

The De-licensing of Occupations in the United States: An Update (1/4/2021)

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Overview

The growth, scope, and effects of occupational licensing (directly affecting more than 20 percent of workers in the US today) have received increasing attention in recent years from economists. (For example, see Cunningham 2019.)² In addition, occupational licensing has begun to attract a growing and sometimes vocal stream of critics from outside the economics profession. These criticisms reflect a number of concerns. It has been alleged that too many occupations now require a license to practice and that the requirements for attaining a license in terms of costs and length of training are often excessive. Complaints have also been made that higher prices for the services provided by licensed practitioners are too often the result, and that the benefits to consumers in terms of higher quality are either small or nonexistent. Finally, it has been charged that excessive licensing has resulted in adverse effects on employment opportunities, intergenerational mobility, and worker mobility, especially for those with lower levels of education.³ Evidence for these charges has been documented in the existing economic literature.⁴

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² Cunningham, Evan. “Professional Certifications and Occupational Licenses: Evidence from the Current Population Survey,” *Monthly Labor Review*, June 2019

³ Meehan, B., Timmons, E., Meehan, A. and Kukaev, I. (2019), “The effects of growth in occupational licensing on intergenerational mobility”, *Economics Bulletin*, Vol. 39 No. 2, pp. 1516-1528.

⁴ Morris Kleiner and Evgeny Vortnikov, “Analyzing Occupational Licensing among the States,” *Journal of Regulatory Economics* 52, no. 2 (2017): 132–58.

And in a 2015 joint report of the U.S. Department of the Treasury, the U.S. Department of Labor, and the Council of Economic Advisers (“Occupational Licensing: A Framework for Policymakers”) the substantial costs that occupational licensing imposes on workers and consumers were laid out, along with best practice recommendations to help ensure that occupational regulation might continue to protect consumers.⁵

While still more occupations have become licensed as of late (for example, music therapists and genetic counselors in a few states), in a recent (2015) paper we were able to uncover only eight cases of the “de-licensing” of an occupation at the state level in the U.S. over the period spanning the previous 40 years (Thornton and Timmons, 2015).⁶ They were:

- Barbers in Alabama (1983)
- Morticians in Colorado (1971)
- Naturopaths in Virginia (1972)
- Private investigators in Colorado (1977)
- Egg candlers in Colorado (1994)
- Interior designers in Alabama (2004)
- Watchmakers in Minnesota (1983) and in Wisconsin (1979).

At the time of the writing of our 2015 article, one additional occupation (dieticians) was found to have been de-licensed in Michigan. What is interesting is that in half of these cases attempts to

⁵ See “Occupational Licensing: A Framework for Policymakers,” U.S. Department of Treasury Office of Economic Policy, Council of Economic Advisors (CEA), and U.S. Department of Labor, July 2015, https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf.

⁶ Robert Thornton and Edward Timmons, “The De-licensing of Occupations in the United States,” *Monthly Labor Review*, May 2015.

re-license the occupations followed soon afterward. And in one case, the re-licensing attempt was successful, with the practice of barbering again (as of 2014) requiring a license in Alabama.⁷

Since 2011, 25 states have formulated legislative or administrative proposals dealing with occupational deregulation, including de-licensing. Several of the state proposals would eliminate the licensing of a number (usually one or two dozen) occupations (see Table 1 below and also Appendix Table.)

Table 1

States Initiating De-licensing Proposals, 2011-2020*

Arizona	Idaho	Mississippi	North Carolina	Tennessee
Arkansas	Indiana	Missouri	Oklahoma	Texas
Connecticut	Louisiana	Nebraska	Ohio	Utah
Delaware	Michigan	New Hampshire	Pennsylvania	Wisconsin
Florida	Minnesota	New Mexico	Rhode Island	Virginia

*: Bold font indicates that the legislation has passed.

The occupations suggested for de-licensing (arguably) do not concern public health or safety.

