



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.