

GREEN SHEET REDIGEST

HB 1062

2022 Regular Session

Freeman

BOARDS/COMMISSIONS: Provides relative to occupational licensing.

DIGEST

Present law provides relative to the Occupational Board Compliance Act.

Present law defines terms including the following:

- (1) "Occupational license" means a nontransferable authorization granted by an occupational licensing board for an individual or entity meeting certain qualifications or personal qualifications. In an occupation for which a license is required, it is unlawful for an individual that does not possess a valid occupational license to perform the occupation for compensation.
- (2) "Occupational regulation" 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. The term excludes any license, permit, or regulation established by a parish or municipality.

Proposed law provides that the authorization granted by an occupational license is for the purpose to fulfill a legitimate fiduciary, public health, safety, or welfare objective.

Proposed law provides that occupational regulation allowing an individual to use an occupational title or work in a lawful occupation is for the purpose to fulfill a legitimate fiduciary, public health, safety, or welfare objective or a financial, tax, or accounting objective.

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

Proposed law provides that the term "fiduciary" includes a trustee under any trust, expressed, implied, resulting or constructive, executor, administrator, guardian, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public or private, public officer, or any other persons acting in a fiduciary capacity for any person, trust or estate.

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 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, which is provided for in present law.

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

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove all references to a "specialty occupational certification solely for medical reimbursement".
2. Remove provisions relative to state policy for promulgated occupational regulations.
3. Create an exception to the standard of judicial review provided in proposed law for regulations promulgated by a board that participates in the occupational review program administered by the Dept. of Justice.
4. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the reengrossed bill

1. Adds that an occupational regulation allowing an individual to use an occupational title or work in a lawful occupation is for the purpose to fulfill a financial, tax, or accounting objective.