

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB510

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

2. Patron: March

3. Committee: Commerce and Energy

4. Title: Employer medical mandates; cause of action.

5. Summary: Provides for a cause of action for any employee that suffers any adverse reaction or injury sustained by reason of a medical mandate, defined in the bill, issued by the employer as a condition of employment. The bill provides that in any such action the employee may recover compensatory damages, punitive damages, and reasonable attorney fees and costs.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Indeterminate. See item 8.

8. Fiscal Implications: *This revised fiscal impact statement reflects updated impact estimates from the Department of Treasury and Office of Attorney General.*

The Office of Attorney General (OAG) anticipates an increased workload responding to lawsuits filed by employees of the Commonwealth as a result of this bill. The OAG anticipates that the work can be absorbed with existing resources. Although Va. Code 40.1-2 does not include the Commonwealth under the definition of "employer," Va. Code 40.1-2.1 allows the Commissioner of Labor or the Safety and Health Codes Board to extend coverage to the Commonwealth, bypassing the legislative process. The bill in its current format does not address that possibility.

The Department of Treasury anticipates that the State Liability Risk Management Plan would bear the responsibility to satisfy any awards of monetary damages and attorney fees as a result of civil actions brought pursuant to this bill. The impact is indeterminate due to lack of data on multiple variables including number of claims, nature and extent of injuries alleged, jurisdiction, and representation.

It is anticipated that this bill will not have a fiscal impact on the Department of Labor and Industry and the department will not have an enforcement role in implementing its provisions. It is anticipated that any fiscal impact this bill may have on the Courts can be absorbed within existing resources.

9. Specific Agency or Political Subdivisions Affected: Courts, Office of Attorney General,
Treasury

10. Technical Amendment Necessary: No

11. Other Comments: None