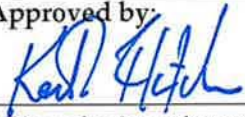
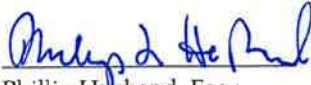


District of Columbia Department of Health  <b>Legislation Development</b>		<b>PROCEDURE 272.000</b> Implementing Office: Office of the Director/Office of Government Relations Training Required: Yes Originally Issued: Dec. 20, 2019 Revised/Reviewed:  <b>(First Revision)</b>
Approved by:  LaQuandra S. Nesbitt MD, MPH; Agency Director	Review by Legal Counsel:  Phillip Husband, Esq.; General Counsel	Effective Date: <b>DEC 17 2021</b>  Valid Through Date: <b>DEC 17 2026</b>

<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.

	<p>The Director of the Department of Health (“the Director”), or designee, must authorize a project to develop new legislation.</p> <p>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) is responsible for ensuring that the bill:</p> <ol style="list-style-type: none"> <li>1. Contains all required sections;</li> <li>2. Uses the correct formatting for bills to be introduced in the DC Council;</li> <li>3. Does not conflict with any other District or federal laws and regulations;</li> <li>4. Complies with applicable policies and procedures; and</li> <li>5. Is legally sufficient.</li> </ol> <p>The assigned OGC attorney is responsible for initiating the draft of the proposed legislation in consultation with the SME/Program Manager and a representative from OGR. Where relevant, the OGC attorney shall provide any legislation from other jurisdictions on the same or similar subject.</p> <p>The OGR Director, or designee, is responsible for maintaining an electronic tracker of all legislative projects each fiscal year. At a minimum, the electronic tracker will include the name of the bill, the applicable administration(s), and the dates of all required statutory review steps as they are achieved.</p> <p>Upon initiation of a new of legislation/bill or otherwise, OGC shall provide the following information to the OGR Director for entry in the electronic tracker within three (3) business days of initiation:</p> <ol style="list-style-type: none"> <li>1. The bill title or description,</li> <li>2. The assigned OGC attorney, and</li> <li>3. Notice type.</li> </ol> <p>The OGR Director, or designee, will enter the impacted administration(s) into the electronic tracker within three (3) business days.</p> <p>The Director, or designee, will assign a DC Health program, or programs, to serve as the subject matter expert(s) (SME) for each</p>
--	--



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 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. The Director of OGR, and the assigned OGC attorney are to be included on all such communications.

The DC Health General Counsel will review and determine whether the proposed legislation is legally sufficient. The DC Health General Counsel will sign a statement that the proposed legislation is legally sufficient after review and determination that the proposed legislation is legally sufficient before it is routed to the Director of DC Health for approval.

The date of the Director's approval shall be entered into the electronic tracker within three (3) business days. The process of obtaining approvals outside of DC Health may only begin once the Director has approved the draft.

OGC 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

	<p>both offices. All employees shall provide a timely, accurate, and thorough response to any request for information OGC requests. The Director of OGR shall be included on all such communications. OGC will enter the dates of transmission and approval from these offices into the electronic tracker within three (3) business days.</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. The Director of OGR and the COS are to be included in all such communications.</p> <p>OGC will submit the legislation to the District of Columbia Office of the Chief Financial Officer (OCFO) to develop a Fiscal Impact Statement (FIS), answer any legal questions and refrain from answering any policy/program/fiscal questions. OGR and the SME/Program Manager are to be included on all such communications and may be consulted on any policy or programming questions as they arise. OGC 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. OGC shall enter the date of the FIS in the electronic tracker within three (3) business days of submission.</p> <p>OGC 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. The OGR Director shall be included on all such communications.</p> <p>OGC shall notify the Director, COS, Director of OGR, and the SME/Program Manager and his/her SDD of the final publication and enter the register submission date, requested publication date, and actual publication date into the electronic tracker within three (3) business days of publication.</p> <p>If the legislation is to be voted on, OGR is responsible for tracking the vote tally, date, and relevant political information (e.g.,</p>
--	---



