State Agency Guide to Emergency Regulatory Process

An emergency regulation:

- --ls promulgated if there is an "emergency situation" or state law requires a regulation be promulgated within 280 days.
- --Can be effective upon filing with the *Virginia Register of Regulations* or on a later date selected by the agency.
- --ls a temporary regulation. Initially effective for up to 18 months, an emergency regulation may be extended for an additional 6 months if the Governor approves (for a total of 2 years).

If the plan is to make the emergency regulation permanent, then an Emergency/NOIRA stage must be filed on the Town Hall to begin the process of promulgating the permanent regulation.

Sources: Section 2.2-4011 of the Code of Virginia and Office of Regulatory Management Procedures (2022) to implement Executive Order 19 (2022)

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For more information, visit the Virginia Regulatory Town Hall at townhall.virginia.gov

Emergency Process:

Agency adopts emergency regulation and submits (Form TH-05 or TH06 and syncs RIS project) on the Town Hall for executive branch review.

Executive branch review

(In order of review)

Office of the Attorney General – no deadline;
Department of Planning & Budget – 21 day deadline;
Cabinet Secretary –14 day deadline;
Office of Regulatory Management/Governor – no deadline.

After the Governor approves the emergency regulation, it is submitted by the agency to the Virginia *Register of Regulations* via the Town Hall.

That same day, email notification is sent to Town Hall registered public users.

The emergency regulation is published in the *Register*.

If a NOIRA to promulgate the permanent replacement regulation is published at the same time, then the 30-day public comment begins and a public comment forum opens on Town Hall.