Most of the legislative proposals have been predicated on the argument that unnecessary

⁷ Edward Timmons and Robert Thornton, “There and Back Again: The De-licensing and Re-licensing of Barbers in Alabama,” *British Journal of Industrial Relations*, 57 no. 4 (2019):764–790

licensing restricts job creation and opportunities for the disadvantaged. In our 2017 *Labor Law Journal* article, we found that the dozen state de-licensing initiatives that had been proposed up to that time (2011-2016) tended to arise in states with Republican majorities in the state House or Senate, as well as in states with lower percentages of minority populations and of low-income occupations that are currently licensed.⁸

How effective have such legislative proposals been? And how many occupations have been de-licensed in the five years since our *MLR* paper uncovered a mere eight examples? In this paper we document successful de-licensing efforts in the U.S. over the last five years. We rely on several sources for our analysis. Our primary source is an archive maintained by the Council on Licensure, Enforcement, and Regulation (CLEAR) of regulatory news relating to occupational licensing.⁹ We also reference some additional pieces that note occupational reforms taken during this time period.¹⁰ Since recent de-licensing has generally been the result of broad statewide initiatives, we organize the cases by state. Most noticeably, the pace of reform appears to have increased. We find 35 cases of successful de-licensing over the past five years. More than half of these cases have occurred in the state of Rhode Island.

Successful De-licensing Efforts in the US, 2015-2020

Arizona

⁸ Robert Thornton, Edward Timmons, and Dante DeAntonio, “Licensure or License? Prospects for Occupational Deregulation,” *Labor Law Journal* 68, no. 1 (2017): 46–57.

⁹ <https://clear.blogs.com/clear/archives.html>

¹⁰ See for example Marc Kilmer, “A Look at Occupational Licensing Reform Across the United States,” University of Central Arkansas, October 2018, https://uca.edu/acre/files/2018/10/ACRE_occupational-licensing-state-reforms-WEB-FINAL.pdf

With the passage of the Right to Earn a Living Act in 2017, Arizona demonstrated that it was moving in the direction of protecting occupations from excessive regulation.¹¹ In particular, the Act stipulates that regulations cannot limit a person’s participation in a job or profession without evidence that the proposed regulations are necessary to specifically fulfill a public health, safety, or welfare concern. The right to work of Arizona residents takes precedence over the state’s ability to license occupations, and residents may sue the state if they believe that this right is restricted by licensing legislation. Even so, as of the time of this writing, the law has not led to any successful de-licensing via a lawsuit.

Before the overarching legislation passed in 2017, however, there were three de-licensing efforts that were successful in Arizona in 2016.¹² We discuss each of these below.

Although an occupational license is not the same as a driver’s license, driving instructors are required to be occupationally licensed in some states (e.g., New Jersey.)¹³ Driving instructors, of course, teach how to improve one’s driving skills, often for an upcoming practical test. Driving instructors were de-licensed in Arizona in 2016 and instead they are now certified. In other words, driving instructors have the option of obtaining a credential from the state, but it is not required to practice.

¹¹ “The Right to Earn a Living Act” Arizona Senate Bill 1437, LegiScan, April 2017
<https://legiscan.com/AZ/bill/SB1437/2017>

¹² <https://www.azleg.gov/legtext/52leg/2r/laws/0371.htm>

¹³ New Jersey Administrative Code 13:23-1.1

Two additional occupations were also de-licensed by the 2016 Arizona law¹⁴ -- citrus fruit packers and assayers. Citrus fruit packers engage in the business of packing, as the name suggests, any citrus fruits—e.g., oranges, lemons, limes, grapefruit, tangerines, kumquats, or other citrus fruits suitable for human consumption.¹⁵ According to the Institute for Justice, packers of various types are licensed in six states.¹⁶

Assayers test metal, ores, and minerals to determine how pure they are. Arizona was the only state to require licensing of assayers. One example of the way assayers are regulated in other states can be found in Nevada where assayers just need to keep record of their duties.¹⁷

Most recently, Arizona has continued relaxing its licensing requirements. In 2019 the state passed a bill (HB 2569)¹⁸ making Arizona the first state to universally recognize out-of-state occupational licenses.

Connecticut

After commencing a review of occupational licenses that was initiated with Senate Bill 324 in 2013 (Thornton and Timmons, 2015), Connecticut has continued its assessment of occupational regulation, which eventually resulted in one occupation becoming de-licensed in

¹⁴ <https://www.azleg.gov/legtext/52leg/2r/laws/0371.htm>

¹⁵ <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/3/00441.htm>

¹⁶ <https://ij.org/report/license-work-2/ltw-occupation-profiles/ltw2-packer/>

¹⁷ <https://www.leg.state.nv.us/nrs/NRS-519.html>

¹⁸ “Occupational licensing; reciprocity” Arizona House Bill 2569, LegiScan, April 2019, <https://legiscan.com/AZ/bill/HB2569/2019>

2017 (with Senate Bill 191.¹⁹) As a result, shorthand reporters no longer require a license to practice in the state.

