

Employers State Law Alert

Summarizing Significant New Employment Laws & Regs in All 50 States



Wyoming Legislature passes new rules for public employers, p. 5

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More states choosing skills-based hiring over degree requirements

by Tammy Binford

When both employees and employers face economic uncertainty, it's understandable if they experience a case of jitters about what's happening in the job market. In recent years, employers have sometimes found themselves desperate to hire workers, but other times, they've found themselves looking to downsize.

The prospect of layoffs makes employees nervous, especially those without four-year degrees, as many employers insist on those degrees as a condition of employment.

But recent years have seen a change in thinking about degree requirements. Some prominent private-sector

employers have dropped the requirements. Instead, they look at previous experience and other kinds of training that make a worker qualified for a particular role.

And state lawmakers also are embracing that strategy, perhaps blazing a trail for more private-sector employers to drop their degree requirements.

STATES LOOKING TO SKILLS FIRST

States began taking action in the early 2020s, when they, like many private-sector employers, were experiencing a labor shortage. Many state laws and Executive Orders share the same goal, even if the details vary, and some are more specific about removing degree requirements than others.

The National Governors Association in February listed 27 states with some sort of measure dealing with qualifications for government employment.

In a February 25 report, Best Colleges—which offers resources to individuals seeking information about schools and careers—notes that although state government jobs often still require a bachelor's degree, it counted 14 states where degrees are not necessary for most government jobs.

Those states are Maryland, Utah, Colorado, Pennsylvania, Alaska, North Carolina, New Jersey, Virginia, Florida, Georgia, Michigan, Minnesota, Connecticut, and Indiana.

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Here's a look at the actions some states have taken that may present a model for other employers.

Maryland: Maryland is credited with kicking off the trend by dropping degree requirements for many state jobs in March 2022. Then-Governor Larry Hogan called the move a “first-in-the-nation workforce development initiative” that would ensure “qualified, non-degree candidates are regularly being considered for these career-changing opportunities.”

The move meant that career skills and experience obtained through community college training and military experience, as well as on-the-job and other training, could substitute for a four-year degree.

Utah: Even before Maryland's action, a bill passed and was signed into law in Utah in March 2021 that, among other things, precluded the state's HR department from having a minimum educational requirement except where educational qualifications are legally required to perform the duties of the position.

Then in December 2022, Governor Spencer Cox launched a skills-first hiring initiative for jobs in state government that eliminated bachelor's degree requirements.

Colorado: In April 2022, Governor Jared Polis signed an Executive Order directing state agencies to consider job applicants' skills and experiences as substitutes for educational degrees and certifications when filling positions.

Indiana: This is the most recent state to act on the issue. Governor Michael K. Braun signed an Executive Order requiring that the state Personnel Department identify state government job classifications to consider whether they require a degree and, if not, adjust the classification system to show no degree is required to fill the position.

The order further encouraged all hiring managers “to prioritize skills-based hiring practices, emphasizing relevant experience and competencies, including workforce experience, apprenticeships, career and technical certifications, and military service, rather than degree requirements, except where legally mandated.”

Alaska: On February 14, 2023, Governor Mike Dunleavy signed a similar Executive Order calling on the state to “adopt, modernize, and amend the state personnel rules to place an emphasis on minimum competency requirements and allow for the broadest use of education, training, and experience in order to enhance recruitment and retention efforts in the state workforce.”

The governor's order pointed to “an unprecedented workforce shortage” that was “impacting the delivery of essential state services.”

Florida: In 2023, Florida passed a law that outlines the experience that can be substituted for a college degree. For

example, an associate degree can be substituted for two years of direct experience, and four years of experience can be substituted for a bachelor's degree.

Georgia: In 2023, a bill was signed into law requiring the state to assess educational, experiential, and training requirements for state government positions to identify where four-year college degree requirements could be reduced.

Minnesota: In 2023, Governor Tim Walz signed an order removing the degree requirement for many state jobs and instead focusing on work experience.

Arizona: The Arizona Works Project Act was passed in April 2023. That measure called for the evaluation of all state employee positions to identify those that are suitable for employees “skilled through alternative routes” rather than a four-year college degree. The measure defines a “skilled through alternative routes applicant” as an individual who has developed skills through job training, community college, military service, or an apprenticeship and who is currently active in the workforce, has a high school or equivalent diploma, and does not have a bachelor's or graduate degree.

