

HB 1824 -- DIVISION OF PROFESSIONAL REGISTRATION

SPONSOR: Burlison

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Professional Registration and Licensing by a vote of 16 to 7.

This bill establishes guidelines for the regulation of occupations and professions not regulated by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration prior to January 1, 2015, and those regulated professions that seek to substantially increase their scope of practice. The bill specifies that an individual may engage in the occupation of his or her choice, free from unreasonable government regulation. The state may not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is a compelling interest for the state to protect the general welfare. Where an interest exists, the regulation adopted by the state should be the least restrictive type of regulation consistent with the public interest to be protected.

The bill specifies that it is the intent of Chapter 324, RSMo, that any regulation must not be imposed, after January 1, 2015, upon any occupation or profession except for the exclusive purpose of protecting the general welfare. All bills introduced in the General Assembly to regulate an occupation or profession for the first time should be reviewed to specified criteria.

After January 1, 2015, an applicant group must submit a written report explaining specified factors to the legislative committee of reference. Any legislative proposal that contains a continuing education requirement must be accompanied by evidence that the requirement has been proven effective for the profession addressed in the legislation. These provisions cannot be construed to create a right of action against a private party or to require a private party to do business with an individual who is not licensed, certified, or registered with the government or to create a right of action against the state, county, municipal, or other level of government in the state.

PROPONENTS: Supporters say that the government restricts people from entering into trade through professional licensing and this bill addresses the overly burdensome licensing requirements. These state licensing requirements limit competition under the pretense of consumer protection. Supporters believe that occupational licensing should be less restrictive provided it does not harm the public. By making it less restrictive it would increase competition and thereby reduce costs to the consumer.

Testifying for the bill were Representative Burlison; Missouri State Medical Association; Bruce Hillis; and Steve Spellman.

OPPONENTS: Those who oppose the bill say that proponents describe this legislation as non binding but by codifying this proposal would bind future legislatures.

Testifying against the bill was the Missouri Association of Realtors.