

As Amended by Senate Committee

Session of 2025

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; *providing for occupational licensing*~~
6 ~~*annual reports by agencies to the joint committee on administrative*~~
7 ~~*rules and regulations;*~~ requiring that adoption of new occupational
8 licensing requirements *licenses and material changes to existing*
9 *occupational licenses* by a state agency be approved by joint resolution
10 of the legislature; ~~providing for notice to agencies and the legislature of~~
11 ~~termination dates by the revisor of statutes and the secretary of state;~~
12 ~~specifying a procedure for legislative review of occupational licensing~~
13 ~~requirements by certain committees.~~
14

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

16 Section 1. For purposes of sections 1 through 3, and amendments
17 thereto:

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

28 (b) *"Material change" means a modification that significantly*
29 *affects the nature, scope, value or fundamental aspects of the*
30 *occupational license that is sufficiently important to influence duties,*
31 *decisions, rights or obligations of the licensee or license applicant.*

32 (c) "Occupational license" means a nontransferable and exclusive
33 authorization in law in which the legislature, or an agency as authorized by
34 the legislature, establishes the personal qualifications necessary to engage
35 in, and the rules and regulations that govern, any occupation or profession.
36 "Occupational license" does not include an occupational license regulated

1 by the behavioral sciences regulatory board, board of examiners in
2 optometry, board of nursing, Kansas dental board, state board of healing
3 arts, state board of pharmacy or ~~an occupational license for a healthcare~~
4 ~~provider regulated by any other agency. "Occupational license" does not~~
5 ~~include an occupational license regulated by the~~ state board of technical
6 professions.

7 ~~(e)(d)~~ "Welfare" means the protection of the public against fraud or
8 physical or psychological harm. "Welfare" does not include the protection
9 of businesses or agencies, whether publicly or privately owned, against
10 competition.

11 ~~Sec. 2. (a) (1) Notwithstanding any other provision of law, any~~
12 ~~occupational license requirement pursuant to state statute or agency rules~~
13 ~~and regulations that is in effect on July 1, 2025, shall terminate on July 1,~~
14 ~~2030, and shall not be effective on or after such date, unless the legislature~~
15 ~~acts to continue the requirement as provided by subsection (b) or the~~
16 ~~requirement continues in effect pursuant to subsection (d).~~

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

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

32 ~~(2) Before an occupational license requirement may be continued by~~
33 ~~the legislature as provided by paragraph (1), a standing committee of the~~
34 ~~house of representatives and the senate to which legislation of the subject~~
35 ~~matter pertaining to the occupational license requirement is customarily~~
36 ~~referred, as determined by the speaker of the house of representatives and~~
37 ~~the president of the senate, as applicable, shall each conduct a review of~~
38 ~~the occupational license requirement at such time that the matter is~~
39 ~~referred to such committee. Such review shall include a presentation by~~
40 ~~legislative research staff of the report to the committee prepared by~~
41 ~~legislative research staff pursuant to subsection (c). Each such committee~~
42 ~~shall provide a written recommendation to the speaker of the house of~~
43 ~~representatives and the president of the senate, as applicable, for~~

1 distribution to and consideration by the legislature. The report prepared by
2 staff pursuant to subsection (c) shall be included in such written
3 recommendation. At the discretion of the speaker of the speaker of the
4 house of representatives and president of the senate, the occupational
5 licensing requirement may also be referred to the joint committee on
6 administrative rules and regulations, or a successor committee, for review.
7 The joint committee shall provide written recommendations upon such
8 review to the speaker of the house of representatives and the president of
9 the senate for distribution to and consideration by the legislature.

10 (e) (1) The chairperson of a standing committee of the house of
11 representatives or the senate reviewing an occupational license
12 requirement as provided by subsection (b) shall assign staff from the
13 Kansas legislative research department to conduct a review of the
14 requirement and prepare a written report to the committee. The report shall
15 be presented to the committee for review within two weeks of assignment
16 by the chairperson.