Michigan: While Michigan doesn't have a measure on qualifications for all applicants for jobs in state government, it does have an initiative aimed at military veterans. A statement from the Michigan Veterans Affairs Agency in October 2023 says that the state waives its bachelor's degree requirement for many state jobs if the veteran completed at least two years of active federal service in any branch at the rank of E-6 or above.

The announcement notes that other states may consider military occupational specialty and job experience, but Michigan's education waiver “appears to be a first.”

STATUTES

Arkansas

WAGES

Adopts Earned Wage Access Services Act

This law requires earned wage access providers to offer at least one option at no cost, disclose all fees associated with their services, and allow consumers to cancel the services without being charged. Earned wage access providers are also barred from sharing any portion of fees, tips, or gratuities with employers under this law.

Cite: 2025 AR HB1517, AR Pub. Ch. 347 (6 pages)

Enacted: 3/20/2025

Effective: 8/20/2025

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Idaho

UNEMPLOYMENT COMPENSATION

Fraud

This law updates the statute applied to claimants who commit unemployment insurance fraud. It defines willful and knowingly making a false statement, creates a distinction between misdemeanor and felony fraud, creates a crime for unemployment insurance identity theft, and provides for a stiffer administrative penalty for repeat offenders of unemployment insurance fraud.

Cite: 2025 ID HB53, ID Pub. Ch. 28 (15 pages)

Enacted: 3/11/2025

Effective: 7/1/2025

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WORKERS' COMPENSATION

Limited liability companies

This law clarifies which individuals within a business entity have liability for the failure to obtain workers' compensation insurance. The law ensures that individuals in positions of authority within corporations and LLCs are held accountable for failing to secure necessary compensation for employees. The law stipulates that any officer, employee, member, or manager of a corporation or LLC who has the authority to secure payment and fails to do so can be charged with a misdemeanor.

Cite: 2025 ID HB64, ID Pub. Ch. 66 (2 pages)

Enacted: 3/13/2025

Effective: 7/1/2025

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WORKERS' COMPENSATION

Notices of Hearing

This law retains the requirement that the Commission give at least 10 days written notice of hearing to the parties but eliminates the requirement that such notice must be served on the parties by certified mail. The law would allow for service of a Notice of Hearing to be made by regular mail, fax, or by email for represented parties. Self-represented claimants, also known as pro se claimants, will still receive notices by certified mail unless they choose to opt into electronic delivery.

Cite: 2025 ID HB66, ID Pub. Ch. 68 (1 page)

Enacted: 3/13/2025

Effective: 7/1/2025

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WORKERS' COMPENSATION

Revises Burial Expenses

This law increases the maximum allowable burial expenses for workers who suffer fatal work-related injuries from the current cap of \$6,000 to \$10,000. This adjustment reflects the inflationary costs associated with burial and related services. The law also clarifies that transportation of the deceased worker's body is part of the covered burial expenses. The law removes geographic limitations on the transportation of the body, allowing for the deceased worker to be transported to their final resting place. This clarification is to ensure all necessary costs associated with the burial process, including returning the deceased worker to their final resting place, are comprehensively covered under the statute.

Cite: 2025 ID HB67, ID Pub. Ch. 69 (1 page)

Enacted: 3/13/2025

Effective: 7/1/2025

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Kentucky

OSHA

Various Changes

This law brings Kentucky's OSHA regulations under the federal OSHA standards. It amends several sections of Kentucky's OSHA standards and limits the Kentucky OSH Standards Board's ability to adopt, promulgate, or enforce any regulation that is not promulgated by Federal OSHA or the U.S. Department of Labor or that is more stringent than the corresponding federal provision. The law change only applies to private sector employees in the state, as the Kentucky cabinet will retain authority to promulgate and enforce regulations pertaining to public employees.

Cite: 2025 KY HB398, KY Pub. Ch. 105 (7 pages)

Enacted: 3/27/2025

Effective: 6/27/2025

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Maine

WORKERS' COMPENSATION

Eliminates fronting arrangements

This law eliminates the provision of the Maine Workers' Compensation Act of 1992 that allows an employer member of a group self-insurer to insure its employees through a fronting arrangement.

