



## COMMONWEALTH of VIRGINIA

M. Norman Oliver, MD, MA  
State Health Commissioner

Department of Health  
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### VIRGINIA DEPARTMENT OF HEALTH REGULATION WAIVER AUTHORITY

Pursuant to Executive Order Fifty-One (51) issued by Governor Ralph S. Northam on March 12, 2020, a Declaration of a State of Emergency Due to Novel Coronavirus (COVID-19), and acting under authority provided by SECTION C.<sup>1</sup> of same, this document identifies and contains otherwise applicable regulatory sections of the **Food Regulations found at 12VAC5-421**, now **WAIVED** by the Virginia Department of Health (VDH) in response to the COVID-19 outbreak, with concurrence from Secretary of Health and Human Resources Daniel Carey, MD.

The regulatory waiver contained herein is effective upon endorsement and remain so, as long as Executive Order 51 remains applicable, currently through June 10, 2020; unless sooner amended or rescinded by further executive order.

Additional waivers of applicable regulations as authorized by Governor Ralph S. Northam will be identified as necessary by VDH and made electronically accessible to the public pursuant to Executive Order 51.

This regulation waiver applies only to the regulatory section identified below. All applicable Code of Virginia provisions remain in effect and enforceable, including Code of Virginia § 2.2-4000 et seq., the Administrative Process Act.

Questions regarding this document or the information contained within should be addressed to: Ms. Julie A. Henderson, Director, Office of Environmental Services, VDH, at (804) 864-7455 or [julie.henderson@vdh.virginia.gov](mailto:julie.henderson@vdh.virginia.gov).

 

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Date:

<sup>1</sup> "C. Authorization for the heads of executive branch agencies [including VDH], on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary [Daniel Carey, M.D., Secretary of Health and Human Resources], to waive any state requirement or regulation, and enter into contracts without regard to normal procedures or formalities, and without regard to application or permit fees or royalties. All waivers issued by agencies shall be posted on their websites."

**Chapter 421. Food Regulations. (In part: Waived language italicized and captured parenthetically)**

I waive the following regulatory section pursuant to Emergency Order 51:

**12VAC5-421-3710. New, Converted, or Remodeled Establishments.**

"For food establishments that are required to submit plans as specified under 12VAC5-421-3600 the regulatory authority shall issue a permit to the applicant after:

1. A properly completed application is submitted;
2. Any required fee is submitted;
3. The required plans, specifications, and information are reviewed and approved; and

*(4. A preoperational inspection shows that the establishment is built or remodeled in accordance with the approved plans and specifications and that) the establishment is in compliance with this chapter."*