

HCS HB 634 -- PROFESSIONAL REGISTRATION (Burlison)

COMMITTEE OF ORIGIN: Standing Committee on Professional
Registration and Licensing

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 an important governmental interest for the state to protect the general welfare. If an interest exists, the regulation adopted by the state must be substantially related to the public interest to be protected.

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 an explanation of how the requirement could be 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.

For any new board or commission created after July 1, 2015, and charged with regulating or licensing an occupation or profession, the bill specifies that those practitioners actively engaged in a newly regulated occupation or profession for at least one year prior to the effective date of the regulatory statute must have a property right in his or her continued legal ability to engage in his or her occupation or profession and specified due process rights.