultural product, or similar item ~~etc.~~ is shipped for handling, sale, resale, or other purpose.

(9) ~~“Consignor”~~— “Consignor” means any person ~~who~~ that ships or delivers to a consignee any plant, nursery stock, horticultural product, or similar item ~~etc.~~ for handling, planting, sale, resale, or any other purpose.

(10) ~~“Dangerously injurious plant pest”~~— “Dangerously injurious plant pest” means a plant pest that constitutes a significant threat to the agricultural, ~~forest~~ forest, or horticultural interests of this State, or the State’s general environmental quality.

(11) ~~“Dealer”~~— “Dealer” means any person ~~who~~ that obtains title to, or possession, control, or delivery of, any plant, plant ~~material~~ material, or nursery stock, from a producer for the purpose of resale.

(12) ~~“Department”~~— “Department” means the ~~State of Delaware~~ Department of Agriculture of this State and ~~includes, but is not limited to,~~ includes its officers, inspectors, employees, ~~agents~~ agents, or representatives.

(13) ~~“Florist(s)”~~— ~~includes, but is not limited to,~~ “Florist” includes a person(s) or business(es) a person or business engaged in the production or sale, wholesale or ~~retail~~ retail, of plants, plant ~~materials~~ materials, or nursery stock for temporary, semi-permanent, ~~seasonal~~ seasonal, or permanent, indoor or outdoor use.

(14) ~~“Garden Center”~~ ~~includes, but is not limited to,~~ “Garden center” includes a business establishment engaged in the year round, retail sale of plants, plant ~~material~~ material, or nursery stock from a specific, permanent sales location.

(15) ~~“Greenhouse”~~ ~~includes, but is not limited to,~~ “Greenhouse” includes an establishment or business engaged in the production of plants, plant ~~material~~ material, or nursery stock within a climate controlled structure, for distribution beyond on-site or personal use.

(16) ~~“Grower”~~ ~~includes but is not limited to,~~ “Grower” includes any person who ~~that~~ raises, ~~grows~~ grows, or propagates, for profit or other reasons, outdoors or indoors, any horticultural product, nursery stock, or plant.

(17) ~~“Horticultural product”~~ ~~those products stated in Group 18 of the United States Department of Labor Standard Industrial Classification Manual which are grown under cover or outdoors, including bulbs, flowers, shrubbery, florist greens, fruit stock, floral products, nursery stock, ornamental plants, potted plants, roses, seed, Christmas trees, fruits, food crops grown in greenhouses, vegetables, and horticultural specialties not otherwise specified.~~

(18) ~~“Hold order”~~ ~~(17) “Hold order” means~~ an order or notice written by the Department to the ~~owner(s)~~ owner or ~~person(s)~~ person in charge or in possession of a premises, plant, ~~conveyance~~ conveyance, or article infested or infected with or exposed to infestation or infection of a dangerously injurious plant ~~pest(s)~~, pest, making it unlawful to move the aforementioned ~~article(s)~~ article unless treated in accordance with the Department’s prescribed procedures.

(18) “Horticultural product” means those products stated in Group 18 of the United States Department of Labor Standard Industrial Classification Manual which are grown under cover or outdoors, including bulbs, flowers, shrubbery, florist greens, fruit stock, floral products, nursery stock, ornamental plants, potted plants, roses, seed, Christmas trees, fruits, food crops grown in greenhouses, vegetables, and horticultural specialties not otherwise specified.

(19) ~~“Infected”~~ ~~“Infected” means~~ a plant that has been determined by the Department to be contaminated with an infectious, ~~transmissible~~ transmissible, or contagious pest or so exposed to the aforementioned that contamination can reasonably be expected to exist. This includes disease conditions, regardless of their mode of transmission or any disorder of plants which manifest symptoms which, after

investigation are determined by a federal or state pest prevention agency, to be characteristic of an infectious, transmissible, or contagious disease.

(20) ~~“Infested”~~— “Infested” means a plant that has been determined by the Department to be contaminated by a dangerously injurious plant pest, or so exposed to the aforementioned that contamination can reasonably be expected to exist.

(21) ~~“Landscaper(s)”~~— ~~includes but is not limited to,~~ “Landscaper” means any ~~person(s) person~~ person who ~~that~~ keeps at a premises, or procures for transplantation, nursery stock for installation on the property of another person.

(22) ~~“Mail-order merchant(s)”~~— ~~includes but is not limited to,~~ “Mail-order merchant” includes any person, dealer, or producer ~~who that~~ sells or markets, wholesale or retail, any of its orders or business by drop shipment, catalog, telemarketing, telephone, mail-order, online sales, or other indirect means.

(23) ~~“Mark”~~— ~~“Mark” means the Department shall affix, for purposes of identification or separation, a conspicuous official indicator~~ affixed by the Department, for purposes of identification or separation, to, on, around, or near, plants or plant material, known or suspected to be, infected or infested with a dangerously injurious plant pest or determined to be a public nuisance. This ~~includes, but is not limited to,~~ includes paint, markers, tags, seals, stickers, tape, ~~signs~~ signs, or placards.

(24) ~~“Move”~~— “Move” means to ship, offer for shipment, receive for transport, carry or, in any manner whatsoever, ~~convey~~ convey, or relocate a regulated plant, plant ~~material~~ material, or nursery stock, from ~~one~~ 1 place to another.

(25) ~~“Nursery”~~— “Nursery” means any location where nursery stock is grown, propagated, stored, or sold; or any location from which nursery stock is distributed direct to a customer. (See ~~“Sales location”~~ location.)

(26) ~~“Nursery license”~~— “Nursery license” means a document issued by the Department authorizing a ~~person(s) person~~ person to engage in a nursery or nursery related business at a particular location under a specified business name.

(27) ~~“Nursery stock”~~— “Nursery stock” means any plant for planting, propagation, or ornamentation, including:

a. All plants, trees, shrubs, vines, perennials grafts, cuttings, buds, clones, and seedlings that may be sold for propagation, whether cultivated or wild, and all viable parts of these plants.

b. Any other plant or plant part, including cut Christmas trees or any nonhardy plant or plant part, including annuals, bedding plants, and vegetable plants.

(28) ~~“Owner(s)” includes, but is not limited to,~~ “Owner” includes the person, persons, family, group, firm, association, business, company, incorporated ~~entity~~ entity, or organization with the legal right of possession, proprietorship of, or responsibility for the property or place where any of the regulated articles as defined in this chapter are to be found, or ~~person(s) person who~~ that is in possession of, in proprietorship of, or has responsibility for the regulated articles.

(29) ~~“Person(s)” includes, but is not limited to,~~ “Person” includes any individual, family, firm, association, group, business, company, incorporated ~~entity~~ entity, or organization.

(30) ~~“Pre-clearance” an agreement between quarantine officials of exporting and importing states to pass plants, plant material, etc., through quarantine by allowing the exporting state to inspect the plants pre-shipment, rather than the importing state inspecting the shipment upon arrival.~~

(31) ~~“Pest”~~ (30) “Pest” includes any biotic agent (any living agent capable of reproducing itself) that is known to cause damage or harm to agriculture or the environment.

