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MEMORANDUM

TO: Harold W. Clarke, Director
Virginia Department Corrections
P.O. Box 26963
Richmond, VA 23261

FROM: Phillip O. Figura
Assistant Attorney General

DATE: November 15, 2021

SUBJECT: Periodic Review Regulations Governing Human Subject Research 6 VAC 15-26

In response to a request from the Virginia Department of Corrections, I reviewed 6 VAC 15-26 to ensure statutory authority for the regulations on Human Subject Research. Upon review of the aforesaid, these regulations were established under authority of § 53.1-5.1 of the Code of Virginia which was repealed by 2020 Acts of the General Assembly. As a result, the Board of Local and Regional Jails no longer has the authority to set Standards for Regulations Governing Human Subject Research. Given this, I find that the statutory authority for this regulation no longer exists and this regulation is no longer needed. This action is exempted from Article 2 of the Administrative Process Act.

Please note that this memorandum is intended to provide legal interpretations and legal advice, not policy advice. To the extent that this communication may advise you that a certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency and this communication should not be construed as a comment for or against the merits of such action