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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) citation(s)</b>	2 VAC 5-620
<b>Regulation title(s)</b>	Regulations Pertaining to the Establishment of the Dangerous Dog Registry
<b>Action title</b>	Amendments to reflect Chapter 396 of the 2017 Acts of Assembly and to improve the regulation's readability
<b>Final agency action date</b>	March 11, 2020
<b>Date this document prepared</b>	March 12, 2020

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.*

Section 3.2-6542 of the Code of Virginia (Code) requires the Commissioner 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 in their respective localities. This information is crucial for the 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.

Chapter 396 of the 2017 Acts of Assembly amended Section 3.2-6540 of the Code to reduce the amount of time an owner of an animal found to be a dangerous dog has to obtain a dangerous dog registration from 45 days to 30 days. The proposed regulatory action amends 2 VAC 5-620 to reflect this statutory amendment.

The proposed regulatory action also reformats the regulation to improve readability, remove duplicative language, and focus on actions directly related to the establishment and maintenance of the dangerous dog registry and other statutory requirements.

### 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."*

Chapter 396 of the 2017 Acts of Assembly amended Section 3.2-6540 of the Code to reduce the amount of time an owner of an animal found to be a dangerous dog has to obtain a dangerous dog registration from 45 days to 30 days. The regulation currently references the original 45-day time period, which causes confusion and enforcement challenges at the local level. The proposed regulatory action amends 2 VAC 5-620 to reflect the time period that is currently established in the Code and rewords the text to minimize confusion.

### 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.*

On March 11, 2020, the Commissioner of Agriculture and Consumer Services adopted amendments to 2 VAC 5-620, Regulations Pertaining to the Establishment of the Dangerous Dog Registry.

### 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 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.*

This form is not being used to report the result of a periodic or small business impact review.

Section 2.2-4007.1 E and F of the Code of Virginia:

1. There is a continued need for these regulations in order to direct VDACS in the creation and maintenance of a statewide database containing information about dogs that have been deemed dangerous by a court of competent jurisdiction. This information is crucial for the 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.
2. Stakeholders have not expressed concerns to VDACS regarding this regulation.
3. In addition to the changes needed to bring this regulation into alignment with the Code of Virginia, the proposed amendments simplify the regulation and eliminate redundancies.
4. These regulations do not overlap, duplicate, or conflict with federal or state law or regulation.
5. These regulations were last evaluated in 2015. Since 2015, technological and other developments have not altered the basic nature of the Dangerous Dog Registry or the needs of stakeholders. However, there have been minor changes to processes within the Dangerous Dog Registry, and the proposed amendments align the regulation with those system changes.