
DIGEST

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HB 825 Original

2018 Regular Session

Thomas

Abstract: Creates the Right to Earn a Living Act for the review and repeal or modification of licensing requirements and regulations to allow more open access to professions and business ventures.

Proposed law provides legislative intent which declares that arbitrary government involvement in the regulation of business interests and professional licences is contrary to the public policy of our state and to the entrepreneurial spirit of its people.

Proposed law further provides that the right to enter a profession of choice and earn a living is a fundamental right and the key to economic mobility.

Proposed law provides definitions.

Proposed law requires a review of the policies and entry regulations of professional licensing boards and agencies as well as any hurdles to going into business.

Proposed law requires a modification or repeal of those policies that are not demonstrably necessary to maintain the public health, safety, or welfare of the people of the state and that the agency recommend that the legislature modify or repeal the policies that require legislative action.

Proposed law allows a private citizen to petition an agency for a modification or repeal of a policy that the citizen believes is detrimental to public interest because the policy presents an undue burden upon a person attempting to enter the profession or business of his choice while not contributing to the public health, safety, or welfare of the population. The agency has 90 days to respond from the submission of the petition.

Proposed law provides that if the private citizen is displeased with the outcome of his petition or if the agency does not answer his petition within 90 days, he may file a suit in district court.

Proposed law requires a judge to order the policy be repealed or modified if the plaintiff in the matter can prove by the preponderance of the evidence that the regulation presents an undue burden on his ability to enter a certain profession or go into business in a certain market when weighed against the effect the regulation has on the fulfillment of a legitimate public health, safety, or welfare objective.

Proposed law provides that proposed law preempts any local law with a regulation contrary to one found to be unnecessarily burdensome pursuant to the provisions of proposed law.

Proposed law requires that the policy review be complete by Aug. 1, 2019, and that each agency articulate with specificity the public health, safety, or welfare objective served by each regulation. Proposed law further requires that by Jan. 1, 2020, each agency shall report its findings to the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs.

(Adds R.S. 37:41-47)