

SENATE BILL No. 229

By Committee on Commerce

2-6

1 AN ACT concerning labor and employment; relating to occupational
2 licensing; providing for the termination of current and new
3 occupational licensing requirements adopted by an agency or enacted
4 by the legislature after a period of five years unless extended by a joint
5 resolution of the legislature; requiring that adoption of new
6 occupational licensing requirements by a state agency be approved by
7 joint resolution of the legislature; providing for notice to agencies and
8 the legislature of termination dates by the revisor of statutes and the
9 secretary of state; specifying a procedure for legislative review of
10 occupational licensing requirements by certain committees.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. For purposes of sections 1 through 3, and amendments
14 thereto:

15 (a) "Agency" means any department, bureau, division, board,
16 authority, agency, commission or institution of this state, any political
17 subdivision of the state and any city, county or unified government that is
18 authorized by law to administer, adopt or enforce any occupational rule
19 and regulation or occupational license. "Agency" does not include the
20 behavioral sciences regulatory board, board of examiners in optometry,
21 board of nursing, Kansas dental board, state board of healing arts, state
22 board of pharmacy or any other regulatory agency for healthcare providers
23 established by state law. "Agency" does not include the state board of
24 technical professions.

25 (b) "Occupational license" means a nontransferable and exclusive
26 authorization in law in which the legislature, or an agency as authorized by
27 the legislature, establishes the personal qualifications necessary to engage
28 in, and the rules and regulations that govern, any occupation or profession.
29 "Occupational license" does not include an occupational license regulated
30 by the behavioral sciences regulatory board, board of examiners in
31 optometry, board of nursing, Kansas dental board, state board of healing
32 arts, state board of pharmacy or an occupational license for a healthcare
33 provider regulated by any other agency. "Occupational license" does not
34 include an occupational license regulated by the state board of technical
35 professions.

36 (c) "Welfare" means the protection of the public against fraud or

1 physical or psychological harm. "Welfare" does not include the protection
2 of businesses or agencies, whether publicly or privately owned, against
3 competition.

4 Sec. 2. (a) (1) Notwithstanding any other provision of law, any
5 occupational license requirement pursuant to state statute or agency rules
6 and regulations that is in effect on July 1, 2025, shall terminate on July 1,
7 2030, and shall not be effective on or after such date, unless the legislature
8 acts to continue the requirement as provided by subsection (b) or the
9 requirement continues in effect pursuant to subsection (d).

10 (2) Any occupational license requirement that is adopted by an
11 agency or enacted by the legislature on and after July 1, 2025, shall
12 terminate five years after such occupational license requirement takes
13 effect, unless the legislature acts to continue the requirement as provided
14 by subsection (b) or the requirement continues in effect pursuant to
15 subsection (d). A law that enacts a new occupational license requirement
16 or rule and regulation that adopts a new occupational license requirement
17 shall state that the requirement will terminate and no longer be in effect on
18 the specified date that is five years from the effective date of the
19 requirement and that the requirement shall be subject to review and
20 continuation by the legislature before such termination date.

21 (b) (1) Any occupational license requirement that is subject to
22 termination pursuant to subsection (a)(1) or (2) may be continued for a
23 term of five years by a joint resolution of the legislature upon
24 consideration of a review of the requirement pursuant to paragraph (2).

25 (2) Before an occupational license requirement may be continued by
26 the legislature as provided by paragraph (1), a standing committee of the
27 house of representatives and the senate to which legislation of the subject
28 matter pertaining to the occupational license requirement is customarily
29 referred, as determined by the speaker of the house of representatives and
30 the president of the senate, as applicable, shall each conduct a review of
31 the occupational license requirement at such time that the matter is
32 referred to such committee. Such review shall include a presentation by
33 legislative research staff of the report to the committee prepared by
34 legislative research staff pursuant to subsection (c). Each such committee
35 shall provide a written recommendation to the speaker of the house of
36 representatives and the president of the senate, as applicable, for
37 distribution to and consideration by the legislature. The report prepared by
38 staff pursuant to subsection (c) shall be included in such written
39 recommendation. At the discretion of the speaker of the speaker of the
40 house of representatives and president of the senate, the occupational
41 licensing requirement may also be referred to the joint committee on
42 administrative rules and regulations, or a successor committee, for review.
43 The joint committee shall provide written recommendations upon such

1 review to the speaker of the house of representatives and the president of
2 the senate for distribution to and consideration by the legislature.

3 (c) (1) The chairperson of a standing committee of the house of
4 representatives or the senate reviewing an occupational license
5 requirement as provided by subsection (b) shall assign staff from the
6 Kansas legislative research department to conduct a review of the
7 requirement and prepare a written report to the committee. The report shall
8 be presented to the committee for review within two weeks of assignment
9 by the chairperson.

