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Exempt Action: Final Regulation Agency Background Document

Agency name	State Board of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12 VAC5-421
VAC Chapter title(s)	Sanitary Regulations for Hotels
Action title	Amend regulations to incorporate § 35.1-15.1; Required human trafficking training.
Final agency action date	November 2, 2022
Date this document prepared	June 3, 2022

This information is required for executive branch review pursuant to 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. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to 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.

Chapter 751 of the 2022 Acts of Assembly (HB 258) added §35.1-15.1 to the Code of Virginia. This new section requires hotel employees to complete an approved training course, no later than June 30, 2023, on recognizing and reporting instances of suspected human trafficking. The approved training course shall be developed and administered by the Department of Criminal Justice.

This action amends the Sanitary Regulations for Hotels, 12VAC5-421 et. seq., (hereafter, "Regulations"). This action incorporates the training requirement into regulation which allows for the administration and enforcement of the new requirement by the Virginia Department of Health.

Mandate and Impetus

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, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "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."

The mandate for this regulatory change is found in Chapter 751 of the 2022 General Assembly Session.

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.

The State Health Commissioner, pursuant to his authority in § 32.1-20 of the Code of Virginia, approved this Final Exempt action to the Sanitary Regulations for Hotels (12VAC5-431) on behalf of the Board while the Board was not in session on November 2, 2022.