Cite: 2025 ME SP67, ME Pub. Ch. 1 (1 page)

Enacted: 3/18/2025

Effective: 6/20/2025

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Mississippi

PUBLIC EMPLOYERS: EMPLOYEE BENEFITS

Mississippi State Employees Paid Parental Leave Act

This law establishes the Mississippi State Employees Paid Parental Leave Act, which provides six weeks of paid parental leave at 100% salary for eligible state employees who are the primary caregivers of a newborn or adopted child. An “eligible employee” is defined as a full-time state employee with at least 12 consecutive months of service, excluding K-12, higher education, and community college employees. If both parents are state employees, only one may take the paid leave. The leave must be used within 12 weeks of the child’s birth or adoption and can only be taken once in a 12-month period. This paid parental leave is additional to other leave benefits and will not count against personal or medical leave, and it will run concurrently with federal Family and Medical Leave Act (FMLA) leave where applicable. Employees must provide at least 30 days’ notice before taking the leave when possible, and the leave is not accumulative, cannot be used for retirement purposes, and is not payable upon separation from state service.

Cite: 2025 MS HB1063 (17 pages)

Enacted: 3/25/2025

Effective: 1/1/2026

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UNEMPLOYMENT COMPENSATION

Suspension of Workforce Enhancement Training Fund contributions

This law provides that certain contributions to the workforce enhancement training fund shall be suspended if the insured unemployment rate exceeds an average of five and five-tenths percent for the three consecutive months ending on September 30th of the calendar year preceding the new rate year.

Cite: 2025 MS SB2286 (13 pages)

Enacted: 3/12/2025

Effective: 7/1/2025

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Nebraska

UNEMPLOYMENT COMPENSATION

Reduces tax rate

This law adjusts and reduces the combined tax rate calculation with the intent of decreasing the total in unemployment combined taxes by the employer. It does

this by only considering wages paid by contributory employers instead of both contributory and reimbursable employers which reduces the number of total wages used in the calculation and lowers the overall calculated yield needed. The law also increases the Commissioner’s authority to lower the combined tax rate. Finally, the law reduces the current combined tax rate calculation for tax year 2025 to the 2024 tax rate.

Cite: 2025 NE LB297 (5 pages)

Enacted: 3/26/2025

Effective: 3/26/2025

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North Dakota

PUBLIC EMPLOYERS: EMPLOYEE BENEFITS

Changes Public Employee Retirement System

This law makes various changes to the Public Employees Retirement system including redefining “temporary employee” to exclude them from permanent employee benefits, modifying firefighter definitions, adjusting peace officer contribution rates, and establishing new retirement date calculations and benefit calculations.

Cite: 2025 ND SB2121 (10 pages)

Enacted: 3/18/2025

Effective: 8/1/2025

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WAGES

Revise income tax withholding for military employees

This law amends income tax withholding requirements to avoid tax being unnecessarily withheld from military pay earned by service members in North Dakota. The law creates an exception to the income withholding requirements providing that tax cannot be withheld from military pay unless the service member specifically requests that tax be withheld.

Cite: 2025 ND SB2047 (2 pages)

Enacted: 3/18/2025

Effective: 3/18/2025 and applicable to the tax years after 12/31/25

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WORKERS’ COMPENSATION

Premium credit for military

This law provides any active member of the North Dakota national guard or a veteran eligibility for a workers’ compensation premium credit of up to \$250. The credit is also available to the spouse of a deceased veteran. The

law also provides the Department with the authority to electronically issue decisions in the dispute resolution process for employers.

Cite: 2025 ND HB1078 (4 pages)

Enacted: 3/18/2025

Effective: 8/1/2025

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South Dakota

UNEMPLOYMENT COMPENSATION

Decreases employer contribution rates

This law adjusts and reduces the combined tax rate calculation with the intent of decreasing the total in unemployment combined taxes by employer. It does this by only considering wages paid by contributory employers instead of both contributory and reimbursable employers which reduces the number of total wages used in the calculation and lowers the overall calculated yield needed. The law also increases Commissioner authority to lower the combined tax rate. The law proposes to reduce the current combined tax rate calculation for tax year 2025 to the 2024 tax rate.

Cite: 2025 SD SB26 (6 pages)

Enacted: 3/26/2025

Effective: 7/1/2025

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Utah

WAGES

Adopts Earned Wage Access Services Act

This law regulates earned wage access service providers including setting up provider registration and renewal. The law directs the Division of Consumer Protection to administer and enforce the Earned Wage Access Services Act and provides penalties for violations. The law requires providers to register each year with the state Department of Commerce's Division of Consumer Protection. Providers would also be required to offer at least one no-cost option, transparent fee disclosures and the ability for users to cancel the service at any time without penalties.