(32) ~~“Plant”~~ (31) “Plant” ~~includes, but is not limited to,~~ includes any part of a plant, tree, aquatic plant, plant material, shrub, vine, fruit, rhizome, vegetable, seed, bulb, stolon, tuber, corm, pip, cutting, scion, bud, graft, or fruit pit, including:

a. Agricultural commodities: plant materials including any horticultural product.

b. Nursery stock.

c. ~~Non-cultivated~~ Noncultivated or feral plants, gathered from the environment.

d. Plants produced by tissue culture, ~~cloning~~ cloning, or from stem cell cultures or other prepared media culture.

(33) ~~“Plant pest”~~ (32) “Plant pest” ~~includes, but is not limited to,~~ includes any pest of plants, agricultural commodities, horticultural products, nursery stock, or ~~non-cultivated~~ noncultivated plants. This ~~includes, but is not limited to,~~ includes insects, snails, nematodes, fungi, viruses, bacterium, microorganisms, mycoplasma like organisms, weeds, ~~plants~~ plants, or parasitic higher plants.

(33) ~~“Preclearance”~~ means an agreement between quarantine officials of exporting and importing states to pass items that include plants or plant material through quarantine by allowing the exporting state to inspect the plants preshipment, rather than the importing state inspecting the shipment on arrival.

(34) ~~“Producer”~~ includes, but is not limited to, “Producer” includes any person who ~~that~~ raises, grows or propagates, for profit or other reasons, outdoors or indoors, any horticultural product, nursery stock, or plant.

(35) ~~“Quarantine”~~ ~~“Quarantine”~~ means a legal instrument duly imposed or enacted by the Department as a means for mitigating pest risk. These actions ~~include, but are not limited to,~~ include confinement or restriction of entry, movement, ~~shipment~~ shipment, or transportation of plants known or suspected to be infected or infested with some dangerously injurious plant pests.

(36) ~~“Roadside market”~~ includes, but is not limited to a business engaged in the retail sale of plants, plant material or nursery stock on a seasonal basis and which may operate from a specific sales location or multiple mobile locations.

(37) ~~“Registration”~~ ~~(36)~~ “Registration” means the official recording of a growing location, person, plant, sales ~~location~~ location, or any other thing or place as one that has met specified requirements and therefore eligible for a particular activity, ~~operation~~ operation, or purpose.

(37) “Roadside market” includes a business engaged in the retail sale of plants, plant material, or nursery stock on a seasonal basis and which may operate from a specific sales location or multiple mobile locations.

(38) ~~“Sales location”~~ ~~“Sales location”~~ means every location from which nursery stock is delivered directly to a customer.

(39) ~~“Secretary”~~ ~~“Secretary”~~ means the Secretary of the State of Delaware Department of Agriculture or the Secretary’s designee.

(40) ~~“Sell”~~ ~~“Sell”~~ includes offer for sale, expose for sale, possess for sale, exchange, ~~barter~~ barter, or trade.

(41) ~~“Shipment”~~ ~~“Shipment”~~ means any article or thing which is, may be, or has been transported or conveyed from ~~one~~ 1 place to another.

Section 3. Amend § 1302, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1302. Nursery licensing requirements.

(a) ~~Any person(s), grower(s), agent(s), broker(s), dealer(s), mail-order merchant(s), commission merchant(s), consignor(s), landscaper(s), florist(s), greenhouse operator(s), chain store operator(s), garden center operator(s), roadside market operator(s), producer(s) or owner(s)~~ person, grower, agent, broker, dealer, mail-order merchant, commission merchant, consignor, landscaper, florist, greenhouse operator, chain store operator, garden center operator, roadside market operator, producer, or owner engaged directly with the distribution of plants, plant products, plant material, ~~nursery stock~~ stock, or horticultural products, is required to inform the Department of the existence of their operation and to obtain a nursery license ~~prior to~~ before initiating business operations.

(b) ~~The aforementioned person(s) are~~ A person required to comply with subsection (a) of this section shall obtain a nursery license for each of ~~their businesses or sale/retail~~ the person's business, sales, or retail locations where multiple ~~businesses or sales/retail~~ business, sales, or retail locations exist.

(d) ~~The aforementioned~~ A person or persons required to comply with subsection (a) of this section must complete the nursery license application (NLA) online. The Department ~~will~~ shall make accommodations if internet access is not available. The NLA ~~will~~ must include, as applicable, the following:

- (1) Name of the ~~owner(s)~~ owner or agent of the business to be licensed.
- (2) Name and address of the business to be licensed.
- (3) Location of all plant, plant ~~material~~ material, or nursery stock fields or storage areas.
- (4) The number of acres in plant or nursery stock production or the square footage of the sales area devoted to plants, plant ~~material~~ material, or nursery stock.
- (5) ~~A list of that includes~~ the names, addresses, and ~~plants, plants or plant material, etc.~~ material received from all suppliers, producers, ~~growers, etc.~~ or growers providing plants or nursery stock to the business. ~~Upon~~ On request of the Department an updated list ~~and/or~~ or invoices must be provided for the current year.

- (6) ~~Address~~ Addresses of all sales locations.
- (e) Licenses issued by the Department ~~shall~~ must be prominently displayed at the business location.

Section 4. Amend § 1304, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1304. Plant pest infestations.

(a) ~~Any person(s) who~~ person that has in ~~their~~ the person's possession plants, plant ~~materials~~ materials, or nursery stock infested or infected with dangerously injurious plant pests possesses a public nuisance.

(c) If the Secretary determines that the provisions of this chapter have been violated, ~~he or she~~ the Secretary shall order and direct that the nuisance be abated by whatever means necessary ~~(including, but not limited to,~~ (including destruction, confiscation, ~~treatment~~ treatment, or return shipment). The abatement of this public nuisance ~~shall be~~ is at the expense of all of the aforementioned ~~person(s)~~ persons and shall be without any form of compensation.

Section 5. Amend § 1305, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1305. Shipping, ~~labeling~~ labeling, and certification requirements.

(c) When applicable, all shipping containers must be conspicuously and appropriately marked on the exterior as to whether contents must be held for agricultural inspection or whether the contents have been ~~pre-cleared~~ precleared by the Department, under the terms of a ~~pre-clearance~~ preclearance or interstate origin of inspection program (phytosanitary ~~pre-clearance~~), preclearance). It is the responsibility of both the consignee and consignor to obtain all required ~~pre-clearances~~ preclearances and to examine all shipments for the presence of all required certifications.

Section 6. Amend § 1306, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1306. Shipment of nursery stock into state; labeling and ~~certification~~ certification.

(a) When any plants, plant ~~materials~~ materials, or nursery stock are shipped, ~~sent~~ sent, or mailed into this State, to any person in this State, every item including a carload, container, box, ~~package, etc., shall~~ or package must be conspicuously labeled on the exterior with the name of the consignor, the state of ~~origin~~ origin, and the name of the consignee.

(b) ~~The aforementioned~~ shipment under subsection (a) of this section ~~shall~~ must have conspicuously affixed to ~~its exterior, the shipment's exterior~~ a nursery inspection certificate from the state of origin showing that the contents have been examined by a qualified state or federal officer and found apparently free from all dangerously injurious plant pests.

(c) It is the responsibility of both the consignee and consignor to examine all shipments for the presence of current and applicable nursery stock certifications.

