



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-620
Regulation title	Rules and Regulations Pertaining to the Establishment of the Dangerous Dog Registry
Action title	Promulgate rules and regulations pertaining to the establishment of the Dangerous Dog Registry
Final agency action date	May 8, 2007
Document preparation date	May 8, 2007

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Description

The final adoption of this regulation is critical to the welfare and protection of the citizens of the Commonwealth in that it establishes registration requirements for all dogs that have been adjudicated dangerous in the Commonwealth of Virginia. The final regulation requires that the public shall have access to all information posted into the dangerous dog registry, which will enable the public to locate dangerous dogs in neighborhoods throughout the Commonwealth.

Pursuant to sections § 3.1-796.93:1 and § 3.1-796.93:3 of the Code of Virginia the final regulation establishes the procedures and requirements for registration of dangerous dogs with local jurisdictions and in the Dangerous Dog Registry of the Commonwealth of Virginia. This

regulation describes the responsibilities of owners of dangerous dogs; local animal control and law enforcement officers; the Commissioner of the Virginia Department of Agriculture and Consumer Services; and the State Veterinarian. This regulation clarifies and establishes the requirements for initial registration and renewal registration for owners of dogs found dangerous by a court of competent jurisdiction in Virginia and describes the situations concerning their dangerous dogs that require owners to notify local animal control officers. The Dangerous Dog Registry will be established online by the Department so all interested persons will have electronic access to the information in the registry. As envisioned the registry requires that local animal control officer's report only that information that the officer is required to obtain or is a matter of public record in the locality.

Statutory Authority and Exemption from Administrative Process Act

The Commissioner of Agriculture and Consumer Services is authorized under Section 3.1-796.93:3 of the Code of Virginia that any actions relating to the establishment, operation, and maintenance of the Commonwealth of Virginia Dangerous Dog Registry are exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The final regulation seeks to protect families from dangerous dogs throughout the Commonwealth by enabling families to locate dangerous dogs in their neighborhoods and provide warning to their children. The regulation provides stringent registration requirements for owners of dangerous dogs to prevent disastrous events which could lead to human or animal death or physical harm or negative economic impact from litigation.