



Ohio Revised Code

Section 103.26 Reports on legislation regarding occupational regulation.

Effective: April 5, 2019

Legislation: Senate Bill 255 - 132nd General Assembly

(A) As used in this section and section 103.27 of the Revised Code:

"Individual" means a natural person.

"Least restrictive regulation" has the meaning defined in section 4798.01 of the Revised Code.

"Occupational regulation" means a statute or rule that controls an individual's practice of a trade or profession.

(B) With respect to legislation that has been introduced in the house of representatives or in the senate, which proposes to substantially change or enact an occupational regulation, the director of the legislative service commission shall issue a report of the legislation. The director shall issue a report that compares the regulatory scheme proposed in the legislation with the policies expressed in section 4798.02 of the Revised Code with respect to proposing the least restrictive regulation to protect consumers from present, significant, and substantiated harms that threaten public health, safety, or welfare. The director shall issue this report to the general assembly in a timely manner.

To the extent possible with readily available or obtainable information, the director shall report on consequences of the legislation with respect to:

- (1) Opportunities for employment within the occupation;
- (2) Consumer choices and costs;
- (3) Market competition;
- (4) Cost to government.



(C) The report issued under division (B) of this section shall include all of the following:

(1) A comparison of the regulatory scheme put forth in the legislation with the current regulatory scheme in other similar states for the same occupation and a consideration of the extent to which significant changes in the board's rules could prevent an individual licensed in this state from practicing, or allow an individual licensed in this state to practice, the same occupation in another jurisdiction without obtaining an occupational license for that occupation in that other jurisdiction;

(2) A comparison of the regulatory scheme put forth in the legislation with the policy of this state as set forth in the sections of the Revised Code governing the occupation that is the subject of the legislation, if those sections include such a policy.

(D) The sponsor of a bill, in order to assist the director of the legislative service commission with the director's duties under division (B) of this section, may submit to the director any relevant information, including the following:

(1) Evidence of present, significant, and substantiated harms to consumers in the state;

(2) An explanation of why existing civil or criminal laws or procedures are inadequate to prevent or remedy any harm to the public;

(3) An explanation of why a less restrictive regulation, that is consistent with the policies expressed in section 4798.02 of the Revised Code, is not proposed;

(4) The names of associations, organizations, or other groups representing the occupation seeking regulation and the approximate number of members in each in this state;

(5) The functions typically performed by members of this occupation and whether they are identical or similar to those performed by another occupation;

(6) Whether specialized training, education, or experience is required to engage in the occupation and, if so, how current practitioners acquired that training, education, or experience;



(7) Whether or not the proposed regulation would change the way practitioners of the occupation acquire any necessary specialized training, education, or experience and, if so, why;

(8) Whether or not any current practitioners of the occupation in this state lack whatever specialized training, education, or experience might be required to engage in the occupation and, if so, how the proposed regulation would address that deficiency;

(9) Whether or not new entrants into the occupation would be required to provide evidence of any necessary training, education, or experience, or to pass an examination, or both;

(10) Whether or not current practitioners would be required to provide evidence of any necessary training, education, or experience, or to pass an examination, and, if not, why not;

(11) The expected impact of the proposed regulation on the supply of practitioners of the occupation and on the cost of services or goods provided by the occupation;

(12) Information from others knowledgeable about the occupation, and the related economic factors.

(E) A bill which proposes to substantially change or enact an occupational regulation shall not be favorably reported out of committee until after the committee members have received and considered the report provided under division (B) of this section, unless two-thirds of the members of the committee vote in the affirmative to favorably report the bill.