Shorthand reporters make verbatim records of the spoken word using written symbols, either manually or using a stenotype machine or a computer-aided stenotype transcription machine. Their work is used for reporting arbitration proceedings, administrative hearings, depositions, or other proceedings and matters for the use of the courts.²⁰ Such reporters are licensed in some other states (e.g., California²¹) but they are certified in New Jersey.²²

Florida

Since 2011 the Florida legislature has proposed deregulating several licensed occupations, though most were unsuccessful. But in early 2020 a bill was passed that delicensed four occupations.²³ The four occupations were boxing announcers, boxing timekeepers, interior designers, and alarm system installers. We explain below what each of these occupations entails. (Caution! Some of the occupational explanations may be deadly obvious to some readers!)

¹⁹ “An act concerning the department of consumer protection and occupational licensing.” Connecticut General Assembly June 2017 <https://www.cga.ct.gov/2017/ACT/pa/2017PA-00075-R00SB-00191-PA.htm>

²⁰ <https://www.cga.ct.gov/ps97/tob/h/hb-6960.htm>

²¹ <https://www.courtreportersboard.ca.gov/>

²² <https://www.njconsumeraffairs.gov/cou/Pages/FAQ.aspx>

²³ “Deregulation of Professions and Occupations” Florida House Bill CS/HB 1193, Florida Senate, July 2020, <https://www.flsenate.gov/Session/Bill/2020/1193>

Announcers in general broadcast sports events and may also provide commentary and interview guests. A timekeeper is responsible for regulating the number and duration of the rounds designated for boxing, MMA, and kick-boxing events.

Alarm system installers install, program, maintain, and repair security and fire alarm wiring and equipment. In Florida, alarm system installers were previously required to have six years of trade experience and to pass the Certified Alarm Systems Contractor II test, as well as a test on Florida state law and safety. In addition, applicants were (oddly enough) required to document a net worth of no less than \$10,000.

Perhaps the most contentious section of the 2020 legislation concerned interior designers. Interior designers working in a commercial setting are currently required to be licensed in two states (Louisiana and Nevada) and in the District of Columbia. In previous iterations of the bill, a large number of interior designers testified in opposition to the bill.²⁴ The 2020 legislation replaces the existing licensing law with a titling or certification law—the title of “registered interior designer” is now protected by law.

With respect to municipal and county occupational licensing, South Florida County is currently considering the deregulation of locksmiths;²⁵ and a statewide bill that would prohibit local governments from requiring occupational licenses that are not already mandated by the state is also under consideration.²⁶

²⁴ <https://www.heraldtribune.com/news/20190402/bill-to-deregulate-many-florida-professions-advances>

²⁵ <https://www.securityinfowatch.com/access-identity/access-control/news/21158024/south-florida-county-looks-to-regulate-locksmiths>

²⁶ <https://floridapolitics.com/archives/314465-perry-preempt-occupational-licensing>

Idaho

Idaho has recently de-licensed four occupations. Cemeterians, yet another unusual occupational title, study the history and preservation of cemeteries. The Idaho legislature established its Board of Cemeterians in 1989. However, over the past three decades, no members had been appointed to the Board nor had there been any cemetarian licenses issued. At long last, the occupation of cemetarian was formally de-licensed in Idaho in 2020.²⁷

As the name suggests, certified medication assistants assist in providing medication to sick patients. Certified medication assistants (CMAs) were first allowed to practice in Idaho in 2008; however, currently there is only one individual certified in Idaho as a CMA. Moreover, the one individual holding a license is reported to no longer be practicing in the field. The occupation was legally de-licensed in 2020.²⁸

Weighmasters²⁹ measure, count, and weigh commodities for the purpose of their sale or purchase. An estimated regulatory burden for 700-900 businesses in Idaho was removed when the licensure repeal came into effect July 2020.³⁰

Athlete agents represent and promote athletes in dealings with current or prospective employers. They may handle contract negotiations and other business matters for their clients.³¹

