



February 22, 2024

ENGROSSED SENATE BILL No. 34

DIGEST OF SB 34 (Updated February 22, 2024 8:38 am - DI 140)

Citations Affected: IC 25-1.

Synopsis: Occupational licensing. Requires the professional licensing agency (agency) to study universal occupational licensing laws enacted in other states. Requires the agency to submit a report with findings and recommendations to the general assembly not later than October 31, 2025. Extends certain dates and expands certain duties regarding the comprehensive review of occupational licensing by public agencies. Delays the date that certain individuals may begin to file a petition to repeal or modify certain occupational regulations. (The introduced version of this bill was prepared by the interim study committee on employment and labor.)

Effective: Upon passage.

**Rogers, Crane, Hunley, Ford J.D.,
Randolph Lonnie M**

(HOUSE SPONSORS — MILLER D, TESHKA, BAUER M)

January 8, 2024, read first time and referred to Committee on Commerce and Technology.
January 16, 2024, reassigned to Committee on Pensions and Labor pursuant to Rule 68(b).
January 25, 2024, amended, reported favorably — Do Pass.
February 1, 2024, read second time, amended, ordered engrossed.
February 2, 2024, engrossed.
February 5, 2024, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 12, 2024, read first time and referred to Committee on Employment, Labor and Pensions.
February 22, 2024, reported — Do Pass.

ES 34—LS 6035/DI 141



February 22, 2024

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 34

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-6-11 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 11. (a) The licensing agency shall study**
4 **other states that have adopted universal occupational licensing, at**
5 **least in part, and evaluate the effectiveness and ease of**
6 **administration of those laws.**
7 **(b) Not later than October 31, 2025, the licensing agency shall:**
8 **(1) prepare a report with findings and recommendations**
9 **based on the licensing agency's study and evaluation under**
10 **subsection (a); and**
11 **(2) submit the report to the general assembly in an electronic**
12 **format under IC 5-14-6.**
13 **(c) The licensing agency may delegate its duties under**
14 **subsection (a) to another person so long as the contract price does**
15 **not exceed fifty thousand dollars (\$50,000).**
16 **(d) This section expires July 1, 2026.**
17 SECTION 2. IC 25-1-16.5-8, AS ADDED BY P.L.142-2023,

ES 34—LS 6035/DI 141



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 8. (a) Not later than July 1, ~~2025~~, **2026**, each
3 public agency shall conduct a comprehensive review of all
4 **occupational licenses and** occupational regulations within the public
5 agency's jurisdiction. In conducting a review under this section, the
6 public agency shall do the following:

7 (1) Articulate with specificity the public health, safety, or welfare
8 objective served by the **occupational license or** occupational
9 regulation.

10 (2) Articulate the reason why the **occupational license or**
11 occupational regulation is necessary to serve the objective
12 specified under subdivision (1).

13 (3) Analyze, when information is readily available, the effects of
14 the **occupational license or** occupational regulation on the
15 following:

16 (A) Opportunities for workers.

17 (B) Consumer choices and costs.

18 (C) General unemployment.

19 (D) Market competition.

20 (E) Governmental costs.

21 (F) Any other effects identified by the public agency.

22 (4) Determine if other states have a similar **occupational license**
23 **or** occupational regulation and compare how other states regulate
24 the business or profession.

25 (b) If a public agency finds that an **occupational license or**
26 occupational regulation does not satisfy the standard set forth in section
27 7 of this chapter, the public agency shall:

28 (1) repeal or modify the occupational regulation, to the extent
29 permitted under the public agency's authority, to conform with the
30 standard set forth in section 7 of this chapter; or

31 (2) if an action under subdivision (1) is not within the public
32 agency's authority, recommend to the general assembly actions
33 necessary to repeal or modify the **occupational license or**
34 occupational regulation to conform to the standard set forth in
35 section 7 of this chapter.

36 (c) Not later than October 1, ~~2025~~, **2026**, each public agency shall:

37 (1) prepare a report identifying all actions that the public agency
38 has taken to conform with this section; and

39 (2) submit the report under subdivision (1) to the legislative
40 council in an electronic format under IC 5-14-6.

