

**Unified Regulatory Plan
of the Department of Forensic Science
for State Fiscal Year 2026**

Prepared on June 30, 2025

The Department of Forensic Science, a nationally accredited laboratory system, is authorized to provide forensic laboratory services in criminal matters, provide advanced training to law-enforcement agencies in the location, collection and preservation of evidence, and maintain and test the accuracy of equipment used to test the blood alcohol content of breath. It is also authorized to establish and maintain a DNA testing program to receive DNA samples taken pursuant to Virginia Code § 19.2-310.2 et seq., determine identification characteristics specific to an individual, and to store and maintain the resulting identification profiles in a DNA Data Bank. Code of Virginia, Title 9.1, Chapter 11, Article 1; Title 19.2, Chapter 18, Article 1.1. The Department is also authorized to (i) prescribe the methods for obtaining information from the DNA Data Bank, (ii) approve field test kits for the detection of controlled substances and marijuana, (iii) license persons to administer breath tests, and (iv) prescribe methods and equipment for breath tests. Code of Virginia, Title 19.2, Chapter 18, Article 1.1; Title 19.2, Chapter 12; and Title 18.2, Chapter 7, Article 2.

The Forensic Science Board is authorized to adopt regulations for all provisions of the Code of Virginia as they relate to the responsibilities of the Department. Code of Virginia, Title 9.1, Chapter 11, Article 2.

The Department operates under the supervision of the Secretary of Public Safety and Homeland Security.

Regulatory Actions

The FSB has no anticipated regulatory changes for FY 2026.

Guidance Documents

Action/Stage or Guidance Document Forum ID (if available)	
N/A	
Title of Proposed Regulatory Action or Guidance Document	
Breath Test Operator Instructional Manual Intox EC/IR II	
Brief Overview	
The Breath Test Operator Instructional Manual Intox EC/IR II provides instruction for law enforcement personnel on the operation of the Intox EC/IR II and the scientific principles governing breath testing and the Intox EC/IR II.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final ☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action ☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Discretionary action ☒ Action required by state statute
Deregulatory Component	The Department of Forensic Science will be replacing the Intox EC/IR II breath instruments currently deployed around the state. This will necessitate revisions to the Operator Instructional Manual. During this revision, the Department will endeavor to shorten the document by 2,500 words, which represents 25% of the length of the guidance document. This action was scheduled for FY2025 but has been delayed due to procurement delays in purchasing the new instruments.
Expected Date	December 2025

