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**INCORPORATION BY REFERENCE EXCERPT FROM THE  
REGULATIONS OF THE VIRGINIA CODE COMMISSION FOR IMPLEMENTING THE  
VIRGINIA REGISTER ACT**

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Statutory Authority: § 2.2-4104 of the Code of Virginia.

Effective Date: January 24, 1994

**PART III.  
ADOPTION BY REFERENCE.**

**§ 3.1. Filing requirements for material adopted by reference.**

A. Where regulations, which are filed in full, adopt textual matter by reference to other publications as defined in § 1.2, such incorporated publications, in their entirety, shall also be filed with the Registrar. Whether the referenced material is required to be filed in full or by descriptive statement, the agency shall make copies of all referenced publications available for public inspection and copying along with its other regulations.

B. Whenever a regulation incorporates other textual material by reference, it should specify the date of adoption, revision, or publication, or the effective date, of the adopted material.

In addition, regulations so adopting other materials are required to have the following information on the cover of the incorporated material and the places where copies of the referenced publications may be procured:

1. Reference to the specific regulation adopting the outside material;
2. The filing date and effective date of the regulation; and
3. A notation containing the name of the agency.

**§ 3.2. Statement of availability.**

Where numerous adoptions by reference are made in a regulation, notations of sources and places of availability may be set forth in a separate section of the regulation.

**§ 3.3. Exemptions to filing of documents adopted or incorporated by reference.**

A. The requirements established in § § 3.1 and 3.2 do not apply to incorporation of textual matter by reference to the Federal Register or the Code of Federal Regulations, or by reference to regulations of other Virginia agencies. Where such references are made, however, the citation shall be sufficient for accurate identification of the referenced material. Where the material has been published in the Code of Federal Regulations, the title, part of sections, and the date of publication shall be given. Example: 1 C.F.R. Part 1 (rev. Jan. 1, 1975) or 1 C.F.R. § § 1.1 to 1.30 (rev. Jan. 1, 1975). Where the referenced material has not been published in the Code of Federal Regulations but appears in the Federal Register, the volume, page, and date of that publication shall be given and, if the material is in codified form, the C.F.R. citation should be given. Example: 16 C.F.R. § 19.1, 39 F.R. 23605 (Nov. 4, 1974). Some agency regulations previously filed with the Registrar adopt materials issued by federal agencies without reference to the Code of Federal Regulations or the Federal Register; to the extent that such materials appear in either of those publications, filing may be avoided and public access made easier by use of the appropriate citations.

B. In certain limited instances, on a case-by-case basis, the Registrar may exempt an agency from the requirements of filing in full textual material adopted by reference where such filing would be impractical due to:

1. The document exceeds 500 pages and is generally available to the public;
2. The size of the document's pages differs significantly from the standard page size of the Virginia Register of Regulations or the Virginia Administrative Code;
3. The material is not available in document form; for example, if the material is only available in electronic form or on computer tape or discs;
4. The material is updated more than twice yearly; or

5. The material is copyrighted or is otherwise the property of an individual or an organization other than the state government.

C. Any request for exemption to these filing requirements shall be made by the agency in writing, to the Registrar. Any approval granted by the Registrar shall also be made in writing.

D. The granting of an exemption under this section does not relieve an agency from the requirement of maintaining on file, and making available to the public, the full text of all materials adopted by reference.