

Senate File 2163 - Introduced

SENATE FILE 2163

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SCHULTZ

A BILL FOR

1 An Act relating to the regulation of professions, including
2 the granting of professional licenses, certificates, and
3 registrations to persons licensed in other states, the
4 sunset of boards granting professional licenses, and the
5 review of occupational licensing rules, and providing an
6 effective date.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

PROFESSIONAL RECIPROCITY

1
2
3 Section 1. NEW SECTION. 272C.12 Licensure of persons
4 licensed in other jurisdictions.

5 1. Notwithstanding any other provision of law, an
6 occupational or professional license, certificate, or
7 registration shall be issued without an examination to a person
8 who establishes residency in this state or to a person who is
9 married to an active duty member of the military forces of the
10 United States and who is accompanying the member on an official
11 permanent change of station to a military installation located
12 in this state if all of the following conditions are met:

13 a. The person is currently licensed, certified, or
14 registered in at least one other state in the occupation
15 or profession applied for at the same practice level and
16 with substantially equivalent licensure requirements, as
17 determined by the appropriate licensing board, and the license,
18 certificate, or registration is in good standing in all
19 states in which the person holds a license, certificate, or
20 registration.

21 b. The person has been licensed, certified, or registered in
22 another state for at least one year.

23 c. When the person became licensed, certified, or registered
24 in another state, the other state imposed minimum initial
25 education requirements and, if applicable, work experience and
26 clinical supervision requirements, and the other state verifies
27 that the person met those requirements in order to be licensed,
28 certified, or registered in that state.

29 d. The person previously passed an examination required by
30 the other state for licensure, certification, or registration,
31 if applicable.

32 e. The person has not had a license, certificate, or
33 registration revoked and has not voluntarily surrendered a
34 license, certificate, or registration in any other state or
35 country while under investigation for unprofessional conduct.

1 *f.* The person has not had discipline imposed by any other
2 regulating entity in this state or another state or country.
3 If another jurisdiction has taken disciplinary action against
4 the person, the appropriate licensing board shall determine if
5 the cause for the action was corrected and the matter resolved.
6 If the licensing board determines that the matter has not been
7 resolved by the jurisdiction imposing discipline, the licensing
8 board shall not issue or deny a license, certificate, or
9 registration to the person until the matter is resolved.

10 *g.* The person does not have a complaint, allegation, or
11 investigation pending before any regulating entity in another
12 state or country that relates to unprofessional conduct. If
13 the person has any complaints, allegations, or investigations
14 pending, the appropriate licensing board shall not issue or
15 deny a license, certificate, or registration to the person
16 until the complaint, allegation, or investigation is resolved.

17 *h.* The person pays all applicable fees.

18 *i.* The person does not have a criminal history that would
19 prevent the person from holding the license, certificate, or
20 registration applied for in this state.

21 2. A person licensed pursuant to this section is subject to
22 the laws regulating the person's practice in this state and is
23 subject to the jurisdiction of the appropriate licensing board.

24 3. This section does not apply to any of the following:

25 *a.* The ability of a licensing board to require the
26 submission of fingerprints or completion of a criminal history
27 check.

28 *b.* Criteria for a license, certificate, or registration that
29 is established by an interstate compact.

30 4. A license, certificate, or registration issued
31 pursuant to this section does not grant the person receiving
32 the license, certificate, or registration eligibility to
33 practice pursuant to an interstate compact. A licensing
34 board may determine eligibility for a person to hold a
35 license, certificate, or registration pursuant to this section

1 regardless of the person's eligibility to practice pursuant to
2 an interstate compact.

3 DIVISION II

4 SUNRISE AND SUNSET REVIEWS

5 Sec. 2. NEW SECTION. 4A.1 Definitions.

6 For the purposes of this chapter, unless the context
7 otherwise requires:

8 1. "Board" means the same as provided in section 272C.1,
9 subsection 6.

10 2. "Committee" means the occupational licensing advisory
11 committee established in section 4A.2.