²⁷ <https://legislature.idaho.gov/sessioninfo/2020/legislation/S1282/>

²⁸ <https://legislature.idaho.gov/sessioninfo/2020/legislation/H0385/>

²⁹ <https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/S1224.pdf>

³⁰ <https://dfm.idaho.gov/licensing-freedom-act-update-093019.pdf>

³¹ <https://www.bls.gov/oes/current/oes131011.htm>

Athlete agents were originally required to obtain a license from the Bureau of Occupational Licensing. There were previously 30 athlete agents licensed in the state of Idaho, all of whom had out-of-state addresses in 2019.³² According to an update to the Licensing Freedom Act, the Bureau of Occupational Licensing has pursued no disciplinary actions in the last five years and has not denied the issuance of a license. Given the overlap with private credentialing through professional sports associations, the Bureau determined that there was little compelling rationale for state licensure, and the occupation was subsequently de-licensed in 2020.³³

Michigan

After unsuccessful recommendations to deregulate 18 occupations in 2012,³⁴ there were also unsuccessful attempts to de-licensing landscape architects in 2013.³⁵ However, House Bill 4688 in Michigan de-licensed dietitians in 2015.³⁶ And two additional occupations (decorators and painters) have been de-licensed in Michigan since 2015.

Decorators design the interior of homes by choosing colors, carpets, materials, and furnishings. Although commercial interior designers are licensed in Nevada, Louisiana, and Washington, D.C., no other state required decorators to obtain a license. Painters³⁷ (of course)

³² <https://dfm.idaho.gov/licensing-freedom-act-update-093019.pdf>

³³ <https://legislature.idaho.gov/sessioninfo/2020/legislation/H0423/>

³⁴ https://www.michigan.gov/documents/lara/ORR_Occupational_Licensing_Recommendations_382437_7.pdf

³⁵ <https://www.michigancapitolconfidential.com/18669>

³⁶ “Occupations; dietitians and nutritionists; licensure of dietitians and nutritionists; repeal. Repeals sec. 16346 & pt. 183A of 1978 PA 368 (MCL 333.16346 et seq.)” Michigan House Bill 4688, LegiScan, July 2014, <https://legiscan.com/MI/bill/HB4688/2013>

apply paint, stain, and coatings to walls and ceilings, but also to buildings, large machinery and equipment, and bridges and other structures. Painters are licensed in Alaska, California, Delaware, Florida, Hawaii, Kansas (if they deal with lead paint), Louisiana, Maryland, Minnesota, Mississippi, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Oregon, Tennessee, Utah, Virginia, and Washington. For other states, a license is required only for any work over a certain amount, such as \$50,000 in Alabama.³⁸ Both painters and decorators were previously required to obtain a residential maintenance and alteration contractor's license in Michigan. Anecdotally, there was evidence that most painter and decorator contractors were not complying with the existing law.³⁹ Michigan House Bill 4608 de-licensed painters and decorators in 2017.⁴⁰

Nebraska

Nebraska de-licensed a single occupation in 2017: motor vehicle salespersons. Motor vehicle salespersons, as the name suggests, sell vehicles. Unlikely as this occupation is to be a licensed one, it is licensed in at least one other state (Pennsylvania.⁴¹) Nebraska Legislative Bill 346 de-licensed this occupation in 2017.⁴²

³⁷ <https://www.bls.gov/ooh/construction-and-extraction/painters-construction-and-maintenance.htm>

³⁸ <https://www.nextinsurance.com/blog/painter-license-requirements-state-comprehensive-guide/>

³⁹ <https://wwmt.com/news/local/michigan-ends-license-requirement-for-painters>

⁴⁰ [http://www.legislature.mi.gov/\(S\(cgh1qfbgv5ows5hshfr2imyh\)\)/mileg.aspx?page=getobject&objectname=2017-HB-4608](http://www.legislature.mi.gov/(S(cgh1qfbgv5ows5hshfr2imyh))/mileg.aspx?page=getobject&objectname=2017-HB-4608)

⁴¹ <http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/049/chapter19/chap19toc.html&d>

⁴² <https://nebraskalegislature.gov/FloorDocs/105/PDF/Slip/LB346.pdf>

Rhode Island

With respect to the number of occupations that have been de-licensed since 2015, Rhode Island is the clear leader among the states. After House Bill 5900⁴³ was passed in 2016, a total of twenty occupations were de-licensed. The occupations are: barbering instructors, cosmetology instructors, esthetician instructors, manicurist instructors, hairdresser instructors, electrolysis instructors, line cleaners, kickboxers, auctioneers, auctioneer apprentices, acupuncture assistants, radiologist assistants, physical therapist assistants, occupational therapy assistant, orthotists and prosthetists, clinical laboratory technicians, clinical laboratory science practitioners / clinical laboratory scientists, clinical histologic technicians, and cytotechnologists. A brief description of each (same reader caution!) follows below.

