



SPONSOR: Rep. Schwartzkopf & Sen. Sokola
Reps. Longhurst, Mitchell, D. Short, Dukes; Sens.
Townsend, Lockman, Hocker, Pettyjohn

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 295

AN ACT TO AMEND TITLE 3, TITLE 4, TITLE 8, TITLE 9, TITLE 11, TITLE 14, TITLE 16, TITLE 18, TITLE 19,
TITLE 21, TITLE 24, TITLE 25, TITLE 29, TITLE 30, AND TITLE 31 OF THE DELAWARE CODE, THE CHARTER
OF HARTLY, AND THE LAWS OF DELAWARE 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 § 1706, Title 3 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

§ 1706. Registration fees.

(a) ~~For each commercial feed distributed in this State an~~ An annual registration fee must be paid to the ~~Department~~
~~as follows: Department, by December 31 each year, for each commercial feed distributed in this State as follows:~~

(1) For all commercial feed other than pet food, the registration fee is \$23 per each product of each brand;
provided, however, that the customer-formula feeds are exempt if the annual registration fee is paid on the commercial
feeds which they contain.

(2) ~~Following the effective date of this statute, for each pet food the~~ The annual registration fee for each pet
food is as follows:

a. For the year 2023, \$50 per for each product of each brand in year 1, \$75 brand.

b. For the year 2024, \$75 for each product of each brand in year 2, and brand.

c. For each year beginning with the year 2025, \$100 per for each product of each brand in each
subsequent year; provided, however that brand.

d. Notwithstanding paragraphs (a)(2)a. through (a)(2)c. of this section, for a pet food manufactured by a
nonprofit nonprofit the annual registration fee is \$23 for each product of each brand.

Section 2. Amend § 2106, Title 3 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

§ 2106. Inspection fees and tonnage reports.

(a)(1) There shall be paid to the Department for all commercial fertilizers or soil conditioners distributed in this
State to nonregistrants an inspection fee at the ~~rate of 10 cents per ton;~~ following rate:

22 a. Ten cents per ton through December 31, 2021.

23 ~~(4) b.~~ Not less than 15 cents per ton effective January 1, 2022; 2022.

24 ~~(2) c.~~ Not less than 20 cents per ton effective January 1, 2023; 2023.

25 ~~(3) d.~~ Not less than 25 cents per ton effective January 1, 2024; 2024.

26 ~~provided that sales~~ (2) Sales to manufacturers or exchanges between them are hereby exempted: exempt from
27 the fee under paragraph (a)(1) of this section.

28 ~~(3) Fees so collected shall~~ under paragraph (a)(1) of this section must be paid to the Department, which shall
29 deposit the same in ~~the General Fund~~ an appropriated special fund account in the Department.

30 ~~(4)~~ On individual packages of commercial fertilizer or soil conditioners containing 10 pounds or less, there
31 shall be paid, in lieu of the annual registration fee of \$1.15 per each grade of each brand and the inspection fee, an
32 annual registration fee and inspection fee of \$40 for each grade of each brand of fertilizer and soil conditioners sold or
33 distributed. Where a person sells commercial fertilizer or soil conditioners in packages of 10 pounds or less and in
34 packages over 10 pounds, this annual registration and inspection fee of \$40 shall apply applies only to that portion sold
35 in packages of 10 pounds or less, and that portion sold in packages over 10 pounds shall be is subject to the same
36 inspection fee as provided in this chapter.

37 ~~(b)(1)~~ Every person who distributes a commercial fertilizer or soil conditioner in this State shall file with the
38 Department on forms furnished by the Department a semiannual statement for the periods ending December 31, and June
39 30, setting forth the number of net tons of each commercial fertilizer or soil conditioner distributed in this State during that
40 period. The report shall be due on or before the last day of the month following the close of each period and with such
41 statement the inspection fee shall be filed according to the rate set forth in subsection (a) of this section.

42 ~~(2)~~ If the tonnage report is not filed and the payment of inspection fee is not made within 30 days after the end
43 of each period, a surcharge amounting to 10 percent (minimum \$10) equal to 10%, with a minimum of \$10, per month
44 of the amount shall be assessed against the registrant, and the Department shall have a lien against the registrant for the
45 amount owed, including surcharge.

46 ~~(c)~~ When more than 1 person is involved in the distribution of a commercial fertilizer or soil conditioner, the last
47 person who has the fertilizer or soil conditioner registered and who distributes to a nonregistrant (dealer or consumer)
48 nonregistrant dealer or consumer, is responsible for reporting the tonnage and paying the inspection fee, unless the report
49 and payment have already been submitted by a prior distributor of a fertilizer or soil conditioner.

(d) ~~No information furnished the~~ The Department may not disclose publicly any information furnished under this section ~~shall be disclosed publicly~~ in such a way as to divulge confidential information about the business operation of anyone.

(e) Fees ~~so~~ collected ~~shall~~ under this section must be used for the payment of the costs of inspection, ~~sampling~~ sampling, and analysis, and other expenses necessary for the administration of this ~~chapter~~ chapter.

Section 3. Amend § 2904, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2904. Regulations; designation of plants.

(c) The Invasive Plant List must include, at a minimum, all of the following:

(32) English ivy (~~Hedrix~~ Hedera helix).

Section 4. Amend § 512B, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 512B. Brewery-pubs.

(a) Subject to the provisions, ~~restrictions~~ restrictions, and prohibitions of this title, the Commissioner may grant a brewery-pub license to each qualified ~~applicant therefor.~~ applicant. No person shall own or operate a brewery-pub unless licensed to do so by the Commissioner. For purposes of this section, a “brewery-pub” ~~shall be~~ means an establishment in which beer, cider, ~~mead and/or mead,~~ or fermented beverages are manufactured on the premises of the licensed establishment, limited to restaurants owned or leased by the brewery-pub applicant.

(b) The following conditions and restrictions shall apply to the holder of each brewery-pub license:

(1) It must be situated on the premises of, or be physically a part of, a ~~restaurant;~~ restaurant.

(2) It may brew, bottle, and sell beer at no more than 3 licensed establishments, provided that each such licensed establishment qualifies as a separate brewery-pub under this ~~section;~~ section.

(3) It shall brew no more than 4,000 barrels of beer in any calendar ~~year;~~ year.

(4) It may sell beer manufactured on licensed premises in labeled barrels, bottles, or other closed containers to wholesalers licensed under this title for delivery by them to persons inside or outside this ~~State;~~ State.

(5) It may sell at the licensed premises beer manufactured on the licensed premises at retail for consumption off the ~~premises;~~ premises.

(6) It may sell at the licensed premises beer manufactured on the licensed premises for on-premises ~~consumption;~~ consumption.

(7) It ~~shall be~~ is prohibited from owning, ~~operating~~ operating, or being affiliated with any importer of alcoholic liquor, either in or without this ~~State; and State.~~

(8) The provisions of § 506 of this title to the contrary notwithstanding, it ~~shall be permitted to~~ may have an interest in, be affiliated with, operate, or own another supplier or manufacturer located outside the State and have an interest in a 1 or more farm winery, microbrewery, ~~and/or or~~ or craft distillery licensed under this chapter and ~~actually~~ physically located in this State, ~~provided that if~~ if the total domestic sales of beer of all affiliated suppliers or manufacturers ~~shall~~ does not exceed 6 million barrels in a calendar year.

(c) It ~~shall be~~ is unlawful for a person to operate a brewery-pub ~~if: if any of the following apply:~~

(1) The restaurant portion of the licensed establishment fails to offer complete meals for consideration to patrons or fails to operate as a bona fide restaurant as defined by Commissioner rules or this ~~title; title.~~

(2) The license is denied, cancelled, ~~suspended~~ suspended, or revoked for any of the grounds contained in § 543 or § 561 of this ~~title; title.~~

(3) The business is transferred to a different location.