12 3. "Sunset" means the termination of all activities of a
13 board.

14 Sec. 3. NEW SECTION. 4A.2 Occupational licensing advisory
15 committee established.

16 1. An occupational licensing advisory committee is
17 established which shall carry out the functions provided in
18 this chapter.

19 2. a. The committee shall consist of three members of the
20 senate appointed by the majority leader of the senate, two
21 members of the senate appointed by the minority leader of the
22 senate, three members of the house of representatives appointed
23 by the majority leader of the house of representatives, two
24 members of the house of representatives appointed by the
25 minority leader of the house of representatives, and three
26 members appointed by the governor who shall be subject to
27 confirmation by the senate as provided in section 2.32.

28 b. Notwithstanding section 2.32A, members shall be appointed
29 no later than the first day of the first regular session of
30 each general assembly and shall serve for terms ending upon
31 the convening of the following general assembly or when their
32 successors are appointed, whichever is later. A vacancy shall
33 be filled in the same manner as the original appointment
34 and shall be for the remainder of the unexpired term of the
35 vacancy.

1 3. The committee shall elect a chairperson and vice
2 chairperson. The committee shall prescribe its rules of
3 procedure.

4 4. The members of the committee shall be reimbursed for
5 actual and necessary expenses incurred in the performance of
6 their duties and the legislative members shall be paid a per
7 diem as specified in section 2.10 for each day in which they
8 engaged in the performance of their duties. However, per diem
9 compensation and expenses shall not be paid when the general
10 assembly is actually in session at the seat of government.
11 Expenses and per diem shall be paid from funds appropriated
12 pursuant to section 2.12.

13 Sec. 4. NEW SECTION. 4A.3 **Sunset schedule.**

14 1. Each board shall sunset as provided in section 4A.6 on
15 the year provided in subsection 2.

16 2. *a.* In the year 2022:

17 (1) The board of medicine, created pursuant to chapter 147.

18 (2) The board of physician assistants, created pursuant to
19 chapter 147.

20 (3) The engineering and land surveying examining board,
21 created pursuant to chapter 542B.

22 (4) The board of examiners for shorthand reporters, created
23 pursuant to chapter 602.

24 (5) The architectural examining board, created pursuant to
25 chapter 544A.

26 (6) The landscape architectural examining board, created
27 pursuant to chapter 544B.

28 *b.* In the year 2023:

29 (1) The dental board, created pursuant to chapter 147.

30 (2) The board of barbering, created pursuant to chapter 147.

31 (3) The board of cosmetology arts and sciences, created
32 pursuant to chapter 147.

33 (4) The board of massage therapy, created pursuant to
34 chapter 147.

35 (5) The board of athletic training, created pursuant to

1 chapter 152D.

2 (6) The board of physical and occupational therapy, created
3 pursuant to chapter 147.

4 *c.* In the year 2024:

5 (1) The board of nursing, created pursuant to chapter 147.

6 (2) The board of nursing home administrators, created
7 pursuant to chapter 147.

8 (3) The board of speech pathology and audiology, created
9 pursuant to chapter 147.

10 (4) The board of hearing aid specialists, created pursuant
11 to chapter 154A.

12 (5) The board of sign language interpreters and
13 transliterators, created pursuant to chapter 147.

14 (6) The board of respiratory care and polysomnography,
15 created pursuant to chapter 147.

16 *d.* In the year 2025:

17 (1) The board of pharmacy, created pursuant to chapter 147.

18 (2) The board of chiropractic, created pursuant to chapter
19 147.

20 (3) The board of optometry, created pursuant to chapter 147.

21 (4) The board of podiatry, created pursuant to chapter 147.

22 (5) The board of psychology, created pursuant to chapter
23 147.

24 *e.* In the year 2026:

25 (1) The Iowa board of veterinary medicine, created pursuant
26 to chapter 169.

27 (2) The Iowa accountancy examining board, created pursuant
28 to chapter 542.

