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Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation(s)	12VAC5-412-140
Regulation title(s)	Regulations for the Licensure of Abortion Facilities
Action title	Amend regulations to conform to Chapter 571 of 2018
Final agency action date	September 24, 2018
Date this document prepared	9/13/2018

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.

Senate Bill 725, enacted by the 2018 General Assembly and approved by the Governor on March 30, 2018, requires local departments of health, the Department of Transportation, each rest area in the Commonwealth, and certain health care facilities to post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance. This regulatory action updates the Management and Administration section of the Regulations for the Licensure of Abortion facilities, and requires the posting of such notice of the human trafficking hotline in each

abortion facility and that it be readily visible to the public. The Virginia Department of Health is utilizing this exempt action to amend the Regulations for the Licensure of Abortion Facilities (12VAC5-412 et. seq.) to reflect this new requirement.

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 Commissioner approved this Final Action regarding the Regulations for the Licensure of Abortion Facilities, on behalf of the State Board of Health while the board was not in session on September 24, 2018.

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.

A Periodic Review was not performed. This is a legislative mandate.