

## 2nd Sub. H.B. 75

# OCCUPATIONAL AND PROFESSIONAL LICENSING AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 4

MARCH 5, 2013 2:32 PM

Representative **Rebecca P. Edwards** proposes the following amendments:

1. *Page 1, Line 24 through Page 2, Line 36:*

- 24                   •       consider whether state licensing of the profession is necessary to address a  
25 compelling state interest in protecting against present, recognizable, and  
26 significant harm to the health    ~~{or}~~ safety **, or welfare** of the public;  
27                   •       if the committee determines that state licensing of the profession is not  
28 necessary to protect the health  ~~{or}~~ safety  **, or welfare**  of the public,  
28a recommend to the  
29 Legislature that the state refrain from licensing the profession;  
30                   •       if the committee determines that state licensing of the profession is necessary to  
31 protect the health    ~~{or}~~ safety **, or welfare** of the public, consider whether the proposed or  
32 existing statute is narrowly tailored to protect the health    ~~{or}~~ safety **, or welfare** of the public;  
33 and  
34                   •       recommend to the Legislature any changes to the proposed or existing statute to  
35 ensure it is narrowly tailored to protect the health    ~~{or}~~ safety **, or welfare** of the public;  
36                   ▸       requires the committee to study alternatives to professional licensing in 2013,

2. *Page 5, Lines 125 through 127:*

- 125           36-23-104. Committee meetings -- Compensation -- Quorum -- Legislative rules.  
126           (1) The committee ~~[may]~~ shall meet ~~{as needed}~~ **at least twice before November 1 of each**  
**year**, at the call of the committee chairs, to  
127 carry out the duties ~~[set forth]~~ described in [Section 36-23-106] this chapter.

3. *Page 6, Lines 153 through 157:*

- 153           (1) The committee shall:  
154           (a) **for each application submitted in accordance with Section 36-23-105,** conduct a sunrise  
review in accordance with Section 36-23-107 ~~[for all~~  
155 ~~applications]~~ ~~{, within 12 months, for each application submitted in accordance with Section~~  
156 **36-23-105;}** **before November 1:**  
**(i) of the year in which the application is submitted, if the application is submitted on or before July 1;**  
**or**  
**(ii) of the year following the year in which the application is submitted, if the application is submitted**  
**after July 1;**

157 (b) (i) conduct a sunset review for ~~[an occupational or professional license~~

4. Page 6, Lines 171 through 172:

171 (ii) conduct a sunset review under this Subsection (1)(b) before November 1 of the year prior to the  
last general  
172 session of the Legislature that is scheduled to meet before the scheduled termination date; and

5. Page 8, Lines 218 through 234

House Floor Amendments

3-5-2013:

218 (2) When conducting a sunrise review or sunset review under this chapter, the  
219 committee shall ~~[use the following criteria]:~~

220 (a) consider whether state regulation of the occupation or profession is necessary to  
221 address a compelling state interest in protecting against present, recognizable, and significant  
222 harm to the health ~~Ĥ→ [or] , ←Ĥ safety Ĥ→ , or welfare ←Ĥ~~ of the public;

223 (b) if the committee determines that state regulation of the occupation or profession is  
224 not necessary to protect against present, recognizable, and significant harm to the health  ~~,~~ ~~{-or}~~  
225 safety , or welfare of the public, recommend to the Legislature that the state not regulate the profession;

226 (c) if the committee determines that state regulation of the occupation or profession is  
227 necessary in protecting against present, recognizable, and significant harm to the health  ~~,~~ ~~{-or}~~  
228 safety , or welfare of the public, consider whether the proposed or existing statute is narrowly tailored to  
229 protect against present, recognizable, and significant harm to the health  ~~,~~ ~~{-or}~~ safety , or welfare  
of the public;

230 and

231 (d) recommend to the Legislature any necessary changes to the proposed or existing  
232 statute to ensure it is narrowly tailored to protect against present, recognizable, and significant  
233 harm to the health  ~~,~~ ~~{-or}~~ safety , or welfare of the public.

234 (3) In its performance of each sunrise review or sunset review, the committee may

6. Page 9, Lines 268 through 273

House Floor Amendments

3-5-2013:

268 36-23-109. Review of state regulation of occupations and professions.

269 Before the annual written report described in Section 36-23-107 is submitted for 2013,  
270 the committee shall study potentially less restrictive alternatives to licensing for the regulation  
271 of occupations and professions, including registration and certification if appropriate, that  
272 would better avoid unnecessary regulation and intrusion upon individual liberties by the state,  
273 while still protecting the health Ĥ→ [and] , ←Ĥ safety Ĥ→ , ~~{-or}~~ and welfare ←Ĥ of the public.

