An agency may proceed to adopt an emergency regulation without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable if:

A - The agency finds that adoption of a regulation upon fewer than thirty days’ notice is required:

(i) due to imminent peril to the public health, safety, or welfare; or
(ii) by the Commissioner of Energy and Environmental Protection in order to comply with the provisions of interstate fishery management plans adopted by the Atlantic States Marine Fisheries Commission or to meet unforeseen circumstances or emergencies affecting marine resources.

B - The agency states in writing its reasons for that finding; and

C - The Governor approves such finding in writing.

4-168(g)

An agency can adopt a permanent regulation that is identical or substantially similar to the emergency regulation, but that will not extend the effective date of the emergency regulation.

If the necessary steps to adopt a permanent regulation are not completed prior to the expiration date of an emergency regulation, then it shall cease to be effective on that date.

Effective Period of Emergency Regulations

The 120-day period is renewable once for a period not to exceed 60 days, provided notification of the renewal is posted on the eRegulations System and an electronic copy of the notice is sent to the LRRC.

The 60-day renewal period may be extended for an additional 60 days for emergency regulation scenarios, described in 4-168(g)(ii), required by the Commissioner of DEEP in order to comply with the provisions of interstate fishery management plans adopted by the Atlantic States Marine Fisheries Commission or to meet unforeseen circumstances or emergencies affecting marine resources, provided the Commissioner requests an extension of the renewal period of the LRRC at the time the regulation is submitted or not less than 10 days before the first 60-day renewal period expires and the LRRC approves the extension. Failure of the committee to act on the regulation within ten-day period shall be deemed an approval.

If required by statute, must be submitted by the first Tuesday of the second month following rejection.

Failure of the committee to act on the regulation within ten-day period shall be deemed an approval.

4-168(g)(2)

An agency may elect to...

An agency may adopt a permanent regulation that is identical or substantially similar to the emergency regulation, but that will not extend the effective date of the emergency regulation.

If the necessary steps to adopt a permanent regulation are not completed prior to the expiration date of an emergency regulation, then it shall cease to be effective on that date.

Necessary steps include:
- Posting the Notice of Intent
- Preparing and submitting the Fiscal Note acc. to 4-170(b)
- Obtaining approval from the Attorney General and the LRRC

The 120-day period is renewable once for a period not to exceed 60 days, provided notification of the renewal is posted on the eRegulations System and an electronic copy of the notice is sent to the LRRC.

The 60-day renewal period may be extended for an additional 60 days for emergency regulation scenarios, described in 4-168(g)(ii), required by the Commissioner of DEEP in order to comply with the provisions of interstate fishery management plans adopted by the Atlantic States Marine Fisheries Commission or to meet unforeseen circumstances or emergencies affecting marine resources, provided the Commissioner requests an extension of the renewal period of the LRRC at the time the regulation is submitted or not less than 10 days before the first 60-day renewal period expires and the LRRC approves the extension. Failure of the committee to act on the regulation within ten-day period shall be deemed an approval.

An approved emergency regulation may be effective for a period of not longer than 120 days.

The 120-day period is renewable once for a period not to exceed 60 days, provided notification of the renewal is posted on the eRegulations System and an electronic copy of the notice is sent to the LRRC.

The 60-day renewal period may be extended for an additional 60 days for emergency regulation scenarios, described in 4-168(g)(ii), required by the Commissioner of DEEP in order to comply with the provisions of interstate fishery management plans adopted by the Atlantic States Marine Fisheries Commission or to meet unforeseen circumstances or emergencies affecting marine resources, provided the Commissioner requests an extension of the renewal period of the LRRC at the time the regulation is submitted or not less than 10 days before the first 60-day renewal period expires and the LRRC approves the extension. Failure of the committee to act on the regulation within ten-day period shall be deemed an approval.

An agency can adopt a permanent regulation that is identical or substantially similar to the emergency regulation, but that will not extend the effective date of the emergency regulation.

If the necessary steps to adopt a permanent regulation are not completed prior to the expiration date of an emergency regulation, then it shall cease to be effective on that date.

Necessary steps include:
- Posting the Notice of Intent
- Preparing and submitting the Fiscal Note acc. to 4-170(b)
- Obtaining approval from the Attorney General and the LRRC

An agency may adopt a permanent regulation that is identical or substantially similar to the emergency regulation, but that will not extend the effective date of the emergency regulation.