

RÉSUMÉ DIGEST

ACT 583 (HB 1062)

2022 Regular Session

Freeman

Existing law provides relative to the Occupational Board Compliance Act.

New law retains existing law.

Existing law defines "active market participant", "active supervision", "commission", "least restrictive regulation", "occupational license", "occupational licensing board", "occupational regulation", and "personal qualifications".

New law retains existing law and adds a definition for "fiduciary".

New law amends the definition of "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.

New law amends the definition of "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.

Prior law defined the terms "qualifications", "registration", and "state policy".

New law deletes prior law.

New law allows any interested person to request review of an occupational regulation by submitting a petition to the occupational licensing board that issued the regulation. Requires the occupational licensing board to review the regulation for full compliance with the least restrictive regulation as set forth in existing law.

Existing law provides procedure and standards for judicial review.

New law retains existing law and adds an additional standard that 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, by a preponderance of evidence, that the regulation is necessary and narrowly tailored to fulfill legitimate fiduciary, public health, safety, or welfare objectives.

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

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

Effective August 1, 2022.

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