- Barber instructors are professionals who teach (what else?) the practice of barbering. They are not universally licensed (e.g., not in California, Colorado, Hawaii, Maryland or North Dakota.)⁴⁴
- Cosmetology instructors are professionals who teach the practice of cosmetology. As with barber instructors, cosmetology instructors are also not licensed in all states. Hairdresser instructors teach a slightly reduced curriculum.

⁴³ “An act making appropriations for the support of the state for the fiscal year ending June 30, 2016” Rhode Island House Bill 5900, LegiScan, June 2015 <https://legiscan.com/RI/bill/H5900/2015>

⁴⁴ Knee Center for the Study of Occupational Regulation data base.

- Esthetician instructors are professionals who teach the practices of skin care, waxing, tweezing, body treatments and makeup application.
- Manicurist instructors are professionals who teach the practice of cleaning, shaping, and beautifying fingernails and toenails. They are considered to be cosmetology instructors in several states.
- Electrolysis instructors are professionals who teach the removal of hair roots or small blemishes on the skin by the application of heat using an electric current.
- Those who clean the lines that link beer kegs to taps are called line cleaners.
- Professional kickboxers are people whom you really do not want to mess with (unless maybe you are one yourself?). In this sport, boxers are permitted to kick opponents with their bare feet, as in karate.
- Auctioneers conduct auctions by accepting bids and declaring goods sold; apprentice auctioneers work under licensed auctioneers. A few states require a business license for auctioneers instead of an occupational license. Several other states issue licenses at the municipal rather than state level. Apprentice auctioneers were also de-licensed in Rhode Island in 2016.
- Acupuncture assistants help practitioner acupuncturists insert needles into the skin of patients-to treat pain and other disorders. Incredibly, before being de-licensed in Rhode Island in 2016, acupuncture assistants had to complete a 36-month, 2500-hour training program, as well as complete an internship and pass an exam.

- Radiologist assistants⁴⁵ help radiologic technologists perform diagnostic imaging examinations on patients. The radiologist assistant license was replaced with certification in Rhode Island in 2016.
- Physical therapist assistants⁴⁶ and aides are supervised by physical therapists to help patients regain movement and manage pain after injuries and illnesses. (For example, they are licensed in Florida and Pennsylvania.⁴⁷)
- Occupational therapy assistants⁴⁸ and aides help patients to develop, recover, improve, and maintain skills needed for daily living and working.
- Orthotists and prosthetists⁴⁹ design and fabricate medical supportive devices and measure and fit patients for such devices.
- Clinical laboratory technologists and technicians⁵⁰ collect samples and perform tests to analyze body fluids, tissue, and other substances.
- Clinical histologic technicians prepare and perform tests on human tissue for pathologists to examine and for the purpose of identifying disease.
- Cytotechnologists prepare slides of body cells to examine with a microscope for abnormalities that may signal the beginning of a cancerous growth.

⁴⁵ <https://www.bls.gov/ooh/healthcare/radiologic-technologists.htm>

⁴⁶ <https://www.bls.gov/ooh/healthcare/physical-therapist-assistants-and-aides.htm>

⁴⁷ <https://csorsfu.com/find-occupations/>

⁴⁸ <https://www.bls.gov/ooh/healthcare/occupational-therapy-assistants-and-aides.htm>

⁴⁹ <https://www.bls.gov/ooh/healthcare/orthotists-and-prosthetists.htm>

⁵⁰ <https://www.bls.gov/ooh/healthcare/clinical-laboratory-technologists-and-technicians.htm>

Restricting the Scope of Licensing

In our previous *MLR* paper, we highlighted cases where some states have also reduced the scope of licensing or prevented its expansion. The “scope” of licensing refers to how broadly licensing restrictions are applied to other occupations whose characteristics or tasks share some similarities with those of the licensed occupation. Because the licensing scope issue is beyond the ...uh... scope of our paper, we only provide a few illustrative examples here.

The profession of hair braiding has continued to become disentangled from the cosmetologist profession since 2013. As of the time of this writing, now only seven states (Hawaii, Idaho, Massachusetts, Montana, New Mexico, Wisconsin, and Wyoming) still require hair braiders to obtain cosmetologist or barber licenses. Ten years ago, most states required hair braiders to obtain cosmetologist or barber licenses.

