

Questions to send to other states regarding incorporation by reference requirements:

1. Please provide the citation and link to your state's incorporation by reference statute.
2. a. Does your state require the use of specific language within the regulatory text to indicate that a document is incorporated by reference (e.g., "ANSI standard X is incorporated by reference and made a part of this regulation" or "the regulant must comply with ANSI standard X")?  
b. If yes, please provide the required language.
3. Does your state allow an agency to incorporate its own documents by reference? For example, Virginia's Department of Transportation writes a Road & Design manual that contains over 700 pages of technical material, mostly illustrations, that it incorporates by reference due to the nature of the material.
4. What process must the agency go through to reflect changes to a referenced document (e.g., APA or expedited process)?
5. Does your state allow an agency to incorporate by reference prospective changes to a referenced document (e.g., can the agency incorporate "the current edition" of a particular document or must it specify the edition or revision date of the document)?
6. Must the agency file copies of documents incorporated by reference with your office?
7. Do you have a procedure in place that provides for incorporating by reference documents posted on the Internet? If yes, please share.
8. Do you have a different process for incorporating federal regulations versus industry standards?
9. If you have found advantages or disadvantages to your state's approach, please share.