Model Legislation

Professional Licensure and Certification Reform Act

Summary

Limits new proposals to enact an occupational or professional licensure and certifications on a business by the general assembly to those that affect the public health, safety, and welfare; limits new licensures and certifications affecting businesses to those that affect the public health, safety, and welfare.

Model Legislation

Section 1. (Title) Professional Licensure and Certification Reform Act

No occupational or professional licensure or certification shall be imposed unless it meets the criteria specified in this section.

(A) No occupational or professional licensure or certification shall be imposed that serves to protect a particular interest group from economic competition.

(B) All proposals introduced in the legislature to impose a licensure or certification on a business profession or occupation should be reviewed according to the following criteria:

1) An occupational or professional licensure or certification shall be imposed by the state only when:
   a) Unregulated practice presents a clear risk to the health, safety, or welfare of the public and the potential for the harm is supported by evidence and is neither remote nor speculative;
   b) The actual or anticipated public benefit of the licensure or certification clearly exceeds the costs imposed on consumers, businesses, and individuals.
   c) The benefit from the assurance of initial and continuing professional licensure or certification serve to avoid a clear risk to the health, safety or welfare of the public; and
   d) The public cannot be effectively protected by other means in a less restrictive manner, including simple registration, private certification, or other non-prohibitive means.

Section 2.

(A) The legislature shall direct an analysis to examine data from multiple sources, looking for evidence of actual harm befalling the public related to the industry in question. This should include but not be limited to industry association data, federal, state and or local government data, business reports, complaints to the respective state law enforcement or consumer affairs divisions, Better Business Bureau, and data from reciprocal agencies in other states with and without similar regulations.

(B) The provisions and limitations of this Act are mandatory and shall be enforced by the courts of this State and of the United States.

Section 3. (Insert Enacting Date)