17 (2) The report shall include:

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

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

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

25 (D) an explanation of any determination as to whether the
26 requirement remains the least restrictive means to achieve its stated
27 purpose;

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

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

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

34 (i) Compliance and opportunity costs, including licensing fees,
35 education requirements and associated costs, experience requirements and
36 an estimation of the total number of calendar days dedicated by an
37 applicant to obtaining the license;

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

39 (iii) the effect on state expenditures, including estimated
40 administrative expenses.

41 (d) (1) The secretary of state shall monitor the termination date of
42 occupational license requirements adopted in rules and regulations filed
43 with the secretary and provide notice to the agency that adopted such

1 requirements at least 18 months prior to every such occupational license
2 requirement's termination date. The secretary of state shall identify and
3 certify to the speaker of the house of representatives and the president of
4 the senate the termination date of such occupational license requirement at
5 the time notice is provided to the agency. Any occupational license
6 requirement with a termination date that has not been identified and
7 noticed to the relevant agency and the speaker of the house of
8 representatives and the president of the senate by the secretary shall not
9 terminate on such termination date but shall remain in effect until the date
10 that is 18 months from the date such identification and notice is provided
11 to the agency and the speaker of the house of representatives and the
12 president of the senate by the secretary.

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

30 **Sec. 2. (a) Each agency shall submit an annual report to the joint**
31 **committee on administrative rules and regulations during the month of**
32 **September of each year.**

33 **(b) The report shall contain a list of each occupational license over**
34 **which the agency has jurisdiction and provide the following for each**
35 **occupational license:**

36 **(1) The number of current holders of the occupational license;**

37 **(2) a brief description of the typical employment of license holders;**

38 **(3) a list of the regulations governing the issuing and maintaining**
39 **of the occupational license;**

40 **(4) the authorizing and implementing statutes for the regulations;**

41 **(5) whether the occupational license is mandated or regulated by**
42 **federal requirements;**

43 **(6) a description of the required education, training and testing**

1 *requirements to obtain the occupational license;*

2 *(7) a description of any continuing education or testing*
3 *requirements to maintain the occupational license;*

4 *(8) an enumeration of the total fees paid to the agency to obtain*
5 *and maintain the occupational license;*

6 *(9) an identification of any requirement concerning good moral*
7 *character to obtain or maintain the occupational license;*

8 *(10) an identification of any restrictions in obtaining or holding the*
9 *occupational license imposed on individuals with criminal records; and*

10 *(11) a description of any reciprocity agreements allowing for*
11 *interstate occupational license recognition.*

12 Sec. 3. (a) *(1) Any new occupational license or material change to*
13 *an existing occupational license requirement* adopted by an agency on or
14 after July 1, 2025, shall require approval of the legislature by joint
15 resolution pursuant to this section before the requirement shall take effect,
16 unless such requirement has been ratified by the legislature by the
17 enactment of a bill pursuant to the provisions of K.S.A. 2024 Supp. 77-
18 441, and amendments thereto.

19 *(2) Notwithstanding any current provision of law, every existing*
20 *statutory grant of authority to an agency to adopt regulations regarding*
21 *occupational licenses that exists on July 1, 2025, is supplemented by this*
22 *section.*

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

41 (2) The chairperson of a standing committee of the house of
42 representatives or the senate reviewing ~~an~~ *a new occupational license or*
43 *material change to an existing occupational license requirement* as

1 provided by paragraph (1) shall assign staff from the Kansas legislative
2 research department to conduct a review of the ~~requirement~~ *new*
3 *occupational license or material change to an existing occupational*
4 *license* and prepare a written report to the committee. The report shall be
5 presented to the committee for review by legislative research staff within
6 two weeks of assignment by the chairperson.

7 (3) The report shall include:

8 (A) An analysis and explanation as to why the *new occupational*
9 *license or material change to an existing* 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~~ *new*
18 *occupational license or material change to an existing occupational*
19 *license* will have on job creation or retention; and

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

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

26 (ii) estimated secondary or indirect costs; and

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

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