

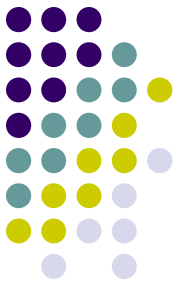
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Division of Legislative Services

Virginia Code Commission

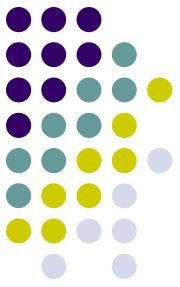


Office of the Registrar of Regulations



- 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

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- 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.

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- 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.

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A typical regulatory process involves 3 steps

- Notice of Intended Regulatory Action
- Proposed regulation
- Final regulation

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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

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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

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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](#).

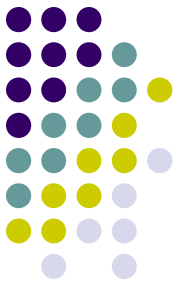
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How the Regular Process Can be Interrupted

- 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

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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.

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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.)

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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.

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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.