(d) This section ~~shall~~ does not prohibit the granting of a restaurant license to sell alcoholic liquors, for on-premises consumption, ~~as provided in~~ under § 512 of this title.

(e) The Commissioner may make and publish such rules and regulations with respect to the assessment and payment of the tax on beer, as contained in § 581 of this title, as it deems proper, and all such rules and regulations that are not inconsistent with this title shall have the force and effect of law.

(f) Notwithstanding any other provision of this title to the contrary, the holder of a brewery-pub license may also make, ~~bottle~~ bottle, and sell an alcoholic liquor that is fermented or distilled on the premises, subject to all of the following conditions and restrictions:

(1) All of the conditions and restrictions relating to beer ~~set forth in~~ under subsection (b) of this ~~section; and~~ section.

(2) Alcoholic liquor that is fermented or distilled on the premises shall be taxed ~~in accordance with~~ under § 581 of this title.

(g) The provisions of § 546 of this title to the contrary notwithstanding, the sale for off-premises consumption at up to a combined total of 3 licensees licensed under this section or 2 licensees licensed under this section and a microbrewery licensed ~~pursuant to~~ under § 512C of this title all owned or controlled by the same person ~~shall be~~ is permitted.

Section 5. Amend § 512C, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 512C. Microbreweries; license; alternating premises.

(b) For purposes of this ~~section~~, section:

(1) “Alternating premises” means the portion of a microbrewery’s premises that is used at different times by 2 or more microbreweries to manufacture beer, fermented beverages, mead, or cider.

(c) Notwithstanding any provision of this title to the contrary, a microbrewery license allows the licensee to do all of the following:

(3) To sell beer, fermented beverages, mead, and cider manufactured on the licensed premises in labeled barrels, ~~bottles~~ bottles, or other closed containers to importers licensed under this title for delivery by them to persons inside or outside the State.

(i)(1) The requirements to grant a license to a tenant microbrewery must include all of the following:

a. An agreement with a host microbrewery that allows the tenant microbrewery to use the host microbrewery’s brewing equipment for specified periods of time to manufacture beer, fermented beverages, mead, or cider. The compensation to the host microbrewery under an agreement may not be based upon the profit of the tenant microbrewery and is subject to the approval of the Commissioner.

d. The tenant microbrewery must act as the brewer of the beer, fermented beverages, mead, or cider.

Section 6. Amend § 160, Title 8 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 160. Corporation’s powers respecting ownership, voting, etc., of its own stock; rights of stock called for redemption.

(c) Shares of a corporation’s capital stock shall neither be entitled to vote nor be counted for quorum purposes if such shares belong to:

(2) Another corporation, if a majority of the shares entitled to vote in the election of directors of such other corporation is held, directly or ~~indirectly~~, indirectly, by the corporation; or

Section 7. Amend § 1101A, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1101A. Definitions.

For purposes of this chapter, beginning for the fiscal year 2023 budget:

(3)a. "Local service function" or "LSF" means a local governmental service, or a group of closely allied governmental services, that is all of the following:

1. A service for which, New Castle County or any municipality, as distinguished from the State, has a primary responsibility for provision and financing, under the Delaware Constitution, Delaware Code, or judicial decision.

Section 8. Amend § 787, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 787. Trafficking an individual, forced labor and sexual servitude; class D felony; class C felony; class B felony; class A felony.

(j) *Application for pardon and petition to expunge; motion to vacate adjudication of delinquency or conviction and expungement record.*

(3) Notwithstanding any provisions of Chapter 43 of this title, Chapter 9 of Title 10, or any other law to the contrary, any person filing a motion under paragraph (j)(2) of this section in Superior Court or Family Court may also seek in that motion expungement of the criminal or juvenile record related to such conviction. If the court grants the motion to vacate the adjudication of delinquency or conviction under paragraph (j)(2) of this section and the movant also requested expungement, the court's order shall require expungement of the police and court records relating to the charge and conviction or adjudication of delinquency. ~~Such~~ This order ~~shall~~ must contain a statement that the expungement is ordered ~~pursuant to~~ under this paragraph (j)(3) and, ~~notwithstanding~~ notwithstanding any limitations to the contrary, that the provisions of § ~~4372(e), 4376 4377~~ §§ 4372(e), 4376, and 4377 of this title and § 1019 of Title 10 apply to ~~such~~ the order.

(4) Notwithstanding any provision of Chapter 43 of this title or any other law to the contrary, upon granting the motion, the Court of Common Pleas shall provide Superior Court with the certified order granting the motion to vacate. Upon finding that the Court of Common Pleas entered an order under paragraph (j)(2) of this section, the Superior Court shall enter an order requiring expungement of the police and court records relating to the charge and conviction. ~~Such~~ This order ~~shall~~ must contain a statement that the expungement is ordered ~~pursuant to~~ under this paragraph (j)(4) and, notwithstanding any limitations to the contrary, that the provisions of §§ ~~4372(e), 4376 4376,~~ 4372(e), 4376, and 4377 of this title apply to ~~such~~ the order.

Section 9. Amend § 778A, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 778A. Sexual abuse of a child by a person in a position of trust, ~~authority~~ authority, or supervision in the second degree; penalties.

(a) A person is guilty of sexual abuse of a child by a person in a position of trust, ~~authority~~ authority, or supervision in the second degree when the person:

(1) Intentionally has sexual contact with a child who has not yet reached that child's sixteenth birthday or causes the child to have sexual contact with the person or a third person and the person stands in a position of trust, ~~authority~~ authority, or supervision over the child, or is an invitee or designee of a person who stands in a position of trust, ~~authority~~ authority, or supervision over the child.

(2)a. Is a male who intentionally exposes his genitals or buttocks to a child who has not yet reached that child's sixteenth birthday under circumstances in which he knows his conduct is likely to cause annoyance, affront, ~~offense~~ offense, or alarm when the person is at least 4 years older than the child and he stands in a position of trust, ~~authority~~ authority, or supervision over the child, or is an invitee or designee of a person who stands in a position of trust, ~~authority~~ authority, or supervision over the child.

b. Is a female who intentionally exposes her genitals, breast or buttocks to a child who has not yet reached that child's sixteenth birthday under circumstances in which she knows her conduct is likely to cause annoyance, affront, ~~offense~~ offense, or alarm when the person is at least 4 years older than the child and she stands in a position of trust, ~~authority~~ authority, or supervision over the child, or is an invitee or designee of a person who stands in a position of trust, ~~authority~~ authority, or supervision over the child.

(3) Suggests, solicits, requests, commands, ~~importunes~~ importunes, or otherwise attempts to induce a child who has not yet reached that child's sixteenth birthday to have sexual contact or sexual intercourse or unlawful sexual penetration with the person or a third person, knowing that the person is thereby likely to cause annoyance, affront, ~~offense~~ offense, or alarm to the child or another when the person is at least 4 years older than the child and the person stands in a position of trust, ~~authority~~ authority, or supervision over the child, or is an invitee or designee of a person who stands in a position of trust, ~~authority~~ authority, or supervision over the child.

(4)a. (b)(1) Sexual abuse of a child by a person in a position of trust, ~~authority~~ authority, or supervision in the second degree as set forth in paragraph (a)(1) of this section is a class D felony.

b. (2) Sexual abuse of a child by a person in a position of trust, ~~authority~~ authority, or supervision in the second degree as set forth in paragraph (a)(2) of this section is a class F felony.

e. (3) Sexual abuse of a child by a person in a position of trust, ~~authority~~ authority, or supervision in the second degree as set forth in paragraph (a)(3) of this section is a class G felony.

(5) (c) Nothing contained in this section shall preclude a separate charge, ~~conviction~~ conviction, and sentence for any other crime set forth in this title, or in the Delaware Code.

