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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Department of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	2 VAC 5-620
<b>VAC Chapter title(s)</b>	Requirements Pertaining to the Establishment of the Dangerous Dog Registry
<b>Action title</b>	Amendments to reflect Chapter 464 of the 2021 Acts of Assembly, Special Session I
<b>Final agency action date</b>	August 12, 2022
<b>Date this document prepared</b>	August 12, 2022

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

Section 3.2-6542 of the Comprehensive Animal Care Law (Law) requires the Commissioner of the Department of Agriculture and Consumer Services to establish the Virginia Dangerous Dog Registry. This regulation was promulgated to direct the Virginia Department of Agriculture and Consumer Services (VDACS) in the creation and maintenance of a statewide database containing information about dogs that have been deemed dangerous by a court of law in their respective locality. This information is crucial for the public safety of the Commonwealth's citizens, who can use the database to determine if dangerous dogs live near their neighborhoods, schools, and places of business.

This regulatory action (i) proposes amendments to 2 VAC 5-620 to reflect certain amendments to the Law enacted by the General Assembly in Chapter 464 of the 2021 Acts of Assembly, Special Session I (“Chapter 464”) and (ii) proposes additional clarifying amendments.

Chapter 464 amended Section 3.2-6540 of the Law to remove the definition of “dangerous dog” and clarify that the term “dog” includes a “hybrid canine,” as defined in the Law, replacing the use of the term “crossbreed.” This regulatory action will amend 2 VAC 5-620 to replace the use of the term “crossbreed” with the term “hybrid.”

Chapter 464 established that, if a dangerous dog adjudication occurs within 60 days of the end of the calendar year, the first dangerous dog registration renewal shall be included in the initial registration at no additional charge to the owner. 2 VAC 5-620 currently provides an exemption from the first registration renewal if the adjudication occurs within 90 calendar days prior to January 1. This regulatory action will amend 2 VAC 5-620 to reflect the 60-day provision established by Chapter 464.

### **Mandate and Impetus**

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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This regulatory action proposes amendments to 2 VAC 5-620 to reflect certain amendments to the Comprehensive Animal Care Law enacted by the General Assembly in Chapter 464 of the 2021 Acts of Assembly, Special Session I.

### **Statement of Final Agency Action**

*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.*

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On August 12, 2022, the Commissioner of Agriculture and Consumer Services adopted amendments to 2 VAC 5-620, *Requirements Pertaining to the Establishment of the Dangerous Dog Registry*, and authorized staff to take any and all steps necessary to have this regulation become a final regulation of the Department through an exempt regulatory action as authorized by Section 3.2-6542 of the Comprehensive Animal Care Law.