Section 7. Amend § 1307, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1307. Transportation companies; receiving uncertified nursery stock; failure to notify Department.

Any ~~person(s) who~~ person that acts as the representative of a transportation company, private carrier, commercial shipper, common carrier, express parcel ~~carrier~~ carrier, or other transportation entity, and receives, ~~ships~~ ships, or moves an item, including a carload, box, container, ~~package, etc., or package~~ of plants, plant ~~materials~~ materials, or nursery stock, that does not have a nursery inspection certificate or proper phytosanitary ~~certificates~~ certificate attached as provided for in § 1303 or § 1305 of this title, and fails to immediately notify the Department ~~shall~~ is be subject to ~~§ §~~ §§ 1310 through 1313 of this title.

Section 8. Amend § 1308, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1308. Labeling and advertising of nursery stock.

(a) Plants, plant ~~materials~~ materials, or nursery stock ~~shall~~ must not be labeled or advertised with false or misleading information. This ~~includes, but is not limited to,~~ includes common name, scientific name, variety, place of ~~origin~~ origin, and growth habit.

(b) A ~~person(s)~~ person may not offer for sale, sell, give away, or in any way distribute plants, plant ~~materials~~ materials, or nursery stock, represented by some specific or special form of notation, ~~including, but not limited to:~~ including “free ~~from~~”, from” or “grown free ~~of~~”, of,” unless such plants are produced under a specific program accepted by the Department to address the specific plant properties addressed in the special notation claim.

(c) Before any ~~person(s)~~ person advertises plants, plant ~~materials~~ materials, or nursery stock for sale, a copy of ~~their~~ the person’s nursery business license must be provided to the publisher or producer of the advertisement. The nursery business license number must be included in the advertisement ~~and~~ and, if appropriate, be legible or audible. This requirement shall extend to all forms of advertising media, including ~~but not limited to,~~ radio, television, outdoor sign boards, telephone business directories (~~i.e.,~~ (such as the Yellow Pages), newspaper ~~and~~ advertisements, magazine ~~advertisements~~ advertisements, or vehicular ~~identification/advertisement~~ identification or advertisements.

Section 9. Amend § 1309, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1309. Reciprocal agreements.

The Department shall have the authority to make reciprocal agreements with the responsible officials of other states. Nursery stock or plants from any other state may be sold or delivered in ~~Delaware~~ this State under the same

conditions required for sale, delivery, or distribution of Delaware nursery stock or plant materials. An official directory of certified nurseries and related nursery businesses ~~will~~ must be accepted from other states in lieu of individual nursery ~~licenses/certificates~~. licenses or certificates.

Section 10. Amend § 1310, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1310. Violations.

(a) Any ~~person(s) who~~ person that has in their possession plants, plant ~~materials~~ materials, or nursery stock that is uncertified, uninspected, ~~and/or~~ or falsely or misleadingly labeled or advertised possesses an illegal regulated commodity.

(1) The aforementioned plants shall be Plants, plant materials, or nursery stock that is an illegal regulated commodity is considered infested or infected with dangerously injurious plant pests and therefore deemed a public nuisance.

(2) Public nuisances shall are to be abated as prescribed in § 1304 of this title.

(b) If the Secretary determines that the provisions of this section have been violated, the Secretary shall order and direct that the nuisance be abated by the destruction of all of the plants in question, unless the aforementioned ~~person(s)(as applicable):~~ person in possession of an illegal regulated commodity does 1 or more of the following as directed by the Secretary:

- (1) Submits to the nursery certification process.
- (2) Provides proper phytosanitary ~~pre-clearance~~, preclearance, phytosanitary ~~certification~~ certification, or nursery certification.
- (3) Agrees to have the plants, plant ~~materials~~ materials, or nursery stock returned to the consignor.
- (4) Provides proper documentation, ~~certification~~ certification, or compliance to support advertising claims.

(c) The abatement of this public nuisance shall is to be at the expense of the aforementioned ~~person(s)~~ person and ~~shall~~ is to be without any form of compensation.

~~(b)(d)~~ (d) Under this chapter, any ~~person(s) who~~ person that wilfully or ~~knowingly~~: knowingly does any of the following is subject to the assessment of a civil penalty, the confiscation or destruction of any and all plants, plant

materials, or nursery stock found on the premises or contained in the shipment in question, and the suspension or revocation of the person's current nursery license or any future operation privileges granted under this chapter:

- (1) Misrepresents or falsifies information on a nursery license-~~application~~; application.
- (2) Fails to obtain a nursery-~~license~~; license.
- (3) Fails to renew a nursery license, but continues business-~~operations~~; operations.
- (4) Fails to display their nursery-~~license~~; license.
- (5) Falsely displays a nursery-~~license~~; license.
- (6) Misrepresents or falsifies their nursery license-~~status~~; status.
- (7) Misrepresents or falsifies information on a nursery inspection-~~certificate~~; certificate.
- (8) Fails to submit to a nursery-~~inspection~~; inspection.
- (9) Fails to provide the cooperation necessary to conduct a successful nursery-~~inspection~~; inspection.
- (10) Fails to satisfactorily pass the nursery inspection, but continues business-~~operations~~; operations.
- (11) Possesses uncertified plants, plant-~~materials~~ materials, or nursery-~~stock~~; stock.
- (12) Possesses an illegal regulated-~~commodity~~; commodity.
- (13) Defies a Department hold-~~order~~; order.
- (14) Violates a quarantine imposed by the-~~Department~~; Department.
- (15) Fails to obtain nursery inspection-~~certification~~; certification.
- (16) Fails to obtain phytosanitary-~~certification~~; certification.
- (17) Fails to obtain phytosanitary-~~pre-clearance~~; preclearance.
- (18) Creates or possesses a public-~~nuisance~~; nuisance.
- (19) Misrepresents or falsifies information to obtain nursery inspection certification, phytosanitary ~~certification~~ certification, or phytosanitary-~~pre-clearance~~; preclearance.
- (20) Defaces, ~~mutilates~~ mutilates, or destroys a nursery inspection certificate, phytosanitary-~~certificate~~ certificate, or phytosanitary-~~pre-clearance certificate~~ preclearance certificate, or other Department-~~mark~~; mark.
- (21) Fails to notify the Department of an uncertified shipment of plant, plant-~~materials~~ materials, or nursery-~~stock~~; stock.
- (22) Transports uncertified plants, plant-~~materials~~ materials, or nursery-~~stock~~; stock.
- (23) Misrepresents or falsifies plant advertisement or label-~~information~~; information.

(24) Fails to comply with the nursery license advertising ~~requirements; or requirements.~~

(25) Commits any violation of this chapter as determined by the Secretary or the Secretary's ~~designee~~
designee.

~~shall be subject to the assessment of a civil penalty, the confiscation or destruction of any and all plants, plant materials or nursery stock found on the premises or contained in the shipment in question, and/or the suspension or revocation of their current nursery license or any future operation privileges granted under this chapter.~~

Section 11. Amend § 1311, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1311. Hearing procedures.

(b) ~~The person(s)~~ The Department shall notify in writing the person charged with a violation of this chapter ~~will be notified in writing~~ of the date and time of the administrative hearing. ~~The person(s)~~ person charged with a violation of this chapter ~~shall have~~ has the right to appear in person, to be represented by counsel, and to provide witnesses in the person's own behalf.

