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HOUSE BILL NO. 390

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 54.1-310 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 30-19.1:4.1, relating to the General Assembly; creation of new regulatory program; study by the Board for Professional and Occupational Regulation.

Patron—Gilbert

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-310 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 30-19.1:4.1 as follows:

§ 30-19.1:4.1. Professions and occupations; legislation creating new regulatory program; study by Board for Professional and Occupational Regulation.

A. No bill that would result in the creation of a new regulatory program or a change in the level of regulation of a profession or occupation shall be considered in any session of the General Assembly unless the bill contains subsequent enactment clauses that (i) require the Board for Professional and Occupational Regulation to determine the need for the new regulatory program or change in the level of regulation in accordance with §§ 54.1-100 and 54.1-310 and (ii) provide that the bill shall not become effective unless reenacted by the next legislative session immediately following the legislative session in which the bill was introduced.

B. The Board for Professional and Occupational Regulation shall submit a report of its findings to the chairmen of the standing committees having subject matter jurisdiction on or before December 1 of the year in which the bill was introduced.

C. The provisions of this section shall apply only to a new regulatory program or a change in the level of regulation of a profession or occupation for which the Department of Professional and Occupational Regulation or a regulatory board within the Department is or would be responsible.

D. The Division of Legislative Services shall examine all bills filed during any legislative session for the purpose of identifying those bills requiring a study by the Board for Professional and Occupational Regulation pursuant to this section.

§ 54.1-310. Powers and duties of Board.

A. The Board shall have the following powers and duties:

1. Provide a means of citizen access to the Department.
2. Provide a means of publicizing the policies and programs of the Department in order to educate the public and elicit public support for Department activities.

3. Monitor the policies and activities of the Department and have the right of access to departmental information.

4. Advise the Governor and the Director on matters relating to the regulation of professions and occupations.

5. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to carry out its responsibilities.

6. Evaluate constantly each profession and occupation in the Commonwealth not otherwise regulated for consideration as to whether such profession or occupation should be regulated and, if so, the degree of regulation that should be imposed. Whenever it determines that the public interest requires that a profession or occupation which is not regulated by law should be regulated, the Board shall recommend to the General Assembly next convened a regulatory system accompanied by comprehensive regulations necessary to conduct the degree of regulation required.

B. Upon the regulation of a profession or occupation as set forth in subsection A, the Board shall have the power and duty to promulgate supplemental regulations necessary to effectuate the purposes and intent of this chapter and to establish regulatory boards to administer the system of regulation and the regulations recommended by the Board and approved by the General Assembly.

C. The Board shall determine the need for a new regulatory program or change in the level of regulation of a profession or occupation in accordance with § 30-19.1:4.1.

INTRODUCED

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