Another example of restricting the scope of licensing pertains to animal (most often horse) massage. According to the International Association of Animal Massage and Bodywork, regulations pertaining to the practice of animal massage vary across states.⁵¹ Veterinarian licensing boards in many states have claimed that animal masseuses must obtain a veterinarian’s license to practice. However, the Supreme Court in Arizona in 2017 ruled that veterinarian licensing restrictions should not be enforced for individuals practicing animal massage. The Court also discouraged the passing of new legislation that would require animal masseuses to

⁵¹ <https://iaamb.org/resources/laws-by-state/>

obtain licenses.⁵² Maryland is another state that also granted an exemption to animal massage as a result of litigation. In 2018, the Nebraska legislature passed a law exempting equine massage therapists from obtaining veterinarian licenses to practice.⁵³

There is still much variation across the states when it comes to animal massage, however. Alabama, Arkansas, and Maine do not permit animal massage to take place unless the individual is a licensed veterinarian. A number of other states require direct veterinarian supervision. And in 2018 Tennessee enacted a certification or “titling law” that restricts the use of the titles “certified animal therapist” and “registered animal therapist” to practitioners that have completed 100 hours of training and passed a written examination.⁵⁴ Colorado has required animal massage practitioners to obtain a certificate or degree to practice since 2010.⁵⁵

CONCLUSION

In our *MLR* article five years ago we noted that a grand total of eight occupations had been de-licensed in the U.S. over the previous span of 40 years. Kleiner’s 2006 observation that “it is

⁵² <http://ij.org/wp-content/uploads/2014/03/Signed-Consent-Judgment.pdf>

⁵³ Pat Raia, “Nebraska Ends Equine Massage Therapist License Requirement,” *The Horse*, April 24, 2018. <https://thehorse.com/157371/nebraska-ends-equine-massage-therapist-license-requirement/>

⁵⁴ <https://www.animallaw.info/statute/tn-veterinary-chapter-12-veterinarians#s201>

⁵⁵ <https://codes.findlaw.com/co/title-12-professions-and-occupations/co-rev-st-sect-12-35-5-110.html>

rare for an occupation to become deregulated by a government agency” was certainly true.⁵⁶ But since that time there has been a striking change in the way that licensing has become viewed in at least some government circles. As we have noted, bills to deregulate (generally to de-license) certain occupations or bills mandating the review of such regulations have been put forward in 25 states over just the past nine years. As late as 2016, only 12 states had put forth such bills. (See again Appendix Table.) Some versions of these bills have now become law in about half of these 25 states. The result has been that about 35 occupations have become delicensed in a total of seven states, and this in the course of just five years. (See Table 2 below.) Compared to the total number of licensed occupations, of course, the number is still small. But it does contrast with the statement of the executive director of CLEAR (Adam Parfitt), who in 2015 stated: “I think the atmosphere [concerning licensing] has changed in tone. Whether that’s translating into widespread deregulation, I’d say probably not.”⁵⁷ We would contend, however, that there does appear to have occurred both a change in tone and with it an increase in the pace of de-licensing.

⁵⁶ Morris Kleiner, *Licensing Occupations: Ensuring Quality or Restricting Competition?* Upjohn, 2006, p. 13.

⁵⁷ <https://www.washingtonpost.com/news/wonk/wp/2015/11/09/in-taking-on-cosmetologists-and-other-licensed-professions-the-white-house-may-have-picked-a-fight-it-cant-win/>

Table 2: Number of Newly De-licensed Occupations in the US, 2015-2020

Arizona	3 occupations
Florida	4 occupations
Michigan	2 occupations
Rhode Island	20 occupations
Connecticut	1 occupations
Nebraska	1 occupation
Idaho	4 occupations

Total	35 occupations

Appendix Table

Recent Legislative or Administrative De-Licensing Proposals (as of November 2020)