	<p>concerns raised during debate, amendments offered), and documenting in the electronic tracker while monitoring the vote.</p> <p>Any employee in violation of any part of this SOP may be subject to commensurate disciplinary action.</p>
<b>V. Definitions &amp; Acronyms</b>	<p><b>Bill-</b> A statute in draft before it becomes law.</p> <p><b>COS</b> – Chief of Staff. The strategic advisor to the Director of the Department of Health and senior staff to ensure execution of the mission of the Department of Health.</p> <p><b>DC Council</b> – Council of the District of Columbia. The lawmaking body for the District of Columbia, consisting of Councilmembers elected by the public. The DC Council is within the legislative branch of the government of the District of Columbia.</p> <p><b>The Director</b> – DC Health Director</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>SDD – Senior Deputy Director</p> <p>SME – Subject matter expert</p>
VI. Procedures	<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 OGR Director, or designee, will create a new entry in the electronic tracker within three (3) business days.</li> <li>3. The General Counsel will assign an attorney to draft the legislation with the SME(s) in consultation with OGR.</li> <li>4. The Program Manager, or other 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 programs/administrations, this responsibility is shared among them.</li> <li>5. The assigned attorney will draft the proposed legislation.</li> <li>6. The Program Manager will submit the draft proposed legislation to the SDD for approval.</li> <li>7. The General Counsel will review the proposed legislation for legal sufficiency, noting any necessary revisions to the Program Manager and assigned attorney.</li> <li>8. The General Counsel will route the proposed legislation to the Director upon declaring it legally sufficient.</li> <li>9. The Director will review the proposed legislation, directing any revision requests to the General Counsel and Program Manager.</li> <li>10. 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> </ol>

11. The General Counsel, or designee, will document the proposed legislation, and confirmation of the Director's approval, and all other relevant data points in the electronic tracker within three (3) business days.

## Procedure B: External Approvals

1. The General Counsel, or designee, will forward the proposed legislation to OPLA and DMHHS.
2. The General Counsel, or designee, will coordinate responses to any follow-up questions received from OPLA or DMHHS.
3. Upon receipt of approval from OPLA and DMHHS, the General Counsel, or designee, will document the approval in the electronic tracker within three (3) business days.
4. The General Counsel will forward the proposed legislation to OAG.
5. Upon receipt of the Certification of Legal Sufficiency from OAG via OGC, the OGR Director, or designee, will request information for the FIS from all applicable DC Health employees.
6. All employees receiving requests will provide a timely, accurate, and thorough response to the request.
7. The OGR Director, or designee, will compile all responses and route to OCFO.
8. Upon receipt of the FIS, the OGR Director will forward the proposed legislation and FIS to EOM.
9. The General Counsel, or designee, will document the receipt of the FIS in the electronic tracker within three (3) business days of receipt.



	<p><b>Procedure C: Submission to Council and Vote Tracking</b></p> <p>This procedure is to be used only if the bill is introduced into the DC Register. All steps in the procedure are <i>as applicable</i> as legislation does not always progress to a vote.</p> <ol style="list-style-type: none"> <li>1. The General Counsel, or designee, will verify the publication date in the DC Register.</li> <li>2. The General Counsel, or designee, will document the following dates in the electronic tracker:             <ol style="list-style-type: none"> <li>a. The submission date;</li> <li>b. The requested publication date;</li> <li>c. The actual publication date.</li> </ol> </li> <li>3. The OGR Director, or designee, will monitor the progress of the bill through the legislative process.</li> <li>4. The OGR Director, or designee, will record the following data points in the electronic tracker while tracking the vote(s):             <ol style="list-style-type: none"> <li>a. The date of the vote;</li> <li>b. The vote tally;</li> <li>c. The relevant political information (e.g., concerns raised during debate, amendments offered) at the vote.</li> </ol> </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>