

Ryan D. Wilcox proposes the following substitute bill:

Professional Licensing Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Daniel McCay

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;
- requires the office to review and respond to an inquiry from a person regarding regulation subject to capacity and resource constraints;
- requires the office to identify and provide notice to the legislators representing a person that submits an inquiry to the office; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-1b-101, as enacted by Laws of Utah 2022, Chapter 413

13-1b-203, as last amended by Laws of Utah 2025, Chapter 483

13-1b-302, as last amended by Laws of Utah 2025, Chapter 483

13-1b-304, as last amended by Laws of Utah 2025, Chapter 483

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

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

29 **13-1b-101 . Definitions.**

30 As used in this chapter:

31 (1) "Department" means the Department of Commerce.

32 (2) "Director" means the director of the office.

33 (3) "Executive director" means the executive director of the Department of Commerce.

34 (4) "Government requestor" means:

35 (a) the governor;

36 (b) an executive branch officer other than the governor;

37 (c) an executive branch agency;

38 (d) a legislator; or

39 (e) a legislative committee.

40 (5)(a) "Harm" means a present, recognizable, and significant harm to the health, safety,
41 or financial welfare of the public.42 ~~[(5)] (b) ["Health, safety, or financial welfare of the public"] "Harm" includes [protecting~~
43 ~~against]~~ physical injury, property damage, or financial harm of the public.44 (6) "Legislator" means the same as that term is defined in Section 63A-17-513.45 ~~[(6)] (7) "License" or "licensing" means a state-granted authorization for a person to engage~~
46 ~~in a specified occupation:~~

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

48 (b) where state law requires the authorization before the person may lawfully engage in
49 the occupation for compensation.50 ~~[(7)] (8) "Newly regulate" means to create by statute or administrative rule a new license,~~
51 ~~certification, registration, or exemption classification regarding an occupation.~~52 ~~[(8)] (9) "Occupation" means a course of conduct, pursuit, or profession that includes the~~
53 ~~sale of goods or services that are not illegal to sell, irrespective of whether the individual~~
54 ~~selling the goods or services is subject to an occupational regulation.~~55 ~~[(9)] (10) "Office" means the Office of Professional Licensure Review created in this~~
56 ~~chapter.~~57 ~~[(10)] (11) "Periodic review" means a review described in Subsection 13-1b-203(2).~~58 ~~[(11)] (12)(a) "Personal qualifications" means criteria established in state law related to~~
59 ~~an individual's background.~~

60 (b) "Personal qualifications" includes:

61 (i) completion of an approved education program;

62 (ii) satisfactory performance on an examination;

63 (iii) work experience; and

64 (iv) completion of continuing education.

65 ~~[(12)]~~ (13) "Regulated occupation" means an occupation that:

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

67 (b) provides for state certification or state registration.

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

70 ~~[(13)]~~ (15) "State certification" means a state-granted authorization given to a person to use
71 the term "state certified" as part of a designated title related to engaging in a specified
72 occupation:

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

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

77 ~~[(14)]~~ (16) "State registration" means a state-granted authorization given to a person to use
78 the term "state registered" as part of a designated title related to engaging in a specified
79 occupation:

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

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

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

86 ~~[(15)]~~ (17) "Sunrise review" means a review under this chapter of an application to establish
87 a new regulated occupation.

88 Section 2. Section **13-1b-203** is amended to read:

89 **13-1b-203 . Duties.**

90 The office shall:

91 (1) for each application submitted in accordance with Section 13-1b-301, conduct a sunrise
92 review in accordance with Section 13-1b-302 before November 1:

93 (a) of the year in which the application is submitted, if the application is submitted on or
94 before July 1; or

95 (b) of the subsequent year, if the application is submitted after July 1;

96 (2) in accordance with Section 13-1b-303, conduct a review of each regulated occupation at

97 least once every 10 years;

98 (3)(a) review and respond to [~~any legislator inquiry~~] an inquiry from a legislator
 99 regarding a proposed or existing regulated occupation; and

100 (b)(i) review and respond to an inquiry from a person other than a legislator
 101 regarding a proposed or existing regulation subject to capacity and resource
 102 constraints, as determined by the office;

103 (ii) identify and provide notice to the legislators who represent the person that
 104 submits an inquiry to the office in accordance with Subsection (3)(b)(i).

