



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation	____ VAC____ - ____
Regulation title	Rabies regulations
Action title	Rabies response, prevention and control regulations. These are new regulations.
Date this document prepared	7/23/2010

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

Regulations are necessary to implement the revisions made to certain rabies-related sections of the *Code of Virginia* during the 2010 General Assembly session. These regulations will inform and add detail to the five rabies-related sections of the *Code* that were modified and one completely new section that was developed as part of the bill enacted by the General Assembly. Specific goals of these regulations include: developing a system for rabies vaccine exemptions, creating definitions for common terms in the rabies-related laws, and developing a model plan for rabies exposure response at the local level.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The Board of Health, in accordance with the Administrative Process Act (§ 2.2-4000 et seq 160 of the *Code*), has been directed to adopt regulations to implement the provisions of this act, which will become effective on July 1, 2010. Further, the language of the *Code* as of July 1, 2010, will contain language that

requires the development of a model plan that may be used by localities to comply with the requirements of § 3.2-6562.1 to be included in the regulations.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

Rabies is nearly 100 percent fatal and is highly endemic in the Commonwealth. It is very important that human and animal exposures are addressed promptly and correctly. Greater detail than is appropriate for the Code will be included in these regulations to support the implementation of rabies related sections of the Code modified and introduced during the 2010 General Assembly session. In addition, the Board of Health has been specifically instructed to develop regulations addressing rabies exemptions and a model rabies response plan. As these regulations are developed, stakeholders from potentially affected groups such as local health departments, animal control agencies, veterinary associations, humane groups, wildlife agencies, agriculture agencies, the Board of Veterinary Medicine and local government associations will be engaged to discuss issues such as the entity that grants rabies exemptions and restrictions placed on animals that are exempt as well as the authority local health directors now have to direct animal control officers in the pursuit of their duties in certain circumstances.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

These regulations will inform and add detail to the five rabies-related sections of the Code that were modified and one completely new section that was developed as part of the bill enacted by the General Assembly. Specific goals of these regulations include: developing a system for rabies vaccine exemptions, creating definitions for common terms in the rabies related laws and developing a model plan for rabies exposure response at the local level.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

No alternatives will be considered as The Board of Health, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.160 of the Code), has been directed to adopt regulations to implement the provisions of this act which will become effective on July 1, 2010.

Public participation

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated

in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

VDH is seeking comments on the intended regulatory action, including but not limited to: 1) ideas to assist in the development of a proposal and 2) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code. Information may include: 1) projected reporting, recordkeeping and other administrative costs; 2) probable effect of the regulation on affected small businesses; and, 3) description of any less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website, www.townhall.virginia.gov, or by mail, email or fax to Julia Murphy, 109 Governor Street, Madison Building, 5th Floor, Richmond, VA 23219, 804-864-8113 (telephone), 804-864-8131 (fax), Julia.murphy@vdh.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last day of the public comment period.

A public hearing will not be held.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The agency is using the participatory approach in the development of the proposal. As these regulations are developed, stakeholders from potentially affected groups such as local health departments, animal control agencies, veterinary associations, humane groups, wildlife agencies, agriculture agencies, the Board of Veterinary Medicine and local government associations will be engaged to discuss and offer comments associated with issues such as rabies vaccine exemptions, definitions of common terms in the rabies-related laws and developing a model plan for rabies exposure response at the local level.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no direct impact expected on families.