
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

SB 504 Original DIGEST Ward
2018 Regular Session

Proposed law provides for the following legislative findings:

- (1) The right for a individual to pursue a chosen business or profession free from arbitrary or excessive government interference. Further provides that the freedom to earn an honest living provides the surest means for economical mobility.
- (2) It is in the public interest to ensure rights to pursue legitimate professional opportunities, and to ensure regulations of entry into businesses and professions are necessary and tailored to legitimate health, safety, and welfare.

Proposed law defines "agency", "entry regulations", "public service restrictions", "welfare", and "subsidy".

Proposed law provides that entry regulations and public service restrictions with respect to businesses and professions shall be necessary and tailored to fulfill legitimate public health, safety or welfare objectives.

Proposed law provides that in reviewing entry regulations or public service restrictions the agency shall consider whether:

- (1) It is required by state or federal law.
- (2) It is necessary to protect public health, safety, or welfare.
- (3) Its purpose or effect is to inhibit competition or deny entry into business.
- (4) Its purpose could be accomplished by a less restrictive means.
- (5) The agency lacks authority to adopt the regulation or restriction.

Proposed law provides that within one year every agency shall conduct a comprehensive review of all regulations each agency shall:

- (1) Articulate the public health, safety, or welfare of the regulation.
- (2) Articulate why the regulation is necessary to serve specified objectives.

Proposed law provides that if regulations do not meet a public health, safety or welfare objective,

the agency shall repeal, modify the regulation, or recommend to the legislature actions necessary to repeal or modify the regulation.

Proposed law provides that each agency shall report all action taken to conform to the proposed law within 15 months of enactment of the proposed law to the legislature.

Proposed law relative to judicial action provides that any person may petition an agency to repeal or modify a regulation. Further provides that agency shall respond within 90 days by repealing, modifying or stating a basis on which it concludes the regulation or restriction conforms with the proposed law or requires legislature to conform to the proposed law.

Proposed law provides that if an agency does not answer the petition within 90 days, any person may file a petition in a court of competent jurisdiction. Further provides that to prevail in an action the court must find by a preponderance of the evidence that the regulation or public service restriction on its face burdens entry into a business or professional occupation. If so, the court shall enjoin enforcement and award attorney fees and costs.

Effective August 1, 2018.

(Adds R.S. 49:920 – 925)