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## Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

<b>Agency name</b>	Board of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5-620
<b>Regulation title</b>	Regulations Pertaining to the Establishment of the Dangerous Dog Registry
<b>Date</b>	March 16, 2015

This information is required pursuant to Executive Order 17 (2014).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including: 1) the most relevant law and/or regulation; and 2) promulgating entity, i.e., agency, board, or person.*

Section 3.2-109 of the Code of Virginia (Code) establishes the Board of Agriculture and Consumer Services (Board) as a policy board with the authority to adopt regulations in accordance with the provisions of Title 3.2 of the Code.

Section 3.2-6542 of the Code requires the Commissioner of the Department of Agriculture and Consumer Services to establish the Virginia Dangerous Dog Registry.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

There are no viable alternatives to 2 VAC 5-620 *et seq.* 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 public 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.

The existing regulation is the least burdensome approach to meeting the requirements prescribed in § 3.2-6542 of the Code, which requires that VDACS maintain a Virginia Dangerous Dog Registry. This regulation assists the agency in providing the public with comprehensive access to information about the locations where identified dangerous dogs reside. The repeal of this regulation could interfere with the agency’s ability to comply with § 3.2-6542 of the Code, which states that the address of the owner along with the name and breed of the dangerous dog, the acts that resulted in the dog being deemed dangerous, and information necessary to access court records of the adjudication shall be available to the general public.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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The agency did not receive any comments during the public comment period following the publication of the Notice of Periodic Review. An informal advisory group was not formed for the purpose of assisting in the periodic review.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

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The regulation is necessary for the protection of public safety and welfare because it assists the agency in providing information to protect citizens and animals in Virginia from dogs that have been deemed dangerous through the adjudication process. This regulation is clearly written and easy to understand.

**Result**

*Please state that the reason why the agency is recommending that the regulation should stay in effect without change.*

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The agency is recommending that this regulation stay in effect without change.

**Small business impact**

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, 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. Also, include a discussion of the basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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The agency has determined that there is a continued need for this regulation to stay in effect in order to protect citizens, pets, and other animals in the Commonwealth. This regulation does not place any regulatory burden on small businesses but assists the agency in providing information to the public that enables small businesses to have knowledge of dangerous dogs in their area and to take necessary precautions to protect their businesses and customers. The agency has not received any complaints or comments concerning this regulation from the public. The regulation is clear and uncomplicated. This regulation does not overlap, duplicate, or conflict with federal or state law or regulation. In the period since this regulation was last evaluated, there have been no significant changes in technology, economic conditions, or other factors.