29 (3) The Iowa real estate commission, created pursuant to
30 chapter 543B.

31 (4) The plumbing and mechanical systems board, created
32 pursuant to chapter 105.

33 (5) The department of public safety, but only with respect
34 to the licensing of fire protection system installers and
35 maintenance workers, pursuant to chapter 100D.

1 Sec. 5. NEW SECTION. **4A.4 Sunset review — duties of**
2 **committee.**

3 1. By January 1 of the calendar year before the calendar
4 year in which a board is scheduled to sunset as provided in
5 section 4A.3, the committee shall perform a review of a board.

6 2. After reviewing a board, the committee shall do one of
7 the following:

8 *a.* Submit a bill for consideration by the general assembly,
9 under a procedure or rule permitting no amendments by either
10 house, except those of a purely corrective nature, extending
11 the sunset of the board by no more than ten years but no fewer
12 than five years.

13 *b.* Submit a bill for consideration by the general assembly,
14 under a procedure or rule permitting no amendments by either
15 house, except those of a purely corrective nature, extending
16 the sunset of the board by no more than ten years but no fewer
17 than five years, and making modifications to the board.

18 *c.* If the committee determines that a board should sunset,
19 submit a report to the general assembly with the committee's
20 recommendation.

21 3. A report or bill issued pursuant to subsection 2 shall
22 be delivered to the speaker of the house of representatives
23 and the president of the Senate during the first week of
24 the legislative session and shall be publicly posted on the
25 internet site of the general assembly.

26 Sec. 6. NEW SECTION. **4A.5 Rights and duties not affected by**
27 **board sunset.**

28 Unless otherwise expressly provided by law, the sunset of
29 a board does not affect the rights and duties that matured,
30 penalties incurred or imposed, civil or criminal liabilities
31 that arose, or proceedings initiated in connection with the
32 board before the effective date of the board's sunset.

33 Sec. 7. NEW SECTION. **4A.6 Procedures for boards that sunset**
34 **— continuing obligations.**

35 1. *a.* A board that has sunset may continue in existence

1 to conclude its business until July 1 of the fiscal year
2 following the fiscal year in which the board was sunset.
3 Unless otherwise provided by law, the sunset of a board does
4 not reduce or otherwise limit the powers and authority of the
5 board during the concluding year.

6 *b.* A board shall terminate all activities on or before the
7 date specified in paragraph "a". Unless otherwise provided by
8 law, all rules adopted by the board shall be void on that date.

9 2. *a.* Any unobligated or unexpended appropriations of a
10 board that has sunset shall lapse and revert to the general
11 fund of the state on the date specified in paragraph "a".

12 *b.* Except as provided by subsection 4 or as otherwise
13 provided by law, all moneys in a dedicated fund of a board that
14 has sunset shall be transferred to the general fund of the
15 state on the date specified in paragraph "a". Any portion of
16 a law dedicating moneys to a specific fund of a board that is
17 sunset is void on the date specified in paragraph "a".

18 3. Unless the governor designates an appropriate board as
19 described in subsection 4, the property and records in the
20 custody of a board that has sunset shall be transferred to the
21 department of administrative services on the date specified in
22 paragraph "a". If the governor designates an appropriate board
23 as described in subsection 4, the property and records shall be
24 transferred to the designated board.

25 4. *a.* In recognition of the state's continuing obligation
26 to pay all obligations, including lease, contract, and other
27 written obligations incurred by a board that has sunset, the
28 sunset of the board shall not impair or impede payment of
29 obligations, including lease, contract, and other written
30 obligations, in accordance with their terms.

