

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 1062

2022 Regular Session

Freeman

BOARDS/COMMISSIONS: Provides relative to occupational licensing

Synopsis of Senate Amendments

1. Adds to the definition of "occupational regulation" that it includes a rule, regulation, restraint, practice, or policy allowing an individual to use an occupational title or work in a lawful occupation for the purpose of fulfilling a financial, tax, or accounting objective.

Digest of Bill as Finally Passed by Senate

Present law provides relative to the Occupational Board Compliance Act.

Present law defines certain terms.

Proposed law changes the definition of the term "occupational license" to specify that the term means a nontransferable authorization granted by an occupational licensing board for an individual or entity meeting personal qualifications in order to fulfill a legitimate fiduciary, public health, safety, or welfare objective.

Proposed law changes the definition of the term "occupational regulation" to specify that the term means a rule, regulation, restraint, practice, or policy allowing an individual to use an occupational title or work in a lawful occupation, including but not limited to registrations and occupational licenses in order to fulfill a legitimate fiduciary, public health, safety, or welfare objective or a financial, tax, or accounting objective.

Proposed law deletes from present law the terms "qualifications", "registration", and "state policy".

Proposed law defines the term "fiduciary".

Proposed law allows any interested person to request review of an occupational regulation by submitting a petition. The occupational licensing board is required to review the regulation for full compliance with the least restrictive regulation.

Present law provides procedure and standards for judicial review.

Proposed law provides that a plaintiff shall prevail in court if it is determined that the challenged occupational regulation burdens entry into a profession, trade, or occupation and that the agency has failed to prove that the regulation is necessary and narrowly tailored to fulfill legitimate fiduciary, public health, safety, or welfare objectives.

Proposed law provides an exception to the judicial review standards provided in proposed law for challenged regulations promulgated by an occupational licensing board that participates in the Dept. of Justice Occupational Licensing Review Program.

Proposed law does not apply to administrative rules promulgated in accordance with the Human Life Protection Act as provided for in present law.

(Amends R.S. 37:43; Adds R.S. 49:953(C)(3) and (963)(F) and (G))