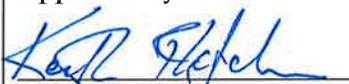


District of Columbia Department of Health  <h2>Legislation Development</h2>		<b>PROCEDURE 272.000</b> Implementing Office: Office of the Director/Office of Government Relations Training Required: Yes Originally Issued: DEC 20 2019 Revised/Reviewed:
<b>Approved by:</b>  LaQuandra S. Nesbitt MD, MPH; Agency Director	<b>Review by Legal Counsel:</b>  Phillip Husband, Esq.; General Counsel	<b>Effective Date:</b> DEC 20 2019  <b>Valid Through Date:</b> DEC 20 2022

<b>I. Authority</b>	Reorganization Plan No. 4 of 1996; Mayor's Order 1997-42.
<b>II. Reason for the Policy</b>	Executive branch agencies routinely put forth legislative proposals to the Executive Office of the Mayor (EOM) to introduce to the Council of the District of Columbia (DC Council). As the subject matter experts on public health policy in DC government, DC Health is uniquely positioned to inform legislative efforts to improve the public health of the District. The underlying laws governing any program can be a powerful driver of successful outcomes, or an equally challenging constraint. A protocol is necessary to guide DC Health programs in drafting legislative proposals, and coordinating with both the DC Health Office of the General Counsel (OGC) and the DC Health Office of Government Relations (OGR) to ensure legislation is drafted correctly, legally sufficient, and receives the needed intra-agency and inter-agency approvals.
<b>III. Applicability</b>	This SOP shall apply to all DC Health employees, contractors, interns, and summer youth employees. These individuals are referred to collectively herein as "employees" or "DC Health employees."
<b>IV. Policy Statement</b>	The legislation development process is jointly overseen by OGC and OGR. The General Counsel is the accountable manager over all tasks assigned to OGC. The Director of Government Relations is the accountable manager over all tasks assigned to OGR.

The Director, or designee, must authorize a project to develop new legislation.

With the assistance of the applicable subject matter expert(s), OGC is responsible for drafting the text of a bill. The DC Health General Counsel will assign an attorney, or team of attorneys, to draft a bill. The assigned attorney(s) are responsible for ensuring that the bill:

1. Contains all required sections;
2. Uses the correct formatting for bills to be introduced in the DC Council;
3. Does not conflict with any other District or federal laws and regulations;
4. Complies with applicable policies and procedures; and
5. Is legally sufficient.

The Director, or designee, will assign a DC Health program, or programs, to serve as the subject matter expert(s) (SME) for each bill the Department drafts. The Program Manager of that program, or designee, is responsible for ensuring that the content of a bill:

1. Reflects the most current peer-reviewed science, and accepted best practices, regarding the public health issue the legislation is intended to address;
2. Aligns with the Director's strategic vision for the Department;
3. Uses subject-specific terminology accurately and correctly; and
4. Can be feasibly implemented (after accounting for any resources allocated to DC Health in the text of the proposed legislation);

For legislation applicable to a health professional licensing board, the Executive Director of that board shall act as the Program Manager.

If the Director assigns multiple programs/administrations to contribute subject matter expertise, all identified Program Managers share in the above list of responsibilities.

The Program Manager is responsible for submitting the complete proposed legislation to the Senior Deputy Director (SDD) of his/her administration for approval.

	<p>The DC Health General Counsel will sign any proposed legislation, declaring it legally sufficient, before routed to the Director for approval. The process of obtaining approvals outside of DC Health may only begin once the Director has approved the draft.</p> <p>OGR is responsible for routing the draft legislation to the Office of Policy and Legal Affairs (OPLA) and the Office of the Deputy Mayor for Health and Human Services (DMHHS), both within EOM, and coordinating responses to follow-up questions from both offices. All employees shall provide a timely, accurate, and thorough response to any request for information OGR requests.</p> <p>Once OPLA and DMHHS approvals have been obtained, OGC is responsible for coordinating with the District of Columbia Office of the Attorney General (OAG) to obtain a Certification of Legal Sufficiency. Only OGC personnel may communicate directly with OAG. Other employees may do so in the presence of an OGC representative.</p> <p>OGC submits the legislation to the District of Columbia Office of the Chief Financial Officer (OCFO) to develop a Fiscal Impact Statement (FIS), answers any legal questions, and refrains from answering any policy/program/fiscal questions. OGR is responsible for compiling all required information to submit to OCFO to develop an FIS. All employees shall provide a timely, accurate, and thorough response to any request for information needed to inform an FIS.</p> <p>OGR is responsible for routing the proposed legislation, including the complete FIS, to EOM to be reviewed and, potentially, forwarded to the DC Council for formal introduction.</p> <p>Any employee in violation of any part of this SOP may be subject to commensurate disciplinary action.</p>
<p><b>V. Definitions &amp; Acronyms</b></p>	<p><b>Bill-</b> A statute in draft before it becomes law.</p> <p><b>DC Council-</b> Council of the District of Columbia. The lawmaking body for the District of Columbia, consisting of Councilmembers</p>