Section 10. Amend § 1206, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1206. Receiving unlawful gratuities; class A misdemeanor.

A public servant is guilty of receiving unlawful gratuities when the public servant solicits, ~~accepts~~ accepts, or agrees to accept any personal benefit for engaging in official conduct which the public servant is required or authorized to perform, and for which the public servant is not entitled to any special or additional compensation.

Section 11. Amend § 1448A, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1448A. Criminal history record checks for sales of firearms.

(m) The Department of Safety and Homeland Security shall adopt regulations relating to compliance with NICS, including without limitation issues relating to the transmission of data, the transfer of existing data in the existing state criminal background check database and the relief from disabilities process ~~set forth in subsection (k)~~ under subsection (l) of this section. In preparing such regulations, the Department shall consult with the Department of Health and Social Services, the courts, the Department of Children, Youth and Their Families, the Department of ~~State~~ State, and such other entities as may be necessary or advisable. Such regulations shall include provisions to ensure the identity, ~~confidentiality~~ confidentiality, and security of all records and data provided ~~pursuant to~~ under this section.

Section 12. Amend § 2116, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2116. Revocation of bail upon subsequent arrest.

(a) For the purposes of this section:

(2) "Subsequent offense" means any violent felony or any similar offense set forth under the laws of another state, the United States or any territory of the United States which is alleged to have been committed by a defendant during the period of that defendant's ~~secured or unsecured release~~ bail in connection with an original offense.

Section 13. Amend § 4101, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4101. Payment of fines, costs and restitution upon conviction.

(h) In addition to, and at the same time as, any fine or other penalty is assessed to any criminal or traffic defendant or any child adjudicated delinquent, there shall be levied an additional penalty of \$15 imposed and collected by the courts

for each crime and offense as defined in § 233 of this title or for any civil violation or civil penalty under this title, subchapters IV and V of Chapter 47 of Title 16, or Title 21. When a fine or other penalty is suspended in whole or in part, the penalty assessment may not be suspended, except for a violation of § 4129 of Title 21.

(9) For purposes of this ~~section~~ subsection:

c. “Initiative to combat violent crime” means any initiative, plan, proposal, ~~operation~~ operation, or strategy designed to reduce the prevalence of 1 or more offenses classified as a “violent felonies” ~~pursuant to~~ under § 4201(c) of this title.

Section 14. Amend § 4373, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4373. Mandatory expungement; application through SBI.

(b) Exclusions. — In addition to the exclusions under § 4372(f) of this title, a conviction for any of the following ~~misdemeanor convictions and felony convictions under paragraph (a)(2)c. of this section~~ are ~~is~~ not eligible for mandatory expungement under this section:

(1) A crime of domestic violence. For purposes of this section, a “crime of domestic violence” , means an offense that meets both of the following:

b. Is an ~~or violation~~ offense under any of the following sections: § 601, § 602, § 603, § 611, § 614, § 621, § 625, § 628A, § 781, § 785, § 791, § 804, § 811, § 821, § 822, § 823, § 1271(3), § 1271A, § 1311, or § 2113 of this title.

(2) Offenses where the victim is a child.

(3) Offenses where the victim is a “vulnerable adult”, as defined under § 1105 of this title.

(6) A felony conviction under paragraph (a)(2)c. of this section where the victim is an individual included under paragraphs (b)(1) through (b)(3) of this section.

Section 15. Amend § 5917, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5917. Jurisdiction over violations of ordinances, codes and regulations of the governments of the several counties and municipalities; penalty; appeal; disposition of fines.

(b) Notwithstanding ~~the foregoing~~, subsection (a) of this section, in any municipality with a population greater than 50,000 people, and in New Castle County, any offense under the building, housing, health or sanitation code which is classified therein as a misdemeanor, the sentence for any person convicted of such a misdemeanor offense shall include the following fines and may include restitution or such other conditions as the court deems appropriate:

(1) For the first ~~conviction: no conviction,~~ not less than \$250, nor more than \$1,000; \$1,000.

(2) For the second conviction for the same ~~offense: no offense,~~ not less than \$500, nor more than \$2,500; and
\$2,500.

(3) For all subsequent convictions for the same ~~offense: no offense,~~ not less than \$1,000 nor more than
\$5,000.

Section 16. Amend § 1008, Title 14 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

§ 1008. The Redding Consortium for Educational Equity.

(n) The co-chairs of the Consortium are as follows:

Section 17. Amend § 3002A, Title 14 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

§ 3002A. Definitions [Effective Jan. 1, 2023].

For the purpose of this chapter:

(1)

a. “Child care” means an individual or entity that meets all of the following:

1. Has in custody or control 1 child or more under the age of 18 years, unattended by parent or
guardian, for the purpose of providing ~~the~~ care, education, protection, supervision, or guidance.

Section 18. Amend § 3004A, Title 14 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows and redesignating accordingly:

§ 3004A. Child care licenses; investigation; requirements; notice; hearings and appeals [Effective Jan. 1, 2023].

(a) An individual or entity may not engage in child care unless the individual or entity first obtains a license from
OCCL. Unless renewed, a license expires 1 year from the date the license is issued.

(1) Beginning on July 1, 2023, when applying for a license or upon renewal of a license, an applicant must
ensure that all children age birth to 5 years old not yet in kindergarten, who have been enrolled by a licensee seeking
renewal or to be enrolled, will undergo developmental and social emotional screening using the Department’s approved
developmental and social emotional screening system by requiring the parent or guardian of an enrolled child to
complete the Department’s approved developmental and social emotional screening at the time the child is enrolled and
at least 1 time per year during enrollment. If an enrolled child’s parent or guardian fails to conduct the yearly
developmental and social emotional screening, the child care provider must conduct the screening.

(2) a. For children age birth to 35 months old, developmental and social emotional screening results will be processed and referrals for additional evaluation, if warranted, will be implemented by the ~~IDEA Part C lead agency.~~ Department under Chapter 31A of this title.

(3) b. For children age 3 to 5 years old, developmental and social emotional screening results will be processed and referrals for additional evaluation, if warranted, will be implemented in partnership with the local education agency (LEA) having jurisdiction over the geographical location where the child is enrolled.

(4) c. Developmental screenings must be reviewed and processed within 2 weeks of receipt.

(5) (2) When a licensee seeks to renew its license, the Department will review the paper or electronic file of each child enrolled in the licensee's child care facility to ensure that each enrolled child has received developmental and social emotional screening within the preceding 12 months and any warranted referrals have been made as required by this section.

Section 19. Amend § 8001, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8001. Definitions.

For purposes of this chapter:

Section 20. Amend § 1131, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1131. Definitions.

~~As used in~~ For purposes of this subchapter:

(4) "Facility" means all of the following:

c. ~~The Delaware Psychiatric Center and hospitals licensed by the Department under §§ 5001 and 5136 of this title.~~ [Repealed.]

d. Any hospital as defined under Chapter 10 of this title. "Hospital" is included in the definition of facility only for the purposes and application of this section and § 1136 of this title.

Section 21. Amend § 3003E, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3003E. Responsibilities of the Division of Public Health.

The Division of Public Health shall provide guidance on the administration of emergency medications without an order in the school setting to undiagnosed individuals. The Division of Public Health will continue to provide medical

emergency standing orders for allergic reactions and anaphylaxis in previously undiagnosed individuals for use by public/charter school registered nurses; registered nurses in public school districts and charter schools.

Section 22. Amend § 4771, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4771. Drug paraphernalia [For application of this section, see 80 Del. Laws, c. 38, § 6].

(a) It is unlawful for any person to use, or possess with intent to use, drug ~~paraphernalia as defined in § 4701 of this title.~~ paraphernalia. Except that any person charged under § 4764(b) or (d) of this title, or assessed a civil penalty under § 4764(c) of this title, shall not also be charged with this offense if in possession of drug paraphernalia pertaining to the use of marijuana.