31 *b.* If a board that has sunset has outstanding obligations,
32 including lease, contract, or other written obligations, all
33 such obligations remain valid and enforceable in accordance
34 with their terms and remain subject to all applicable terms
35 and conditions of the laws and proceedings authorizing the

1 bonds and all other such obligations. The governor shall
2 designate an appropriate board to continue to carry out
3 all covenants contained in all such obligations, and the
4 proceedings authorizing them, and the performance of all
5 obligations necessary to complete the construction of projects
6 or the performance of the obligations. The designated board
7 shall provide payment from the sources of payment from all
8 other obligations in accordance with their terms, whether from
9 taxes, revenues, or otherwise. If the terms of the obligations
10 so provide, all funds established by law or proceedings
11 authorizing obligations shall remain with the treasurer of
12 state or previously designated trustees. If the terms of the
13 obligations do not provide that the funds remain with the
14 treasurer of state or previously designated trustees, the funds
15 shall be transferred to the designated board.

16 Sec. 8. NEW SECTION. 4A.7 Sunrise review — occupational
17 licensing.

18 1. The committee shall review all introduced legislation
19 that creates a new occupational license, registration, or
20 certification, or alters any existing occupational license,
21 registration, or certification.

22 2. For each bill reviewed by the committee pursuant to
23 subsection 1, the committee shall determine whether the
24 regulation contained in the bill is the least restrictive means
25 necessary for the regulation of the occupation and is necessary
26 to ensure public safety.

27 3. The committee shall submit its findings pursuant
28 to subsection 2 to the relevant legislative committee in
29 the senate and the house of representatives as soon as is
30 practicable.

31 DIVISION III

32 OCCUPATIONAL LICENSING RULE REVIEW

33 Sec. 9. NEW SECTION. 4B.1 Short title.

34 This chapter shall be known and may be cited as the "*Iowa*
35 *Right to Earn a Living Act*".

1 Sec. 10. NEW SECTION. **4B.2 Legislative findings.**

2 The general assembly finds and declares that the right
3 of individuals to pursue a chosen business, profession,
4 or occupation free from arbitrary or excessive government
5 interference, is a fundamental civil right; the freedom to
6 earn an honest living traditionally has provided the surest
7 means for economic mobility; in recent years, many regulations
8 of entry into businesses, professions, and occupations have
9 exceeded legitimate public purposes and have had the effect of
10 arbitrarily limiting entry and reducing competition; the burden
11 of excessive regulation is borne most heavily by individuals
12 outside the economic mainstream for whom opportunities for
13 economic advancement are curtailed; and it is in the public
14 interest to ensure the right of all individuals to pursue
15 legitimate entrepreneurial and professional opportunities
16 to the limits of their talents and ambition, to provide
17 the means for the vindication of this right, and to ensure
18 that regulations of entry into businesses, professions, and
19 occupations are demonstrably necessary and narrowly tailored to
20 legitimate health, safety, and welfare objectives.

21 Sec. 11. NEW SECTION. **4B.3 Definitions.**

22 For the purposes of this chapter, unless the context
23 otherwise requires:

24 1. "*Board*" means the same as provided in section 272C.1,
25 subsection 6.

26 2. "*Committee*" means the occupational licensing advisory
27 committee established in section 4A.2.

28 3. "*Entry regulation*" means a rule adopted by a board
29 for the purpose of regulating an occupation, business, or
30 profession, including but not limited to a rule that creates
31 a license, registration, certificate, or any other similar
32 document for the purpose of entry into, or regulation of, any
33 occupation, business, or profession.

34 Sec. 12. NEW SECTION. **4B.4 Entry regulation review.**

35 1. *a.* No later than December 31, 2020, each board shall

1 submit a copy of all existing or pending entry regulations
2 pertaining to the board and an aggregate list of such entry
3 regulations to the chairpersons of the committee. The
4 committee shall conduct a review of such entry regulations and
5 may, at the committee's discretion, conduct a hearing regarding
6 the entry regulations submitted by a board. The committee
7 shall issue a report regarding the committee's findings to
8 the general assembly no later than the first week of the 2022
9 legislative session.

