



Virginia  
Regulatory  
Town Hall

## Periodic Review and Retention of Existing Regulations Agency Background Document

<b>Agency Name:</b>	Agriculture and Consumer Services
<b>VAC Chapter Number:</b>	2 VAC 5-130
<b>Regulation Title:</b>	Rules and Regulations Governing the Laboratory Fees for Services Rendered or Performed
<b>Action Title:</b>	Review
<b>Date:</b>	September 7, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

### Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

The regulation authorizes the State Veterinarian to prescribe and collect fees for laboratory services rendered or performed.

### Basis

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

The authority for this regulation is Section 3.1-15 and Section 3.1-725 of the Code of Virginia (1950), as amended. Section 3.1-15 gives the Commissioner of the Department of Agriculture and Consumer Services discretionary authority to establish fees for testing specimens submitted to the laboratory. Section 3.1-725 mandates the establishment of a laboratory system in Virginia.

### Public Comment

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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The agency received no public comment on this regulation as the result of the Notice of Periodic Review published in The Virginia Register of Regulations on June 18, 2001, to provide notice of opportunity to comment on this regulation pursuant to Executive Order Number Twenty-five (98). No informal advisory group was formed for the purposes of assisting in the periodic review.

### Effectiveness

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

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The specific and measurable goals of the regulation are:

1. The protection of the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.
2. The ensuring of the availability, on a fee-for-service basis, of necessary laboratory diagnostic services relating to companion and exotic animals.

The regulation is effective in achieving these goals.

The laboratory testing supported by this regulation directly contributes to protecting the health of the public by detecting diseases communicable from animals to man (Salmonella, Brucellosis, Tuberculosis, etc.). This regulation has no impact on the family or family stability. The regulation is clearly written and understandable by the individuals and entities affected.

### Alternatives

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

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The alternative would be to significantly reduce the provision of testing services. This alternative is rejected due to the potential negative public health and economic consequences of a loss of these testing services. This regulation is the least burdensome alternative available.

**Recommendation**

*Please state that the agency is recommending that the regulation should stay in effect without change.*

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The regulation should stay in effect without change.

**Family Impact Statement**

*Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.*

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This regulation may decrease family disposable income should the family elect to request those testing services for which fees are charged. The regulation encourages economic self-sufficiency and self-pride by helping to ensure the continued economic viability of the individual farmer through the provision of testing services to detect economically devastating diseases.

The regulation does not impact the rights of parents, marital commitment or personal responsibility.