

RÉSUMÉ DIGEST

ACT 623 (HB 372)

2018 Regular Session

Connick

New law creates the Occupational Board Compliance Act.

By establishing and executing the policies established in new law, the state of La. intends to ensure that occupational licensing boards and board members will avoid liability under federal antitrust laws.

New law defines the following terms: "active market participant", "active supervision", "commission", "least restrictive regulation", "occupational license", "occupational licensing board", "occupational regulation", "personal qualifications", "qualifications", "registration", and "state policy".

New law provides each of the following as policy of this state for occupational licensing boards promulgating occupational regulations:

- (1) The increase of economic opportunities for all citizens of La. by promoting competition and thereby encouraging innovation and job growth.
- (2) Use of the least restrictive regulation necessary to protect consumers from present, significant, and substantiated harms that threaten public health and safety.

New law establishes the Occupational Licensing Review Commission (hereinafter "commission") comprised of the governor, secretary of state, commissioner of agriculture, commissioner of insurance, and the state treasurer, or their respective designees.

Beginning January 1, 2019, to ensure an occupational licensing board's adoption of an occupational regulation complies with state policy, new law requires the commission to actively supervise state executive branch occupational licensing boards controlled by active market participants. Active supervision provided for in new law does not extend to individual disciplinary actions taken or imposed by an occupational licensing board relative to any active market participant subject to the jurisdiction of the occupational licensing board.

New law requires an occupational licensing board to submit any proposed occupational regulation to the commission for review. Requires the commission to provide to the board written approval or disapproval of the proposed regulation along with any recommendations. Further requires the board to submit to the commission any changes to the proposed regulation prior to the board's final adoption of such proposed regulation.

New law provides that proposed occupational regulations adopted through emergency rulemaking processes are not subject to active supervision as provided for in new law.

New law requires the commission to issue directives necessary to effectuate the provisions of new law, including the process, procedures, and timelines that will govern any submission filed in accordance with new law.

The provisions of new law should not be interpreted to subject the commission to any of the administrative procedures of the Administrative Procedure Act.

Nothing in new law shall be construed to prevent or limit any occupational licensing board from granting or recognizing reciprocity or mobility in the licensing, registration, or certification of occupations or professions when an occupational licensing board has established or seeks to establish occupational regulations providing for reciprocity or mobility of licensed, registered, or certified occupations or professions as authorized by law.

Effective upon signature of the governor (May 30, 2018).

(Adds R.S. 37:41-47)