



## **Principles for Occupational Licensing Legislation**

- 1. Professional certification criteria used in non-governmental programs reflect the field's own measurements of knowledge, competence and skills of professionals and are established by consensus among subject matter experts.**
  - Self-regulation is more effective and efficient than government regulation; states should not interfere with, or seek to supplant, voluntary, private certification programs.
  - For some professions, it is appropriate to protect the public from unqualified practitioners by incorporating private certification standards into licensure regulations.
    - These decisions should be made by the state legislature and/or regulatory agency, after input from relevant stakeholders, and should not be driven solely by economic factors.
    - Commissions or other entities may make recommendations derived from economic and competitive concerns, but those recommendations should not supplant or override the lawmaking process for determining whether a specific licensure requirement is needed to protect the public.
  
- 2. State government occupational licensure requirements should balance protection of the public with the interests of lowering costs, promoting market competition, and reducing barriers to entry to an occupation.**
  - The determination of how to strike that balance should be evidence-based.
    - Information relating to all the relevant interests should be considered and assessed, rather than excluding information about certain factors from consideration.
    - The evidentiary standard should be realistic (e.g., not require data on present harms, if that data is unavailable because current regulatory requirements protect against those harms).
  - Foreseeable potential harms are relevant to the analysis.
  - Protection of the public encompasses health, safety, welfare and economic well-being.
  
- 3. Individuals have a First Amendment right to use titles they have in fact earned (e.g., certified or registered), even if not bestowed by the government.**
  - Because the titles “certified” and “registered” are often awarded by private professional certification organizations, occupational licensure reform legislation should not bar those uses.
  - More broadly, clear distinctions should be maintained between voluntary, private professional certification and mandatory, government-imposed occupational licensing.