	<p>elected by the public. The DC Council is within the legislative branch of the government of the District of Columbia.</p> <p><b>DMHHS-</b> Office of the Deputy Mayor for Health and Human Services</p> <p><b>EOM-</b> Executive Office of the Mayor</p> <p><b>FIS-</b> Fiscal Impact Statement. A document that certifies the financial impacts of legislation that is to be considered by the Council's committees. The Council is required by statute to submit a fiscal impact statement for all bills and public resolutions as a part of the legislative process.</p> <p><b>Legislation-</b> Any measure (i.e. bill or resolution) being considered by the Council of the District of Columbia.</p> <p><b>OCFO-</b> District of Columbia Office of the Chief Financial Officer</p> <p><b>OGC-</b> DC Health Office of General Counsel</p> <p><b>OGR-</b> DC Health Office of Government Relations</p> <p><b>OPLA-</b> Office of Policy and Legal Affairs within the Executive Office of the Mayor.</p> <p><b>SDD-</b> Senior Deputy Director</p> <p><b>SME-</b> Subject matter expert</p>
<p><b>VI. Procedures</b></p>	<p><b>Procedure A: Drafting and Internal Approvals</b></p> <ol style="list-style-type: none"> <li>1. The Director, or designee, authorizes an idea for legislation development.</li> <li>2. The General Counsel will assign an attorney to draft the legislation with the SME(s).</li> <li>3. The Program Manager, or other designated SME, will collaborate with the assigned attorney to provide all subject matter knowledge necessary to draft the legislation. If the legislation requires multiple SMEs across</li> </ol>

	<p>programs/administrations, this responsibility is shared among them.</p> <ol style="list-style-type: none"><li>4. The assigned attorney will draft the proposed legislation.</li><li>5. The Program Manager will submit the draft proposed legislation to the SDD for approval.</li><li>6. The General Counsel will review the proposed legislation for legal sufficiency, noting any necessary revisions to the Program Manager and assigned attorney.</li><li>7. The General Counsel will route the proposed legislation to the Director upon declaring it legally sufficient.</li><li>8. The Director will review the proposed legislation, directing any revision requests to the General Counsel and Program Manager.</li><li>9. When the proposed legislation has been amended to the Director's satisfaction (if applicable), s/he will authorize it to progress to external approvals after returning it first to OGC.</li><li>10. The General Counsel, or designee, will document the proposed legislation, and confirmation of the Director's approval in the OGC log.</li></ol> <p><b>Procedure B: External Approvals</b></p> <ol style="list-style-type: none"><li>1. The Director of Government Relations will forward the proposed legislation to OPLA and DMHHS.</li><li>2. The Director of Government Relations will coordinate responses to any follow-up questions received from OPLA or DMHHS.</li><li>3. Upon receipt of approval from OPLA and DMHHS, the General Counsel will forward the proposed legislation to OAG.</li></ol>
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	<ol style="list-style-type: none"> <li>4. Upon receipt of the Certification of Legal Sufficiency from OAG, the Director of Government Relations or OGC will request information for the FIS from all applicable DC Health employees.</li> <li>5. All employees receiving requests will provide a timely, accurate, and thorough response to the request.</li> <li>6. The Director of Government Relations will compile all responses and route to OCFO.</li> <li>7. Upon receipt of the FIS, the Director of Government Relations will forward the proposed legislation and FIS to EOM.</li> </ol>
<b>VII. Contacts</b>	<p>DC Health General Counsel</p> <p>Director of Government Relations</p>
<b>VIII. Related Documents, Forms and Tools</b>	<p>None</p>