10 *b.* After December 1, 2020, prior to submitting a notice
11 of intended action to the administrative rules coordinator
12 and the administrative code editor pursuant to section 17A.4,
13 subsection 1, paragraph "a", a board shall submit to the
14 chairpersons of the committee a copy of any entry regulation
15 proposed to be adopted by the board that was not included in
16 the board's submission to the committee pursuant to paragraph
17 "a". The committee shall meet at least monthly to review rules
18 submitted to the committee pursuant to this paragraph.

19 *c.* The chairpersons of the committee may request that a
20 board present a specific entry regulation to the committee for
21 review at a meeting of the committee pursuant to subsection 2.

22 *d.* The governor may request that the committee review,
23 at the committee's discretion, a specific entry regulation
24 pursuant to subsection 2.

25 2. In conducting a review of an entry regulation, the
26 committee shall consider all of the following:

27 *a.* Whether the entry regulation is required by state or
28 federal law.

29 *b.* Whether the entry regulation is necessary to protect the
30 public health, safety, or welfare.

31 *c.* Whether the purpose or effect of the entry regulation is
32 to unnecessarily inhibit competition or arbitrarily deny entry
33 into a business, trade, profession, or occupation.

34 *d.* Whether the intended purpose of the entry regulation
35 could be accomplished by less restrictive or burdensome means.

1 e. Whether the entry regulation is outside the scope of the
2 board's statutory authority to adopt rules.

3 3. a. The committee may express the committee's disapproval
4 of an entry regulation by voting, by a simple majority, to
5 request that the board amend the entry regulation or decline to
6 proceed with adoption of the entry regulation if the committee
7 finds that the entry regulation is not required by state or
8 federal law and any of the following after a review pursuant to
9 subsection 2:

10 (1) The entry regulation is unnecessary to protect the
11 public health, safety, or welfare.

12 (2) The entry regulation is for the purpose or has the
13 effect of unnecessarily inhibiting competition.

14 (3) The entry regulation arbitrarily denies entry into a
15 business, trade, profession, or occupation.

16 (4) The goal of the entry regulation could be accomplished
17 through less restrictive or burdensome means.

18 (5) The entry regulation is outside the scope of the board's
19 statutory authority to adopt rules.

20 b. If the committee does not find cause to disapprove of an
21 entry regulation, the committee shall vote to approve the entry
22 regulation.

23 c. The board shall not submit a notice of intended action
24 pursuant to subsection 1, paragraph "b", until the committee
25 has submitted notice of disapproval or approval of the entry
26 regulation.

27 4. Notice of disapproval or approval of an entry regulation
28 by the committee shall be posted publicly on the internet
29 site of the general assembly, transmitted to the board
30 seeking to adopt the entry regulation, and transmitted to the
31 administrative rules review committee.

32 5. a. If a board makes a substantial change to a proposed
33 entry regulation in response to a disapproval by the committee,
34 the board shall submit the revised rule to the committee for
35 review pursuant to this section prior to submission of a notice

1 of intended action pursuant to subsection 1, paragraph "b".

2 *b.* If a board declines to initiate compliance with a
3 recommendation of the committee issued pursuant to subsection 3
4 within ninety days of the issuance of the recommendation, or
5 fails to comply with the recommendation within a reasonable
6 period of time, the committee may vote to submit a bill to
7 the general assembly to suspend some or all of the rulemaking
8 authority of the board for a reasonable period of time.

9 Sec. 13. EFFECTIVE DATE. This division of this Act, being
10 deemed of immediate importance, takes effect upon enactment.

11

EXPLANATION

12

The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

14 This bill relates to qualifications for holding professional
15 licenses in Iowa and the sunset of occupational licensing
16 boards. The bill is organized into divisions.

17 DIVISION I — PROFESSIONAL RECIPROCITY. This division
18 relates to occupational or professional license, certificate,
19 or registration reciprocity in Iowa. The bill requires
20 that a professional or occupational license, certificate, or
21 registration be issued to a person without an examination if
22 1) that person establishes residency in Iowa or 2) that person
23 is married to an active duty member of the military forces and
24 is accompanying the member on an official permanent change of
25 station to a military installation in Iowa.