(b) It is unlawful for any person to deliver, possess with intent to deliver, convert, manufacture, convey, ~~sell~~ sell, or offer for sale drug paraphernalia, ~~as defined in § 4701 of this title;~~ knowing or under circumstances where one should reasonably know that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, ~~inhale~~ inhale, or otherwise introduce into the human body a controlled substance.

Section 23. Amend § 10303, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10303. Powers and duties.

(a) DHIN has the power and duty to do all of the following:

(4) Adopt bylaws to govern all of the following:

b. The carrying out and discharge of DHIN's powers, duties, and ~~functions~~ functions.

Section 24. Amend § 1758, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1758. Prohibited acts.

(a) Notwithstanding any other grounds for disciplinary action provided for ~~in~~ under this chapter, the Commissioner may deny, revoke, suspend, refuse to ~~renew~~ renew, or impose a penalty on an applicant or licensee for violation of ~~the acts~~ prohibited acts set out in under this section.

(b) A licensed public adjuster is prohibited ~~from~~ from doing any of the following:

(1) Paying any money or giving anything of value to any person in consideration of a direct or indirect referral of a client or potential ~~client~~ client.

(2) Paying any money or giving anything of value to any person in consideration as an inducement to refer business or ~~clients~~; clients.

(3) Charging, collecting, or receiving any money or anything of value from any person providing services to an insured, either directly or on behalf of the public adjuster, in connection with the business of adjusting insurance claims, without the prior written disclosure of the fee or benefit to the ~~insured~~; insured.

(4) Rebating to any client any part of a fee specified in the employment ~~contract~~; contract.

(5) Splitting the licensed public adjuster's fees or paying any money to any person for services rendered to a client unless such other person is also licensed as a public ~~adjuster~~; adjuster.

(6) Having any interest directly or indirectly in any home improvement, restoration, construction, salvage, appraisal, loss mitigation, ~~cleaning~~ cleaning, or environmental restoration business that conducts business in ~~the State~~; this State.

(7) In connection with the licensee's conduct of business as public adjuster, making any misrepresentation of facts or advising any person on any question of ~~law~~; law.

(8) Making false statements about any insurance company or its employees, ~~agents or representatives~~; agents, or representatives.

(9) Soliciting the employment by a client in connection with any loss which is the subject of an employment contract involving the client and another public ~~adjuster~~; adjuster.

(10) Representing both the insurer and the ~~insured~~; insured.

(11) Advancing any money to a client pending the settlement of a loss where such amount would be included in the final settlement.

(c)(1) A violation of § 1758 of this title shall be construed to be a violation of the applicable provisions of the ~~Delaware Unfair Trade Practices Act [Chapter 25 of Title 6]~~ this section is all of the following:

a. A prohibited trade practice under Chapter 25 of Title 6. and

b. A violation of the Unfair-Claims Settlement-Trade Practices Act [Chapter 23 of this title] and Act under Chapter 23 of this title.

(2) A violation of this section may constitute a ~~violation of the Delaware Insurance Fraud Statute [§ 2407 of this title]~~ insurance fraud under § 2407 of this title.

(d) A public adjuster ~~shall also be subjected~~ is also subject to the penalties applicable to licensees under Chapter 17 of this title.

Section 25. Amend § 2317, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2317. Genetics based discrimination.

(a) ~~As used in~~ For purposes of this section:

(1) “Genetic characteristic” means any inherited gene or chromosome, or alteration thereof, that is scientifically or medically believed to predispose an individual to a disease, ~~disorder~~ disorder, or syndrome, or to be associated with a statistically significant increased risk of development of a disease, ~~disorder~~ disorder, or syndrome.

(2) “Genetic information” means information about inherited genes or chromosomes, and of alterations thereof, whether obtained from an individual or family member, that is scientifically or medically believed to predispose an individual to disease, ~~disorder~~ disorder, or syndrome, or believed to be associated with a statistically significant increased risk of development of a disease, ~~disorder~~ disorder, or syndrome. ~~This includes, but is not limited to,~~ “Genetic information” includes information regarding carrier status, information regarding an increased likelihood of future disease or increased sensitivity to any substance, information derived from laboratory tests that identify mutations in specific genes or chromosomes, requests for genetic services or counseling, tests of gene products, and direct analysis of genes or chromosomes.

(3) “Genetic test” means a test for determining the presence or absence of an inherited genetic characteristic in an individual, including tests of nucleic acids such as DNA, RNA and mitochondrial DNA, chromosomes or proteins in order to identify a predisposing genetic characteristic associated with disease, ~~disorder~~ disorder, or syndrome.

(4) “Insurance” means health coverage as defined in this title or in regulations promulgated by the Insurance Commissioner, not including disability insurance or ~~long-term~~ long-term care insurance.

(b) ~~No A person shall~~ may not discriminate against any individual in the issuance, ~~denial~~ denial, or renewal of or in the fixing of the rates, ~~terms~~ terms, or conditions for insurance ~~as defined in paragraph (a)(4) of this section.~~ based on any genetic characteristic or genetic information.

Section 26. Amend § 3370D, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3370D. Coverage for epinephrine autoinjectors.

(e) This section does not apply to accident-only, specified disease, hospital indemnity, Medicare ~~supplement~~ supplement, long-term care, disability income, or other limited benefit health insurance policies.

Section 27. Amend § 3370, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3370. Telehealth and telemedicine.

(a) ~~As used in~~ For purposes of this section:

(1) “Distant site” means a site at which a health-care provider legally allowed to practice in ~~the state~~ Delaware is located while providing health-care services by means of telemedicine or telehealth.

(5) “Telemedicine” is a subset of telehealth which is the delivery of clinical health-care services and other services, as authorized in Chapter 60 of Title 24, by means of real time 2-way audio, visual, or other telecommunications or electronic communications, including the application of secure video conferencing or store and forward transfer technology to provide or support health-care delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-management of a patient’s health care by a health-care provider legally allowed to practice in ~~the state~~ Delaware and practicing within the health-care provider’s scope of practice as would be practiced in-person with a patient, while such patient is at an originating site and the health-care provider is at a distant site.

Section 28. Amend § 3571R, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3571R. Telehealth and telemedicine.

(a) ~~As used in~~ For purposes of this section:

(1) “Distant site” means a site at which a health-care provider legally allowed to practice in ~~the state~~ Delaware is located while providing health-care services by means of telemedicine or telehealth.

(5) “Telemedicine” means a form of telehealth which is the delivery of clinical health-care services, and other services, as authorized in Chapter 60 of Title 24, by means of real time 2-way audio, visual, or other telecommunications or electronic communications, including the application of secure video conferencing or store and forward transfer technology to provide or support health-care delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-management of a patient’s health care by a health-care provider legally allowed to practice in ~~the state~~ Delaware and practicing within the health-care provider’s scope of practice as would be practiced in-person with a patient, while such patient is at an originating site and the health-care provider is at a distant site.

Section 29. Amend § 6001, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6001. Definitions.

~~As used in~~ For purposes of this chapter:

(1) "Distant site" means a site at which a health-care provider legally allowed to practice in ~~the state~~ Delaware is located while providing health-care services by means of telemedicine

Section 30. Amend § 6906, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6906. Formation of captive insurance companies.

(c) A special purpose captive insurance company, special purpose financial captive insurance company, agency captive insurance company, or branch captive insurance company may be any of the following:

(2) Formed as a limited liability company, partnership, limited partnership, or statutory trust, including a limited liability company, limited partnership, or statutory trust having 1 or more ~~series, or~~ series.

Section 31. Amend § 8702, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8702. Applicability and scope.

(a) This chapter shall apply to the following licensees:

(1) Any carrier, as defined under § 8701 of this title.

