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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Commission on Virginia Alcohol Safety Action Program
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24VAC35-80
<b>VAC Chapter title(s)</b>	Alcohol Safety Action Program Regulations
<b>Action title</b>	Amendments to the Virginia Alcohol Safety Action Program Regulations
<b>Date this document prepared</b>	July 1, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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, 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The Commission on the Virginia Alcohol Safety Action Program (VASAP) proposes amendments to 24VAC35-80 to implement the provisions of Chapter 686 and 687 of the 2026 Acts of Assembly (HB862/SB391), which revised and reorganized statutory authority governing VASAP and local Alcohol Safety Action Programs (ASAPs). The proposed regulatory action updates existing regulations to align with the newly created Article 2.1 (§18.2-273.1 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia and modernizes statewide operational, fiscal, and governance standards for local ASAPs.

The proposed amendments clarify program definitions and organizational structures; establish and define the role of fiscal agent localities; update local policy board governance and accountability requirements; strengthen financial management, reserve fund, audit, and reporting standards; establish procedures governing local government funding obligations and supplemental funding requests; and clarify certification, employee conduct, privacy, and conflict-of-interest requirements. These amendments are

intended to ensure statewide consistency, strengthen oversight and fiscal accountability, improve continuity of services, and support the efficient administration of court-ordered alcohol safety and rehabilitation programs.

## Acronyms and Definitions

*Define all acronyms or technical definitions used in this form.*

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“Budget” means a written financial plan for expenditures of a program for a given period of time that is subject to approval by the Commission.

“Certification” means the process of certifying local ASAPs as set forth in the Commission on VASAP Certification Manual or the process for certifying local ASAP employees to provide local ASAP services in Virginia and to local ASAP offenders residing out of state.

“Commission” means the Commission on Virginia Alcohol Safety Actin Program (VASAP), as established pursuant to §18.2-273.2 of the Virginia Code, or its designee.

“Executive Finance Committee” means the advisory subcommittee of the Commission, composed of the executive director and other members that the Commission may designate, which is authorized to take action on behalf of the Commission for a period not to exceed 90 days in matters of program certification, suspension, or related fiscal oversight.

“Fiscal Agent Locality” means the county, city, or town pursuant to § 18.2-273.6 of the Code of Virginia that serves as the financial and human resources administrator for a local alcohol safety action program.

“Local ASAP Director” or “ASAP Director” means local ASAP employee responsible for the supervisory, managerial, and operational oversight of a local alcohol safety action program, including supervision of local ASAP employees, fiscal and budgetary management, and compliance with Commission standards and regulations. The term includes any individuals serving in an interim, acting, or deputy capacity.

“Local ASAP Employee” or “ASAP Employee” means any individual employed, appointed, assigned, detailed, or otherwise engaged by a local alcohol safety action program to perform any duties or service, on behalf of, in support of, or under the authority of the local ASAP, regardless of title, classification, funding source, compensation method, schedule, or work location. The term includes full-time, part-time, temporary, probationary, seasonal, intermittent, acting, or detailed personnel and encompasses administrative, supervisory, managerial, executive, operational, compliance, financial, technical, and support roles. The term specifically includes any individual servicing as ASAP director, interim director, acting director, deputy director, or in any equivalent leadership or oversight capacity. Any employee whose duties include, in whole or in part, responsibilities for a local ASAP is deemed an ASAP employee for certification and regulatory purposes. The term excludes instructors, interns, or facilitators who provide services solely as independent contractors under a written contract and who are not otherwise employees of the local ASAP and any policy board member.

“Policy Board” means the local independent ASAP board established pursuant to § 18.2-273.5 of the Code of Virginia to provide local governance, budget approval, and initial approval and work in consultation with the fiscal agent of the local ASAP regarding employee matters of a certified local alcohol safety action program.

“Treatment Provider” means an individual, agency, or organization licensed to provide substance use disorder assessment, education, or treatment services to offenders referred by local ASAPs.

