

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1343

AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 25-1-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Chapter 16.5. Public Agency Review of Occupational Regulations

Sec. 1. As used in this chapter, "occupational license" means a nontransferable and exclusive authorization in law in which the general assembly establishes the personal qualifications necessary to engage in an occupation or profession.

Sec. 2. As used in this chapter, "occupational regulation" means a regulation, rule, policy, fee, condition, test, permit, administrative practice, or other provision in which a public agency establishes the personal qualifications necessary to engage in an occupation or profession. The term does not include an occupational license.

Sec. 3. As used in this chapter, "personal qualifications" means criteria related to an individual's personal background and characteristics, including the following:

- (1) Completion of an approved educational program.**
- (2) Satisfactory performance on an examination.**
- (3) Work experience.**
- (4) Other evidence of attainment of requisite skills or**

HEA 1343 — Concur



knowledge.

(5) Moral character.

(6) Criminal history.

(7) Completion of continuing education.

Sec. 4. As used in this chapter, "public agency" includes the following:

(1) A state agency (as defined in IC 4-13-1-1).

(2) A body corporate and politic created by statute.

(3) A state educational institution.

The term does not include the judicial or legislative departments of state government or a private certification organization.

Sec. 5. (a) As used in this chapter, "specialty occupational license for medical reimbursement" means a nontransferable authorization in law for an individual to qualify for payment or reimbursement from a federal, state, or local government agency for the nonexclusive provision of medical services based on the individual meeting the personal qualifications established by the general assembly.

(b) The term may include a credential that is recognized by a private health insurance company or other private company for the purpose of reimbursing medical costs.

Sec. 6. As used in this chapter, "welfare" must be narrowly construed to encompass the protection of members of the public against fraud or harm. The term does not encompass the protection of existing businesses or agencies, whether publicly or privately owned, against competition.

Sec. 7. All occupational regulations must be limited to those demonstrably necessary and carefully tailored to fulfill legitimate public health, safety, or welfare objectives.

Sec. 8. (a) Not later than July 1, 2025, each public agency shall conduct a comprehensive review of all occupational regulations within the public agency's jurisdiction. In conducting a review under this section, the public agency shall do the following:

(1) Articulate with specificity the public health, safety, or welfare objective served by the occupational regulation.

(2) Articulate the reason why the occupational regulation is necessary to serve the objective specified under subdivision (1).

(3) Analyze, when information is readily available, the effects of the occupational regulation on the following:

(A) Opportunities for workers.

(B) Consumer choices and costs.



(C) General unemployment.

(D) Market competition.

(E) Governmental costs.

(F) Any other effects identified by the public agency.

(4) Determine if other states have a similar occupational regulation and compare how other states regulate the business or profession.

(b) If a public agency finds that an occupational regulation does not satisfy the standard set forth in section 7 of this chapter, the public agency shall:

(1) repeal or modify the occupational regulation, to the extent permitted under the public agency's authority, to conform with the standard set forth in section 7 of this chapter; or

(2) if an action under subdivision (1) is not within the public agency's authority, recommend to the general assembly actions necessary to repeal or modify the occupational regulation to conform to the standard set forth in section 7 of this chapter.

(c) Not later than October 1, 2025, each public agency shall:

(1) prepare a report identifying all actions that the public agency has taken to conform with this section; and

(2) submit the report under subdivision (1) to the legislative council in an electronic format under IC 5-14-6.

Sec. 9. (a) After July 1, 2025, a person who engages in an occupation or profession to which an occupational regulation applies may file a petition for repeal or modification of the occupational regulation with the public agency having jurisdiction over enforcement of the occupational regulation.

(b) Not later than ninety (90) days after a petition is filed under subsection (a), the public agency shall either:

(1) repeal or modify the occupational regulation to conform to the standard set forth in section 7 of this chapter; or

(2) state the basis on which the public agency has concluded that the occupational regulation conforms to the standard set forth in section 7 of this chapter.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1343 — Concur