Section 12. Amend § 1313, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1313. Civil penalties.

(a) The civil penalty for violation of any section of this chapter not already stated will be 1 or more of the following:

(2) The confiscation or destruction of any and all plants, plant ~~materials~~ materials, or nursery stock found on the premises or contained in the shipment in question.

Section 13. Amend § 2103, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2103. Unlawful conduct.

(b) It is unlawful for a person to monopolize, attempt to monopolize, or combine or conspire with any other ~~persons, persons~~ persons to monopolize trade or commerce of this State.

Section 14. Amend § 4504, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4504. Unlawful practices.

(b)(1) No person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, shall directly or indirectly publish, issue, circulate, post, or display any written, typewritten, mimeographed, printed, television, Internet, or radio communications notice or advertisement to the effect that any of the accommodations, facilities, advantages, and privileges of any place of public accommodation shall be refused, withheld from or denied to any person on account of race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity, or national origin, or that the patronage or custom thereof of any person belonging ~~to or to~~, purporting to be, or appearing to be of any particular race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity, or national origin is unlawful, objectionable, or not acceptable, desired, accommodated, or solicited, or that the patronage of persons of any particular race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity, or national origin is preferred or is particularly welcomed, desired, or solicited.

(2) A sign that prohibits parking by a holder of a special license plate or permit for persons with disabilities as allowed under § 2134 through § 2135 of Title 21 is a violation under paragraph (b)(1) of this section.

Section 15. Amend § 1405, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1405. Reports of the County Auditor; audit follow up.

(b) If during an audit the County Auditor shall at any time discover an unauthorized, illegal, irregular, or unsound financial practice that could affect the governmental entity, the County Auditor shall report the financial irregularities to the County Council, the County Executive, the Chief Administrative ~~Officer~~ Officer, and the Audit Committee. If a member of Council, the County ~~Executive~~ Executive, or the Chief Administrative Officer is believed to be a party to an unauthorized, illegal, ~~irregular~~ irregular, or unsound financial practice, the County Auditor shall report the acts directly to the Audit Committee or the head of the branch of government unaffected by the report if a member of the Audit Committee is believed to be a party to the suspected irregularity. If it appears that the act is criminal in nature, the County Auditor shall immediately notify the County Attorney in addition to those previously cited; if an ethics code violation is suspected, the County Auditor shall immediately notify the Ethics Commission.

Section 16. Amend § 566, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 566. Health care malpractice litigation.

(b) The Judges of the Superior Court or a majority of them may, from time to time, adopt and promulgate such rules as they are permitted to promulgate in Chapter 68 of Title 18 or which they deem necessary for the regulation of the practice and procedure relating to the commencement, trial, hearing hearing, and determination of civil actions in the Superior Court and especially relating to the malpractice review panels provided for in subchapter III ~~[repealed]~~ of Chapter 68 of Title 18 in health care malpractice litigation. Court. Such rule-making power shall be is in addition to all such rule-making powers otherwise granted to the Judges of the Superior Court in this title.

Section 17. Amend § 2105, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2105. Release under a conditions of release bond or conditions of release bond not guaranteed by financial terms [Effective upon fulfillment of the contingency in 84 Del. Laws, c. 473, § 17].

(b) In a pretrial release order, the court shall include a written statement that does all of the following:

(3) Advises the defendant that the defendant would be eligible for temporary preventive detention pending a pretrial hearing if the defendant is arrested while pending trial on the current offense. ~~or projectile weapon~~

Section 18. Amend § 2107, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2107. Determining the amount of bail [Effective upon fulfillment of the contingencies in 83 Del. Laws, c 72, § 3, as amended by 84 Del. Laws, c. 473, § 18, and in 84 Del. Laws, c. 473, § 17].

(c) Notwithstanding any provision of this title to the contrary, a defendant charged with committing ~~or projectile weapon~~ any offense listed in § 2116(b) of this title may be subject to preventive detention without bail.

Section 19. Amend § 1716E, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1716E. Mental health services unit and funding for grades K through 5.

(h) By December 31, 2025, the Department of Education, in coordination with the General Assembly, shall develop a strategic plan to reasonably expand this unit into Delaware district ~~preschools~~ preschools, middle ~~schools~~ schools, and high schools.

Section 20. Amend § 3001, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3001. State Early Childhood Education Program.

(e)(1) The Department shall provide the early childhood educational services by contracting with public and private providers, including providers administering federal Head Start programs within this State.

(4) A contract under this ~~paragraph~~ subsection may be in place for up to 5 years, including renewals, if there is sufficient funding contained within the annual appropriations act and the contractor adheres to program standards, as defined by the Department.

Section 21. Amend § 3004, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3004. Meetings; organizational structure.

The Delaware Early Childhood Council (ECC) shall convene regularly-scheduled meetings at least 6 times annually. The ECC may form an executive committee from its members and other subcommittees. The ECC may form standing subcommittees including professional development, quality improvement system, data, and higher education. The ECC shall fulfill all the responsibilities designated under the federal Improving Head Start for School Readiness Act of 2007 ~~(P.L. 110-134)~~ et seq., (P.L. 110-134) for the State's Advisory Council on Early Childhood Education and Care.

Section 22. Amend § 801D, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 8D. ~~Maternal-Perinatal~~ Maternal Perinatal Mental Health

§ 801D. Policy.

The ~~maternal perinatal~~ maternal perinatal mental health-care policy of this State shall serve to increase the likelihood that a person who has given birth and experiences symptoms of perinatal mood and anxiety disorder will receive the necessary mental health treatment. The goal of this policy is to provide sufficient resources of information and support, including patient screening during pregnancy, and in the postpartum period for people with perinatal mood and anxiety disorder to decrease child abuse or neglect and the need for inpatient treatment.

Section 23. Amend § 803D, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 803D. Perinatal mood and anxiety disorder materials and information.

(b) ~~Maternal Perinatal~~ Maternal Perinatal health-care providers shall do all of the following:

(1) Provide the materials and information developed under subsection (a) of this section to any person who presents in pregnancy or the postpartum period.

(2) Encourage any person who presents in pregnancy or the postpartum period to share the materials and information with their child's family members or caregivers and their family members and caregivers.

Section 24. Amend § 804D, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 804D. Perinatal mood and anxiety screening.

~~Maternal~~ Perinatal health-care providers shall begin evaluations and take action when they recognize symptoms of perinatal mood and anxiety disorder, when a person screens positive for perinatal mood and anxiety disorders, or when they observe that care for a child suffers.

Section 25. Amend § 1034, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1034. Implementation; authorized modifications; suspension of assessment in certain circumstances [For application of this section, see 84 Del. Laws, c. 476, § 4].

(b) Notwithstanding any other law to the contrary, the Department shall administer this subchapter in a manner which meets any and all eligibility requirements necessary for federal financial participation under Title XIX of the Social Security Act, 42 U.S.C. §§ ~~§ 1396 through 1396w-7~~, et seq.

