townhall.virginia.gov

# Exempt Action
# Final Regulation
# Agency Background Document

| | |
|---|---|
| **Agency name** | Virginia Department of Health |
| **Virginia Administrative Code (VAC) citation(s)** | 12VAC5-110-70 |
| **Regulation title(s)** | Regulations for the Immunization of School Children |
| **Action title** | Amend Regulations to Conform to Chapter 222 of 2019 Acts of Assembly |
| **Final agency action date** | 5/30/2019 |
| **Date this document prepared** | 5/10/2019 |

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations.*

## Brief Summary

*Please 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.*

House Bill 2215 enacted by the 2019 General Assembly, and approved by the Governor on March 5, 2019, amends and reenacts § 32.1-46. The legislation requires the Board of Health to amend regulations governing immunization requirements. The language in the approved bill states that a booster dose of acellular pertussis vaccine shall be administered prior to entry into the seventh grade. The regulation currently requires a booster prior to entry into the sixth grade. The Virginia Board of Health is utilizing this exempt action to amend the Immunization Requirements (12VAC5-110-70) to reflect this new requirement.

## Mandate and Impetus

*Please 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, board decision, etc.). "Mandate" is defined as "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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

The purpose of the amendment is to carry out the mandate of Chapter 222 of the 2019 Acts of Assembly and to extend the time by which an acellular pertussis booster shall be administered from prior to entry into the sixth grade to prior to entry into the seventh grade which is consistent with the Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices' (ACIP) immunization recommendations for a valid adolescent dose.

## 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.*

The State Health Commissioner approved this Final Exempt amendment to the Regulations for the Immunization of School Children (12VAC5-110) on behalf of the Board of Health, while the Board was not in session, on May 30, 2019.

## Periodic Review
## Small Business Impact Review Report of Findings

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the proposed stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.*

*In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include 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 the 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.*

| Commenter | Comment | Agency response |
|---|---|---|
| | | |
| | | |

A periodic review was not performed. This is a legislative mandate.