105 (4) publish on the office's website a submission form where an individual may provide
 106 feedback regarding an existing occupational regulation within the office's jurisdiction
 107 that the individual requests the office repeal or modify;

108 (5) engage in a systematic review of the rules that relate to occupational regulations within
 109 the office's jurisdiction in accordance with Section 13-1b-302; and

110 (6) report to the Business and Labor Interim Committee in accordance with Section
 111 13-1b-304.

112 Section 3. Section **13-1b-302** is amended to read:

113 **13-1b-302 . Review criteria.**

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

117 (1) whether there is a harm;

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

121 [~~(2) for any harm to the health, safety, or financial welfare of the public, the harm's:~~]

122 [(a) ~~severity;~~]

123 [(b) ~~probability;~~ and]

124 [(e) ~~permanence;~~]

125 (3) the harm's severity, probability, and permanence;

126 (4) the extent to which the proposed or existing regulation of the occupation protects
 127 against or diminishes the harm described in Subsection (1);

128 [(4)] (5) whether the proposed or existing regulation of the occupation:

129 (a) affects the supply of qualified practitioners;

130 (b) creates barriers to:

- 131 (i) service that are not in the public financial welfare or interest; or
 132 (ii) entry into the occupation or related occupations;
 133 (c) imposes new costs on existing practitioners;
 134 (d) affects:
 135 (i) license reciprocity with other jurisdictions; or
 136 (ii) mobility of practitioners; or
 137 (e) if the occupation involves a health care provider, impacts the health care provider's
 138 ability to obtain payment of benefits for the health care provider's treatment of an
 139 illness, injury, or health care condition under an insurance contract subject to Section
 140 31A-22-618;
- 141 ~~[(5)]~~ (6) if the review involves licensing, the potential alternative pathways for ~~[a person]~~ an
 142 individual to obtain a license;
- 143 ~~[(6)]~~ (7) the costs to the state of regulating the occupation;
- 144 ~~[(7)]~~ (8) whether the proposed or existing administering agency has sufficient expertise and
 145 resources;
- 146 ~~[(8)]~~ (9) the regulation of the occupation in other jurisdictions;
- 147 ~~[(9)]~~ (10) the scope of the proposed or existing regulation, including:
 148 (a) whether the occupation is clearly distinguishable from an already regulated
 149 occupation; and
 150 (b) potential for regulating only certain occupational activities;
- 151 ~~[(10)]~~ (11) the potentially less burdensome alternatives to the proposed or existing
 152 regulation and the effect of implementing an alternative method of regulation on:
 153 (a) the ~~[health, safety, or financial welfare of the public]~~ harm;
 154 (b) the occupation; and
 155 (c) practitioners of the occupation; and
- 156 ~~[(11)]~~ (12) any other criteria the office adopts, including criteria suggested in a stakeholder
 157 survey.

158 Section 4. Section **13-1b-304** is amended to read:

159 **13-1b-304 . Reporting.**

- 160 (1) On or before October 1, the office shall annually prepare and submit a written report to
 161 the Business and Labor Interim Committee that describes the office's work during the
 162 prior year.
- 163 (2) In a written report described in Subsection (1), the office shall include:
 164 (a) a summary of each periodic review, each sunrise review, each rule review, ~~[and each~~

165 response to a legislator inquiry] and each response to an inquiry from a legislator or
166 from a person other than a legislator;

167 (b) each recommendation the office made to [~~another state executive branch agency~~] a
168 responsible agency regarding a regulated occupation; and

169 (c) a summary of information received during the previous year by the office under
170 Subsection 13-1b-203(4) including:

171 (i) the total number of submissions the office receives; and

172 (ii) each rule for which an individual filed a submission.

173 **Section 5. Effective Date.**

174 This bill takes effect on May 6, 2026.