Cite: 2025 UT HB279 (9 pages)

Enacted: 3/25/2025

Effective: 5/7/2025

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WORKERS' COMPENSATION

Healthcare Providers

This law allows the Labor Commission to request additional reports from an employer's worker compensation insurance carrier when assessing an injured worker's case. It also prohibits a healthcare provider from charging the patient the difference between the amount that is covered by workers compensation and the amount of the treatment (balance billing).

Cite: 2025 UT SB190 (7 pages)

Enacted: 3/26/2025

Effective: 5/7/2025

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Wyoming



ANALYSIS

LEGISLATION

New rules for public employers, courtesy of the Wyoming Legislature

by Brad Cave, Holland & Hart LLP

The Wyoming Legislature has wrapped up its 2025 session but not before adopting several new laws governing public employers. Three of these laws weren't specifically drafted as employment laws but will have significant impacts on public employers. The new laws are effective July 1, 2025.

NO COMPELLED PRONOUNS!

Through a bill entitled "Compelled Speech is not Free Speech" (Enrolled Act 23), the legislature has prohibited the state and all political subdivisions from requiring employees to use other employees' preferred pronouns. The new law also prohibits public employers from threatening to take any adverse employment action against employees who fail or refuse to use another's personal pronouns.

The act also suggests that a public employer can't require the recipient of any public contract, grant, loan, permit, license, or other benefit to use preferred personal pronouns. Any person harmed by violations of this law can file a civil lawsuit against the public employer. Governor Mark Gordon allowed this bill to become law without his signature, recognizing it was "a solution in search of a problem."

FREE EXERCISE OF RELIGION

The Religious Freedom Restoration Act (Enrolled Act 66) creates a broad new protection for public employees' exercise of religion, even though it wasn't drafted as an employment measure. The new law prohibits state action

that substantially burdens workers' right to practice their religion unless the state action is essential to furthering a compelling governmental interest and is the least restrictive means of furthering that interest.

The exercise of religion includes the practice or observance of religion, as well as any act or refusal to act that's substantially motivated by a sincerely held religious belief. An action can burden the exercise of religion directly or indirectly if it constrains, curtails, inhibits, or denies the exercise of religion in any way, including through withholding benefits; imposing criminal, civil, or administrative penalties; excluding the person from governmental programs; or denying access to governmental facilities.

The law is intended to apply to a wide variety of governmental actions, including state and local laws, ordinances, rules, regulations, and policies, or any other governmental actions taken by the state, local governments and municipalities, political subdivisions, or instrumentalities and public officials. Obviously, the breadth of this definition includes a wide variety of employment matters, ranging from formal employer actions like rules and policies to informal actions a public official might direct, like deciding among competing time-off requests or deciding what employees can display in their cubicle.

People whose exercise of religion is burdened can file a lawsuit against the public entity responsible for the state action for "appropriate relief, including injunctive relief and declaratory relief." Appropriate relief isn't defined, so the types of remedies available may expand beyond the specific terms of the statute. Also, interestingly, this new law can be used as a defense in a judicial or an administrative proceeding, even if no governmental entity is a party to the proceeding.

This law may create a right for Wyoming public employees that's significantly broader than the similar right held by private-sector employees. Public employees' free exercise of religion is protected by the First Amendment of the U.S. Constitution and Title VII of the Civil Rights Act of 1964, and private-sector employees' free exercise rights are also protected by Title VII. The U.S. Supreme Court has historically held that the First Amendment doesn't relieve a person from complying with neutral laws of general applicability because the person's religious beliefs require what the law prohibits.

However, this new Wyoming statute applies "even if the burden results from a rule of general applicability." This phrase, by itself, creates greater rights for Wyoming public-sector employees compared with all other employees in Wyoming and creates significant new burdens for Wyoming public-sector employers to be sure religiously neutral rules and policies don't indirectly burden an

employee's free exercise of religion or otherwise attempt to prove that the rule is essential to a compelling governmental interest and the least restrictive means to fulfill that interest.

It will be fascinating to watch how this law is invoked by public employees and how public employers respond to those challenges. The text of the law leaves many unanswered questions, and answers will come only from court decisions.

CARRYING CONCEALED WEAPONS AT WORK NOW PROTECTED BY LAW

The Wyoming Repeal Gun Free Zones Act (Enrolled Act 24) is a new law that may significantly affect Wyoming public employers. Before the new law's adoption, Wyoming law prohibited persons from carrying concealed firearms into meetings of governmental entities or the legislature and legislative committees and all types of public educational institutions and facilities, among several other areas.

