



## Periodic Review / Retain Regulation Agency Background Document

<b>Agency name</b>	Board of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5-205
<b>Regulation title</b>	Rules and Regulations Pertaining to Shooting Enclosures
<b>Document preparation date</b>	March 30, 2012

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.*

This regulation is authorized by § 3.2-6039 of the Code of Virginia, which states in part that “The Board shall adopt regulations to carry out the provisions of this article including the requirements for licensing and operating shooting enclosures located within the Commonwealth. In addition, the Board may adopt regulations governing the veterinary care to be provided to animals held in shooting enclosures.” § 3.2-6036 states that “The Department shall issue a license for shooting enclosures only to those enclosures that were in operation on or before January 1, 1995.” There is only one shooting enclosure in the Commonwealth that meets that criteria and is currently licensed. The promulgating entity is the Board of Agriculture and Consumer Services.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

An alternative to achieving the purpose of the existing regulation would be to request voluntary compliance with similar standards to those included in this regulation. This alternative is rejected because in order to protect the health and welfare of the animals held in shooting enclosures, the

requirements must be clearly stated and failure to comply must be associated with legal action. Since a voluntary system is not practical, this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

Commenter	Comment	Agency response

The Notice of Periodic Review was filed on February 3, 2012, and the public comment period ran from February 27 through March 19, 2012. No public comments were received.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

The regulation is necessary for the protection of animal health and welfare. It is clearly written and easily understandable.

**Result**

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

The agency is recommending that the regulation should stay in effect without change.

**Small business impact**

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

This regulation is not expected to have a significant economic impact on small business. There is currently only one licensed shooting enclosure in the Commonwealth. There is a continued need for the regulation in order to protect animals kept in this shooting enclosure. The regulation itself is not complex, and the only potential impacts on a small business would be the required adherence to health and welfare requirements associated with being a licensed shooting enclosure as well as the license fee. The regulation does duplicate some of the state laws found in §§ 3.2-6035-3.2-6042, but the regulation is required to be adopted in § 3.2-6039 to carry out the provisions of the Code. The regulation was last reviewed in 2000, with the result at that time being to remain as is. Consistent with the stated objectives of this law, this regulation should be maintained.

### Family impact

*Please provide an analysis of the regulation's impact on the institution of the family and family stability.*

---

This regulatory action will have no impact on the institution of the family or family stability.