
DIGEST

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HB 1062 Original

2022 Regular Session

Freeman

Abstract: Allows a person to petition an occupational licensing board for review of a regulation issued by that board.

Present law defines "least restrictive regulation" by ranking the following regulations from least to most restrictive in this order:

- (1) Market competition.
- (2) Third-party or consumer-created ratings and reviews.
- (3) Specific private civil cause of action to remedy consumer harm as provided in the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq.
- (4) Regulation of the process of providing the specific goods or services to consumers.
- (5) Inspection.
- (6) Bonding or insurance.
- (7) Registration.
- (8) Occupational license.

Proposed law changes present law and defines "least restrictive regulation" by ranking the following regulations from least to most restrictive in this order:

- (1) Market competition.
- (2) Third-party or consumer-created ratings and reviews.
- (3) Specific private civil cause of action to remedy consumer harm as provided in the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq.
- (4) Regulation of the process of providing the specific goods or services to consumers.
- (5) Inspection.

- (6) Bonding or insurance.
- (7) Registration.
- (8) Government certification.
- (9) Specialty occupational certification solely for medical reimbursement.
- (10) Occupational license.

Present law also defines "occupational license", "occupational licensing board" (board), "occupational regulation", "personal qualifications", "qualifications", "registration", and "state policy".

Proposed law removes "qualifications", "registration", and "state policy" from the list of definitions.

Proposed law adds definitions for "government certification" and "specialty occupational certification solely for medical reimbursement".

Proposed law requires a board to review a regulation it issued upon request from an interested person.

Proposed law provides procedure and standards for judicial review.

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

(Amends R.S. 37:43; Adds R.S. 37:44(4) and (5) and R.S. 49:953(C)(3) and (963)(F) and (G))