With some exceptions, the new law permits anyone who can carry a concealed firearm under Wyoming law, including those at least 21 years of age who haven't been disqualified by criminal conviction, substance abuse history, or mental illness, to carry a concealed weapon into any public building; into meetings of governmental entities, including the legislature and its committees; and in all areas of public airports where doing so isn't prohibited by federal law.

The law doesn't distinguish between members of the public generally and employees of public entities, meaning public employees now have the right to carry concealed weapons at work, defined by the right created by this law for any member of the public to carry a concealed weapon into a public building.

The law also authorizes those who hold concealed-carry permits to carry weapons at public elementary and secondary schools, colleges, and the university, including at athletic events on school property. School districts are permitted to adopt rules regarding employees and volunteers carrying concealed weapons on elementary and secondary school property.

The law carves out some locations where restrictions on concealed carry will remain in force:

- Any public school, college, or university athletic event where alcoholic beverages are sold;
- Any portion of an establishment licensed to dispense alcohol or malt beverages for consumption on a premises that's primarily devoted to that purpose;
- Law enforcement operations and administration facilities, jails and prisons, and courtrooms (but not the courthouse generally);

- “State agency operated health and human services settings”;
 - Health and human services facilities that are exempt from licensure;
 - Health and human services facilities that are licensed by the Department of Family Services or Department of Corrections;
 - Health and human services facilities that are certified by the Behavioral Health Division of the Department of Health to provide residential services; and
 - Locations where explosive or volatile materials are present that could cause serious bodily harm.
- That a person is inherently racist, sexist, or oppressive, whether consciously or subconsciously, because of the person’s protected class;
 - That a person is inherently responsible for actions committed in the past by other members of the person’s protected class;
 - That fault, blame, or bias should be assigned based on protected class;
 - That a person should accept, acknowledge, affirm, or assent to guilt or complicity or a need to apologize because of the person’s protected class; and
 - That meritocracy or other traits like hard work ethic are racist or sexist.

Public employers that will soon be subject to this law should adopt rules regarding employees’ and visitors’ ability to carry concealed weapons. Employers subject to this law can prohibit employees from openly carrying, displaying, or wearing firearms in their facilities and enforce restrictions on carrying concealed weapons in areas otherwise prohibited by law.

Employers can require employees to keep concealed weapons in their control at all times or otherwise in a concealed biometric container or lockbox but can’t require that the firearm be stored unloaded or separate from its ammunition. And nothing in this law prohibits employers from adopting disciplinary measures for the violation of those rules and for the improper discharge or use of a firearm on their property.

NO DEI PROGRAMS FOR PUBLIC EMPLOYERS

Enrolled Act 67, which has been signed by the governor and will go into effect on July 1, 2025, prohibits all public entities in Wyoming from requiring employees to attend or participate in any diversity, equity, and inclusion (DEI) training, program, activity, or policy and requiring instruction in institutional discrimination.

The law defines DEI as any program, activity, or policy that promotes differential or preferential treatment or classifies individuals based on race, color, religion, sex, ethnicity, or national origin. The bill also prohibits “institutional discrimination,” which it defines as a series of concepts, summarized as follows:

- That any race, color, religion, sex, ethnicity, or national origin is inherently superior or inferior;
- That a person should be discriminated against or adversely treated because of the person’s protected class;
- That moral character is determined by protected class;

The law requires all Wyoming public-sector employers to take any actions necessary to implement the law, including the promulgation of rules, if necessary, no later than July 1, 2025.

The law doesn’t authorize discrimination against individuals based on protected class and shouldn’t be interpreted as contradicting prohibitions against discrimination under the federal civil rights laws or the Wyoming Fair Employment Practices Act. As a result, public employers should continue to enforce equal employment opportunity policies to the extent those policies don’t contradict this law and train employees on topics like discrimination, workplace harassment, and other types of inappropriate conduct.

However, employers should carefully review all policies, training materials, and external presentations or materials for anything that suggests one protected class should be favored or treated more preferably than another. Also, it’s very important for public-sector employers to be aware that public employees have a First Amendment right to speak on matters of public concern, including criticizing their employer’s DEI programs or policies.

SEX-DESIGNATED FACILITIES

Enrolled Act 48 requires public employers in Wyoming to designate multi-occupancy restrooms, changing areas, and sleeping quarters by biological sex, either biological male or biological female, and requires employees to use the restroom, changing area, or sleeping quarter designated for their biological sex.

Employers are permitted to provide reasonable accommodations for employees, but such accommodations may not include access to multi-occupancy areas designated for the opposite sex. The new law applies to every public entity in Wyoming and to all public facilities that aren’t used as a private residence or commercial lodging and creates a series of more detailed requirements for educational facilities.