10 (2) The report shall include:

11 (A) An explanation of the public health, safety or welfare objectives
12 that the occupational licensing requirement is intended to serve;

13 (B) a retrospective analysis to determine whether the presumed
14 benefits of the requirement are being realized;

15 (C) an examination of available alternative measures to meet the
16 objectives of the requirement or possible modified objectives, including
17 voluntary certification and other potential less restrictive measures;

18 (D) an explanation of any determination as to whether the
19 requirement remains the least restrictive means to achieve its stated
20 purpose;

21 (E) an examination of and comparison with other states as to whether
22 and how the profession at issue is regulated;

23 (F) an examination of the effect that the requirement has had on job
24 creation or retention; and

25 (G) an examination of the costs and benefits associated with the
26 requirement, including, but not limited to, an estimate of:

27 (i) Compliance and opportunity costs, including licensing fees,
28 education requirements and associated costs, experience requirements and
29 an estimation of the total number of calendar days dedicated by an
30 applicant to obtaining the license;

31 (ii) any identified secondary or indirect costs; and

32 (iii) the effect on state expenditures, including estimated
33 administrative expenses.

34 (d) (1) The secretary of state shall monitor the termination date of
35 occupational license requirements adopted in rules and regulations filed
36 with the secretary and provide notice to the agency that adopted such
37 requirements at least 18 months prior to every such occupational license
38 requirement's termination date. The secretary of state shall identify and
39 certify to the speaker of the house of representatives and the president of
40 the senate the termination date of such occupational license requirement at
41 the time notice is provided to the agency. Any occupational license
42 requirement with a termination date that has not been identified and
43 noticed to the relevant agency and the speaker of the house of

1 representatives and the president of the senate by the secretary shall not
2 terminate on such termination date but shall remain in effect until the date
3 that is 18 months from the date such identification and notice is provided
4 to the agency and the speaker of the house of representatives and the
5 president of the senate by the secretary.

6 (2) By July 15 of the year preceding the year in which the an
7 occupational license requirement specified in statute will terminate, the
8 revisor of statutes shall certify to the speaker of the house of
9 representatives and the president of the senate the language and statutory
10 citation of each such requirement that will terminate in the following year.
11 Any occupational license requirement that is not identified and certified to
12 the speaker of the house of representatives and the president of the senate
13 as provided by this paragraph shall not terminate but shall continue in
14 effect until so identified and certified and reviewed by the legislature as
15 provided by this act. If the revisor of statutes fails to certify an
16 occupational license requirement that the revisor subsequently determines
17 should have been certified, the revisor shall include the occupational
18 license requirement in the following year's certification after such
19 determination. If the legislature fails to review and consider an
20 occupational license requirement specified in statute that has been
21 identified and noticed to the legislature by the revisor of statutes, such
22 requirement shall remain in effect until such review and consideration.

23 Sec. 3. (a) Any occupational license requirement adopted by an
24 agency on or after July 1, 2025, shall require approval of the legislature by
25 joint resolution pursuant to this section before the requirement shall take
26 effect, unless such requirement has been ratified by the legislature by the
27 enactment of a bill pursuant to the provisions of K.S.A. 2024 Supp. 77-
28 441, and amendments thereto.

29 (b) (1) Before consideration by the legislature of a joint resolution
30 approving an occupational license requirement proposed for adoption by
31 an agency, a standing committee of the house of representatives and the
32 senate to which legislation of the subject matter pertaining to the
33 occupational license requirement is customarily referred, as determined by
34 the speaker of the house of representatives and the president of the senate,
35 as applicable, shall each conduct a review of the proposed occupational
36 license requirement, including a review of the report by staff pursuant to
37 paragraph (2), at such time as the matter is referred to such committee.
38 Each such committee shall provide a written recommendation regarding
39 adoption or denial of the requirement to the speaker of the house of
40 representatives and the president of the senate, as applicable, for
41 distribution and consideration by the legislature. The report prepared by
42 staff pursuant to paragraphs (2) and (3) shall be included in such written
43 recommendation.

1 (2) The chairperson of a standing committee of the house of
2 representatives or the senate reviewing an occupational license
3 requirement as provided by paragraph (1) shall assign staff from the
4 Kansas legislative research department to conduct a review of the
5 requirement and prepare a written report to the committee. The report shall
6 be presented to the committee for review by legislative research staff
7 within two weeks of assignment by the chairperson.

8 (3) The report shall include:

9 (A) An analysis and explanation as to why the occupational license
10 requirement is necessary to protect public health, safety or welfare;

11 (B) an examination of available alternative measures, including
12 voluntary certification and other potential less restrictive measures;

13 (C) an analysis as to whether the requirement is the least restrictive
14 means to achieve its stated purpose;

15 (D) an examination of and comparison as to whether and how other
16 states regulate the profession at issue;

17 (E) an examination of the effect that the requirement will have on job
18 creation or retention; and

19 (F) an examination of the costs and benefits associated with the
20 requirement, including, but not limited to:

21 (i) Estimated compliance and opportunity costs, including licensing
22 fees, education requirements and associated costs, experience requirements
23 and an estimation of the total number of calendar days dedicated by an
24 applicant to obtaining the license;

25 (ii) estimated secondary or indirect costs; and

26 (iii) estimated effect on state expenditures, including estimated
27 administrative expenses.

28 Sec. 4. This act shall take effect and be in force from and after its
29 publication in the statute book.