

OCCUPATIONAL AND PROFESSIONAL LICENSURE

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Norman K. Thurston

LONG TITLE

General Description:

This bill modifies the Occupational and Professional Licensure Review Committee Act.

Highlighted Provisions:

This bill:

- ▶ defines "health or safety of the public"; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

36-23-101.5, as last amended by Coordination Clause, Laws of Utah 2018, Chapter 307

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

Section 1. Section **36-23-101.5** is amended to read:

36-23-101.5. Definitions.

As used in this chapter:

(1) "Committee" means the Occupational and Professional Licensure Review Committee created in Section **36-23-102**.

(2) "Government requestor" means:

(a) the governor;

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

31 (c) an executive branch agency;

32 (d) a legislator; or

33 (e) a legislative committee.

34 (3) "Health or safety of the public" includes protecting against physical injury, property
35 damage, or financial harm of the public.

36 [~~(3)~~] (4) "Lawful occupation" means a course of conduct, pursuit, or profession that
37 includes the sale of goods or services that are not illegal to sell, irrespective of whether the
38 individual selling the goods or services is subject to an occupational regulation.

39 [~~(4)~~] (5) "License" or "licensing" means a state-granted authorization for a person to
40 engage in a specified lawful occupation:

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

43 (b) where state law requires the authorization before the person may lawfully engage in
44 the occupation for compensation.

45 [~~(5)~~] (6) "Newly regulate" means to create by statute or administrative rule a new
46 license, certification, registration, or exemption classification regarding a lawful occupation.

47 [~~(6)~~] (7) "Personal qualifications" are criteria established in state law related to a
48 person's background and may include:

49 (a) completion of an approved education program;

50 (b) satisfactory performance on an examination;

51 (c) work experience; and

52 (d) completion of continuing education.

53 [~~(7)~~] (8) "Proposal" means:

54 (a) an application submitted under Section [36-23-105](#), with or without specific
55 proposed statutory language;

56 (b) a request for review by a legislator of the possibility of newly regulating a lawful
57 occupation, with or without specific proposed statutory language; or

58 (c) proposed legislation to newly regulate a lawful occupation referred to the
59 committee by another legislative committee.

60 [~~(8)~~] (9) "State certification" means a state-granted authorization given to a person to
61 use the term "state certified" as part of a designated title related to engaging in a specified
62 lawful occupation:

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

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

68 [~~(9)~~] (10) "State registration" means a state-granted authorization given to a person to
69 use the term "state registered" as part of a designated title related to engaging in a specified
70 lawful occupation:

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

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

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

77 [~~(10)~~] (11) "Sunrise review" means a review under this chapter of a proposal to newly
78 regulate a lawful occupation.

79 [~~(11)~~] (12) "Sunset review" means a review under this chapter of a statute regarding a
80 regulated lawful occupation that is scheduled for termination under Title 63I, Chapter 1, Part 2,
81 Repeal Dates Requiring Committee Review by Title.