

**Professional Licensing Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

Senate Sponsor:

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**LONG TITLE****General Description:**

This bill modifies the oversight of the Office of Professional Licensure Review.

**Highlighted Provisions:**

This bill:

- defines "harm";
- requires the Office of Professional Licensure Review (office) to document the office's review of a regulation of an occupation;
- allows an individual to petition the office to make a recommendation to repeal or modify an occupational regulation;
- creates a process for an individual to appeal the office's recommendation and the responsible agency's implementation of the office's recommendation; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****AMENDS:**

**13-1b-101 (Effective 05/06/26) (Repealed 07/01/34)**, as enacted by Laws of Utah 2022, Chapter 413

**13-1b-302 (Effective 05/06/26) (Repealed 07/01/34)**, as last amended by Laws of Utah 2025, Chapter 483

**13-1b-304 (Effective 05/06/26) (Repealed 07/01/34)**, as last amended by Laws of Utah 2025, Chapter 483

**ENACTS:**

**13-1b-401 (Effective 05/06/26)**, Utah Code Annotated 1953

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

Section 1. Section **13-1b-101** is amended to read:

**13-1b-101 (Effective 05/06/26) (Repealed 07/01/34). Definitions.**

As used in this chapter:

- (1) "Department" means the Department of Commerce.
- (2) "Director" means the director of the office.
- (3) "Executive director" means the executive director of the Department of Commerce.
- (4) "Government requestor" means:
  - (a) the governor;
  - (b) an executive branch officer other than the governor;
  - (c) an executive branch agency;
  - (d) a legislator; or
  - (e) a legislative committee.
- ~~(5)(a) "Harm" means a present, recognizable, and significant harm to the health, safety, or financial welfare of the public.~~  
~~[(5)] (b) ["Health, safety, or financial welfare of the public"] "Harm" includes [protecting against] physical injury, property damage, or financial harm of the public.~~
- (6) "License" or "licensing" means a state-granted authorization for a person to engage in a specified occupation:
  - (a) based on the person meeting personal qualifications established under state law; and
  - (b) where state law requires the authorization before the person may lawfully engage in the occupation for compensation.
- (7) "Newly regulate" means to create by statute or administrative rule a new license, certification, registration, or exemption classification regarding an occupation.
- (8) "Occupation" means a course of conduct, pursuit, or profession that includes the sale of goods or services that are not illegal to sell, irrespective of whether the individual selling the goods or services is subject to an occupational regulation.
- (9) "Office" means the Office of Professional Licensure Review created in this chapter.
- (10) "Periodic review" means a review described in Subsection 13-1b-203(2).
- (11)(a) "Personal qualifications" means criteria established in state law related to an individual's background.
- (b) "Personal qualifications" includes:
  - (i) completion of an approved education program;
  - (ii) satisfactory performance on an examination;

(iii) work experience; and

(iv) completion of continuing education.

(12) "Regulated occupation" means an occupation that:

(a) requires a person to obtain a license to practice the occupation; or

(b) provides for state certification or state registration.

(13) "Responsible agency" means the state executive branch agency with rule making authority over an occupational regulation.

~~[(13)]~~ (14) "State certification" means a state-granted authorization given to a person to use the term "state certified" as part of a designated title related to engaging in a specified occupation:

(a) based on the person meeting personal qualifications established under state law; and

(b) where state law prohibits a noncertified person from using the term "state certified" as part of a designated title but does not otherwise prohibit a noncertified person from engaging in the occupation for compensation.

~~[(14)]~~ (15) "State registration" means a state-granted authorization given to a person to use the term "state registered" as part of a designated title related to engaging in a specified occupation:

(a) based on the person meeting requirements established under state law, which may include the person's name and address, the person's agent for service of process, the location of the activity to be performed, and bond or insurance requirements;

(b) where state law does not require the person to meet any personal qualifications; and

(c) where state law prohibits a nonregistered person from using the term "state registered" as part of a designated title.

~~[(15)]~~ (16) "Sunrise review" means a review under this chapter of an application to establish a new regulated occupation.

Section 2. Section **13-1b-302** is amended to read:

**13-1b-302 (Effective 05/06/26) (Repealed 07/01/34). Review criteria.**

In conducting a sunrise review, a periodic review, or a standalone review, unless otherwise directed in accordance with Subsection 13-1b-203(3), the office shall consider ~~[the following criteria]~~ and document the following:

(1) whether there is a harm;

(2) if the office determines that there is a harm, whether the regulation of the occupation is necessary to address ~~[a present, recognizable, and significant harm to the health, safety, or financial welfare of the public]~~ the harm;