Employers are required to prohibit employees from using facilities designated for the sex opposite to their biological sex. If a person encounters someone in a facility designated for the opposite sex, the person shall have a claim against the employer if it gave permission to the person to use the facility or failed to take reasonable steps, such as signage and policies, to prohibit people from using facilities designated for the opposite sex. A person who prevails in such a lawsuit can recover actual damages and reasonable attorneys' fees and costs from the employer.

The law carves out some exceptions:

- Single-occupancy facilities that are conspicuously designated for unisex use;
- Employees who enter the facilities when not occupied for cleaning;
- Employees who enter the facilities to render medical or caregiving assistance, to perform official duties, during an ongoing natural disaster or emergency, or when necessary to prevent a serious threat to public health or safety;
- Facilities that are temporarily designated for that person's sex; and
- Coaches and members of athletic teams under certain circumstances.

Although the circumstances the law addresses may not have been a frequent concern of Wyoming public employers, it makes sense to adopt a policy explaining the law's requirements and prohibiting the use of facilities designated for the opposite sex.

SEX IS BIOLOGICAL SEX AT BIRTH

The House and Senate adopted Enrolled Act 73 by significant margins, and the governor allowed it to become law without his signature. Now, for all purposes under Wyoming law, sex will be defined as a person's biological sex at birth. Most significantly for employers, because the law applies to "a person's biological sex under any law or rule or regulation in this state," the Act may call into question whether the Wyoming Fair Employment Practices Act can be interpreted to prohibit discrimination based on transgender status or gender identity.

The law also directs that any law, rule, or regulation that distinguishes between sexes shall be subject to intermediate constitutional scrutiny, which would forbid discrimination against similarly situated male and female persons unless the distinctions are substantially related to important governmental objectives.

Distinctions between sexes with respect to athletics, prisons, domestic violence shelters, rape crisis centers, locker rooms, restrooms, and other areas where safety or privacy is implicated are, by the terms of the law, substantially related to "important governmental

objectives" of protecting the health, safety, and privacy of persons.

Finally, the law requires any public employer that collects vital statistics (including sex) to comply with antidiscrimination laws or, for most other purposes, to identify each person who is part of the collected data set by sex at birth.

Importantly, this law will apply to matters arising under Wyoming law, not under federal law. As a result, Wyoming employers may find themselves in the difficult position of classifying employees according to biological sex to comply with this law while possibly violating public employees' federal constitutional rights.

BOTTOM LINE FOR WYOMING PUBLIC EMPLOYERS

If you're a governmental employer in Wyoming, you have some work to do before July 1 to get ahead of these laws' requirements. In particular, you should consider the following steps:

- Confirming the sex designation of restrooms, changing areas, and sleeping facilities by signage and adopting policies about access by employees of the opposite sex;
- Adopting policies addressing concealed weapons;
- Reversing any prior policies, training, or other employee guidance requiring the use of preferred pronouns; and
- Reviewing all DEI or equal employment and antiharassment training materials to remove content that would constitute "institutional discrimination" or require or promote differential or preferential treatment based on protected class.

*Excerpted from Wyoming Employment Law Letter
Brad Cave and Paula Fleck, Editors, Holland & Hart LLP*

REGULATIONS

Alaska

WORKERS' COMPENSATION

Reemployment stay at work program

The Department of Labor and Workforce Development and the Workers' Compensation Board amended rules for the Reemployment Stay at Work Program, implementing statutory changes regarding the benefits program filing requirements, hearing requests, service requirements, assignment of rehabilitation specialists, notification

requirements, and requests for additional medical documentation.

Cite: 8 AAC 45.040-900 (Online Public Notice System, 02/22/2025) (32 pages)

Adopted: 2/21/2025

Effective: 3/23/2025

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California

BENEFITS

Disability benefit claims

The Employment Development Department amended rules concerning the filing of disability benefit claims, requiring physicians and practitioners to file medical certifications documents electronically through their verified online accounts unless they have completed and filed a designated exemption form wherein they certify to a lack of automation, a severe economic hardship, or other good cause.

Cite: 22 CCR § 2706.4 (CRNR 2025, No. 6-Z, 02/07/2025, page 181) (2 pages)

Adopted: 1/22/2025

Effective: 4/1/2025

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OCCUPATIONAL SAFETY

Occupational exposures to respirable crystalline silica

The California Occupational Safety and Health Standards Board amended regulations providing medical information and recommendations to aid physicians and other licensed health care professionals regarding compliance with the medical surveillance provisions of the respirable crystalline silica standard.

