



"RIGHT TO EARN A LIVING"

The "right to earn a living" approach to licensing, promoted by organizations like the American Legislative Exchange Council and Institute for Justice, starts from the assumption that licensing regulations are overly burdensome to both the consumer and those who want to work in licensed occupations or professions. It seeks to establish the least restrictive requirements necessary for occupational oversight and assumes market competition is sufficient to protect the public.

Key Points

- Common elements of "right to earn a living" bills:
 - Requires use of the "least restrictive" analysis of existing professional licensing requirements which creates a hierarchy of alternatives to licensing and in which "all regulatory alternatives to licensing, including deceptive trade practice acts, registration, and state certification, should be preferred to licensing";
 - Requires licensing boards to review all of the professions under their jurisdiction, using a "least restrictive" analysis, and prove that licensing is necessary;
 - Assumes market competition is sufficient to protect the public. Reliance on market competition assumes that workers and companies will protect and promote public safety, simply because they could lose business if they do not.
- Assuming that market competition is the best way to protect and promote public safety ignores the very real and damaging history of companies repeatedly placing profits ahead of safety.
 - A real-world example is the Deepwater Horizon oil spill, in which some claim that BP took shortcuts to make repairs more cost-effective, but that made safety less of a priority.

Action Items

- Urge legislators to oppose any "right to earn a living" bills that include market competition language.