
DIGEST

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HB 748 Reengrossed

2018 Regular Session

Emerson

Abstract: Creates the Occupational Licensing Review Act.

Proposed law provides for the following legislative policies:

- (1) The right of an individual to pursue a lawful occupation is a fundamental right.
- (2) When the state finds it necessary to regulate an occupation or profession, the state is required to use the least restrictive regulation to protect consumers from present, significant, and empirically substantiated harms threatening public health and safety.

Proposed law defines "certification", "lawful occupation", "least restrictive regulation", "occupational license", "occupational regulation", "personal qualifications", and "registration".

Proposed law requires the office of the governor (hereinafter "office"), beginning July 1, 2018, to annually review approximately 20% of the state's current occupational regulations. Requires the office to review all occupational regulations within the subsequent five years. Further requires the office to repeat the review process in five-year intervals.

Proposed law requires the office, beginning on January 1, 2019, to annually report the findings of its reviews to the speaker of the House of Representatives, the president of the Senate, and the attorney general.

Proposed law requires the office's report to recommend the legislature propose legislation that may do any of the following:

- (1) Repeal occupational regulations.
- (2) Convert the occupational regulations to less restrictive regulations.
- (3) Instruct the relevant licensing board or agency to promulgate revised regulations reflecting the legislature's decision to use a less restrictive regulation.

Proposed law provides that the office may recommend no new legislation be enacted.

Proposed law requires the La. Workforce Commission (hereinafter "commission") to designate internal personnel to establish an annual reporting requirement for the commission's collection of

data with respect to all of the following:

- (1) The number of applicants with criminal records applying for an occupational license from each board.
- (2) The number of applications approved and denied by each board.
- (3) The type of offenses for which each board approved or denied the applications.
- (4) Other data as determined by the commission.

Proposed law requires the commission to compile and annually provide a report of the data collected to the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs. Requires the commission to make the report available on the commission's official website on or before February first of each calendar year.

Proposed law provides for interpretation of statutes and rules as follows:

- (1) For occupational regulations to be construed and applied to increase economic opportunities, promote competition, and encourage innovation.
- (2) For any ambiguities in occupational regulations to be construed in favor of working licensees, aspiring licensees, and persons aspiring work related to regulated occupations.
- (3) For the scope of practice in occupational regulations to be construed narrowly so as to avoid its application to individuals who would be burdened by regulatory requirements that are only partially related to the goods and services they provide.

Effective July 1, 2018.

(Adds R.S. 37:41-45)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Amend the definition of "certification".
2. Remove the definition of "speciality occupational license for medical reimbursement".
3. Remove the definition of "office" relative to the office of supervision of occupational boards.
4. Redesignate authority from the office of supervision of occupational boards to the office of the governor with respect to the responsibility for reviewing proposed legislation of

occupations and relative to making reports to the legislature.

5. Remove the set of guidelines to be used for the evaluation of occupational regulations.
6. Remove provisions authorizing a person with a criminal record to petition an occupational licensing entity to determine whether the person's criminal record would disqualify such person from receiving the sought-after occupational license.
7. Require the La. Workforce Commission to establish reporting requirements relative to applicants with criminal records who apply to occupational licensing entities for occupational licenses.
8. Make technical changes.