Cite: 8 CCR § 5204, Appendix B (CRNR 2025, No. 7-Z, 02/14/2025, page 239) (17 pages)

Adopted: 2/5/2025

Effective: 2/5/2025

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Colorado

LICENSURE

Dental professionals

The Colorado Dental Board amended rules for the licensure of dentists, dental therapists, and dental hygienists, including rules for foreign-trained applicants and deep sedation and general anesthesia permits.

Cite: 3 C.C.R. 709-1 (48 CR 3, 02/10/2025, page 385) (3 pages)

Adopted: 2/10/2025

Effective: 3/2/2025

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OCCUPATIONAL SAFETY

Pipeline safety

The Public Utilities Commission amended rules regulating pipeline operators and gas pipeline safety, with updated definitions and references and applicable federal safety standards for the transportation of natural gas and other gas by pipeline, and for drug and alcohol testing regulations.

Cite: 4 C.C.R. 723-11 (48 CR 3, 02/10/2025, page 390) (7 pages)

Adopted: 2/10/2025

Effective: 3/2/2025

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WORKERS' COMPENSATION

Rules of procedure

The Division of Workers' Compensation amended rules of procedure with treatment guidelines, updating Division Independent Medical Examination standards for qualifications, compliance, process, fees, communication with physicians, reopenings, removal of physicians, immunity from liability, disputes, and indigence standards.

Cite: 7 C.C.R. 1101-3 (48 CR 4, 02/25/2025, page 485) (9 pages)

Adopted: 2/25/2025

Effective: 4/1/2025

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Delaware

BENEFITS

Family and medical leave

The Department of Labor, Division of Paid Leave, amended rules defining and regulating the Healthy Delaware Families Act, Family and Medical Leave Insurance Program, and the Division of Paid Leave; clarifying that wage determination is based on Delaware earnings, clarifying the applicability of the rules to professional employer organizations and employees subject to collective bargaining agreements, along with other administrative amendments.

Cite: 19 DE Admin. Code 1401 (28 DE Reg. 601, 02/01/2025) (32 pages)

Adopted: 1/13/2025

Effective: 2/11/2025

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HEALTHCARE PROFESSIONALS

Physician assistant authorization

The Board of Medical Licensure and Discipline revised its regulations to clarify and implement statutory language which authorizes a physician assistant, with a collaborative agreement with an appropriately trained physician, to terminate, assist in the termination of, or attempt the termination of a human pregnancy before viability.

Cite: 24 DE Admin. Code 1700 (28 DE Reg. 604, 02/01/2025) (24 pages)

Adopted: 1/7/2025

Effective: 2/11/2025

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Florida

LICENSURE

Professional engineers

The Board of Professional Engineers amended rules to remove sunset provisions related to requirements for the design of Heating, Ventilation, Air Conditioning, and Refrigeration Systems; Heat and Energy Transfer Systems; Material Transfer Systems; Plumbing Systems; Mechanical Machines and Motion Systems; Instrumentation and Control Systems; and Fuel Gas Systems.

Cite: Fla. Admin. Code R. 61G15-34 (51 faw 587, 02/18/2025) (9 pages)

Adopted: 2/10/2025

Effective: 3/2/2025

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LICENSURE: HEALTHCARE PROFESSIONALS

Temporary certificates for physician assistants

The Board of Medicine amended rules to incorporate the application for Temporary Certificate for Physician Assistants to Practice in Areas of Critical Need, and updated the rule text to provide instructions and a link to the web page for the application.

Cite: Fla. Admin. Code R. 64B8-30.003 (51 faw 694, 02/25/2025) (2 pages)

Adopted: 2/17/2025

Effective: 3/9/2025

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Illinois

LICENSURE

Public accountant education and examination requirements

The Board of Examiners amended rules to update education and examination requirements for applicants intending to take the Uniform Certified Public Accountant Examination, including requirements for baccalaureate and/or graduate degrees, specific course requirements, evaluation of international credentials, and provisional candidacy.

Cite: 23 Ill. Adm. Code 1400 (49 Ill. Reg. 1545, 02/07/2025) (33 pages)

Adopted: 2/7/2025

Effective: 1/21/2025

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Indiana

OCCUPATIONAL SAFETY

Pipeline safety regulations

The Utility Regulatory Commission amended rules to update pipeline safety regulations consistent with updates to U.S. Department of Transportation rules and added a section for penalty considerations to include escalating and mitigating factors as listed.

