

2020 SPECIAL SESSION I

INTRODUCED

20200117D

SENATE BILL NO. 5025

Offered August 18, 2020

Prefiled August 13, 2020

A *BILL to amend and reenact §§ 32.1-13, 32.1-20, and 35.1-10 of the Code of Virginia, relating to Board and Commissioner of Health; emergency orders and regulations; duration.*

Patrons—Newman, Chase, Dunnavant, Kiggans, Ruff and Suetterlein

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-13, 32.1-20, and 35.1-10 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-13. Emergency orders and regulations.

A. The Board may make separate orders and regulations to meet any emergency, not provided for by general regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health. *An emergency order or regulation made pursuant to this subsection shall be valid for no more than 30 days from the effective date of such order or regulation.*

B. *The Board may extend an emergency order or regulation adopted pursuant to subsection A. Each such extension shall be valid for a period of no more than 30 days. An emergency order or regulation may be extended multiple times; however, no emergency order or regulation adopted pursuant to subsection A shall be extended beyond a date that is 18 months from the effective date of the initial emergency order or regulation adopted pursuant to subsection A. If the Board wishes to continue regulating the subject matter of the emergency order or regulation adopted pursuant to subsection A beyond the end of the 18-month period described in this subsection, the Board shall adopt regulations to replace the emergency order or regulation in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).*

§ 32.1-20. Vested with authority of Board.

A. The Commissioner shall be vested with all the authority of the Board when it is not in session, subject to such rules and regulations as may be prescribed by the Board.

B. *In any case in which the Commissioner exercises the authority of the Board to enact any order or regulation to meet an emergency, not provided for by general regulation, for the purpose of suppressing nuisances dangerous to the public health or communicable, contagious, or infectious diseases or other dangers to the public life and health, such emergency order or regulation shall be valid for no more than 30 days from the effective date of the emergency order or regulation. Upon expiration of such 30-day period, the emergency order or regulation shall become ineffective unless an order or regulation effectuating the purpose of the emergency order or regulation made by the Commissioner is adopted by the Board pursuant to § 32.1-13.*

§ 35.1-10. Measures to prevent transmission of disease.

A. Nothing in this title applicable to restaurants shall prevent the Commissioner from taking whatever action he deems necessary to control the spread of preventable diseases as set forth in Title 32.1, including but not limited to the exclusion of employees, the medical examination of any employee, the immediate closing of a hotel, restaurant, summer camp, or campground, and the taking of samples for testing.

B. *Any action taken by the Commissioner pursuant to this section shall be valid for no more than 30 days from the effective date of such action. Upon expiration of such 30-day period, the action shall become invalid unless an order or regulation effectuating the purpose of the action taken by the Commissioner pursuant to this section is adopted by the Board in accordance with § 32.1-13.*

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