(2) Any other person or entity subject to regulation by the State that ~~provide either of the following:~~

~~a. Products that are subject to the fee under § 9010 of the Affordable Care Act [P.L. 111-148, § 9010, repealed].~~

~~b. Products~~ provides products that may be subject to an assessment by the State under this chapter.

Section 32. Amend § 8703, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8703. Delaware Health Insurance Individual Market Stabilization and Reinsurance Program assessment.

(e) ~~In the event that the federal government reinstates the health insurance providers fee defined under § 9010 of the Affordable Care Act [P.L. 111-148, § 9010, repealed] for a particular calendar year, the State shall reduce its own assessment for the corresponding calendar year as defined in subsection (b) of this section to 1% on all amounts used to calculate an entity's premium tax liability or the amount of the entity's premium tax exemption value for the previous calendar year. [Repealed.]~~

Section 33. Amend § 3402, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3402. Disbursement of special assessment funds.

(b) All moneys collected under this chapter shall, in a timely manner after deposit pursuant to under subsection (a) of this section, be deposited to the following special funds in the following amounts and for the following purposes:

(3)a. Seventy-five percent of the funds remaining after the cost of collecting the tax has been deducted to a special fund to be administered by the ~~Delaware Private Industry Council, Inc.,~~ Workforce Development Board ("Board") to be awarded to appropriate subgrantees to provide for services to dislocated workers, to assist in school-to-work transition activities and to underwrite such other innovative training programs as the ~~Council~~ Board may approve, under regulations promulgated by the ~~Council~~ Board in coordination with the Department of Labor.

b. ~~Of this same 75 percent sum, no more than 11 percent~~ Not more than 11% of the 75% sum under paragraph (b)(3)a. of this section may be retained by the administrative entity ~~(Delaware entity, the Division of Employment and Training and Delaware Private Industry Council, Inc.)~~ the Workforce Development Board, for the payment of administrative costs. Of the sum that remains, ~~no~~ not more than 1/2 may be used for subgrants for school-to-work transition activities.

Section 34. Amend § 2751, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2751. Unlawful application for or use of license or identification card.

(r) *Penalty.* — Unless otherwise specifically provided for in Chapter 31 of this title, an individual who violates this section shall be guilty of a class B misdemeanor and shall have that individual's driver's license and/or driving privileges suspended for a period to be set by the Court, not to exceed 6 months. The foregoing sentence notwithstanding, an individual who violates subsection (d), (e), ~~(i) and/or~~ (i), or (j) of this section by possessing or displaying a driver's license that has been suspended or revoked by application of the following statutes shall be guilty of a violation only, provided that the judicial officer adjudicating the charge or charges brought under subsections ~~(e) and (i)~~ (d), (e), (i), or (j) of this section has made a factual finding that the defendant was reasonably unaware the driver's license that defendant possessed or displayed had been suspended or revoked:

Section 35. Amend § 4101, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4101. Provisions refer to vehicles upon highways; exceptions; powers of local authorities.

(d) Liability for failure of owner to comply with traffic light signals. — (1) The Department of ~~Public Safety and~~ Homeland Security and/or the governing body of any city or any county may provide, by regulation or ordinance, for the establishment of a program imposing monetary liability on the owner of a motor vehicle for failure to comply with traffic light signals in accordance with the provisions of this subsection. This subsection allows the Department of Transportation

and/or the governing body of any city or county to install and operate traffic light signal violation monitoring systems; provided however, that in the event the installation other than by the Department of Transportation, the Department of Transportation must first approve such installation using the same recognized safety and accident criteria which the Department of Transportation uses to determine new locations; and provided further that the duration of the yellow light change interval, at any intersection where a traffic control photographic system or other traffic light signal violation monitoring system is in use, must be no less than the yellow light change interval duration specified in the design manual developed by the Department of Transportation. All existing locations erected without the Department of Transportation prior approvals shall be reviewed by the Department of Transportation using same recognized safety and accident criteria used to authorize new locations. Any location which fails to meet the criteria shall be removed upon end of the contract with the camera operator vendor.

Section 36. Amend § 4181, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4181. Summons for unattended vehicle; civil penalties.

(a) A summons in appropriate form to be adopted by the Department of ~~Public Safety~~ and Homeland Security may be attached to an unattended vehicle found in violation of any of the provisions of this subchapter or of any local code or regulation regulating stopping, standing or parking by any officer authorized by this Code or local ordinance, code, or regulation to issue summonses for such violations.

(b) The Department of ~~Public Safety~~ and Homeland Security may adopt a schedule of civil penalties, between a minimum of \$11.50 and a maximum of \$28.75, for all violations ~~delineated in~~ under this subchapter.

Section 37. Amend § 4189, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4189. Putting glass or other items on a highway prohibited.

(g) A person who violates this section is guilty of an unclassified misdemeanor, and is subject to a fine of ~~not as follows:~~

(1) Not less than \$115 nor more than \$287.50 and up to 8 hours of community service for a first ~~offense and~~ not offense.

(2) Not less than \$125 nor more than \$287.50 and up to 25 hours of community service for a second or subsequent offense within 2 years.

(3) A violation of this section, whether a first, second, or subsequent offense, that takes place on or along a “Delaware byway,” as defined in § 101 of Title 17, is subject to a mandatory penalty of \$500, which must be imposed in addition to the fine.

Section 38. Amend § 4505, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4505. Traffic control devices.

(e) It is unlawful for a person to drive or move or, being the owner, cause or knowingly permit to be driven or moved, a vehicle or combination of vehicles in violation of a traffic control device erected under ~~subsection (e) of this section~~; any of the following:

(1) Paragraph (c)(1) of this section.

(2) Paragraph (c)(2) of this section.

(f)(1) For purposes of this subsection:

(3) A violation of paragraph ~~(e)(1)~~ (e)(1) of this section is punishable as follows:

(4) A violation of paragraph ~~(e)(2)~~ (e)(2) of this section is punishable as follows:

Section 39. Amend § 1770A, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1770A. Physician assistants; definitions.

~~As used in~~ For purposes of this subchapter:

(4) “Physician assistant” or “PA” means an individual ~~who~~; who meets all of the following:

a. Has graduated from a physician assistant or surgeon assistant program which is accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or, ~~prior to~~ before 2001, by the Committee on Allied Health Education and Accreditation (CAHEA) of the American Medical Association (AMA), or a successor agency acceptable to and approved by the Board, or has passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants ~~prior to 1986~~; before 1986.

b. Has a baccalaureate degree or the equivalent education to a baccalaureate degree, as determined by the Council and the ~~Board~~; Board.

c. Has passed a national certifying examination acceptable to the Regulatory Council for Physician Assistants and approved by the ~~Board~~; Board.

d. Is licensed under this chapter to practice medicine as a physician ~~assistant~~; assistant.

e. Has completed any continuing education credits required by rules and regulations developed under this chapter; and chapter.

f. Completes a collaborative agreement with the collaborating physician.

Section 40. Amend § 7026, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7026. Right of first offer; duty to negotiate in good faith, penalties for noncompliance.

(b) If a community owner or a homeowner association fails to comply with any provision of this section, subchapter, either party has standing to seek equitable relief, including declaratory relief, injunctive relief, and the appointment of a receiver. The offending party is liable for actual damages. If a court of competent jurisdiction finds that the offending party wilfully and intentionally failed to comply with the requirements of this section, subchapter, it is a per se violation of the Consumer Fraud Statute, § 2511 et seq. of Title 6, and the aggrieved party may be entitled to recover treble damages. In any action under this section, the court may award reasonable attorneys' fees and costs.

Section 41. Amend § 1002, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1002. Restrictions relating to personal or private interest.

