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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12VAC5 - 105
VAC Chapter title(s)	Rabies Regulations
Action title	Amend Rabies Regulations Following Periodic Review (2024)
Date this document prepared	October 14, 2025

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 Rabies Regulations (12VAC5-105) protect the public health, safety, and welfare of individuals in the Commonwealth of Virginia by ensuring that the public is aware of (i) approved rabies clinic locations and (ii) a model plan for rabies exposure response. Additionally, the regulations provide guidance for all providers and localities on (i) maintaining rabies clinic data, (ii) the appropriate use of rabies vaccine exemptions, and (iii) the implementation of a model plan for rabies exposure response, including clearly defining LHD and local authority roles and responsibilities and effectively responding to companion animal and human exposures to rabies.

This action, following a 2024 periodic review, will amend the regulations to:

- Comply with Chapter 121 of the 2023 Virginia Acts of Assembly;
- Comply with Chapter 241 of the 2024 Virginia Acts of Assembly;
- Remove outdated information;

- Add or amend text to reflect best practices and the latest science from the industry, academia, public health experts, and other stakeholders;
- Clarify regulatory standards; and
- Include any additional amendments deemed necessary in response to public comment or input from industry and subject matter experts.

Additionally, this action will consider opportunities for regulatory reduction where possible.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

VDH – Virginia Department of Health

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 change is prompted by (i) two mandates from the General Assembly and (ii) the decision to amend the Rabies Regulations following a periodic review.

The mandates prompting the action are:

- Chapter 121 of the 2023 Virginia Acts of Assembly, which amended the Code of Virginia to ensure that the local health director or designee has access to any animal in rabies-related confinement; and
- Chapter 241 of the 2024 Virginia Acts of Assembly, which amended the Code of Virginia to allow additional animal vaccination and microchip services at rabies clinics approved by the local health department and governing body and at the discretion of the licensed veterinarian(s) participating in the clinic.

Additionally, the regulatory change is prompted by agency staff review of the regulation which has identified areas where the regulation would benefit from revision or clarification to ensure it achieves its intended purpose to protect the public welfare and health of individuals living in the Commonwealth.

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.

The promulgating agency is the State Board of Health.

Section 32.1-12 of the Code of Virginia and Chapter 834 of the 2010 Virginia Acts of Assembly authorize the State Board of Health to make, adopt, promulgate, and enforce the Rabies Regulations.

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 proposed changes are essential to protect the health and safety of citizens because they will improve the ability of VDH to conduct disease surveillance and implement disease control for conditions of public health concern. Rabies is nearly 100 percent fatal and is highly endemic in the Commonwealth. It is very important that human and animal exposures are addressed promptly and correctly to protect the public welfare and health of individuals living in the Commonwealth.

Additionally, this action is essential to amend text to comply with Chapter 121 of the 2023 Virginia Acts of Assembly and Chapter 241 of the 2024 Virginia Acts of Assembly.

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.

Goals of the amended language include: (i) to clarify language to ensure it achieves its intended purpose to protect the public welfare and health of individuals living in the Commonwealth (ii) to improve the recordkeeping associated with rabies clinics to increase the likelihood that an animal's vaccinations status can be verified in response to a rabies exposure, and (iii) to offer an updated model rabies response plan that localities may use to comply with § 3.2-6562.1 of the Code of Virginia.

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.

In light of the clear, specific, and mandatory authority of the State Board of Health to promulgate the Rabies Regulations, no alternatives to regulation have been identified.

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.

The State Board of Health 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 or email to Karen Mask, Sr. Policy Analyst for the Virginia Department of Health Office of Epidemiology, 109 Governor Street, Richmond, VA 23219, (804) 654-9351, epi-comments@vdh.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.