

IN THE SENATE

SENATE BILL NO. 1429

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE OCCUPATIONAL LICENSING REFORM ACT; AMENDING CHAPTER 94, TI-
2 TLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9415, IDAHO CODE,
3 TO ESTABLISH PROVISIONS REGARDING PETITIONS FOR WAIVERS OF OR VARIANCES
4 FROM OCCUPATIONAL LICENSING REQUIREMENTS; AND DECLARING AN EMERGENCY
5 AND PROVIDING AN EFFECTIVE DATE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 94, Title 67, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 67-9415, Idaho Code, and to read as follows:

11 67-9415. PETITION FOR WAIVER OF OR VARIANCE FROM A LICENSING REQUIRE-
12 MENT. (1) Any person may petition a licensing authority for a waiver of or
13 variance from a licensing requirement if:

14 (a) Due to the petitioner's circumstances, the application of the li-
15 censing requirement is unreasonable and would impose undue hardship or
16 burden on the petitioner with no offsetting public health, safety, or
17 welfare benefit to the public;

18 (b) The petitioner proposes an alternative that, in the opinion of the
19 licensing authority, will afford substantially equal protection of
20 health, safety, and welfare intended by the particular licensing re-
21 quirement for which the waiver or variance is requested; or

22 (c) The waiver or variance requested would test an innovative practice
23 or model that will, in the opinion of the licensing authority, generate
24 meaningful evidence for the licensing authority in consideration of a
25 licensing requirement change.

26 (2) In response to a petition filed pursuant to subsection (1) of this
27 section, a licensing authority shall:

28 (a) Deny the petition in writing, stating the reasons for the denial; or

29 (b) Approve the petition and grant a waiver of or variance from the li-
30 censing requirement, in whole or in part, and specify whether any con-
31 ditions are placed on the waiver or variance or whether a specific time
32 period for the waiver or variance is established.

33 (3) A licensing authority shall approve or deny a petition filed pur-
34 suant to this section or initiate proceedings to review the petition within
35 twenty-eight (28) days after submission of the petition. Provided, however,
36 if the licensing authority is governed by a multimember licensing authority
37 board or commission whose members are not full-time officers or employees of
38 the state, the licensing authority shall take action on the petition no later
39 than the first regularly scheduled meeting of the board or commission that
40 takes place seven (7) or more days after submission of the petition. If a
41 licensing authority requests additional information from a petitioner, the
42 time period specified in this subsection shall begin anew.

1 (4) Following the granting of a waiver or variance a licensing author-
2 ity shall consider a change that will allow all similarly situated persons to
3 derive the same benefits granted to the petitioner.

4 (5) Any licensing authority decision denying a petition shall be con-
5 sidered a final agency action.

6 SECTION 2. An emergency existing therefor, which emergency is hereby
7 declared to exist, this act shall be in full force and effect on and after
8 July 1, 2024.