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Revised Proposed Regulation

Agency Background Document

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| --- | --- |
| **Agency name** |  |
| **Virginia Administrative Code (VAC) Chapter citation(s)** | \_\_\_\_ VAC\_\_\_-\_\_\_\_ |
| **VAC Chapter title(s)** |  |
| **Action title** |  |
| **Date this document prepared** |  |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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, 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  
[RIS1]

*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.*

Enter statement here

[RIS2]  
Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.*

Enter statement here

Mandate and Impetus

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.*

Enter statement here

Legal Basis  
[RIS3]

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

Enter statement here

[RIS4]

Purpose

[RIS5]

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety, or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.*

Enter statement here

[RIS6]

Substance

[RIS7]

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

Enter statement here

[RIS8]

Issues

[RIS9]

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

Enter statement here

[RIS10]

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

Enter statement here

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

Other State Agencies Particularly Affected

Enter statement here

Localities Particularly Affected

Enter statement here

Other Entities Particularly Affected

Enter statement here

Economic Impact

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect. If any information previously provided on the ORM Economic Impact form has changed, upload a new ORM form.

**Impact on State Agencies**

|  |  |
| --- | --- |
| *For your agency*: projected costs, savings, fees, or revenues resulting from the regulatory change, including:  a) fund source / fund detail;  b) delineation of one-time versus on-going expenditures; and  c) whether any costs or revenue loss can be absorbed within existing resources. |  |
| *For other state agencies*: projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures. |  |
| *For all agencies:* Benefits the regulatory change is designed to produce. |  |

**Impact on Localities**

|  |  |
| --- | --- |
| Projected costs, savings, fees, or revenues resulting from the regulatory change. |  |
| Benefits the regulatory change is designed to produce. |  |

**Impact on Other Entities**

|  |  |
| --- | --- |
| Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no otherentities will be affected, include a specific statement to that effect. |  |
| Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:  a) is independently owned and operated; and  b) employs fewer than 500 full-time employees or has gross annual sales of less than $6 million. |  |
| All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:  a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;  b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change;  c) fees;  d) purchases of equipment or services; and  e) time required to comply with the requirements. |  |
| Benefits the regulatory change is designed to produce. |  |

Alternatives to Regulation

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. If there are no changes to previously reported information, include a specific statement to that effect.

Enter statement here

Regulatory Flexibility Analysis

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. If there are no changes to previously reported information, include a specific statement to that effect.

Enter statement here

Public Comment

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.*

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

Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.*

The [insert agency] is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to [insert: staff contact person’s name, mailing address, phone number, fax number and email address]. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

THEN, INSERT EITHER:

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

OR

A public hearing will not be held following the publication of this stage of this regulatory action.

Detail of Changes Made Since the Previous Stage

List all changes made to the text since the previous stage was published in the Virginia Register of Regulations. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. \* Put an asterisk next to any substantive changes.

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| **Current chapter-section number** | **New chapter-section number, if applicable** | **New requirement from previous stage** | **Updated new requirement since previous stage** | **Change, intent, rationale, and likely impact of updated requirements** |
|  |  |  |  |  |