41 SECTION 3. IC 25-1-16.5-9, AS ADDED BY P.L.142-2023,
42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 9. (a) After July 1, ~~2025~~, **2026**, a person who
2 engages in an occupation or profession to which an occupational
3 regulation applies may file a petition for repeal or modification of the
4 occupational regulation with the public agency having jurisdiction over
5 enforcement of the occupational regulation.

6 (b) Not later than ninety (90) days after a petition is filed under
7 subsection (a), the public agency shall either:

8 (1) repeal or modify the occupational regulation to conform to the
9 standard set forth in section 7 of this chapter; or

10 (2) state the basis on which the public agency has concluded that
11 the occupational regulation conforms to the standard set forth in
12 section 7 of this chapter.

13 **SECTION 4. An emergency is declared for this act.**



REPORT OF THE PRESIDENT
PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 34, currently assigned to the Committee on Commerce and Technology, be reassigned to the Committee on Pensions and Labor.

BRAY

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 34, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "shall:" and insert "**shall study other states that have adopted universal occupational licensing, at least in part, and evaluate the effectiveness and ease of administration of those laws.**".

Page 1, delete lines 4 through 13.

Page 1, line 14, delete "2024," and insert "**2025**,".

Page 2, between lines 2 and 3, begin a new paragraph and insert:

"(c) The licensing agency may delegate its duties under subsection (a) to another person so long as the contract price does not exceed fifty thousand dollars (\$50,000)."

Page 2, line 3, delete "(c)" and insert "**(d)**".

Page 2, line 3, delete "2025." and insert "**2026**."

and when so amended that said bill do pass.

(Reference is to SB 34 as introduced.)

ROGERS, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 34 be amended to read as follows:

Page 1, between lines 16 and 17, begin a new paragraph and insert:

ES 34—LS 6035/DI 141



"SECTION 2. IC 25-1-16.5-8, AS ADDED BY P.L.142-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Not later than July 1, ~~2025~~, **2026**, each public agency shall conduct a comprehensive review of all **occupational licenses and** occupational regulations within the public agency's jurisdiction. In conducting a review under this section, the public agency shall do the following:

(1) Articulate with specificity the public health, safety, or welfare objective served by the **occupational license or** occupational regulation.

(2) Articulate the reason why the **occupational license or** occupational regulation is necessary to serve the objective specified under subdivision (1).

(3) Analyze, when information is readily available, the effects of the **occupational license or** occupational regulation on the following:

(A) Opportunities for workers.

(B) Consumer choices and costs.

(C) General unemployment.

(D) Market competition.

(E) Governmental costs.

(F) Any other effects identified by the public agency.

(4) Determine if other states have a similar **occupational license or** occupational regulation and compare how other states regulate the business or profession.

(b) If a public agency finds that an **occupational license or** occupational regulation does not satisfy the standard set forth in section 7 of this chapter, the public agency shall:

(1) repeal or modify the occupational regulation, to the extent permitted under the public agency's authority, to conform with the standard set forth in section 7 of this chapter; or

(2) if an action under subdivision (1) is not within the public agency's authority, recommend to the general assembly actions necessary to repeal or modify the **occupational license or** occupational regulation to conform to the standard set forth in section 7 of this chapter.

(c) Not later than October 1, ~~2025~~, **2026**, each public agency shall:

(1) prepare a report identifying all actions that the public agency has taken to conform with this section; and

(2) submit the report under subdivision (1) to the legislative council in an electronic format under IC 5-14-6.

SECTION 3. IC 25-1-16.5-9, AS ADDED BY P.L.142-2023,



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) After July 1, ~~2025~~, **2026**, a person who engages in an occupation or profession to which an occupational regulation applies may file a petition for repeal or modification of the occupational regulation with the public agency having jurisdiction over enforcement of the occupational regulation.

(b) Not later than ninety (90) days after a petition is filed under subsection (a), the public agency shall either:

- (1) repeal or modify the occupational regulation to conform to the standard set forth in section 7 of this chapter; or
- (2) state the basis on which the public agency has concluded that the occupational regulation conforms to the standard set forth in section 7 of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to SB 34 as printed January 26, 2024.)

ROGERS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 34, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 34 as reprinted February 2, 2024.)

VANNATTER

Committee Vote: Yeas 9, Nays 0