State	Date(s)	Proposal	Description	Status
Arizona	2016	HB2613	Bill would eliminate regulations for landscape architects, geologists, assayers, driving school instructors, fruit packers, and yoga instructors.	Act signed into law in May 2016.
	2017	Right to Earn a Living Act SB1437	Bill empowers individuals to challenge in court unfair licensing requirements that limit competition and create unnecessary barriers to work	Act signed into law in April 2017
Arkansas	2018; 2020	“Red Tape Reduction Working Group” and later “Occupational Licensure Reform Sustainability Group”	Governor created task force to review occupational licensing requirements and make recommendations to the legislature.	No legislative action to date to de-license occupations based upon report recommendations.
Connecticut	2018	SB324: An act requiring the Commissioner of Consumer Protection to undertake a study of occupational licenses.	Purpose is to recommend elimination of licenses for occupations where public health or safety is not an issue, as well as to eliminate unnecessary regulatory burdens on individuals and small businesses.	Has not been voted upon.
Delaware	2016	Executive order signed by governor to create a Professional Licensing Review Committee.	Committee is charged with reviewing unnecessary and overly burdensome licensing requirements.	In place.
Florida	2020	HB1193: Occupational Freedom and Opportunity Act	The occupations proposed for de-licensing included alarm system installers, boxing announcers and timekeepers, hair braiders, and interior designers. Several other occupations had modifications to licensing requirements.	Act signed into law on June 2020.
Idaho	2019	Executive order signed by governor: Licensing Freedom Act of 2019	The Governor’s Division of Financial Management (DFM) must review no fewer than five occupational regulatory programs to determine if continuation of the programs is in the public interest. Regulation has been recommended for ten occupations.	No legislative action to date to de-license occupations based upon report recommendations.

Indiana	2012	HB1006	Would eliminate mandatory licensing of barbers, cosmetologists, dieticians, hearing aid dealers, private investigators, and security guards.	Withdrawn after one week due to loud public outcry.
	2013	SB520	Would create a committee to “eliminate, reduce, and streamline employee regulation” [aka the “Eraser Committee”] and would eliminate mandatory licensing of 14 occupations over a 5-year period.	Bill failed to receive a hearing in the House.
	2014	SEA421	Act effectively encouraged occupations seeking new regulations to consider certification rather than licensing.	Act signed into law in March 2014.
	2014	Report issued by Jobs Creation Committee.	Indiana General Assembly established the Jobs Creation Committee to assess licensing effectiveness. Report issued on 7/1/15 recommended de-licensing of several occupations.	No legislative action to date based upon report recommendations.
Louisiana	2018	HB 372 and HB748	Creates the Occupational Licensing Review Commission, made up of the governor, the secretary of state, the commissioner of agriculture, the commissioner of insurance, and the treasurer (or their designees). Requires the governor to review 20 percent of all state licensing regulations every year	Acts signed into law in 2018.
Michigan	2018	Several bills (including HB4608 and Public Act 527 of 2018 that de-licensed painters and decorators).	Michigan Office of Regulatory Reinvention (ORR) recommended the deregulation of 18 occupations (including dietician, forester, oculist, and polygraph examiner). Not all of the 18 occupations are licensed.	Several bills were passed 2014 deregulating occupations. Painters and decorators were de-licensed effective December 2018.
Minnesota	2012	HF2002, SF1629, “Licensing Relief and Job Creation Act”.	Bill would allow a person practicing without a license in an occupation requiring a license to challenge the licensing requirement in court.	Bill was referred to committee and never voted on.
	2015	A nearly identical bill (SF784) to the 2012 bill was introduced.		Referred to committee: no action taken.

Mississippi	2017	Occupational Board Compliance Act (HB 1425)	Act creates an “Occupational Licensing Review Commission” empowered to provide “active supervision” over many of the executive branch’s licensing boards. Any new regulations must first be reviewed by the commission, which could approve, veto or modify them. Additionally, the Act declares that the policy of the state will be to “increase economic opportunities...by promoting competition.” And in furtherance of that goal, any occupational regulation “must use the least restrictive regulation necessary to protect consumers.”	Act signed into law in April 2017.
	2020	HB1104 Amends Occupational Board Compliance Act	Act authorizes Occupational Licensing Review Commission to review existing regulations and determine compliance with state policy.	Act signed into law in June 2020
Missouri	2013	HB590	Bill would allow persons to practice the professions of interior design, barbering, and cosmetology without having to secure a license.	Referred to committee.
	2014	HB1891	Bill similar to HB590 expanded the number of professions mentioned in HB590 to 12, including massage therapists, embalmers, and athletic agents.	Died in committee.
	2014	HB1824	Bill would restrict the imposition of licensing requirements on occupations that were not regulated as of January 1, 2015. Principles were formulated to guarantee that individuals may engage in occupations of their choice “free from unreasonable government regulation” and that the least restrictive type of regulation should be implemented when there is a compelling interest in regulating.	Bill failed to receive votes to advance to floor.
Nebraska	2018	LB299 Occupational Board Reform Act	Establishes a “sunset review” process-- every year legislative standing committees will examine one-fifth of the state’s occupational regulations to identify any rules or laws that	Signed by governor in 2018.

