
HOUSE BILL 2477

State of Washington

66th Legislature

2020 Regular Session

By Representatives Vick and Hoff

1 AN ACT Relating to review standards for professional licensing
2 regulation; and adding a new chapter to Title 18 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that, at times,
5 the emergence of new industries and substance of existing industries
6 provides cause for registration, certification, or licensure of
7 certain professions, when practices with these professions
8 demonstrate a clear and present danger to the protection of the
9 consumer's health and safety.

10 (2) However, it is also recognized that adding requirements,
11 including but not limited to educational requirements, paying fees,
12 and training hours, which an individual must fulfill before receiving
13 a license to practice in a profession, creates barriers to an
14 individual's upward mobility and freedom to pursue their profession
15 of choice.

16 (3) Furthermore the legislature acknowledges that unnecessary
17 government regulation leads to economic barriers, it is critically
18 important that as new professional licensing regulations which may
19 impact an individual's right to employment in a profession are
20 considered, that full consideration of the potential benefits and

1 harms first be weighed in an official, consistent, and equitable
2 manner.

3 (4) It is, therefore, the intent of the legislature to establish
4 a sunrise review process for any such future regulation, to ensure
5 concerns for public health and safety are warranted and that the
6 rights and well-being of current and future practitioners of the
7 profession be given full protection from unnecessary regulatory
8 burden.

9 NEW SECTION. **Sec. 2.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires
11 otherwise.

12 (1) "Department" means the department of licensing.

13 (2) "Director" means the director of licensing.

14 (3) "Professional license" means a license, certificate,
15 registration, permit, or other form of authorization required by law
16 or a state agency rule that must be obtained by an individual to
17 engage in a particular occupation or profession which is regulated by
18 the department of licensing.

19 (4) "Public interest" means protection from a present and
20 recognizable harm to public health, safety, or welfare. the term does
21 not include speculative threats, or other nondemonstrable menaces to
22 public health, safety, or welfare. For the purposes of this
23 subsection, the term "welfare" includes the financial health of the
24 public when the absence of governmental regulation unreasonably
25 increases risk and liability to broad classes of consumers.

26 NEW SECTION. **Sec. 3.** (1) No regulation shall, after July 31,
27 2020, be imposed upon a professional license except for the exclusive
28 purpose of protecting the public interest. All bills introduced to
29 regulate and implement a professional license for the first time
30 should be regulated by the state only when:

31 (a) Unregulated practice can clearly harm or endanger the health,
32 safety, or welfare of the public, and the potential for the harm is
33 easily recognizable and not remote or dependent upon tenuous
34 argument;

35 (b) The public needs can reasonably be expected to benefit from
36 an assurance of initial and continuing professional ability; and

37 (c) The public cannot be effectively protected by other means in
38 a more cost-beneficial manner.

1 (2) After evaluating the criteria in subsection (1) of this
2 section and considering governmental and societal costs and benefits,
3 if the legislature finds that it is necessary to regulate an
4 occupation by implementing a professional license requirement not
5 previously required by law, the least restrictive alternative method
6 of regulation should be implemented, consistent with the public
7 interest and this section:

8 (a) Where existing common law and statutory civil actions and
9 criminal prohibitions are not sufficient to eradicate existing harm,
10 the regulation should provide for stricter civil actions and criminal
11 prosecutions;

12 (b) Where a service is being performed for individuals involving
13 a hazard to the public health, safety, or welfare, the regulation
14 should impose inspection requirements and enable an appropriate state
15 agency to enforce violations by injunctive relief in court including,
16 but not limited to, regulation of the business activity providing the
17 service rather than the employees of the business;

18 (c) Where the threat to the public health, safety, or economic
19 well-being is relatively small as a result of the operation of the
20 profession, the regulation should implement a system of registration;

21 (d) Where the consumer may have a substantial basis for relying
22 on the services of a practitioner, the regulation should implement a
23 system of certification; or

24 (e) Where apparent that adequate regulation cannot be achieved by
25 means other than licensing, the regulation should implement a system
26 of licensing.

27 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act
28 constitute a new chapter in Title 18 RCW.

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