

## Department of Planning and Budget 2022 Fiscal Impact Statement

1. **Bill Number:** HB157

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

2. **Patron:** Byron

3. **Committee:** Committee Referral Pending

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

5. **Summary:** Provides that any emergency order or regulation adopted by the Board of Health shall be valid for no more than 45 days and that such order may be extended by the Board for a subsequent period of 45 days, provided that the Board provides notice and receives public comment on the order or regulation proposed to be extended, but that in no case shall such emergency order or regulation be valid for more than 18 months from the effective date of the initial order or regulation. The bill also provides that in any case in which the Commissioner of Health exercises the authority of the Board to enact an emergency order or regulation, such order or regulation shall be valid for no more than 45 days from the effective date of the order or regulation unless the Board adopts an order or regulation to such effect.

The bill also limits the duration of an emergency temporary standard adopted by the Safety and Health Codes Board to 45 days and provides for an extension of such emergency temporary standard for a subsequent period of 45 days, provided that the Board provides notice and receives public comment on the emergency temporary standard proposed to be extended. However, no emergency temporary order shall be valid for a period of more than six months.

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

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

8. **Fiscal Implications:** 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 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.

Additionally the bill creates an intermediate revenue impact to the Literary Fund because it is not possible to estimate the number of or the value of the penalties that might be assessed against a future executive order.

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

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.