

Department of Planning and Budget 2021 Fiscal Impact Statement

1. Bill Number: SB1235E2

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Peake

3. Committee: Education and Health

4. Title: Department of Health; certain communication prohibited.

5. Summary: Prohibits any person employed by or who has entered into a contract to provide services on behalf of the Department of Health or a local department of health from initiating communication regarding matters set forth in subsection B of § 22.1-207.1 with a minor on behalf of the Department or local department of health without the consent of the minor's parent or guardian or person serving in loco parentis. This provision shall not apply to school nurses, physicians, or Virginia Department of Health employees or agents who are inquiring about medical conditions, outbreaks, pandemics, or any other declared state of emergency relating to a communicable disease or public health threat, except as otherwise required by law.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate, see item 8.

8. Fiscal Implications: The total fiscal impact this bill, as amended, would have on the Commonwealth cannot be determined. The Virginia Department of Health (VDH) consulted with the Office of the Attorney General regarding interpretation of the following provision of the bill: "Except as otherwise required by law, no person employed by the Department or a local department of health or who has entered into a contract to provide services on behalf of the Department or a local department of health shall initiate communication regarding matters set forth in subsection B of § 22.1-207.1 with a minor on behalf of the Department or local department of health without the consent of the minor's parent." The department has been advised to consider those services and programs for which VDH "initiates communications." This would prohibit any Virginia Department of Health employee, or agency contracting with the Virginia Department of Health, to initiate communication with a minor about family life topics, set forth in subsection B of § 22.1-207.1, without parental consent. This prohibition applies to VDH central office, VDH local health departments, and any service provider contracting with VDH.

It is expected that Title X and the Women, Infants and Children (WIC) Supplemental Nutrition program would be exempt because the bill makes an exception for initiating communication regarding health-related matters with minors that are required by law. The Office of Family Health Services based their assumptions on state and federal code

references for Title X (Virginia Code § 54.1-2969 Section 3.E) and for WIC (7 CFR 246.26 (d)(1)(i) and (ii)). Other agency programs and services may be impacted as an unintended consequence of this legislation.

As amended, the bill has the potential for broad programmatic and fiscal implications across the agency. VDH and its partner agencies currently provide a variety of health promotion, education, and clinical service programs for young people. Public health programs routinely “initiate communication” through educational campaigns and other forms of outreach and prevention efforts. VDH does not have sufficient information to determine what the fiscal impact would be to implement and maintain a process of obtaining parental consent prior to initiating communication for these efforts. VDH conducts general outreach and messaging for many programs, including but not limited to, contract tracing for HIV, positive youth development programs, and youth suicide prevention efforts.

9. Specific Agency or Political Subdivisions Affected: The Virginia Department of Health.

10. Technical Amendment Necessary: No.

11. Other Comments: No.