

Department of Planning and Budget 2021 Fiscal Impact Statement

1. **Bill Number:** HB2084

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Byron

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

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 health-related matters with a minor on behalf of the Department or local department of health without the consent of the minor's parent, 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 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 health-related matters with a minor on behalf of the Department or local department of health without the consent of the minor's parent." VDH has been advised to consider those services and programs for which VDH "initiates communications." VDH is unable to determine the fiscal impact this legislation would have on programs that address the health of minors. 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 the bill is currently written, it has the potential for broad programmatic and fiscal implications across the agency. 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, education campaigns to reduce the spread of COVID-19, tobacco use prevention and cessation efforts, and positive youth development programs.

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

10. Technical Amendment Necessary: No.

11. Other Comments: SB1235, as introduced by Senator Peake, is a companion bill.