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## Final Regulation Agency Background Document

<b>Agency name</b>	Commission on Alcohol Safety Action Program
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24-VAC35-80
<b>VAC Chapter title(s)</b>	Alcohol Safety Action Program Regulations
<b>Action title</b>	Creation of Alcohol Safety Action Program Regulations
<b>Date this document prepared</b>	May 1, 2023

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

*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.*

The Commission on Virginia Alcohol Safety Action Program (VASAP) proposes to create regulations for the state-wide Virginia Alcohol Safety Action Program. Substantive matters include defined terms, the purpose of the regulatory action, an emergency declarations section, requirements for Alcohol Safety Action Program (ASAP) staffing and accessibility to the public, creation and make-up of ASAP policy boards and meeting processes, ASAP unexpended revenue, ASAP audits, financial records and reporting requirements, ASAP budgetary process and special funding requests, ASAP certification and suspension or revocation of certification, ASAP case management process and procedures, ASAP privacy and security procedures, ASAP personnel policies and ASAP employee certification to include requirements and suspension or revocation of certification.

## 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.*

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"ASAP" means an Alcohol Safety Action Program established by the Commission or any county, city, town or any combination thereof for the purposes of providing probation, education and rehabilitation services for individuals referred to the program by the court, the DMV or any other Commission-approved referral source.

"DMV" means the Virginia Department of Motor Vehicles.

"VASAP" means the Virginia Alcohol Safety Action Program.

## 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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During the 60-day comment period, 0 comments were made. The Executive Director of the Commission on VASAP granted approval for proceeding to the final stage of the regulatory process.

## 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.*

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The Commission on VASAP is empowered by the Code of Virginia (18.2-271.2) to "establish and ensure the maintenance of minimum standards and criteria for program operations and performance, accounting, auditing, public information and administrative procedures for the various local alcohol safety action programs and shall be responsible for overseeing the administration of the statewide VASAP system."

## Legal Basis

*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.*

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## Purpose

*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.*

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The state-wide VASAP system is crucial to highway safety throughout the Commonwealth of Virginia. It is imperative that the local alcohol safety action programs operate efficiently and are managed appropriately to ensure financial solvency and adequate services for citizens of the Commonwealth.

## Substance

*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.*

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Section 24VAC35-80-10 provides a definition of terms.

Section 24VAC35-80-20 reserved

Section 24VAC35-80-30 grants the Commission with the right to suspend service-related requirements of the regulations in geographical areas where there exists a federal or state disaster or declaration of emergency.

Section 24VAC35-80-40 requires minimum Alcohol Safety Action Program (ASAP) staffing requirements and hours of operation for public access.

Section 24VAC35-80-50 established a process for the creation and overall make-up of ASAP policy boards and meeting requirements.

Section 24VAC35-80-60 grants the Commission the right to collect unexpected ASAP revenues in the Commission's duties to establish and ensure the maintenance of minimum standards and criteria for program operations.

Section 24VAC35-80-70 cites ASAP audit and financial record requirements, specifically the requirements for submitting required financial documents to the Commission in a timely fashion.

Section 24VAC35-80-80 provides requirements pertaining to the ASAP budgetary process and procedures to be followed for requests for allocation of commission funds.

Section 24VAC35-80-90 sets forth the certification process for all ASAPs and the option of the Executive Director to establish a Regional Leadership Team to assist ASAPs in achieving and maintaining Commission certification standards.

Section 24VAC35-80-100 addresses the reasons and processes related to suspension or revocation of certification of an ASAP or ASAPs. This section covers reasons for suspension and the process when a revocation of an ASAP certification occurs.

Section 24VAC35-80-110 requires all ASAP personnel to adhere to the VASAP Case Management Policy and Procedure Guidelines established by the Commission and mandated training attendance.

Section 24VAC35-80-120 sets forth the requirements on the handling of ASAP offender records in a confidential manner and addresses document retention.

Section 24VAC35-80-130 sets forth the requirements for all ASAP employees pertaining to personnel policies, conflicts of interest in supervision and employee evaluations.

Section 24VAC35-80-140 establishes ASAP employee certification requirements to perform any ASAP services in the Commonwealth of Virginia. This section sets forth the process for obtaining certification along with reasons for denial, suspension or revocation of the individual certification.

### **Issues**

*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.*

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The proposed Alcohol Safety Action Program regulations set forth required standards for hours of operation, program and employee certification, staffing levels, auditing and financial reporting and case management processes and procedures. In addition, the regulations provide the Commission with the right to collect ASAP unexpended revenues to ensure financial solvency of the ASAPs and the maintenance of minimum standards and criteria for program operations and performance, accounting, auditing, public information and administrative procedures for the various local alcohol safety action programs. This combination of requirements sets forth a standardization of processes and ensures financial solvency throughout the state ensuring that citizens receive equitable, high-quality services no matter where they reside and improves transportation safety in the Commonwealth of Virginia.

There are no disadvantages to the public or the Commonwealth.

### **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.*

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There are no applicable Federal requirements or requirements that exceed applicable Federal requirements in this proposal.

### **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 that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.*

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No agency, locality or entity is particularly affected by these proposed regulations. These regulations apply directly to the state-wide VASAP system which is regulated by the Commission on VASAP.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. 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.*

Commenter	Comment	Agency response
N/A - No comments were made during the proposed stage.		

**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 and the rationale for the changes. 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. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. \* Put an asterisk next to any substantive changes.*

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
N/A - No changes were made since the previous stage.				

**Detail of All Changes Proposed in this Regulatory Action**

*List all changes proposed in this action and the rationale for the changes. 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. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. \* Put an asterisk next to any substantive changes.*

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of updated requirements
N/A - New Regulation			