(b) A legislator has an interest which tends to impair his or her independence of judgment in the performance of his or her legislative duties with regard to any bill or measure ~~when:~~ when any of the following apply:

(1) The enactment or defeat of the measure or bill would result in a financial benefit or detriment to accrue to the legislator or a close relative to a greater extent than such benefit or detriment would accrue to others who are members of the same class or group of ~~persons;~~ or persons.

(2) The legislator or a close relative has a financial interest in a private enterprise which enterprise or interest would be affected by a measure or bill to a lesser or greater extent than like enterprises or other interests in the same ~~enterprise;~~ or enterprise.

(3) A person required to register as a ~~legislative agent pursuant to Chapter 16~~ lobbyist under Chapter 58 of this title is a close relative of the legislator and that person acts to promote, advocate, ~~influence~~ influence, or oppose the measure or bill.

Section 42. Amend § 5600, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5600. Definitions.

~~As used in~~ For purposes of this chapter:

(1) "Board" ~~shall mean~~ means the Board of Pension Trustees established by under § 8308 of this title.

(2) "Closed plan" ~~shall mean~~ means the eligibility and benefit pensions ~~of~~ under this chapter in effect on June 30, 1980.

(3) "Final average compensation" ~~shall mean~~ means the member's average annual compensation during his or her highest paid 3 years, comprised of 3 periods of 12 consecutive months, for service as a judge, or the average annual compensation during the period of his or her service as a judge if such period is less than 3 years.

(4) The clause "for which he or she is eligible under the Federal Social Security Act" ~~shall mean~~ means the old age insurance benefit or the disability insurance benefit for which an individual is or will be eligible by virtue of age and his or her wage credits under the Federal Social Security Act [42 U.S.C. § 301 et seq.], based on his or her final average compensation and the Federal Social Security Act in effect when the individual ceased to be a judge and computed in accordance with rules and regulations approved by the Board, regardless of any other factors such as, without limitation, whether the judge has made application for social security benefits or is subsequently employed.

(5) "Member" ~~shall mean~~ means an individual who accepts the provisions of this chapter while a member of the state judiciary.

(6) "Service" ~~shall mean, for an individual:~~ means an individual for whom all of the following apply:

a. Employment as a member of the state ~~judiciary; and~~ judiciary.

b. Years of service as an "employee" as defined in ~~§ 5501(f)(1) and (3)~~ § 5501(f)(1), (f)(2), and (f)(3) of this title, excluding service as an elected official. It shall not include service for which the employee has received the refund provided by § 5523(b) of this title, unless such refund is first repaid with interest at a rate determined by ~~the Board; and~~ Board.

c. Employment with the Municipal Court for the City of Wilmington prior to January 1998 if the individual is subsequently employed as a member of the state judiciary. An individual may receive credit for such previous service upon payment to the Fund, on or before the date of issuance of the individual's first benefit check or not later than March 23, 2003 (whichever is later), of a single lump sum payment equal to the actuarial value of the pension benefits to be derived from such service credits computed on the basis of actuarial assumptions approved by the Board and the individual's attained age and final average compensation.

(7) "State judiciary" means the judges mentioned in Article IV, § 2, of the Constitution of Delaware, and any other judge of a court of record ~~who:~~ for whom all of the following apply:

a. Is appointed by the Governor and confirmed by the Senate for a term of 12 ~~years; and~~ years.

b. Receives his or her entire remuneration as judge in the form of a salary paid by the ~~State; and~~ State.

c. Is by law during this tenure of office either prohibited from practicing law, or else prohibited from engaging in any other gainful occupation.

Section 43. Amend § 8351, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8351. Definitions.

~~As used in~~ For purposes of this subchapter:

(6) “Equalized state service” shall mean:

a. Years of service as an “employee” as defined in ~~§ 5501(f)(1) and (3)~~ § 5501(f)(1), (f)(2), and (f)(3) of Title 29, multiplied by 25/30, provided that the individual is not accruing nor collecting benefits under Chapter 55 of Title 29. It ~~shall~~ does not include service for which the employee has received the withdrawal benefit provided ~~by~~ under § 5530 of Title 29, or the refund provided ~~by~~ under § 5523(b) of Title 29, unless such benefit or refund is first repaid with interest at a rate determined by the Board before such service may be equalized.

Section 44. Amend § 6960, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6960. Prevailing wage requirements.

~~(l) The Committee shall have its first meeting no later than September 1, 2015. The Committee will sunset after 4 years unless extended by law. [Repealed.]~~

Section 45. Amend § 6960A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6960A. Craft training requirement.

(a)(1) A contract relating to a public works project under § 6962 of this title must include a craft training program for each craft in the project if at the time the contractor executes a public works contract, all of the following apply:

(2) A contractor must commit that all subcontractors provide craft training if paragraph (a)(1) of this section ~~apply~~ applies to the subcontractor.

Section 46. Amend § 8061, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8061. Delaware Voluntary Clean Energy Financing Program based on property assessments (D-PACE) or other local assessments.

(d) The SEU shall establish a D-PACE Program in the State to fund qualifying energy improvements to commercial real property, such that the improvements, property, and owner or owners fulfill the requirements enumerated herein, and those established by the SEU as part of the administration of the program.

(6) The benefit assessment shall constitute a lien against the qualifying commercial real property on which the qualifying energy improvements are made. This lien shall:

c. In the event of default or delinquency, be pursued in the same manner as with other property assessments, with respect to any penalties, fees and remedies and lien priorities; provided that notwithstanding any other provision of law including without limitation the provisions regarding the discharge of liens contained in §§ 8761 and 8773 of Title 9, ~~in any event~~ a tax sale or other foreclosure sale brought by the SEU or a third-party capital provider with respect to D-PACE assessments shall not have the effect of extinguishing any subordinate mortgage liens against the qualifying commercial real property. Notwithstanding the foregoing or any other provision of law:

Section 47. Amend § 1106, of Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1106. Modifications.

(b) Subtractions. — There shall be subtracted from federal adjusted gross income:

(3)a. ~~Amounts received as pensions by persons under age 60 from employers, the United States, the State or any subdivision thereof, not to exceed \$2,000.~~ For taxable years beginning on or after January 1, 1987, amounts received as pensions by persons age 60 or older from employers, the United States, the State or any subdivision thereof, not to exceed \$3,000;

b.

1. Amounts not to exceed \$2,000 received by persons under age 60 as pensions from employers, the United States, the State or any subdivision, or

Section 48. Chapter 13 of Title 31 of the Delaware Code is hereby repealed.

Section 49. Amend the Charter of Hartly by making deletions as shown by strike through and insertions as shown by underline as follows:

9.5 Duties of the Treasurer. The Treasurer has custody and supervision of all monies and financial records belonging to the Town. The Treasurer is responsible for all of the following:

9.5.2 Maintaining a general accounting system for the town in the form required by the Commission and in accordance with State Law;

667 Section 23. Town Treasurer

668 The Treasurer shall be the collector and receiver of all taxes and all other ~~monies~~ moneys due or belonging to the
669 town. These ~~monies~~ moneys are subject to being drawn upon by Order of the Commissioners, signed by the President, for
670 the uses of the town, and such orders so drawn when fully paid by the Treasurer shall be sufficient voucher for all payments
671 so made.

672 Section 24. Treasurer's Bond

673 The Treasurer shall at all times be required to give the Commissioners bond and security, equal to the amount of
674 the Town's annual budget plus the amount of ~~monies~~ moneys kept in Cash Reserve, and conditioned on the faithful
675 performance of each and every duty and undertaking, including the payment and delivery to his successor, when the
676 successor is duly installed and qualified, of all ~~monies~~, moneys, books, papers and other things or effects in the Treasurer's
677 care and keeping, or with which he may properly be chargeable.

