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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Virginia Department of Corrections State Board of Local and Regional Jails
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	__6__ VAC_15__-__40__
<b>VAC Chapter title(s)</b>	Minimum Standards for Local and Regional Jails
<b>Date this document prepared</b>	

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.*

"Board" means State Board of Local and Regional Jails

## 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.*

This regulation is promulgated by the State Board of Local and Regional Jails, in accordance with §53.1-5 and §53.1-68 of the Code of Virginia. This regulation is necessary to interpret the law and ensure the

protection of the health, safety, and welfare of facility staff, defendants, and inmates in local correctional facilities and lock-ups.

### 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.*

There are no known viable alternatives for achieving the purposes of establishing minimum standards for local correctional facilities and lock-ups as directed in §53.1-68 of the Code of Virginia. The Administrative Process Act regulatory process of establishing such standards allows for participation of the public, as well as local correctional facilities, in the development and interpretation of standards. Authority has been vested with the Board in §53.1-5 of the Code of Virginia to adopt and promulgate regulations as may be necessary to carry out provisions set forth in the Code of Virginia.

### 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.*

One comment was received during the public comment period following the publication of the Notice of Periodic Review. The Board is reviewing the regulations carefully for necessary changes to ensure compliance with §53.1-68, as well as any accompanying fiscal impact.

Commenter	Comment	Agency response
Courtney [no last name given]	6VAC 15-40-370 is insufficient in medical screening of new inmates after the opioid crisis; hepatitis C is easily testable and treatable	The regulation will be reviewed and changes considered as appropriate

### 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.*

6 VAC15-40, Minimum Standards for Jails and Lockups, meets the criteria set out in Executive Order 14 (as amended, July 16, 2018) in that it is necessary for the protection of the health, safety, and welfare of staff, defendants, and inmates within local correctional facilities and lock-ups. This regulation has proven effective in meeting this need and is deemed to be easily understandable. Due to changes in the Code of Virginia, amendments are necessary.

### 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).*

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Amend the regulation

### **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.*

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6 VAC15-40, Minimum Standards for Jails and Lockups is necessary for the protection of the health, safety, and welfare of staff, defendants, and inmates within local correctional facilities and lock-ups operating within the Commonwealth of Virginia. One comment was received concerning the regulation during the public comment period. The current regulation is not considered overly complex. The regulation does not overlap, duplicate, or conflict other federal or state law or regulation. In 2019, the regulation was amended to comply with a change in the Code of Virginia. Since then, other issues including changes to the Code of Virginia and the COVID-19 health crisis, have occurred which necessitate further review and changes to the regulation. There is no expected economic impact of the regulations on small businesses.

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