



Ohio Revised Code Section 4798.02 General Provisions.

Effective: April 5, 2019

Legislation: Senate Bill 255 - 132nd General Assembly

With respect to occupational regulation of individuals, all of the following are the policy of the state:

(A) Occupational regulations shall be construed and applied to increase economic opportunities, promote competition, and encourage innovation.

(B) Where the state finds it is necessary to displace competition, the state will use the least restrictive regulation to protect consumers from present, significant, and substantiated harms that threaten public health, safety, or welfare. The policy of employing the least restrictive regulation shall presume that market competition and private remedies are sufficient to protect consumers. Where needed, regulations shall be tailored to meet the predominate identified need to protect consumers, as follows:

(1) If regulations are intended to protect consumers against fraud, the appropriate state action shall be to strengthen powers under deceptive trade practices acts.

(2) If regulations are intended to protect consumers against unsanitary facilities and general health, safety, or welfare concerns, the appropriate state action shall be to require periodic inspections.

(3) If regulations are intended to protect consumers against potential damages to third parties who are not party to a contract between the seller and buyer, and other types of externalities, the appropriate state action shall be to require bonding or insurance.

(4) If regulations are intended to protect consumers against potential damages by transient providers, the appropriate state action shall be to require registration with the secretary of state.

(5) If regulations are intended to protect consumers against asymmetrical information between the seller and buyer, the appropriate state action shall be to offer voluntary certification, unless suitable, privately offered voluntary certification for the relevant occupation is available.



As used in this division, "suitable" means widely recognized as reflecting established standards of competency, skill, or knowledge in the field.

(6) If regulations are intended to facilitate governmental reimbursement for providing medical services for an emerging medical specialty, the appropriate state action shall be to require a specialty occupational license for medical reimbursement.

(7) If regulations are required to perform services regulated by both federal laws and laws of this state, require the state to recognize an individual's occupational license from another United States state or territory to allow that individual to practice in this state, and are based on uniform national laws, practices, and examinations that have been adopted by at least fifty United States states and territories, the appropriate state action shall be to require an occupational license.

For purposes of this division, a uniform national law is one that has been adopted in a substantially equivalent manner in at least fifty United States states and territories.

(C) An occupational regulation may be enforced against an individual only to the extent the individual sells goods and services that are included explicitly in the statute that defines the occupation's scope of practice.

(D) Nothing in this chapter is intended to restrict an occupational licensing board from requiring, as a condition of licensure or renewal of licensure, that an individual's personal qualifications include obtaining or maintaining certification from a private organization that credentials individuals in the relevant occupation.

By establishing and executing the policies in this section, in concert with section 107.56 of the Revised Code, the state intends to ensure that occupational licensing boards and board members will avoid liability under federal antitrust laws.