678 Section 30. Use of Town Money

679 The Commissioners shall have full power and authority to use the money in the Treasury of the Town, or any
680 portion thereof, from time to time, for the general improvement, benefit, protection, ornament, and best interests of the
681 Town, as the Commissioners may deem proper, and to use Town money to accomplish and carry into effect all acts and
682 things which it has power to do by virtue of the laws of Delaware, this Charter, and all lawful ordinances and resolution of
683 the Commissioners.

684 No ~~monies~~ moneys shall be paid out by the Treasurer except as directed by action of a majority of the
685 Commissioners and signed by the President.

686 Section 50. Amend Section 7, Chapter 180, Volume 83 of the Laws of Delaware by making deletions as shown by
687 strike through and insertions as shown by underline as follows:

688 Section 7. The civil penalties under § 1605(a)(3)a., § 1605(a)(3)b., and § 1605(a)(4) of Title 24 16 do not apply to
689 an individual who litters with balloons or conducts a mass release of balloons on or before April 30, 2022. For persons who
690 are not individuals, the civil penalties under § 1605(a)(3)a., § 1605(a)(3)b., and § 1605(a)(4) of Title 24 16 apply in full as
691 of ~~[the effective date of this Act].~~ September 17, 2021.

SYNOPSIS

In January 2021, the Code Revisors provided the General Assembly with a list of potential technical corrections that they identified as they revised the Delaware Code to reflect legislation that was enacted by the 150th General Assembly in 2019 or as they reviewed titles of the Code. While technical in nature, these changes are beyond the authority of the Code Revisors to make and can only be done by the General Assembly through legislation. This Act also includes technical corrections identified outside of the list provided by the Code Revisors.

This Act requires a greater than majority vote for passage to err on the side of caution because some of the sections of the Delaware Code being revised may require a super-majority vote under the Delaware Constitution.

This Act also makes basic technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Section 1. House Bill No. 263 (151st General Assembly) increased the registration fees for pet food that is not manufactured by a nonprofit. This Section reorganizes the sentences in § 1706(a)(2) of Title 3 to clarify the applicability of each fee.

Section 2. Senate Bill No. 96 (151st General Assembly) increased the inspection fee for commercial fertilizers over the next 3 years, beginning January 1, 2022. The current fee was not included in SB 96 so it is not repealed and it is not clear how many fees are required. This Section revises § 2106 of Title 3 to repeal the fee in place before the enactment of SB 96 when the first increase takes effect on January 1, 2022. This Section also revises § 2106(a) so that the list of fees is not in the middle of a sentence and so that there are no undesignated paragraphs. This Section also corrects a typographical error made when SB 96 was engrossed with Senate Amendment No. 1.

Section 3. Senate Bill No. 22 (151st General Assembly) contains a list of plants that must be included on the Invasive Plant list. This Section corrects the scientific name for English Ivy in § 2904(c)(32) of Title 3.

Section 4. When drafting the revisions to § 512C of Title 4 in Section 5, technical errors were identified in § 512B of Title 4. This Section makes technical corrections to § 512B, including changing “and/or” to “or” because “and/or” is unclear and in this context, “or” can include 1 or more of the businesses in the sentence.

Section 5. Two pieces of legislation were enacted during the 151st General Assembly in 2021 that revise § 512C of Title 4. House Bill No. 46 allows a microbrewery licensee to manufacture and sell fermented beverages and House Bill No. 81 allows licensed microbreweries to share brewing equipment. This Section adds fermented beverages to the list of products microbreweries can manufacture and sell where the list appears in the paragraphs added by House Bill No. 81.

Section 6. Senate Bill No. 113 (151st General Assembly) incorrectly repealed language in § 160(c) of Title 8 that provides an important reference for the requirements for voting and quorum. This Section restores that phrase.

Section 7. House Bill No. 11 (151st General Assembly) revised the definitions in § 1101A of Title 9. This Section clarifies that the definition of “local service function” is referring to the Delaware Constitution and Delaware Code.

Section 8. House Bill No. 9 (151st General Assembly) added the term “adjudication” to § 787 of Title 11 to allow juvenile victims of human trafficking to more easily expunge convictions. House Amendment No. 1 to House Bill No. 9 was incorrectly drafted resulting in the improper format of referenced Code sections. This Section corrects the form of the citations and replaces the vague word “such” to reference an expungement order under paragraph (j)(2) of the section.

Section 9. This Section corrects the paragraph designations in § 778A of Title 11 which were incorrectly drafted in Senate Bill No. 229 (145th General Assembly).

Section 10. This Section inserts the word “in” where it is missing in the first sentence of § 1206 of Title 11.

Section 11. House Bill No. 35 (147th General Assembly) redesignated the subsections in § 1448A of Title 11, including the designation of subsection (j), but did not revise the reference in subsection (m) from subsection (j) to subsection (k). House Bill No. 325 (148th General Assembly) again redesignated the subsections in § 1448A of Title 11 and incorrectly changed the reference in subsection (m) to subsection (k), instead of to subsection (l). The reference to subsection (k) is incorrect because HB 325 redesignated subsection (k) as subsection (l). This Section corrects the reference in § 1448A(m) to subsection (l).

Section 12. House Bill No. 204 (149th General Assembly) created a definition for the term “bail” that includes all categories of pretrial release. This Section revises § 2116 of Title 11 so that it is consistent with the rest of Chapter 21 of Title 11 by using the defined term “bail”.

Section 13. This Section corrects typographical errors made in § 4101(h) of Title 11 by House Substitute No. 1 for House Bill No. 143 (146th General Assembly). Specifically, the definitions in § 4101(h)(9) should refer only to subsection (h), not the entire section, and in § 4101(h)(9)c., the word “or” is missing and the article “a” is incorrect grammatically.

Section 14. During the 151st General Assembly, 3 pieces of legislation made revisions to § 4373(b)(1)b. of Title 11: House Bill No. 83, Senate Substitute No. 1 for Senate Bill No. 38, and Senate Bill No. 112. As a result, the word “offense” was omitted from § 4373(b)(1)b. This Section restores the word “offense” and repeals “or violation” because under § 233 of Title 11, the term “offense” includes violations. In addition, SB 112 made some felony convictions eligible for mandatory expungement subject to the existing exceptions based upon the status of the victim. This Section also clarifies that exception.

Section 15. Senate Bill No. 85 (150th General Assembly) divided the existing subsection (a) of § 5917 of Title 11 into 3 subsections so it is no longer clear what subsection (b) is referring to when it says “notwithstanding the foregoing”. This Section revises § 5917(b) of Title 11 to reference subsection (a) that section.

Section 16. The Section adds a verb that was omitted when House Bill No. 83 (151st General Assembly) revised § 1008(n) of Title 14.

Section 17. House Bill No. 202 (151st General Assembly) and Senate Bill No. 169 (151st General Assembly) both revised § 3002A of Title 14. This section repeals the word “the” that was added by HB 202 because it is unnecessary after the revisions to the sentence by SB 169.

Section 18. House Bill No. 202 (151st General Assembly) added a reference to the “IDEA Part C lead agency” to § 3004A(a) of Title 14. Section § 3004A(a)(2) takes effect the same day as Chapter 31A of Title 14, which was enacted by

Senate Bill No. 136 (151st General Assembly). This Section revises § 3004A(a) so it references the Department of Education's responsibility as the IDEA Part C lead agency under Chapter 31A of Title 14.

Section 19. Section 8001 of Title 14 was enacted by House Bill No. 202 (150th General Assembly) and did not include the form language explaining the applicability of the definitions in the section. House Bill No. 120 (151st General Assembly) incorrectly sought to put the form language in the heading of § 8001. This Section adds the form language to § 8001 of Title 14.

