



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

Emily E. Wendel

S.B. 255

132nd General Assembly
(S. Government Oversight and Reform)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Introduced)	Sub. Version (L_132_2753-3)
Committee hearings concerning occupational licensing boards		
<ul style="list-style-type: none"> - Generally 	<p>Requires a legislative committee, in determining whether an occupational licensing board has demonstrated a public need for its continued existence, to consider several listed factors. <i>(R.C. 101.63(C).)</i></p>	<p>Same as As Introduced, but adds the following factors to the list:</p> <ul style="list-style-type: none"> - Whether a license is required to engage in the occupation in other states; - Whether the initial licensing and license renewal requirements for the occupation are substantially equivalent in every state; - Whether the board recognizes national uniform licensure requirements for the occupation;

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		<ul style="list-style-type: none"> - The extent to which the board has permitted individuals (meaning natural persons) to practice elements of the occupation without a license; - The extent to which significant changes in the board's rules could prevent an individual licensed in Ohio from practicing, or allow an individual licensed in Ohio to practice, the same occupation in another jurisdiction without obtaining an occupational license for that occupation in that other jurisdiction. <p><i>(R.C. 101.62(A) and 101.63(C).)</i></p>
<ul style="list-style-type: none"> - Public health and safety 	<p>Requires the committee to consider whether continuation of the occupational licensing board is necessary to protect the health and safety of the public and if so, whether the board's authority is narrowly tailored to protect against present, recognizable, and significant harms to the health and safety of the public.</p> <p>Requires the committee to consider the extent to which licensing ensures that practitioners have occupational skill sets or competencies that are substantially related to protecting consumers from present, significant, and substantiated harms that threaten public health and safety, and the impact that those criteria have on applicants for a license, particularly those with</p>	<p>Same as As Introduced, but refers to public health, safety, <i>and welfare</i> in each instance. <i>(R.C. 101.63(C)).</i></p>

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	<p>moderate or low incomes, seeking to enter the occupation or profession.</p> <p>Specifies that a government regulatory requirement protects or serves the public interest if it provides protection from present, significant, and substantiated harms to the health and safety of the public. <i>(R.C. 101.63(C).)</i></p>	
LSC assessments of occupational regulation bills and schemes		
<ul style="list-style-type: none"> - Meaning of "occupational regulation" 	<p>Defines "occupational regulation" as a statute or rule that controls an individual's practice of a trade or profession. <i>(R.C. 103.26(A).)</i></p>	<p>Same as As Introduced, but defines "individual" as a natural person. <i>(R.C. 103.26(A).)</i></p>
<ul style="list-style-type: none"> - Public health and safety 	<p>Requires LSC's assessment of a bill to attempt to ascertain whether the bill's regulatory scheme is consistent with the policies expressed in the bill with respect to proposing the least restrictive regulation to protect consumers from present, significant, and substantiated harms that threaten public health and safety. <i>(R.C. 103.26(B).)</i></p>	<p>Same as As Introduced, but refers to public health, safety, <i>and welfare.</i> <i>(R.C. 103.26(B).)</i></p>
<ul style="list-style-type: none"> - Comparative assessment 	<p>Permits LSC's assessment of a bill to include a comparison of the bill's regulatory scheme with the current regulatory scheme in other similar states for the same occupation. <i>(R.C. 103.26(C).)</i></p>	<p>Requires LSC's assessment of a bill to include all of the following:</p> <ul style="list-style-type: none"> - A comparison of the bill's regulatory scheme with the current regulatory scheme in other states for the same occupation and a consideration of the

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		<p>extent to which significant changes in the board's rules could prevent an individual licensed in Ohio from practicing, or allow an individual licensed in Ohio to practice, the same occupation in another jurisdiction without obtaining an occupational license for that occupation in that other jurisdiction;</p> <ul style="list-style-type: none"> - A comparison of the bill's regulatory scheme with the policy of Ohio as set forth in the sections of the Revised Code governing the occupation that is the subject of the bill, if those sections include such a policy. <p>(R.C. 103.26(C).)</p>
<p>State policies concerning occupational regulation</p>		
<ul style="list-style-type: none"> - Meaning of "occupational regulation" 	<p>Defines "occupational regulation" as a statute, policy, rule, adjudication order, practice, or other state law requiring an individual to possess certain qualifications to use an occupational title or work in a lawful occupation, including registration, certification, and occupational license.</p> <p>Specifies that "occupational regulation" excludes a business license, facility license, building permit, or zoning and land use regulation, except to the extent those laws</p>	<p>Same as As Introduced, but:</p> <p>Clarifies that the state policies listed in the bill apply with respect to occupational regulation <i>of individuals</i>.</p> <p>Defines "individual" as a natural person. (R.C. 4798.01(A) and 4798.02.)</p>



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	regulate an individual's personal qualifications to perform a lawful occupation. (R.C. 4798.01(A).)	
- Least restrictive regulation	<p>Provides that 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 and safety.</p> <p>States that if regulations are intended to protect consumers against unsanitary facilities and general health and safety concerns, the appropriate state action must be to require periodic inspections. (R.C. 4798.02(B).)</p>	<p>Same as As Introduced, but:</p> <p>Refers to public health, safety, <i>and welfare</i> in each instance.</p> <p>Provides that occupational regulations that are created by adopting national or international standards and that are substantially equivalent to the occupational regulations for that occupation adopted in at least 45 U.S. states are deemed to be narrowly tailored and the least restrictive regulations. (R.C. 4798.02(B) and (D).)</p>

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