New Hampshire	2011	HB446 (Repealing the Authority for Regulation of Certain Professional Occupations).	<p>should be repealed or modified so that they are the least restrictive means of means of protecting consumers</p> <p>Bill would repeal the licensing of more than a dozen licensed occupations, including barbers, cosmetologists, massage therapists, hunting and fishing guides, and court reporters.</p>	Bill was defeated in 2012.
	2012	HB1265 (Relative to Criteria for the Government Regulation of Occupations and Professions).	Bill would establish criteria for regulation of occupations and professionals by boards and commissions. Bill would also support certification (“volunteering licensing”) rather than mandatory licensing.	In 2012 a legislative study committee recommended against advancing the bill to the legislature.
New Mexico	2018	Executive order converting occupational licensing into certification	Intent to create a “consumer choice” alternative to licensing. Professionals (outside of medical services) will be able to work without a license so long as they inform consumers that they are unlicensed and if consumers acknowledge that disclosure in writing.	No legislative action to date based upon guidance of executive order.
North Carolina	2011	HB587 (An Act to Promote N.C. Job Growth through Regulatory Reform).	Bill would create a study commission on occupational licensing to identify outdated and unnecessary occupational licensing laws that should be repealed as well as to study effective alternatives to occupational licensing laws.	Portions of the bill were incorporated into a senate bill that was passed, but the provisions related to occupational licensing were dropped.
	2016	Draft legislation approved by study commission.	Recommendation would eliminate 15 occupational licensing boards in the state, including electrologists, interpreters, acupuncturists, and athletic trainers.	Draft proposal to go before the joint legislative administrative procedure oversight committee.
Oklahoma	2016; 2018	Governor creates a task force to review occupational licensing requirements and publish recommendations in 2018	The 2018 report creates a blueprint for reform for the state and offers some general recommendations for reform.	No legislative action to date based upon report recommendations.

Ohio	2019	SB255	Mandates that all licensing boards expire every six years unless the legislature explicitly reauthorizes them.. These “sunset” reviews will evaluate one-third of Ohio’s boards every two years. Further, the Legislative Service Commission will issue a “sunrise” review on each bill introduced in the House or Senate that either proposes a new occupational regulation or would “substantially change” an existing one	Signed by governor in January 2019.
Pennsylvania	2017; 2018	Governor issues executive order to review occupational licensing; suggests eliminating or scaling back licensing for 13 occupations	The governor required a comprehensive review of occupational licensing requirements in the state by the end of 2017. The report did not make any specific recommendations, but the governor’s office after reviewing the report recommended eliminating or reducing licensing requirements for 13 occupations.	No legislative action to date based upon governor’s recommendations.
Rhode Island	2015	The FY2016 Budget (HB 5900)	Regulations governing the licensing of 22 occupations and other regulations for 8 additional occupations were removed.	Legislation went into effect in July 2015.
Tennessee	2016	Right to Earn a Living Act (HB2201) signed into law. Purpose is to review and limit entry regulations for professions and occupations.	State agencies are required by July 1, 2017, and each year following to review entry regulations to determine if they serve public health, safety, or welfare objectives. Those that do not are to be modified or repealed.	Legislation passed.
Texas	2013	HB86 (Relating to the Criteria for Review by the Sunset Advisory Commission of an Agency that Licenses an Occupation).	Bill was not designed to de-license specific occupations, but rather to provide the Texas Sunset Advisory Commission with a broader set of criteria to be considered in continuing to license an occupation.	Bill was signed into law in September 2013.
	2014	Staff report from Sunset Advisory Commission.	Staff report recommended the de-licensing of 6 medical professions (e.g., dietitians, radiologic technologists, and perfusionists).	Final report to Texas state legislative removed the de-licensing recommendations.
Utah	2017	SB212	Expands role of Occupational and Professional Licensure Review Committee to perform a “sunrise” and “sunset” review of occupational licensing requirements.	Bill was signed into law in March 2017.

Wisconsin	2017	Governor's 2017 budget required a comprehensive study of the state's occupational licensure laws by the end of 2018.	The report recommended the elimination of regulatory requirements for 28 occupations (e.g., music and art therapists)	No legislative action to date based upon report recommendations.
Virginia	2018	HB883 Regulatory Reduction Pilot Program	Sets a three-year goal for the Department of Professional and Occupational Regulation to reduce regulations by 25%	Bill was signed into law in March 2018.