(c) The assessment imposed under § 1032 of this title is suspended, and a hospital does not have an obligation to pay the assessment, when the Commission certifies in a notice to the Registrar of Regulations that any of the following apply:

(1) A federal law or rule change by CMS prohibits the type of assessment imposed under § 1032 of this title or otherwise declares the type of assessment under § 1032 of this title impermissible under Title XIX of the Social Security Act, 42 U.S.C. §§ ~~§ 1396 through 1396w-7~~, et seq.

Section 26. Amend § 1045, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1045. Hospital Quality and Health Equity Assessment Commission [For application of this section, see 84 Del. Laws, c. 476, § 4].

(d) Duties and authority of the Commission. — (1) The Commission shall meet as follows:

a. At least once before the date the first remittance of the assessment imposed under § 1032 of this title is due and, thereafter, at least once a year.

b. At the call of the Chair for the purpose of reviewing implementation of the assessment and taking actions necessary in furtherance of this subchapter and subchapter II of this chapter.

(2) At each Commission meeting under subsection (d)(1)a. of this section, the Division of Medicaid and Medical Assistance shall report to the Commission as to the following:

f. The status of any discussions or negotiations with CMS related to the assessment and any modifications necessary to assure continued eligibility under Title XIX of the Social Security Act, 42 U.S.C. §§ ~~1396 through 1396w-7~~. et seq.

(e) *Modifications.* — (1) The Commission shall, in collaboration with the Division of Medicaid and Medical Assistance and the Delaware Health Care Commission, develop and recommend to the General Assembly modifications of subchapter II of this chapter and this subchapter necessary to assure the assessment imposed under § 1032 of this title meets eligibility requirements for federal financial participation under Title XIX of the Social Security Act, 42 U.S.C. §§ ~~1396 through 1396w-7~~. et seq.

Section 27. Amend § 1109, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1109. Civil penalties.

(e) Each day of a continuing violation constitutes a separate violation. However, a penalty for a health and safety violation may not exceed ~~\$2,500~~ \$5,000 per day beyond the initial day. A penalty for a nonhealth and safety violation may not exceed ~~\$1,250~~ \$2,500 per day beyond the initial day.

Section 28. Amend § 2503B, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2503B. Advance mental health-care directive awareness [Effective Sept. 30, 2025].

(c) As provided in subsection (d) of this section, a health-care institution, health-care professional, ~~and or~~ and certified peer recovery specialist may assist an individual with creating an advance mental health-care directive.

Section 29. Amend § 2704, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2704. Disposition of remains [For application of this section, see 84 Del. Laws, c. 261, § 16].

An approved institution that has received a dead body under this subchapter shall, on completion of the study of the body, deliver the body as then constituted to the ~~Division of Forensic Science~~ medical examiner's office of the county in which the approved institution is situated for "natural organic reduction," as defined under § 3101 of this title, burial, or cremation. The approved institution shall pay the expenses of the "natural organic reduction," as defined under § 3101 of this title, burial, or cremation, and of the preparation of the body therefor, at the rates provided by law or which are usual and customary in such cases. However, with the approval of the Inspector of Anatomy under § 2706 of this title, the approved institution may retain certain portions of said body for special research or teaching purposes.

Section 30. Amend § 10201, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 102. The ~~2-1-1~~211 Community Social Services Helpline

§ 10201. Purpose.

The purpose of this chapter is to establish a ~~2-1-1~~211 Community Social Services Helpline (~~2-1-1~~211 Helpline) to provide community social services information and referral services at a centralized location, 24 hours a day, 7 days a week.

Section 31. Amend § 10202, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10202. Definitions.

As used in this chapter:

~~(a)~~(1) "Board" means the ~~2-1-1~~211 Advisory Board.

~~(b)~~(2) "Director" means the Director of the Office of Management and Budget.

~~(c)~~(3) "Office" means the Office of Management and Budget.

Section 32. Amend § 10203, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10203. Powers and duties of the Office.

(a) The Office shall implement the nonemergency ~~2-1-1~~211 telephone number to provide human social services information concerning the availability of governmental and nonprofit services and to provide referrals to community social services and disaster-related information agencies.

(b) The Office shall register the ~~2-1-1~~ 211 Community Social Services Helpline with the 911 Committee established by § 10004(e) of this title, all phone companies, the Association of Information and Referral Services, and the United Way of America.

(c) The Office shall designate the Delaware Helpline, Inc. as the primary service provider for the ~~2-1-1~~ 211 Helpline and contract with a private phone service to ensure 24-hour operation of the ~~2-1-1~~ 211 Helpline.

(d) The Office shall ~~be responsible for raising~~ raise community awareness about the ~~2-1-1~~ 211 Helpline and ~~website through, but not limited to,~~ website, including through the use of marketing and outreach activity forums that include presentations on statewide community social services that are available through the government and not-for-profit-agencies.

Section 33. Amend § 10204, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10204. The ~~2-1-1~~ 211 Advisory Board.

(a) The ~~2-1-1~~ 211 Advisory Board is established to advise the Governor, the Director, and the General Assembly on matters related to the ~~2-1-1~~ 211 Community Social Services Helpline system and service.

Section 34. Amend § 10205, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10205. Duties and responsibilities of the Board.

(a) The Board shall review the ~~2-1-1~~ 211 Community Social Services system and services and submit recommendations to the Office for changes, modifications, or deletions.

(b) The Board shall schedule and conduct at least 4 regular meetings during the first year of operation of the ~~2-1-1~~ 211 Helpline. The public must be given an opportunity to express views concerning the ~~2-1-1~~ 211 Helpline system and service. Thereafter, the Board shall meet at such times and places as the members consider necessary and at such times as requested by the Director.

Section 35. Amend § 2379, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2379. Workplace safety program.

(g) *Renewals and eligibility.* — To remain in the program, a participating ~~an~~ employer must apply for the workplace safety program each year. For each year after the initial qualification, the inspection requirement shall

consist of 1 unannounced inspection. The Department of Insurance shall maintain a list of inspection charges which shall be sent to interested parties upon request.

Section 36. Amend § 4356A, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4356A. Use of revolving or flashing green light.

(b) A motor vehicle authorized under subsection (a) of this section to be equipped with a green revolving or flashing light may only use the light as follows:

(3) If the motor vehicle is snow removal equipment that is owned and operated by the State or a municipality and is in use during ~~winter~~ cold weather operations.

Section 37. Amend § 4402, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4402. Enforcement; removal of abandoned vehicles; transfer thereof.

(d) If an abandoned vehicle is on private property with the consent of the owner or occupant thereof, ~~or~~ or if an abandoned vehicle is owned by the owner or occupant of the private property where the vehicle is located, representatives of the Department, State Police, a county code enforcement constable, or a municipal police officer may enter upon the property where such vehicle is located to ascertain its ownership. The Department, county, or municipality shall notify the owner of the abandoned vehicle by certified mail sent to the owner's last known address to remove such vehicle within 7 days from the date of the mailing. If the vehicle is not removed within 7 days or if the owner cannot be located for the purpose of sending the written notice, then representatives of the Department, ~~State Police~~ Police, county code enforcement, or municipal police may enter upon the property where the vehicle is located and conspicuously affix thereto a sticker or tag showing the time and date of its affixing, advising the owner that if the vehicle is not removed within 24 hours from the time of the affixing of the sticker, the vehicle shall be removed to a storage area designated by the Department, State Police, a county code enforcement agency, or a municipal police department. This subsection ~~shall~~ does not apply to automobile graveyards as defined in § 1202(b)(2) of Title 17 nor to any vehicle on private property which is not visible from the street or road and is not otherwise a nuisance or a health or fire hazard.

