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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) Chapter citation(s)	2 VAC 5-620
VAC Chapter title(s)	Regulations Pertaining to the Establishment of the Dangerous Dog Registry
Date this document prepared	August 4, 2020

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"VDACS" or "the agency" means the Virginia Department of Agriculture and Consumer Services.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 3.2-6542 of the 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 in the creation and maintenance of a statewide database containing information about dogs that have been deemed dangerous in their respective localities.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

The agency has determined that no viable alternatives exist to achieve the purpose of this regulation. This regulation was promulgated in response to the Dangerous Dog Law (Va. Code § 3.2-6542) (Law), which directs the agency to create and maintain 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 by the Code that require 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 the Law, 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

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Teresa Dockery	The revisions are consistent with current code and provide clarity for enforcement authorities.	The agency has reviewed this feedback.
Sharon Adams	Provided specific line item amendments in anticipation of a proposed 2021 amendment to Va. Code.	The agency has considered this feedback. Regulations must be promulgated in accordance with the existing Code.
Kathy Strouse	Provided specific line item amendments in anticipation of a proposed 2021 amendment to Va. Code.	The agency has considered this feedback. Regulations must be promulgated in accordance with the existing Code.
Bonny Thomas Lee	Removal or change to the dangerous dog registry would serve only to further reduce Virginia citizens’ already limited recourse when they or their domestic pets are injured or killed in a dog attack.	The agency has reviewed this feedback. The regulations will not be repealed.

Susan Sale	If anything, the dangerous dog statutes, laws, and regulations should be strengthened.	The agency has considered this feedback. Regulations must be promulgated in accordance with the existing Code, and the Code can only be amended by the legislature.
Jobyl Boone	Virginia should maintain and standardize its Dangerous Dog Registry.	The agency has reviewed this feedback.
Connie Sullivan	Provided recommendations to strengthen the Dangerous Dog Laws.	The agency has considered this feedback. Regulations must be promulgated in accordance with the existing Code, and the Code can only be amended by the legislature.
Ruth McWilliams	Please keep and strengthen the Regulations pertaining to the establishment of the Dangerous Dog Registry.	The agency has considered this feedback. Regulations must be promulgated in accordance with the existing Code, and the Code can only be amended by the legislature.
Sue Allison	The Dangerous Dog Registry should not be abolished.	The agency has reviewed this feedback. The regulation will not be repealed.
R. B. Schmack	Continue and strengthen the Dangerous Dog Registry in Virginia	The agency has considered this feedback. Regulations must be promulgated in accordance with the existing Code, and the Code can only be amended by the legislature.
Lisa Hairston	Retain and strengthen the Dangerous Dog Registry laws and regulations.	The agency has reviewed this feedback. Regulations must be promulgated in accordance with existing Code, and the Code can only be amended by the legislature.
Robin Watson	Keep the registry as is.	The agency has reviewed this feedback.

The agency did not form an informal advisory group for the purpose of assisting in the periodic review.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

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.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

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

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

1. 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 take necessary precautions to protect their businesses and customers.
2. The comments the agency has received regarding this regulation largely pertain to expanding the Dangerous Dog Law. Any such change must be enacted by the legislature. Other comments indicated the regulations are satisfactory as-is.
3. The regulation is clear and is not complex.
4. This regulation does not overlap, duplicate, or conflict with federal or state law or regulation.
5. This regulation was amended in 2020 and there have been no significant changes in technology, economic conditions, or other factors that would require further amendments at this time.

This regulation was promulgated with due concerns for industry and has minimal impact on small businesses.