

HB 634 -- DIVISION OF PROFESSIONAL REGISTRATION

SPONSOR: Burlison

This bill establishes guidelines for the regulation of occupations and professions not regulated by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration prior to January 1, 2016.

The bill specifies that an individual may engage in the occupation of his or her choice, free from unreasonable government regulation. The state may not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is a compelling interest for the state to protect the general welfare. If an interest exists, the regulation adopted by the state must be the least restrictive type of regulation consistent with the public interest to be protected.

The bill specifies that it is the intent of Chapter 324, RSMo, that any regulation must not be imposed, after January 1, 2016, upon any occupation or profession except for the exclusive purpose of protecting the general welfare. All bills introduced in the General Assembly to regulate an occupation or profession for the first time must be reviewed according to specified criteria.

After January 1, 2016, an applicant group must submit a written report explaining specified factors to the legislative committee of reference. Any legislative proposal that contains a continuing education requirement must be accompanied by evidence that the requirement has been proven effective for the profession addressed in the legislation.

These provisions cannot be construed to create a right of action against a private party or to require a private party to do business with an individual who is not licensed, certified, or registered with the government or to create a right of action against the state, county, municipal, or other level of government in the state.