Section 38. Amend § 5302, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5302. Definitions.

For purposes of this ~~section~~ chapter:

(10) “Substantially related” means the nature of the criminal conduct, for which the person was convicted, has a direct bearing on the fitness or ability to perform 1 or more of the duties or responsibilities necessarily related to the practice of massage and bodywork.

Section 39. Amend § 363, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 363. Special provisions for municipal electric companies and rural electric cooperatives.

(b) In the event that a municipal electric company or rural electric cooperative elects to exempt itself from the requirements of this subchapter, it shall submit a plan at the beginning of ~~2022~~ ~~2025~~ 2025 to its local regulatory authority, the Delaware General Assembly, and the Department of Natural Resources and Environmental Control detailing its approach to ~~achieve a level~~ transitioning to increased-of renewable energy purchases, including an evaluation of offshore wind resources and solar resources available ~~penetration~~ in its service territory, and shall set forth a long-term plan detailing how the entity will contribute to helping the State achieve the carbon reduction goals set forth in Chapter 100 of Title 7. The entity shall submit an annual compliance report to its local regulatory authority, the Delaware General Assembly, and the Department of Natural Resources and Environmental Control detailing its progress toward yearly targets. If the State Energy Office has approved an offshore wind contract, the annual compliance report shall detail the reporting entity’s status of adoption of the offshore wind contract. If the reporting entity declined to participate in a solicitation by the State Energy Office for an offshore wind contract in the reporting period, the reporting entity shall detail in the report the reasons for its failure to participate, identify changes to the solicitation that would have resulted in its participation, and detail its plans to purchase offshore wind energy through other means, or its plans to otherwise increase its level of purchases of renewable energy resources.

Section 40. Amend § 108, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 108. Concurrent juvenile legislative jurisdiction.

(b) Relinquishment of exclusive juvenile jurisdiction. —

(2) In accordance with 10 U.S.C. § 2683 the State hereby authorizes acceptance of relinquishment by the United States of exclusive federal jurisdiction over alleged juvenile violations of federal criminal laws

occurring on the Dover Air Force Base property or on any other land, previously ceded to the United States by the State, which contains a military installation. Acceptance by the State of relinquishment of exclusive criminal juvenile legislative jurisdiction is conditioned on all the following conditions being met:

a. A duly authorized official or agent of the United States, acting under authority conferred by Congress, under 10 U.S.C. § 2683, must notify the Governor that the United States wishes to relinquish to the State exclusive juvenile legislative jurisdiction, or a portion thereof, held by the United States over the lands designated in such notice, which are within the boundaries of this State, and used by the United States as a military installation.

b. The Governor shall not accept a request under this paragraph (b)(2) unless the request contains all of the following:

1. States the name, position, and legal authority of the person requesting the cessation of exclusive juvenile legislative jurisdiction.
2. Describes by metes and bounds the United States military installation property subject to the concurrent juvenile legislative jurisdiction.
3. Indicates whether the request includes future contiguous expansions of land acquired for military purposes.

Section 41. Amend § 1132, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1132. Definitions.

As used in this subchapter:

- (1) “Agency” means as defined in § 10102 of this title.
- (2) “Division” means the Division of Legislative Services as established pursuant to this chapter.
- (3) “Official regulation” means a regulation in its final form as adopted by an order as defined in § 10118 of this title and filed with the Registrar of Regulations.
- (4) “Register of Regulations” means a publication authorized and recognized by law published for public information purposes, providing public notice of changes in agency regulations, whether new, modified or repealed, together with supplemental information as deemed appropriate by the Registrar.

(5) “Registrar” means an employee of the Division charged with the responsibility of compiling, maintaining and publishing the Register of Regulations.

(6) “Regulation” means as defined in § 10102 of this title.

Section 42. Amend § 2909, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2909. Audit reports.

(b) An audit report must include at least all of the following:

(3) All illegal ~~and~~ or unbusinesslike practices.

Section 43. Amend § 6981, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6981. Large professional service procurement process.

(I) *Cancellation of solicitation.* — A solicitation may be canceled or any or all proposals may be rejected in whole or in part if it is in the best interest of the State. The reasons for the cancellation or rejection shall be made part of the procurement-file.

(1) If a solicitation is canceled ~~prior to~~ before the opening of proposals, a notice of cancellation ~~shall~~ must be posted with the public record of the ~~solicitation; and~~ solicitation.

(2) Any proposals that have been received shall be returned unopened to the vendors. Electronic proposals received shall be deleted from the agency system and notice of deletion provided to the vendor.

(3) If a solicitation is canceled after the proposal opening, a notice of cancellation shall be posted with the public record of the ~~solicitation; and~~ solicitation.

(4) Any proposals shall be returned to the vendors. Electronic proposals shall be deleted from the agency system and notice of deletion provided to the vendor.

Section 44. Amend § 8011, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8011. Water Infrastructure Advisory Council.

(c) (1) The Council is composed of 16 members appointed by the Governor with the advice and consent of the Senate.

(2) The Governor shall appoint the Council's chair. The chair serves at the Governor's pleasure. The Governor may remove the chair from Council entirely if the Governor removes the chair from the chair position.

(3) A ~~Council~~ council member other than the chair serves for a term of 3 years.

(4) The Governor may appoint a ~~Council~~ council member for a term of less than 3 years to ensure that terms expire on a staggered bases of no more than 4 expiring terms in a calendar year.

(9) The Governor shall appoint 3 of the Council's 16 members as nonvoting members who serve at the Governor's pleasure: 1 member representing the water utilities, 1 member who is the district coordinator of 1 of the conservation districts, and 1 member representing the Farm Bureau. These members may provide annual recommendations to the Council relating to stormwater, drainage, flood protection, resource and conservation development projects, agricultural and conservation cost share, cover crops, conservation reserve enhancement, or tax ditches.

(d) A ~~Council~~ council member does not receive compensation but may be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties.

(e) The Council's duties and responsibilities include all of the following:

(1) To evaluate, establish, recommend, and adopt all of the following:

a. A long-term plan for the public funding of drinking water supply facility and wastewater facility infrastructure projects. The plan must cover a period of not less than 6 years, be updated and prioritized on an annual basis, and incorporated into DNREC's and DHSS's annual capital budget requests to the Governor. The Council shall submit a copy of the adopted plan to the General Assembly and the Director and the Librarian of the Division of Legislative Services on or before November 15 of each year.

b. Annual advisory recommendations related to wastewater infrastructure, stormwater infrastructure, and drinking water infrastructure addressing the elements required for inclusion in the strategic plan for clean water under § 8082(d) of this title. The Council shall submit the recommendations to the Clean Water Trust Fund Oversight Committee on or before September 15 of each year.

(2) a. To establish standards and procedures for persons to submit requests for funding the construction, repair, renovation, or expansion of water supply facilities and wastewater facilities. Using the standards and procedures that the Council establishes, the Council shall recommend specific grants or loans, or both, using funds

authorized for the grants or loans by act of the General Assembly or funds that the Delaware State Clearinghouse Committee approves.

