**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 330**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Davis, Gregory and Climer

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Introduced in the Senate on January 8, 2019

Currently residing in the Senate Committee on **Labor, Commerce and Industry**

Summary: Occupational Licensure Reform Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/8/2019 Senate Introduced and read first time ([Senate Journal‑page 185](file:///h:\sj\20190108.docx))

1/8/2019 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 185](file:///h:\sj\20190108.docx))

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**VERSIONS OF THIS BILL**

[1/8/2019](file:///p:\pprever\2019-20\330_20190108.docx)

**A** **BILL**

TO ENACT THE “OCCUPATIONAL LICENSURE REFORM ACT”; TO AMEND ARTICLE 1, CHAPTER 3, TITLE 41 OF THE 1976 CODE, RELATING TO THE DEPARTMENT AND DIRECTOR OF LABOR, LICENSING, AND REGULATION, BY ADDING SECTION 41-3-45, TO PROVIDE THAT CERTAIN REGULATIONS MUST UNDERGO LEGISLATIVE REVIEW TO IDENTIFY WHETHER PRESENT, SIGNIFICANT, OR SUBSTANTIATED HARMS WOULD EXIST IN THE ABSENCE OF THE REGULATION THAT WOULD WARRANT GOVERNMENT INTERVENTION AND, IF SO, TO PROVIDE THAT THE SENATE COMMITTEE ON LEGISLATIVE OVERSIGHT AND THE HOUSE OF REPRESENTATIVES COMMITTEE ON LEGISLATIVE OVERSIGHT SHALL CONSIDER ALTERNATIVE PROVISIONS THAT WOULD BE THE LEAST RESTRICTIVE AND IMPOSE THE LOWEST BURDENS AND COSTS WHILE PROTECTING CONSUMERS FROM HARM.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. As identified in the Brookings Institution’s discussion paper entitled, “Reforming Occupational Licensing Policies,” the General Assembly finds that occupational licensing regulations are intended to protect the health and safety of consumers and to ensure a sufficiently high level of product or service quality. It further finds that not all occupations pose equivalent threats to health and safety and that imposing occupational licensing requirements on those occupations can lead to reduced employment and increased prices. Further, the General Assembly recognizes the impact of the United States Supreme Court’s holding in *North Carolina Board of Dental Examiners v. Federal Trade Commission,* in which the Court recognized that “the need for supervision turns not on the formal designation given by States to regulators but on the risk that active market participants will pursue private interests in restraining trade.” It is the purpose of this act to require the Department of Labor, Licensing, and Regulation to identify occupational licensing regulations that meet the present, significant, and substantiated harm-without-government-intervention test, as created in this act, and to eliminate regulations that fail to meet this test or, when appropriate, recommend changes that are the least restrictive.

SECTION 2. This act may be cited as the “Occupational Licensure Reform Act.”

SECTION 3. Article 1, Chapter 3, Title 41 of the 1976 Code is amended by adding:

“Section 41-3-45. (A)(1) Notwithstanding the requirements of Section 1-23-120(J), the department shall biennially conduct a formal review of all regulations that it has promulgated or for which it has been transferred the responsibility of administering, except those regulations described in Section 1-23-120(H), if applicable. The review must identify those regulations for which:

(a) the department intends to begin the process of repeal as provided by law;

(b) the department intends to begin the process of amendment as provided by law; and

(c) no repeal or amendment is required.

(2) This review must be submitted to the Senate Committee on Legislative Oversight and the House of Representatives Committee on Legislative Oversight.

(B) The Senate Committee on Legislative Oversight and the House of Representatives Committee on Legislative Oversight shall review the department’s report to identify whether present, significant, or substantiated harms would exist in the absence of the regulation that would warrant government intervention and, if so, shall consider alternative provisions that would be the least restrictive and impose the lowest burdens and costs while protecting consumers from harm.”

SECTION 4. This act takes effect upon approval by the Governor.

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