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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Racing Commission
Virginia Administrative Code (VAC) Chapter citation(s)	11 VAC10-30-60
VAC Chapter title(s)	Access to Designated Non-Secure Areas of Enclosures.
Action title	<u>To promulgate a regulation related to access by designated persons within the enclosure.</u>
Final agency action date	April 16, 2025
Date this document prepared	April 16, 2025

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This action proposes a new regulation allowing limited licensees to permit specific categories of non-participants to access designated non-secure areas of racetrack enclosures, under protocols approved by the Virginia Racing Commission. The regulation outlines how licensees should identify these “authorized visitors”, verify their credentials, and control the scope of their access. Visitors like prospective horse owners, students, or journalists would not otherwise require a Commission-issued permit but often have legitimate reasons for observing or learning about the racing industry. By making room for controlled, educational, or promotional visits, the regulation aims to encourage broader engagement in Virginia’s horse racing industry, consistent with the Commission’s mandate to promote, sustain and grow the industry.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

The rule is prompted by internal staff review and stakeholder input gathered over recent months, where various industry groups voiced concerns about unnecessarily restrictive enclosure access for non-participants. Recognizing the need to balance security with the industry’s educational and promotional goals, the Commission decided to propose this new regulation.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On April 16, 2025, the Virginia Racing Commission adopted the final regulation titled “Authorized Visitor Access to Designated Non-Secure Areas of Racetrack Enclosures”.