(3) a. To develop and periodically update a nonbinding comprehensive, statewide water supply facilities and wastewater facilities assessment to be presented in 3 sections, 1 for each county. The Council may retain the services of necessary professionals and may enter into agreements in order to prepare the assessment.

(f)(1) A majority of the voting members must be present at a ~~Council~~ council meeting in order to have a quorum and conduct official business. A vacant voting member position is not counted for quorum purposes.

(3) The Council shall conduct a public meeting in each county prior to voting on the annual adoption of the water supply infrastructure and wastewater infrastructure plan under paragraph (e)(1)a. of this section.

(4) The Council is subject to the applicable provisions of the Administrative Procedures Act (Chapter 101 of this title).

(g) The Council shall work in concert with DNREC, DHSS, DelDOT, DDA, the Conservation Districts, the Delaware Geological Survey, the Public Service Commission, DOF, the Cabinet Committee on State Planning Issues, and any other appropriate department, agency, or committee focusing on statewide planning issues. Each agency shall provide reasonable staff time and resources as the Council may require to fulfill the Council's duties and responsibilities. The Council shall also work in concert with the Water Resources Agency of New Castle County and each appropriate agency that a county may designate. DNREC and DHSS are the lead agencies in coordinating support for the Council.

(h)(1) The Council shall provide guidance and policy advice to the Governor and Secretaries and assist in the statewide effort to develop infrastructure programs related to water supply, drainage, stormwater management, and flood control. The guidance must include state-level direction to DNREC, DHSS, and local agencies and operating units in the development of standardized processes and procedures for identifying and prioritizing problems and development of watershed-based solutions.

(2) The Council shall provide guidance to the State in improving the quality of customer service and reviewing annual localized work plans.

(i) The Council shall assist in defining areas of responsibility among state and local agencies, and coordinating implementation and operations.

(j) The Council shall assist the State in establishing a central response unit that DNREC coordinates to handle public calls relating to drainage, stormwater, and flood control.

(k) The Council shall assist in the statewide effort for the development of sustainable program funding options.

(l)(1) The Council shall assist in the development and evaluation of criteria for watershed-based plans for surface water management.

(2) The Council shall assist in developing the priority needs for watershed plans.

(3) The Council shall assist in developing a strategy for long term planning for future growth relating to surface water management. This strategy may include options for private-public partnerships for infrastructure improvement and regional solutions.

Section 45. Amend § 8723, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8723. Delaware Commission of Veterans' Affairs — Organization and operation.

(g) The Executive Director or the Executive Director's designee shall attend all meetings of the Commission, keep a full and true record of its proceedings, preserve at its general office all its books, documents and papers, and perform such other duties as the Commission may prescribe.

Section 46. Amend § 8905, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8905. Council on Correction [Effective until Sept. 17, 2026].

(a) *Purpose.* — The Council on Correction, referred throughout this section as "~~Council~~," "the Council," is established to serve in an advisory capacity to the Commissioner of the Department of Correction. The Council's purpose is to collect and evaluate the best available data to make recommendations to the Commissioner of the Department of Correction to further the following goals:

(4) Foster a constructive and respectful relationship between the Department of Correction and the public.

(b) The Council shall consider matters relating to the development and progress of the adult correctional system of this State, including all of the following:

(4) Another matter that the Governor, the Commissioner of the Department of Correction, or a chief of a bureau or division within the Department of Correction may refer to the Council.

(c) The Council may study, research, plan, and advise the Governor, the Commissioner of the Department of Correction, or the chiefs of the bureaus or divisions within the Department of Correction on matters that the Council identifies as appropriate to enable the Department to function in the best manner.

(d) *Council membership.* — (1) The Council is comprised of 7 members who are appointed by the Governor. The Council may submit names for the Governor to consider when making an appointment.

(2) Each member is appointed for a period of 3 years. Each term of office expires on the date specified in the appointment; however, a member remains eligible to participate in ~~Council~~ council proceedings until the Governor replaces that member. The Governor may appoint a member for a term of less than 3 years to ensure that members' terms expire on a staggered basis.

(3) The Council shall annually elect a chair and a vice chair from among its members.

(4)a. The Governor may remove a member for gross inefficiency, misfeasance, nonfeasance, or neglect of duty in office.

b. A member is deemed in neglect of duty if the member is absent from 3 consecutive, regular ~~Council~~ council meetings without good cause or attends less than 50% of ~~Council~~ council meetings in a calendar year.

(e) *Meetings and quorum.* — (1) The Council shall meet at least 6 times per year.

(2) The Council shall conduct at least 1 meeting in each county per calendar year.

(3) The number of ~~Council~~ council members who must be present at a meeting to have quorum and conduct official business is the majority of appointed members. A member vacancy is not counted for quorum.

(f) The Council may adopt bylaws or other procedural rules to carry out its functions under this section.

(g) The Council must conduct its meetings and other business under Chapter 100 of this title (Freedom of Information Act).

(h) The Council shall submit an annual report no later than December 1 to the Governor, General Assembly, Commissioner of the Department of Correction, chiefs of the bureaus and divisions under the Department of Correction, Executive Director of the Criminal Justice Council, and Director and the Librarian of the Division of Legislative Services. The annual report must include at least all of the following:

(2) Training programs-~~Council~~ council members completed.

(3) The Council's priorities and activities, including participation in legislative matters.

(5) The Council's goals, priorities, and planned activities for the next calendar year.

(i) The Council is a Department of Correction entity, but the Criminal Justice Council, through its Executive Director, shall provide reasonable and necessary staff support and materials to assist the Council in performing its duties under this section.

Section 47. Amend § 8905, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8905. Council on Correction [Effective Sept. 17, 2026].

(a) *Purpose.* — The Council on Correction, referred throughout this section as-~~“Council,”~~ “the Council,” is established to serve in an advisory capacity to the Commissioner of the Department of Correction. The Council's purpose is to collect and evaluate the best available data to make recommendations to the Commissioner of the Department of Correction to further the following goals:

(4) Foster a constructive and respectful relationship between the Department of Correction and the public.

(b) The Council shall consider matters relating to the development and progress of the adult correctional system of this State, including all of the following:

(4) Another matter that the Governor, the Commissioner of the Department of Correction, or a chief of a bureau or division within the Department of Correction may refer to the Council.

(c) The Council may study, research, plan, and advise the Governor, the Commissioner of the Department of Correction, or the chiefs of the bureaus or divisions within the Department of Correction on matters that the Council identifies as appropriate to enable the Department to function in the best manner.

(d) *Council membership.* — (1) The Council is comprised of 7 members who are appointed by the Governor. The Council may submit names for the Governor to consider when making an appointment.

(2) Each member is appointed for a period of 3 years. Each term of office expires on the date specified in the appointment; however, a member remains eligible to participate in-~~Council~~ council proceedings until the Governor replaces that member. The Governor may appoint a member for a term of less than 3 years to ensure that members' terms expire on a staggered basis.

(3) The Council shall annually elect a chair and a vice chair from among its members.

(4)a. The Governor may remove a member for gross inefficiency, misfeasance, nonfeasance, or neglect of duty in office.

b. A member is deemed in neglect of duty if the member is absent from 3 consecutive, regular ~~Council~~ council meetings without good cause or attends less than 50% of ~~Council~~ council meetings in a calendar year.

