State Agency Guide to Standard Regulatory Process

**Stage 1**

**Notice of Intended Regulatory Action (NOIRA)**

Submit NOIRA (Form TH-01) and sync RIS project (if available) for review on Town Hall.

*Executive branch review*
- DPB – 14 day deadline;
- Cabinet Secretary – sometimes must review; if so, 14 day deadline;
- ORM/Governor – no deadline

Within 14 days of receiving Governor’s approval, submit NOIRA to *The Virginia Register of Regulations* via the Town Hall.

*Five days before publication in the Register:*
Automatic email notification is sent to registered public Town Hall users.

NOIRA is published in the Register. Thirty day public comment period begins & Town Hall comment forum opens.

Comment period/forum closes. Consider public comment, draft proposed regulation, & submit it within 180 days for executive branch review.

**Stage 2**

**Proposed regulation**

Submit regulatory package (Form TH-02 and sync RIS project) for review on Town Hall.

*Executive branch review* (in order of review):
- OAG – no deadline;
- DPB -- including economic impact analysis (EIA) - 45 day deadline;
- Cabinet Secretary - 14 day deadline;
- ORM/Governor – no deadline

Within 14 days of Governor’s approval, submit proposed stage to the *Register* via the Town Hall.

*Five days before publication in the Register:*
Automatic email notification is sent to registered public Town Hall users.

Proposed stage is published in the *Register.*

Sixty day public comment period begins and Town Hall public comment forum opens.

Comment period/forum closes. Consider public comment. Adopt final regulation no sooner than 15 days after comment period closes & submit for executive branch review within 180 days after close of comment period.

**Stage 3**

**Final regulation**

Submit regulatory package (Form TH-03 and sync RIS project) for review on Town Hall.

*Executive branch review* (in order of review):
- OAG review if changes with substantial impact made since proposed stage – no deadline;
- DPB – 21 day deadline;
- Cabinet Secretary – 14 day deadline;
- ORM/Governor – no deadline

Within 14 days of Governor’s approval, submit final regulation to the *Register* via the Town Hall.

*Five days before publication in the Register:*
Automatic email notification is sent to registered public Town Hall users.

Final stage is published in *Register.*

Thirty day final adoption period begins and Town Hall public comment forum opens.

Final adoption period and public comment closes. **Final regulation becomes effective** OR it is suspended, OR, if changes with substantial impact were made between proposed and final stages and 25+ persons and/or Governor request, an additional public comment period must be held.

An example of a standard rulemaking may be viewed here: https://townhall.virginia.gov/L/ViewAction.cfm?actionid=5590

**Sources:** Administrative Process Act, Office of Regulatory Management Procedures (2022) to Implement Executive Order 19 (2022)

This chart was produced by the Virginia Department of Planning and Budget’s Planning, Evaluation & Regulation Division, 12/22