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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Board of Health
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	12VAC5-412-10 <i>et seq.</i>
<b>VAC Chapter title(s)</b>	Regulations for Licensure of Abortion Facilities
<b>Action title</b>	Repeal Regulation to Conform to Chapters 898 and 899 of the 2020 Acts of Assembly
<b>Final agency action date</b>	May 14, 2020
<b>Date this document prepared</b>	May 13, 2020

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, 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*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

Chapters 898 and 899 of the 2020 Acts of Assembly repeal the statutory provision classifying facilities that perform five or more first trimester abortions per month as a category of hospital, thereby removing such facilities from the Board's regulatory authority. Thus, the Board repeals 12 VAC 5-412 to be effective in accordance with Virginia Code § 2.2-4015 and no earlier than July 1, 2020.

### Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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**Statement of Final Agency Action**

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

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The State Health Commissioner approved this Final Action regarding the Regulations for Licensure of Abortion Facilities, on behalf of the State Board of Health while the board was not in session, on May 14, 2020. This Action shall be effective in accordance with Virginia Code § 2.2-4015 and no earlier than July 1, 2020.