

REGULATORY PROCESS IN VIRGINIA

Standard Regulatory Process

NONSTANDARD REGULATORY PROCESS

Emergency regulations (§ [2.2-4011](#) of the Code of Virginia)

- Sometimes the General Assembly passes a law requiring an emergency regulation, while at other times the promulgating agency may determine that a regulation is necessitated by an emergency situation. The three-step process for standard regulatory actions does not apply to emergency regulations.
- An emergency regulation can take effect on the day it is filed for publication in the *Virginia Register*. An emergency regulation may be effective for no more than 12 months, unless an additional six-month extension is authorized by the Governor.
- Since an emergency regulation will expire, the agency usually begins the normal three-step regulatory process at the same time that the emergency is filed for publication in the *Virginia Register*.

Exempt regulations (§§ [2.2-4002](#) and [2.2-4006](#) of the Code of Virginia)

- Sometimes the General Assembly passes a law allowing the agency to skip the standard three-step regulatory process described above. Most exempt regulations are published in final form only; however, some exempt actions include notice and publication of proposed text.

Fast-track regulations (§ [2.2-4012.1](#) of the Code of Virginia)

- The fast-track rulemaking process is for regulations that are expected to be noncontroversial. If the Governor determines that a regulation is noncontroversial, the agency may publish the fast-track rulemaking in the *Virginia Register of Regulations*. A public comment period of at least 30 days follows publication of the fast-track rulemaking.
- A fast-track regulation can become effective as early as 45 days from publication in the *Virginia Register*.
- If objections to the regulatory action are raised by any of the following during the comment period, the fast-track rulemaking process ends and the rulemaking continues under the normal regulatory process (starting with Step 2):
 - Any member of the applicable standing committee of the Senate,
 - Any member of the applicable standing committee of the House of Delegates,
 - Any member of the Joint Commission on Administrative Rules (JCAR), or
 - Any objection from 10 or more members of the public.
- If there are no objections as described above, the regulation becomes effective 15 days after the close of the public comment period, unless the regulation is withdrawn or a later effective date is specified by the agency.