- 99     ~~[(2) for any harm to the health, safety, or financial welfare of the public, the harm's:]~~  
100     ~~[(a) severity;]~~  
101     ~~[(b) probability; and]~~  
102     ~~[(c) permanence;]~~  
103     (3) the harm's severity, probability, and permanence;  
104     (4) the extent to which the proposed or existing regulation of the occupation protects  
105     against or diminishes the harm described in Subsection (1);  
106     ~~[(4)]~~ (5) whether the proposed or existing regulation of the occupation:  
107     (a) affects the supply of qualified practitioners;  
108     (b) creates barriers to:  
109         (i) service that are not in the public financial welfare or interest; or  
110         (ii) entry into the occupation or related occupations;  
111     (c) imposes new costs on existing practitioners;  
112     (d) affects:  
113         (i) license reciprocity with other jurisdictions; or  
114         (ii) mobility of practitioners; or  
115     (e) if the occupation involves a health care provider, impacts the health care provider's  
116     ability to obtain payment of benefits for the health care provider's treatment of an  
117     illness, injury, or health care condition under an insurance contract subject to Section  
118     31A-22-618;  
119     ~~[(5)]~~ (6) if the review involves licensing, the potential alternative pathways for ~~[a person]~~ an  
120     individual to obtain a license;  
121     ~~[(6)]~~ (7) the costs to the state of regulating the occupation;  
122     ~~[(7)]~~ (8) whether the proposed or existing administering agency has sufficient expertise and  
123     resources;  
124     ~~[(8)]~~ (9) the regulation of the occupation in other jurisdictions;  
125     ~~[(9)]~~ (10) the scope of the proposed or existing regulation, including:  
126     (a) whether the occupation is clearly distinguishable from an already regulated  
127     occupation; and  
128     (b) potential for regulating only certain occupational activities;  
129     ~~[(10)]~~ (11) the potentially less burdensome alternatives to the proposed or existing  
130     regulation and the effect of implementing an alternative method of regulation on:  
131     (a) the ~~[health, safety, or financial welfare of the public]~~ harm;  
132     (b) the occupation; and

(c) practitioners of the occupation; and  
[(H)] (12) any other criteria the office adopts, including criteria suggested in a stakeholder survey.

Section 3. Section **13-1b-304** is amended to read:

**13-1b-304 (Effective 05/06/26) (Repealed 07/01/34). Reporting.**

- (1) On or before October 1, the office shall annually prepare and submit a written report to the Business and Labor Interim Committee that describes the office's work during the prior year.
- (2) In a written report described in Subsection (1), the office shall include:
  - (a) a summary of each periodic review, each sunrise review, each rule review, and each response to a legislator inquiry;
  - (b) each recommendation the office made to ~~[another state executive branch agency]~~ a responsible agency regarding a regulated occupation; and
  - (c) a summary of information received during the previous year by the office under Subsection 13-1b-203(4) including:
    - (i) the total number of submissions the office receives; and
    - (ii) each rule for which an individual filed a submission.

Section 4. Section **13-1b-401** is enacted to read:

**Part 4. Enforcement**

**13-1b-401 (Effective 05/06/26). Right to petition -- Remedy.**

- (1)(a) An individual may petition the office to make a recommendation to the responsible agency to repeal or modify a challenged occupational regulation.
- (b) Within 90 days after the day on which an individual petitions the office under Subsection (1)(a):
  - (i) the office shall complete a standalone review of the challenged occupational regulation in accordance with Section 13-1b-302; and
  - (ii) if the office determines there is no harm or that the challenged occupational regulation is not necessary to address the harm, the office shall make a recommendation to the responsible agency that the responsible agency:
    - (A) repeal the challenged occupational regulation; or
    - (B) modify the challenged occupational regulation to address the harm with a less burdensome regulation or other means that is less burdensome than the challenged occupational regulation.
- (c) The office shall submit a written report of the recommendation to the responsible

agency for each challenged occupational regulation to the Business and Labor Interim Committee in accordance with Section 13-1b-304.

(d) The responsible agency shall comply with the office's recommendation within 90 days after the day on which the responsible agency receives the recommendation from the office.

(2)(a) An individual who petitions the office under Subsection (1)(a) may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, challenging an occupational regulation upon which the petition is based if:

(i) the office fails to comply with Subsection (1)(b); or

(ii) the responsible agency fails to comply with the office's recommendation.

(b) An individual shall bring an action within 180 days after the day on which the individual petitions the office under Subsection (1)(a).

(c) The individual may bring an action in accordance with Subsection (2)(a) without exhausting remedies available under Title 63G, Chapter 4, Administrative Procedures Act.

(3) A court shall enjoin enforcement of the challenged occupational regulation if the court finds that:

(a) the challenged occupational regulation is not necessary to address a harm; or

(b) the responsible agency could address the harm through an occupational regulation or other means that is less burdensome than the challenged occupational regulation.

(4) If the court enjoins enforcement of the challenged occupational regulation, the court may award reasonable attorney fees and costs to the plaintiff.

#### **Section 5. Effective Date.**

This bill takes effect on May 6, 2026.