(e) *Meetings and quorum.* — (1) The Council shall meet at least 6 times per year.

(2) The Council shall conduct at least 1 meeting in each county per calendar year.

(3) The number of ~~Council~~ council members who must be present at a meeting to have quorum and conduct official business is the majority of appointed members. A member vacancy is not counted for quorum.

(f) The Council may adopt bylaws or other procedural rules to carry out its functions under this section.

(g) The Council must conduct its meetings and other business under Chapter 100 of this title (Freedom of Information Act).

(h) The Council shall submit an annual report no later than December 1 to the Governor, General Assembly, Commissioner of the Department of Correction, chiefs of the bureaus and divisions under the Department of Correction, Executive Director of the Criminal Justice Council, and Director and the Librarian of the Division of Legislative Services. The annual report must include at least all of the following:

(2) Training programs ~~Council~~ council members completed.

(3) The Council's priorities and activities, including participation in legislative matters.

(5) The Council's goals, priorities, and planned activities for the next calendar year.

Section 48. Amend § 573, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 573. Failure to file return, supply information or pay tax; class A misdemeanor.

(d) This section does not apply to any person required to pay an estimated tax or tax required under § 3002 of this ~~title and Chapters 51 and 52~~ title, Chapter 51 of this title, or Chapter 52 of this title.

Section 49. Amend § 574, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 574. Fraud and false statements; class E felony.

(b) This section does not apply to any matter arising out of, document required by, or tax imposed under § 3002 of this ~~title and Chapters 51 and 52~~ title, Chapter 51 of this title, or Chapter 52 of this title.

Section 50. Amend § 4071, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4071. Definitions [For application of this section, see 84 Del. Laws, c. 352, § 3].

As used in this subchapter:

~~(a)~~(1) “DSHA” means the Delaware State Housing Authority as established in Chapter 86 of Title 29.

~~(b)~~(2) “DWH grant” or “grant” means a Delaware Workforce Housing grant as set forth in § 4072 of this title.

~~(c)~~(3) “Investment Level 1” and “Investment Level 2” means the investment levels as set forth by the Delaware Strategies for State Policies and Spending document approved by the Governor in Executive Order 42 on July 23, 2020.

~~(d)~~(4) “Minimum qualified workforce housing threshold” means the minimum level of qualified workforce housing investment required by a qualified workforce housing investor in a workforce housing unit to qualify for a grant, as determined by DSHA. The minimum qualified workforce housing threshold must be no lower than \$25,000. No more than once per year, DSHA may amend the minimum qualified workforce housing threshold with respect to the types of projects or other criteria determined by DSHA to be necessary or convenient to accomplish the purposes of this subchapter.

~~(e)~~(5) “Qualified workforce housing investment” means the amount in excess of the minimum qualified workforce housing threshold that is properly chargeable to a capital account for improvements to rehabilitate, expand, or construct depreciable real property placed in service during the calendar year.

~~(f)~~(6) “Qualified workforce housing investor” means an owner or tenant of real property located within an Investment Level 1 or Investment Level 2 zone who expands, rehabilitates, or constructs such real property for use as a workforce housing unit. In the case of a tenant, the amounts of qualified workforce housing investment specified in this section must relate to the proportion of the workforce housing unit for which the tenant holds a valid lease. In the case of an owner of an individual unit within a “common interest community,” as such term is defined in § 81-103 of Title 25, the amount of qualified workforce housing investment specified in this subchapter

must relate to the proportion of the workforce housing unit for which the owner holds title and not to common elements.

~~(g)~~(7) “Workforce housing unit” means a residential dwelling for a household whose income does not exceed 100% of the median income for the area as defined by the United States Department of Housing and Urban Development.

Section 51. Amend Section 3-08, Article III of The Charter of the Town of Newport by making deletions as shown by strike through and insertions as shown by underline as follows:

Article III - The Mayor And Commissioners

Section 3-08 Commissioners Prohibitions

C. Interference with Administration.~~the~~ The Mayor and Commissioners shall deal with Town officers and employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager, and neither the Mayor nor the Commissioners, nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 52. Amend Section 4-01, Article IV of The Charter of the Town of Newport by making deletions as shown by strike through and insertions as shown by underline as follows:

Article IV – Assessment Of Property; Taxes

Section 4-01 Property Assessment Procedure

B. Use of County Assessments. It shall be lawful for the Town to enter into an agreement with the Board of Assessment for New Castle County to inspect and copy, or to obtain copies, of the assessments made for County purposes. The Town Manager shall utilize the County assessment for municipal purposes and shall not preclude the Town from modifying the County assessment list to take into account new construction, tax exemption status, or use not reflected in the County assessment list, or clear cases of inequitable assessment.

Section 53. Amend Section 4-02, Article IV of The Charter of the Town of Newport by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 4-02 Levy of Taxes

The Commissioners shall, after having ascertained the revenue necessary to balance the budget and having apportioned said sum on the assessment and valuation as provided for in this Charter, shall have the Town Manager utilize the County assessment roll containing the names of the taxables, as well as the owners of real estate and the tax on the

entire valuation and assessment at a rate per one hundred dollars. The Assessment roll shall be certified true and correct by the Town Manager.

Section 54. Amend Section 6-06, Article VI of The Charter of the Town of Newport by making deletions as shown by strike through and insertions as shown by underline as follows:

Article VI – Finances And Indebtedness

Section 6-06 Capital Program

A. Submission to the Commissioners. The ~~town-manager~~ Town Manager shall prepare and submit to the Commissioners any capital improvement plan for approval.

Section 55. Amend Section 11-01, Article XI of The Charter of the Town of Newport by making deletions as shown by strike through and insertions as shown by underline as follows:

Article XI – Planning

Section 11-01 [Reserved.]

Section 56. Amend Section 11-02, Article XI of The Charter of the Town of Newport by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 11-02 Comprehensive Development Plan

A. Development. The Commissioners shall ~~adopt~~, adopt every 10 years or sooner, if required, a comprehensive development plan setting forth, in graphic and textual form, policies to govern the future physical development of the Town. Such plan may cover the entire Town and all of its functions and services or may consist of a combination of plans governing specific functions and services or specific geographical areas. Such comprehensive development plan shall show, among other things, existing and proposed public ways, streets, bridges, tunnels, viaducts, parks, parkways, playgrounds, sites for public buildings and structures, pierhead and bulkhead lines, waterways, routes of railroads and buses, locations of sewers, water mains, and other public utilities, and other appurtenances of such a plan, including certain private ways. Such plan shall be adopted and have the effect as set out herein.

B. Adoption of the Development Plan. Upon receipt from the Comprehensive Plan Committee of the proposed comprehensive plan, portions thereof, or proposed modifications thereto, the Commissioners shall refer such proposal to the Commissioners. ~~the~~ The Commissioners shall hold a public hearing on the proposed comprehensive plan or modification thereof, and may thereafter adopt it by ordinance with or without

amendment. The comprehensive development plan shall serve as a guide to all future action of the Commissioners concerning land use and development regulations, urban renewal programs, and expenditures for capital improvements.

Approved July 1, 2025