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HOUSE BILL NO. 2242

Offered January 11, 2017

Prefiled January 11, 2017

A *BILL to amend the Code of Virginia by adding a section numbered 54.1-201.01, relating to regulatory boards within Department of Professional and Occupational Regulation; expiration of regulations.*

Patron—Miyares

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-201.01 as follows:

§ 54.1-201.01. Expiration of regulations of regulatory boards within the Department of Professional and Occupational Regulation.

A. *Notwithstanding the regulatory authority granted to regulatory boards pursuant to subdivision A 1 of § 54.1-201, all (i) final regulations adopted before July 1, 2017, by any regulatory board within the Department of Professional and Occupational Regulation shall expire on July 1, 2022, and (ii) proposed and final regulations promulgated by any regulatory board within the Department of Professional and Occupational Regulation on or after July 1, 2017, shall contain a sunset provision such that the regulations shall expire within five years of their effective date.*

B. *On or before July 1, 2021, the Board for Professional and Occupational Regulation (the Board) shall review the regulations specified in subsection A on such timetable as determined by the Board to enable it to meet the requirements of this section. The Board's review of such regulations shall include the following determinations:*

1. *Whether the regulation is the only effective and necessary way to achieve the desired outcome, including an analysis of whether the regulation (i) complements and does not duplicate existing regulations and (ii) is simple to administer in both enforcement and compliance;*

2. *The degree to which the regulation includes performance measures that are directly related to the desired outcome, including a provision establishing enhanced periodic review to ensure intended outcomes or providing for the sunset of the regulation upon a determination that the regulation no longer achieves the original desired outcomes;*

3. *The presence of clear justifications for implementation of the regulation, including development and implementation processes that are (i) transparent, (ii) written in plain language, and (iii) designed to allow citizens and businesses to clearly understand their rights and obligations under the regulation;*

4. *Whether the regulation is the most cost-effective means to achieve the desired outcome and whether the benefits of the regulation are greater than the burdens it imposes; and*

5. *Whether the regulation has a detrimental effect on the state's economy, including a determination as to whether it (i) has a negative effect on economic competitiveness, (ii) is harder to comply with than similar regulations in other states or the District of Columbia, and (iii) is compatible with the strategic goals of protecting the public health, safety, and welfare.*

C. *By July 1, 2021, the Board shall submit a report of its findings, including any recommendations, to the Joint Commission on Administrative Rules (the Commission), which shall exercise the powers granted to it under the Administrative Process Act (§ 2.2-4000 et seq.) and Chapter 8.1 (§ 30-73.1 et seq.) of Title 30. Any recommendations of the Commission for the continuation, modification, suspension, or rescission of any regulation specified in subsection A shall be submitted to the Governor and the General Assembly by October 15, 2021*

INTRODUCED

HB2242