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Periodic Review and Small Business Impact Review Report of Findings

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| Agency name | Virginia Department of Health |
| Virginia Administrative Code (VAC) Chapter citation(s) | 12VAC5-105 |
| VAC Chapter title(s) | Rabies Regulations |
| Date this document prepared | 2/28/24 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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, 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*.

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.

No acronyms are used.

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.

Chapter 1 of Title 32.1 of the Code of Virginia, §32.1-12, and Chapter 834 of the 2010 Virginia Acts of Assembly authorize the State Board of Health to promulgate the Rabies Regulations.

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.

In light of the clear, specific and mandatory authority of the State Board of Health to promulgate the Rabies Regulations, no alternatives are available that are advisable.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and provide the agency’s 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.

No comments were received.

| Commenter | Comment | Agency response |
|-----------|---------|-----------------|
| | | |

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, 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 regulations described in 12VAC5-105 protect the public health, safety, and welfare of individuals in the Commonwealth of Virginia by ensuring that the public is aware of approved rabies clinic locations and providing a model plan for rabies exposure response.

The regulations set clear guidance for all providers and localities on the appropriate use of rabies vaccine exemptions and describe a model plan for rabies exposure response, which clearly defines roles and responsibilities in the event of exposure to rabies.

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).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The Virginia Department of Health will amend the Rabies Regulations through the issuance of a regulatory action. 12VAC5-105 will be amended to align the regulations with Chapter 121 of the 2023 Virginia Acts of Assembly, the Virginia Register of Regulations Style Guide, and regulatory reduction

where possible. Additionally, the agency will update the regulations to reflect current practice and administrative forms.

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.

There is a continued need for the regulations as they are essential to provide guidance related to rabies prevention, control, and response efforts in support of the laws passed during the 2010 Virginia Acts of Assembly, chapter 834.

The agency did not receive any complaints or comments from the public during the periodic review.

The regulations are clearly written and easily understandable.

The regulations do not overlap, duplicate, or conflict with any other federal or state law or regulation.

The regulations were last updated in 2015, which is when they were created through the Final Stage of the standard process.

Retaining the regulations does not appear to cause an adverse economic impact on small businesses in the Commonwealth of Virginia.