Cite: 170 I.A.C. 5-3-0.6, 170 I.A.C. 5-3-6 (Indiana Register, 02/19/2025) (3 pages)

Adopted: 1/3/2025

Effective: 2/19/2025

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New York

WORKERS' COMPENSATION

Physical/occupational therapy assistants

The Workers' Compensation Board amended rules for physical/occupational therapy assistants, providing guidance about treatment by PT/OT assistants and implemented an amendment to section 13-b of the Workers' Compensation Law, including an 85% reimbursement rate.

Cite: 12 NYCRR 329-1.3 (2025-8 N.Y. St. Reg. 25, 02/26/2025) (2 pages)

Adopted: 2/10/2025

Effective: 3/22/2025

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WORKFORCE DEVELOPMENT

Pathway to employment

The Office for People with Developmental Disabilities amended rules pursuant to the Mental Hygiene Law to update the pathway to employment regulations as NY becomes an employment first State, providing for a time-limited, person-centered, comprehensive career and vocational planning and support service.

Cite: 14 NYCRR 635.10 (2025-8 N.Y. St. Reg. 19, 02/26/2025) (3 pages)

Adopted: 2/11/2025

Effective: 4/1/2025

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North Carolina

OCCUPATIONAL SAFETY

General industry

The Department of Labor amended provisions for the Occupational Safety and Health Standards for General Industry, Title 29 of the Code of Federal Regulations Part 1910 promulgated as of October 10, 2024, exclusive of subsequent amendments.

Cite: 13 NCAC 07F.0101 (39:15 NCR 1052, 02/03/2025) (1 page)

Adopted: 2/3/2025

Effective: 2/3/2025

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Texas

WORKERS' COMPENSATION

Telemedicine

The Division of Workers' Compensation adopted amendments to rules concerning telemedicine, telehealth, and teledentistry services, allowing the treating doctor to certify maximum medical improvement under specified conditions.

Cite: 28 TAC §133.30 (50 TexReg 1030, 02/21/2025) (1 page)

Adopted: 2/4/2025

Effective: 6/1/2025

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Utah

LICENSURE

Nurse Practice Act

The Department of Commerce amended professional licensing rules under the Nurse Practice Act to define the nurse composition license type of the combined "Board of Nursing and Certified Nurse Midwives" and update the fine table pursuant to statutory changes.

Cite: Utah Admin. Code r. 156-31b (25-04 utah bull 42, 02/15/2025) (15 pages)

Adopted: 12/1/2024

Effective: 1/16/2025

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Virginia

LICENSURE

Optometry practice

The Board of Optometry amended rules to establish criteria for certification of optometrists to provide certain laser surgeries, including (1) adding definitions specific to laser surgery; (2) requiring a laser surgery certification, including provisions for fees, education, and clinical training, whether in a school setting or via proctored sessions; (3) specifying requirements for proctoring and proctors; (4) adding reporting requirements, including reporting requirements to maintain a quality assurance review process; (5) establishing fees related to certification; and (6) providing renewal requirements.

Cite: 18VAC105-20 (41 va regs reg 1566, 02/24/2025) (6 pages)

Adopted: 2/24/2025

Effective: 5/1/2025

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Washington

EMPLOYMENT SECURITY

Paid family and medical leave program

The Employment Security Department amended rules to modify the definition of "health care provider" to include naturopathic physicians licensed under chapter 18.36A RCW, change gender-specific pronouns to gender-neutral pronouns, set a prevailing interest rate for late payments associated with damages to align with the interest rate for late premium payments, align backdating timelines associated with good cause with timelines associated with all other backdating reasons, align rule language

with statutory language and agency practice that requires employees to report hours worked in self-employment on a weekly claim for benefits, and give the department discretion to allow for the designation of an authorized representative without written documentation in certain situations.

Cite: WAC 192-500-090, 192-510-031, 192-570-050, 192-610-040, 192-620-020, 192-620-035, 192-800-150 (WSR 25-03-089) (5 pages)

Adopted: 1/16/2025

Effective: 2/16/2025

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OCCUPATIONAL SAFETY

Penalties

The Division of Occupational Safety and Health amended rules to modify how base penalties are calculated to make penalties more effective and address concerns that Washington penalties continue to be below the national average.

Cite: WAC 296-900 (WSR 25-03-091) (29 pages)

Adopted: 1/13/2025

Effective: 2/17/2025

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