

**Department of Planning and Budget**  
**2020 Special Session I - Fiscal Impact Statement**

**1. Bill Number:** HB5075

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

**2. Patron:** LaRock

**3. Committee:** Health, Welfare and Institutions

**4. Title:** Public health emergency; emergency orders and regulations; limitations

**5. Summary:** Provides that neither the Board of Health nor the Commissioner of Health shall make any emergency order or regulation unless, based on the evidence available to the Board, (i) such order or regulation is necessary to suppress a nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health; (ii) no alternatives to the proposed order or regulation that are reasonable in light of the impact on quality of life and economic well-being exist; and (iii) the provisions of such order or regulation are narrowly tailored to address the nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health. The bill also provides that the Governor shall not issue any emergency rule, regulation, or order unless, based on the evidence available to the Governor, (a) such rule, regulation, or order is necessary to address a compelling circumstance; (b) no alternatives to the proposed rule, regulation, or order that are reasonable in light of the impact on quality of life and economic well-being exist; and (c) the provisions of such rule, regulation, or order are narrowly tailored to address the compelling circumstance.

The bill provides that any order that limits the number of individuals who may gather together in person, in public or private, or categorizes individuals on the basis of their relationship to or association with such individuals and limits the categories of individuals with whom an individual who is not known or reasonably suspected to have been exposed to or infected with a communicable disease of public health threat may associate is presumed to negatively impact quality of life and economic well-being.

The bill also limits the duration of any emergency rule, regulation, or order to 15 days; provides for one extension of such rule, regulation, or order; and provides that any person who violates such rule, regulation, or order shall be subject to a civil penalty of no more than \$100 per violation.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Indeterminate.

- 8. Fiscal Implications:** The fiscal impact this bill would have on the Commonwealth cannot be determined, but is expected to be minimal.

The provisions of the bill add the requirement that the board must conduct at least one public hearing on the proposed order or regulation. VDH would implement the public hearing requirement by contracting with a court reporter in order to prepare a transcript of the proceedings. VDH estimates that a typical expense for that service would range anywhere from \$292 to \$1,675. This estimate is based on the cost of court reporter services incurred by the VDH Office of Licensure and Certification, which uses court reporters to prepare transcripts of Informal Fact Finding Conferences (IFFCs) conducted as part of the Certificate of Public Need (COPN) Program. For COPN IFFCs over the past year the transcripts have ranged from \$292 - \$1,675, with an average of \$776.

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

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** None.