

2.1 related to the statute or rule substantially burdens the individual's right to engage in an
2.2 occupation not prohibited by law.

2.3 (d) If the individual meets the burden of proof under paragraph (c), the government
2.4 must then demonstrate by clear and convincing evidence that the government has a
2.5 compelling interest in protecting against present and recognizable harm to the public
2.6 health and safety, and the regulation is the least restrictive means for furthering that
2.7 compelling governmental interest.

2.8 Subd. 4. **No change in labor law.** The right established by this section does not
2.9 change the right to collective bargaining.

2.10 Subd. 5. **Judicial determination.** A district court shall liberally construe this
2.11 statute to protect the right established in subdivision 2, paragraph (a). A district court
2.12 shall make its own findings of fact and conclusions of law. It shall not rely on legislative
2.13 findings of fact not presented in admissible form to the district court. It shall not grant any
2.14 presumption to legislative determinations of harm to the public health and safety or that
2.15 the regulation is the least restrictive means to further a compelling government interest.

2.16 Sec. 2. Minnesota Statutes 2010, section 214.01, is amended to read:

2.17 **214.01 DEFINITIONS.**

2.18 Subdivision 1. **Application.** The words defined in this section for purposes of this
2.19 chapter have the meanings given them unless the context clearly requires otherwise.

2.20 Subd. 1a. **Council of Health Boards.** "Council of Health Boards" means a
2.21 collaborative body established by the health-related licensing boards.

2.22 Subd. 1b. **Certification.** "Certification" means a voluntary process by which the
2.23 legislature establishes the criteria to grant recognition to a person who (1) has met certain
2.24 predetermined qualifications and (2) may use "certified" as a designated title. Use of the
2.25 title certified by a person who is not certified is unlawful. "Certification" is the middle
2.26 form of occupational regulation. Noncertified persons may also perform the occupation
2.27 for compensation.

2.28 Subd. 2. **Health-related licensing board.** "Health-related licensing board" means
2.29 the Board of Examiners of Nursing Home Administrators established pursuant to section
2.30 144A.19, the Office of Unlicensed Complementary and Alternative Health Care Practice
2.31 established pursuant to section 146A.02, the Board of Medical Practice created pursuant
2.32 to section 147.01, the Board of Nursing created pursuant to section 148.181, the Board of
2.33 Chiropractic Examiners established pursuant to section 148.02, the Board of Optometry
2.34 established pursuant to section 148.52, the Board of Physical Therapy established pursuant
2.35 to section 148.67, the Board of Psychology established pursuant to section 148.90, the

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3.1 Board of Social Work pursuant to section 148D.025, the Board of Marriage and Family
3.2 Therapy pursuant to section 148B.30, the Office of Mental Health Practice established
3.3 pursuant to section 148B.61, the Board of Behavioral Health and Therapy established by
3.4 section 148B.51, the Board of Dietetics and Nutrition Practice established under section
3.5 148.622, the Board of Dentistry established pursuant to section 150A.02, the Board
3.6 of Pharmacy established pursuant to section 151.02, the Board of Podiatric Medicine
3.7 established pursuant to section 153.02, and the Board of Veterinary Medicine established
3.8 pursuant to section 156.01.

3.9 Subd. 2a. **License.** "License" means a nontransferable authorization to perform an
3.10 occupation for compensation based on meeting predetermined qualifications established
3.11 by the legislature such as (1) satisfactory completion of an approved education or training
3.12 program and (2) acceptable performance on a qualifying examination or series of
3.13 examinations. "Licensing" or "licensure" means authorization to engage in an occupation
3.14 for compensation which would otherwise be unlawful in the absence of such authorization.
3.15 A license is the most restrictive form of occupational regulation.

3.16 Subd. 3. **Non-health-related licensing board.** "Non-health-related licensing
3.17 board" means the Board of Teaching established pursuant to section 122A.07, the Board
3.18 of Barber Examiners established pursuant to section 154.001, the Board of Cosmetologist
3.19 Examiners established pursuant to section 155A.20, the Board of Assessors established
3.20 pursuant to section 270.41, the Board of Architecture, Engineering, Land Surveying,
3.21 Landscape Architecture, Geoscience, and Interior Design established pursuant to section
3.22 326.04, the Private Detective and Protective Agent Licensing Board established pursuant
3.23 to section 326.33, the Board of Accountancy established pursuant to section 326A.02, and
3.24 the Peace Officer Standards and Training Board established pursuant to section 626.841.

3.25 Subd. 4. **Occupational regulations.** "Occupational regulations" means registration,
3.26 certification and licensing, statutes, administrative rules, and practices.

3.27 Subd. 5. **Registration.** "Registration" means a voluntary process established by the
3.28 legislature in which a person (1) may submit notification to a state agency and (2) may use
3.29 "registered" as a designated title. Notification to a state agency may include the person's
3.30 name and address, the person's agent for service of process, the location of the activity
3.31 to be performed, and a description of the service the person provides. Use of the title
3.32 "registered" by a person who is not registered is unlawful. The term does not include a
3.33 requirement to post a bond or other security. "Registration" is the least restrictive form
3.34 of occupational regulation. Nonregistered persons may also perform the occupation for
3.35 compensation.