

SENATE BILL 157

By Ketron

AN ACT to enact the "Tennessee Professional Licensure and Certification Reform Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee Professional Licensure and Certification Reform Act".

SECTION 2.

(a) No occupational or professional licensure or certification shall be imposed on a business profession or occupation that serves to protect a particular interest group from economic competition.

(b) All proposals introduced in the legislature to impose a licensure or certification on a business profession or occupation shall be reviewed according to the following criteria:

(1) An occupational or professional licensure or certification shall be imposed by the state only when:

(A) An unregulated practice presents a clear risk to the health, safety, or welfare of the public and the potential for the harm is supported by evidence and is neither remote nor speculative;

(B) The actual or anticipated public benefit of the licensure or certification clearly exceeds the costs imposed on consumers, businesses, and individuals;

(C) The benefit from the assurance of initial and continuing professional licensure or certification serves to avoid a clear risk to the health, safety or welfare of the public; and

(D) The public cannot be effectively protected by other means in a less restrictive manner, including simple registration, private certification, or other non-prohibitive means.

SECTION 3. There is hereby created a special joint committee to examine data from multiple sources, looking for evidence of actual harm befalling the public related to the industry in question. Such study shall include, but not be limited to, industry association data, federal, state or local government data, business reports, complaints to the respective state law enforcement or consumer affairs divisions and Better Business Bureau, and data from reciprocal agencies in other states with and without similar regulations.

SECTION 4. The committee shall consist of six (6) members of the house of representatives and six (6) members of the senate. The chair of the commerce committee of the senate and the chair of the commerce committee of the house of representatives shall serve on the committee. The speaker of the senate shall appoint the remaining senate members of the committee and the speaker of the house shall appoint the remaining house members of the committee.

SECTION 5. All appropriate state agencies shall provide assistance to the special joint committee.

SECTION 6. The special joint committee shall be convened by the member with the most years of continuous service in the general assembly; and at its first meeting the special joint committee shall elect a chair, vice-chair, and such other officers the committee deems necessary.

SECTION 7. All legislative members of the special joint committee shall remain members of such committee until the committee reports its findings and recommendations to the general assembly.

SECTION 8. The special joint committee shall report its findings and recommendations, including any proposed legislation to the governor and the general assembly by January 15, 2010, at which time the committee shall cease to exist.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.