



Virginia Department of Planning and Budget **Economic Impact Analysis**

6 VAC 15-26 Regulations for Human Subject Research

Department of Corrections

Town Hall Action/Stage: 6012 / 9781

October 19, 2022

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 19. The analysis presented below represents DPB's best estimate of these economic impacts.¹

Summary of the Proposed Amendments to Regulation

The State Board of Local and Regional Jails (Board) proposes to repeal this regulation, which has become obsolete following a legislative change in the authority for the regulation.

Background

This action would repeal rules governing human research for the Board. Chapter 759, 2020 Acts of Assembly, renamed the Board of Corrections as the State Board of Local and Regional Jails and changed the authority for this regulation from the prior Board of Corrections to the Director of the Department of Corrections (DOC).² Hence, the Registrar assigned a new location for DOC regulations within Title 6 of the VAC (6 VAC 16). Consequently, the Director proposed to establish substantially the same human research rules for replacement under the new Virginia Administrative Code 6 VAC 16 for DOC in a separate regulatory action.³ This action

¹ Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

² <https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP0759>

³ <https://townhall.virginia.gov/L/viewstage.cfm?stageid=9697>

would repeal this regulation which has become obsolete after the enactment of Chapter 759 by operation of law.

Estimated Benefits and Costs

The primary effect of this action is to repeal regulatory language that has become obsolete. As a result, no economic impact is expected other than improving the accuracy of the administrative code.

Businesses and Other Entities Affected

No businesses or other entities are expected to be affected as this regulation is obsolete.

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.⁴ An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. Repealing obsolete regulatory language with this action does not indicate an adverse impact on any entity.

Small Businesses⁵ Affected:⁶

The proposed repeal does not adversely affect small businesses.

⁴ Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define “adverse impact,” state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

⁵ Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

⁶ If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

Localities⁷ Affected⁸

The proposed repeal does not disproportionately affect any particular localities or introduce costs for local governments.

Projected Impact on Employment

The proposed repeal does not affect total employment.

Effects on the Use and Value of Private Property

The proposed repeal does not affect the use and value of private property or the real estate development costs.

⁷ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁸ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.