26 In order to receive a reciprocal license, certificate,
27 or registration under the bill, a person must meet certain
28 requirements. The person must be currently licensed,
29 certified, or registered in the occupation or profession
30 applied for at the same practice level with substantially
31 equivalent licensure requirements, as determined by the
32 appropriate board, in at least one other state, and in good
33 standing in all states in which the person is licensed,
34 certified, or registered; have been licensed, certified, or
35 registered in another state for at least one year; have met

1 minimum educational and work requirements required by the
2 licensing state; have passed any applicable examination; not
3 have had a license, certificate, or registration revoked for
4 unprofessional conduct, or surrendered a license, certificate,
5 or registration while under investigation for such conduct;
6 not have been subject to professional discipline from a
7 regulating entity in any jurisdiction unless the appropriate
8 licensing board determines that the issue has been resolved;
9 not currently be subject to investigation for unprofessional
10 conduct; pay all applicable fees; and not have a disqualifying
11 criminal history.

12 A person who receives a reciprocal license, certificate,
13 or registration becomes subject to the laws regulating the
14 profession or occupation in Iowa and to the jurisdiction of
15 the appropriate licensing board regulating the profession or
16 occupation in Iowa. A licensing board may require an applicant
17 for a reciprocal license to submit fingerprints and may perform
18 a criminal history check. A reciprocal license does not grant
19 a person eligibility to practice pursuant an interstate compact
20 or affect the eligibility of a person to practice in Iowa under
21 an interstate compact.

22 DIVISION II — SUNRISE AND SUNSET REVIEWS. This division
23 relates to the review of licensing boards in Code chapter
24 272C. The bill establishes the occupational licensing advisory
25 committee (committee), to consist of three members of the
26 senate appointed by the majority leader of the senate, two
27 members of the senate appointed by the minority leader of the
28 senate, three members of the house of representatives appointed
29 by the majority leader of the house of representatives, two
30 members of the house of representatives appointed by the
31 minority leader of the house of representatives, and three
32 members appointed by the governor who shall be subject to
33 confirmation by the senate.

34 The bill creates a schedule for the automatic sunset of five
35 to six professional licensing boards every year beginning in

1 2022 and ending in 2026. The bill defines "sunset" as the
2 termination of all activities of a board.

3 The sunset of a board does not affect the rights and duties
4 that matured, penalties incurred or imposed, civil or criminal
5 liabilities that arose, or proceedings initiated in connection
6 with the board before the effective date of the board's sunset,
7 unless otherwise expressly provided by law.

8 The bill authorizes a board that has sunset to continue in
9 existence to conclude its business until July 1 of the fiscal
10 year following the fiscal year in which the board was sunset.
11 Unless otherwise provided by law, the sunset of a board does
12 not reduce or otherwise limit the powers and authority of
13 the board during the concluding year. The bill requires the
14 board to terminate all activities on or before that date,
15 and provides that all rules adopted by the board shall be
16 void on that date. The bill provides that any unobligated or
17 unexpended appropriations of a board that has sunset shall
18 lapse and revert to the general fund of the state on that date.

19 The bill provides that all moneys in a dedicated fund of a
20 board that has sunset shall be transferred to the general fund
21 of the state on July 1 of the fiscal year following the fiscal
22 year in which the board was sunset, except as provided in the
23 bill or as otherwise provided by law. Any portion of a law
24 dedicating moneys to a specific fund of a board that has sunset
25 is void on that date.

26 The bill provides that the property and records in the
27 custody of a board that has sunset shall be transferred to
28 the department of administrative services on July 1 of the
29 fiscal year following the fiscal year in which the board was
30 sunset unless the governor designates an appropriate board as
31 described in the bill.