Section 20. Section 1131(4)c. of Title 16 contains incorrect references to the Department of Health and Social Services' authority for licensing hospitals to treat adults with mental conditions. Section 5001 of Title 16 is a definitions section and House Bill No. 346 (147th General Assembly) repealed § 5136 of Title 16 in 2014. In 2019, House Bill No. 91 (150th General Assembly) revised the definition of "hospital" for purposes of the licensing requirement under Chapter 10 of Title 16, to include facilities that provide psychiatric care. Thus, all of the facilities that had been listed in § 1131(4)c. are now included in § 1131(4)d. because they are licensed under Chapter 10 of Title 16. This Section repeals the inaccurate reference in § 1131(4)c. of Title 16.

Section 21. Senate Bill No. 55 (151st General Assembly) made a technical correction to how public and charter school nurses are referenced in § 3001E of Title 16 and this Section makes the identical, corresponding correction to § 3003E of Title 16.

Section 22. This Section repeals the references in § 4771 of Title 16 to where "drug paraphernalia" is defined for Chapter 47 of Title 16 to conform to the standards of the Delaware Legislative Drafting Manual. Section 4701 defines the term "drug paraphernalia" for Chapter 47 of Title 16 so it is not necessary to reference the definition.

Section 23. Senate Bill No. 128 (151st General Assembly) implements the Joint Legislative Oversight and Sunset Committee's recommendations regarding the Delaware Health Information Network. This Section corrects a typographical error in § 10303 of Title 16 to eliminate a word that repeats unnecessarily.

Section 24. This Section corrects the names of the laws referenced in § 1758(c) of Title 18.

Section 25. Senate Bill No. 337 (139th General Assembly) enacted § 2317 of Title 18, which prohibits discrimination in insurance based on genetics. This Section corrects § 2317(b) so that instead of unnecessarily referencing where the term "insurance" is defined for the statute, it clearly states that the discrimination being prohibited is based on any genetic characteristic or genetic information, which is consistent with the legislative intent stated in the Synopsis for SB 337. The terms "genetic characteristic", "genetic information", and "insurance" are defined for this section in subsection (a) of this section.

Section 26. This Section corrects a drafting error in House Bill 95 of the 151st General Assembly by adding a comma to clarify that Medicare supplement and long-term care are distinct categories of policies included in the exception in § 3370D(e) of Title 18.

Sections 27 through 29. House Bill No. 160 (151st General Assembly) which revised the law governing the practice of telehealth and telemedicine made the word "state" lowercase in § 3570 and § 3571R of Title 18 and § 6001 of Title 24. When the word "state" is lowercase in the Code, it refers to any state but the intent of HB 160 was to require health-care providers to be allowed to practice in Delaware. These Sections change the word "state" to "Delaware" for both accuracy and clarity.

Section 30. This Section corrects a typographical error in Senate Substitute No. 1 for Senate Bill No. 36 (151st General Assembly) so that § 6906(c)(2) of Title 18 is consistent with paragraph (a)(2) in the same section.

Section 31 and Section 32. The federal health insurance providers fee under § 9010 of the Affordable Care Act [P.L. 111-148, § 9010] was repealed for calendar years beginning after December 31, 2020, under the Further Consolidated Appropriations Act, signed into law on December 20, 2019. These Sections repeal references in §§ 8702 and 8703 of Title 18 to this repealed fee.

Section 33. Executive Order No. 36, February 6, 2020, reestablished and reconstituted the Workforce Investment Board ("WIB") and made the WIB responsible for the activities required under the federal Workforce Innovation and Opportunity Act. This Section updates § 3402 of Title 19 to reflect the WIB's responsibility for this program.

Section 34. This Section corrects a drafting error in House Bill No. 432 of the 143rd General Assembly which failed to repeat the revised list of subsections the second time these subsections are referenced in subsection § 2751(j) of Title 21.

Section 35 and Section 36. In 2003, House Bill No. 301 (142nd General Assembly) changed the name of the Department of Public Safety to the Department of Safety and Homeland Security. Some references to this agency in the Delaware Code were not included in HB 301, so these Sections correct the agency name.

Section 37. The penalty provision of § 4189(g) of Title 21 is written so that the maximum amount of a fine only applies to a second offense, not a first offense and does not impose a fine on a subsequent offense after the second offense. This Section applies the maximum amount of a fine to the first offense and allows the fine for a second offense to also be imposed for subsequent offenses.

Section 38. Senate Bill No. 89 (151st General Assembly) contained an incorrect internal reference to a subsection in § 4505 of Title 21. This Section corrects and clarifies the internal references in § 4505 of Title 21.

Section 39. This Section makes form language and punctuation corrections to § 1770A of Title 24.

Section 40. The Section corrects an internal reference in § 7026 of Title 25. Chapter 70 of Title 25 was revised, and reorganized, by House Bill No. 45 (150th General Assembly), which was the result of the work by the Manufactured Housing Task Force, created by HR 24 (149th General Assembly). Before HB 45, the sections in Subchapter IV of Ch. 70 were all under § 7026 and the Synopsis of HB 45 clearly explains that the changes to § 7026 were technical, not substantive. HB 45 moved the sentence that had been § 7026(l) to § 7026(b) but did not make the corresponding change to internal reference to “this section”, which is necessary because what had been a section is now Subchapter IV.

Section 41. Section 1002(b)(3) of Title 29 references Chapter 16 of Title 29. However, Senate Bill No. 198 (137th General Assembly) repealed Chapter 16 of Title 29 and enacted Chapter 58 of Title 29. This Section corrects the reference in § 1002(b)(3) to Chapter 58.

Section 42 and Section 43. Senate Bill No. 107 (147th General Assembly) added a new paragraph (2) to subsection (f) of § 5501 of Title 29, the definition of “employee” for the State Employees Pension Plan, and redesignated the numbers of the existing paragraphs accordingly. The new paragraph (f)(2) of § 5501 of Title 29 requires that an individual be employed on a full-time or annual basis or “regular part-time basis.” When SB 107 was enacted § 8351(6)a. of Title 11 and § 5600(6)b. of Title 29 referred to § 5501(f)(1) and (2) of Title 29 so when SB 107 changed the paragraph designation of § 5501(f)(2) of Title 29 to (f)(3), a corresponding change was made to the referenced paragraph in § 8351(6)a. of Title 11 and § 5600(6)b. of Title 29. This Section corrects the reference in § 8351(6)a. of Title 11 and § 5600(6)b. of Title 29 to include paragraphs (f)(1) through (f)(3) of § 5501 of Title 29.

Section 44. This Section repeals the remaining sentence in § 6960(l) of Title 29, which was omitted when House Bill No. 83 (151st General Assembly) repealed the Prevailing Wage Advisory Committee that sunset in 2019.

Section 45. This Section corrects a verb tense in § 6960A(a)(2) of Title 29, which was enacted by Senate Bill No. 184 (151st General Assembly).

Section 46. This Section repeals the phrase “in any event” from § 8061(d)(6)c., which was added by Senate Bill No. 54 (151st General Assembly), because it is redundant and confusing.

Section 47. This Section removes a duplicate sentence from § 1106 of Title 30.

Section 48. This Section repeals Chapter 13 of Chapter 31, which requires the Department of Labor (DOL) to provide a displaced homemaker program. DOL provides the services required under this chapter as part of other case managed training services but there is no longer a distinct eligibility category for displaced homemakers.

Section 49. House Substitute No. 1 for House Bill No. 134 (151st General Assembly) revised the Charter of Hartly (Charter). This Section inserts the word “with” which was omitted from § 9.5.2 of the Charter. HS 1 for HB 134 correctly spelled the plural of the word “money” as “moneys” when revising the Charter. This Section corrects the spelling of “monies” to “moneys” where it is incorrectly spelled in preexisting sections of the Charter.

Section 50. Senate Substitute No. 1 for Senate Bill No. 24 (151st General Assembly) prohibits the intentional release of balloons but delayed the effective date of the penalties for individuals. This Section corrects the Title of the Code that contains the penalty provisions and adds the actual effective date for SS 1 for SB 24.