“VASAP” means the Commission on the Virginia Alcohol Safety Action Program (VASAP)

## 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, 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."*

This regulatory action is mandated by Chapter 686 and 687 of the 2026 Acts of Assembly (HB862/SB391), which amended and reorganized statutory authority governing the Commission on VASAP and local Alcohol Safety Action Programs. HB862 and SB391 repealed and replaced certain prior provisions and created Article 2.1 (§18.2-273.1 et seq.) of Chapter 7 of Title 18.2, directing the Commission to promulgate regulations necessary to implement the act.

The proposed amendments are initiated to conform existing regulations to the revised statutory framework, clarify Commission authority and local program responsibilities, and ensure statewide implementation of new requirements governing local ASAP certification, fiscal administration, policy board governance, and program accountability.

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

Legal authority for this regulatory action is provided by Chapter 686 and 687 of the 2026 Acts of Assembly (HB862/SB391), which established Article 2.1 (§18.2-273.1 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia and directed the Commission to promulgate regulations necessary to implement the act. Specific authority includes §§18.2-273.2 and 18.2-273.3 of the Code of Virginia, which authorize the Commission to establish standards, approve certification requirements, oversee local program operations and fiscal management, and promulgate regulations necessary to administer the statewide VASAP system. Additional statutory authority includes §§18.2-273.4 through 18.2-273.8 relating to local ASAP operations, fiscal agent localities, policy boards, certification, and related program requirements.

## Purpose

*Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.*

The Commission has determined that these regulations are necessary to protect the public health, safety, and welfare by ensuring the consistent, accountable, and effective operation of Virginia's statewide alcohol safety action program system. Local ASAPs perform critical public safety functions involving court-ordered monitoring, probation, education, and rehabilitation of offenders involved in alcohol- and substance-related driving offenses and related offenses.

The proposed amendments establish clearer operational standards and strengthen statewide oversight to promote fiscal integrity, continuity of services, transparency, and consistent offender supervision.

**Substance**

*Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

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The proposed amendments include both technical and substantive revisions to 24VAC35-80.

Substantive changes include:

1. Updating terminology and definitions to conform to the new statutory framework and clarify local ASAP, employee, certification, and governance terminology.
2. Updating local policy board requirements including Commission authority to intervene when policy boards fail to meet regulatory obligations.
3. Establishing new requirements for fiscal agent localities and local government funding responsibilities, including funding agreements for multi-jurisdiction programs and procedures governing supplemental or emergency funding.
4. Strengthening fiscal oversight focusing on financial reporting, audit procedures, reconciliation standards, and Commission oversight of financial management.
5. Expanding conflict-of-interest, ethics, employee conduct, and personnel policy requirements.
6. Clarifying privacy and records management requirements for offender files and confidential information.
7. Updating certification and oversight provisions governing local ASAP operations and personnel consistent with Commission authority under HB862 and SB391.
8. Establishing a section regarding data monitoring and approval and use of treatment providers.

These amendments are intended to align regulations with statutory changes and establish uniform statewide standards for program administration and accountability.

**Alternatives to Regulation**

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

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There are no alternatives as creation of these regulations by the Commission on VASAP is a Virginia Code requirement. The proposed regulatory amendments are intended to represent the least burdensome approach consistent with statutory requirements and public safety objectives. The regulations provide flexibility where practicable, including allowing Commission approval of alternative cost allocation methodologies, locally developed funding agreements, and discretionary implementation measures while maintaining necessary statewide accountability standards. Because local ASAPs are local governmental or quasi-governmental entities, the proposed amendments are not expected to impose significant adverse impacts on small businesses beyond those already required by statute.

## Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”*

This NOIRA is not being used to announce a periodic review or a small business impact review.

## Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.*

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### INSERT:

The Commission on VASAP is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at:  
<https://townhall.virginia.gov>.

Comments may also be submitted by mail, email or fax to:

Christopher Morris  
Commission on VASAP  
1111 E. Main St. Suite 801  
Richmond, VA 23219  
(804) 786-5895  
(804) 786-6286 (FAX)  
[chris.morris@vasap.virginia.gov](mailto:chris.morris@vasap.virginia.gov)

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.