

OCCUPATIONAL LICENSING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Occupational and Professional Licensure Review Committee Act.

Highlighted Provisions:

This bill:

- ▶ requires certain state agencies to provide a report reviewing occupational and professional licenses administered by each agency to the Occupational and Professional Licensure Review Committee;
- ▶ describes the contents of the report;
- ▶ provides a sunset date; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

36-23-109, as last amended by Laws of Utah 2017, Chapters 133, 272 and last amended by Coordination Clause, Laws of Utah 2017, Chapter 272

63I-2-236, as last amended by Laws of Utah 2017, Chapter 90



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **36-23-109** is amended to read:

36-23-109. Review of state regulation of occupations.

(1) As part of the annual report described in Section [36-23-106](#), the committee shall study and make recommendations regarding potentially less restrictive alternatives to licensing for the regulation of lawful occupations, including registration, certification, or exemption, if appropriate, that would avoid unnecessary regulation while still protecting the health and safety of the public.

(2) The committee shall study and make recommendations regarding lawful occupations that require a license in the state so that each licensed lawful occupation is reviewed every 10 years.

(3) (a) The following state agencies shall complete a one-time written study and analysis of each occupational or professional license or certification that their agency administers to ensure that state regulation of the occupation or profession, including state statute, administrative rule, and agency policy, is narrowly tailored to protect the health and safety of the public and does not consist of excessive, unnecessary, or outdated government interference:

(i) the Department of Agriculture and Food, created in Section [4-2-102](#);

(ii) the Department of Commerce, created in Section [13-1-2](#);

(iii) the Department of Environmental Quality, created in Section [19-1-104](#);

(iv) the Department of Financial Institutions, created in Section [7-1-201](#);

(v) the Department of Health, created in Section [26-1-4](#);

(vi) the Department of Human Services, created in Section [62A-1-102](#);

(vii) the Department of Public Safety, created in Section [53-1-103](#);

(viii) the Department of Workforce Services, created in Section [35A-1-103](#);

(ix) the Insurance Department, described in Section [31A-2-101](#);

(x) the State Board of Education; and

(xi) the State Tax Commission.

(b) The study and analysis from each agency shall include:

(i) a list of each occupational or professional license or certification administered by

- 59 the agency;
60 (ii) the number of active licenses or certifications issued by the agency;
61 (iii) a complete citation of each state statute, administrative rule, and agency policy that
62 apply to the occupational or professional license or certification administered by the agency;
63 (iv) an analysis of whether each statutory provision, administrative rule, and agency
64 policy is necessary to protect the health and safety of the public;
65 (v) an analysis of whether less restrictive regulation of the occupation or profession
66 would still protect the health and safety of the public; and
67 (vi) a recommendation to the committee regarding which statutory language,
68 administrative rules, or agency policies could be repealed or modified to be less restrictive
69 while still adequately protecting the health and safety of the public.
70 (c) On or before July 1, 2019, each agency listed in Subsection (3)(a) shall provide the
71 agency's written study and analysis to the committee.

72 Section 2. Section **63I-2-236** is amended to read:

73 **63I-2-236. Repeal dates -- Title 36.**

74 [Section ~~36-29-102~~ is repealed July 1, 2016.]

75 Subsection ~~36-23-109~~(3) is repealed July 1, 2020.

Legislative Review Note
Office of Legislative Research and General Counsel