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

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| <b>Agency name</b>  | Board of Agriculture and Consumer Services              |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 2 VAC 5-205   |
| <b>VAC Chapter title(s)</b>                                   | Rules and Regulations Pertaining to Shooting Enclosures |
| <b>Date this document prepared</b>                            | June 14, 2022   |

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.*

All technical terms used in this report are defined in the "Definitions" section of this regulation.

## 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 3.2-109 of the Code of Virginia (Code) establishes the Board of Agriculture and Consumer Services (Board) as a policy board and authorizes the Board to adopt regulations in accordance with the provisions of Title 3.2 of the Code. Section 3.2-6039 of the Code authorizes the Board to adopt

regulations relating to the requirements for operating shooting enclosures in Virginia and to establish specific criteria relating to the species of animals that may be held within a shooting enclosure and the humane care of these animals.

### 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.*

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Section 3.2-6036 of the Code of Virginia states that the Department shall issue a license for shooting enclosures only to those enclosures that were in operation on or before January 1, 1995. The last remaining shooting enclosure failed to renew its license and permanently closed in 2017. As there are no longer any shooting enclosures in existence in Virginia and the Department does not have authority to license a new shooting enclosure, the agency considers the repeal of this regulation to be a viable alternative.

### 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.*

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The agency did not receive any comments during the public comment period following the publication of the Notice of Periodic Review on May 23, 2022, and 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.*

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The regulation is clearly written and easily understandable. However, the regulation is no longer necessary since the last remaining shooting enclosure closed in 2017 and the Department does not have authority to license new shooting enclosures.

### 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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The regulation is no longer necessary since the last remaining shooting enclosure closed in 2017 and the Department does not have authority to license new shooting enclosures. Therefore, the agency has decided to repeal this 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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The regulation is no longer necessary since the last remaining shooting enclosure closed in 2017 and the Department does not have authority to license new shooting enclosures. Therefore, the agency has decided to repeal this regulation.

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