

IN THE SENATE

SENATE BILL NO. 1429, As Amended in the House

BY JUDICIARY AND RULES COMMITTEE

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

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

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

12 67-9415. PETITION FOR WAIVER OF OR VARIANCE FROM A LICENSING REQUIRE-
13 MENT OR RESTRICTED PRACTICE. (1) Any person may petition a licensing author-
14 ity for a waiver of or variance from a licensing requirement or practice that
15 would be otherwise restricted to a licensee if:

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

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

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

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

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

31 (b) Approve the petition and grant a waiver of or variance from the
32 licensing requirement or restricted practice, in whole or in part, and
33 specify whether any conditions are placed on the waiver or variance
34 or whether a specific time period for the waiver or variance is estab-
35 lished.

36 (3) A licensing authority shall approve or deny a petition filed pur-
37 suant to this section or initiate proceedings to review the petition within
38 twenty-eight (28) days after submission of the petition. Provided, however,
39 if the licensing authority is governed by a multimember licensing authority
40 board or commission whose members are not full-time officers or employees of
41 the state, the licensing authority shall take action on the petition no later
42 than the first regularly scheduled meeting of the board or commission that

1 takes place seven (7) or more days after submission of the petition. If a
2 licensing authority requests additional information from a petitioner, the
3 time period specified in this subsection shall begin anew.

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

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

9 (6) This section shall not allow waivers or variances that would grant
10 an initial license to an individual who does not meet the statutory require-
11 ments for an initial license.

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