Office of the Registrar of Regulations

- Central repository for all state agency regulations, the other half of Virginia’s codified law.
- Publishes the *Virginia Register of Regulations*, the official publication of Virginia’s state agency regulations.
- Publishes the Virginia Administrative Code, the compilation of Virginia’s regulations.
Office of the Registrar of Regulations

- A regulation is a law adopted by a state government agency.
- If you live, work, or do business in Virginia, state regulations affect YOU.
- For example, regulations establish teacher qualifications, regulate doctors and nurses, and govern the quality of the food you eat.
The General Assembly gives an agency broad authority to write a regulation (e.g., the Virginia Department of Health).

An agency must go through a regulatory process set out in statute (the Virginia Administrative Process Act) before the regulation can take effect and be enforced.

A regulatory action takes approximately 18-24 months from start to finish.
A typical regulatory process involves 3 steps

- Notice of Intended Regulatory Action
- Proposed regulation
- Final regulation
Office of the Registrar of Regulations

Notice of Intended Regulatory Action (NOIRA)

- A NOIRA alerts the public that an agency is considering a regulatory change
- An agency submits the NOIRA to the Executive Branch for review
- After receiving Executive Branch approval, the agency submits the NOIRA for publication in the Virginia Register of Regulations
- Once published in the Virginia Register, a 30-day comment period begins during which the agency receives comments from the public
Office of the Registrar of Regulations

Proposed Regulation

- The agency submits the proposed regulation for Executive Branch review using the Virginia Regulatory Town Hall (http://www.townhall.virginia.gov)

- After Executive Branch approval is given, the agency submits the proposed regulation and associated materials for publication in the Virginia Register of Regulations.

- Once published in the Virginia Register, a 60-day comment period begins during which time the agency receives comments from the public
Office of the Registrar of Regulations

Final Regulation

- The agency reviews comments, responds to commenters and prepares the final regulation for Executive Branch review.

- After Executive Branch approval, the agency submits the final text of the regulation, with an explanation of any changes from the proposed, for publication in the Virginia Register.

- The regulation becomes effective 30 days after publication in the Virginia Register.

- The day it becomes effective, the regulation appears in the online Virginia Administrative Code.
Office of the Registrar of Regulations

How the Regular Process Can be Interrupted

- Joint Commission on Administrative Rules or appropriate House or Senate standing committee files objection with Registrar and promulgating agency
- Governor objects during final adoption period
- 25 or more people request additional public comment time
- Governor and General Assembly suspend effective date
- Agency suspends the effective date
Office of the Registrar of Regulations

Exceptions to Normal Regulatory Process

- **Fast-track rulemaking process** (§ 2.2-4012.1)
  Generally noncontroversial, process can be stopped with the objection of 10 or more people.

- **Exempt regulations** (§§ 2.2-4002 and 2.2-4006)
  Situations under which the General Assembly has determined that the normal regulatory process will not apply.
Office of the Registrar of Regulations

Exceptions to Normal Regulatory Process

- **Emergency regulations** (§ 2.2-4011)
  Regulations necessitated by emergency situation OR when Virginia law or federal law requires that a regulation be effective in 280 days or less from enactment.

(Note: Emergency regulations are not incorporated into the Virginia Administrative Code because of their temporary nature.)
Office of the Registrar of Regulations

Ways to participate in the regulatory process

- Contact the agency directly to express support of or concerns about a regulation. The Virginia Register (http://register.dls.virginia.gov) provides contact information for each printed regulation.

- Request an agency to develop a new regulation or amend an existing regulation. Send your written request to the agency and mention specifically that you are submitting a petition for rulemaking.
Office of the Registrar of Regulations

Ways to participate in the regulatory process

- Sign up at the Virginia Regulatory Town Hall (http://www.townhall.virginia.gov) to be notified by email of regulatory actions, meetings, and public hearings.

- Post your comments regarding specific regulatory actions on public forums found at the Town Hall.

- Attend agency board meetings and public hearings to receive more information, ask questions, or offer comments.