32 The bill provides that the sunset of a board shall not
33 impair or impede payment of bonded indebtedness and all
34 other obligations, including lease, contract, and other
35 written obligations, in accordance with their terms. If a

1 board that has sunset has outstanding bonded indebtedness or
2 other outstanding obligations, the bonds and all other such
3 obligations remain valid and enforceable in accordance with
4 their terms and subject to all applicable terms and conditions
5 of the laws and proceedings authorizing the bonds and all other
6 such obligations. The bill requires the governor to designate
7 an appropriate board to continue to carry out all covenants
8 contained in the bonds and all other such obligations, and to
9 perform all other such obligations to complete the construction
10 of projects or perform other such obligations. The bill
11 provides procedures for a designated board to carry out those
12 duties.

13 The bill requires the occupational licensing advisory
14 committee to review each board by January 1 in the calendar
15 year before the year in which the board is scheduled to sunset.
16 After performing this review, the committee shall either submit
17 a report detailing the committee's determination that the board
18 should sunset or submit a bill not subject to amendment on the
19 floor that extends the sunset of the board by no more than
20 ten years but no fewer than five years, which may also make
21 changes to the board. The bill requires reports and bills
22 issued by the committee to be posted on the internet site of
23 the general assembly and to be sent to the speaker of the house
24 of representatives and the president of the senate, and shall
25 be publicly posted on the general assembly's internet site.

26 The bill also requires the committee to review all
27 introduced legislation that creates a new occupational license,
28 registration, or certification or that alters any existing
29 occupational license, registration, or certification. The
30 committee shall review such legislation to determine whether
31 the regulation contained in the legislation is the least
32 restrictive means possible for accomplishing the goal of the
33 legislation and to forward the findings of the committee to the
34 relevant legislative committee as soon as is practicable.

35 DIVISION III — OCCUPATIONAL LICENSING RULE REVIEW. This

1 division relates to the review of rules governing the practice
2 of occupations. The bill establishes a new Code chapter to be
3 known as the "Iowa Right to Earn a Living Act".

4 The bill requires each board to submit a copy of all of
5 the board's current and pending entry regulations, which the
6 bill defines as rules adopted for the purpose of regulating
7 an occupational or professional group, to the occupational
8 licensing advisory committee by December 31, 2020. The
9 committee shall review all such entry regulations and submit
10 a report to the general assembly by the first week of the 2022
11 legislative session.

12 After December 1, 2020, the bill requires each board to
13 submit a proposed entry regulation to the committee prior to
14 submitting a notice of intended action to the administrative
15 rules coordinator and the Iowa administrative code editor. The
16 committee shall meet at least monthly to review such entry
17 regulations. In addition, the bill allows the chairpersons of
18 the committee to request a board to submit an entry regulation
19 for review and the governor to request that the committee,
20 at the committee's discretion, review a particular entry
21 regulation.

22 In conducting a review of an entry regulation, the bill
23 requires the committee to consider whether the entry regulation
24 is required by law; is necessary to protect the public health,
25 safety, or welfare; unnecessarily inhibits competition
26 or restricts entry into a business, trade, profession, or
27 occupation; is the least restrictive or burdensome means to
28 accomplish the goal; or is outside the scope of the board's
29 statutory authority. If the committee finds that the entry
30 regulation is not required by law and is also otherwise
31 deficient as provided by the bill, the committee may disapprove
32 of the entry regulation and request that the board either
33 amend the proposed entry regulation or decline to proceed with
34 adoption of the entry regulation. The bill requires notice of
35 disapproval to be posted publicly on the general assembly's

1 internet site, transmitted to the board seeking to adopt the
2 entry regulation, and transmitted to the administrative rules
3 review committee. The bill prohibits a board from submitting
4 a notice of intended action until it has received approval or
5 disapproval from the committee.

6 If a board makes substantial changes to a proposed entry
7 regulation, the board shall resubmit the proposed entry
8 regulation to the committee for review. If the board chooses
9 not to respond to the committee's recommendations, the board
10 may continue with the rulemaking process. The bill allows the
11 committee to vote to submit a bill to the general assembly to
12 suspend the rulemaking authority of a board that declines to
13 comply with recommendations of the committee.

14 The division takes effect upon enactment.