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HOUSE BILL NO. 499

Offered January 13, 2016

Prefiled January 8, 2016

A *BILL to amend and reenact § 54.1-100 of the Code of Virginia, relating to professions and occupations; standards for regulation.*

Patron—Yancey

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-100 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-100. Regulations of professions and occupations.

The right of every person to engage in any lawful profession, trade, or occupation of his choice is clearly protected by both the Constitution of the United States and the Constitution of the Commonwealth of Virginia. The Commonwealth cannot abridge such rights except as a reasonable exercise of its police powers when (i) it ~~is clearly found~~ *can demonstrate a compelling need* that such abridgment is necessary for the *protection or* preservation of the health, safety, and welfare of the public and (ii) *any such abridgment represents the least restrictive means to protect or preserve the public health, safety, and welfare, which may include the imposition of inspection requirements, bonding requirements, registration, or voluntary certification in lieu of licensure.*

No regulation shall be imposed upon any profession or occupation except for the exclusive purpose of protecting the public interest when:

1. The unregulated practice of the profession or occupation can harm or endanger the health, safety or welfare of the public, and the potential for harm is recognizable and not remote or dependent upon tenuous argument;

2. The practice of the profession or occupation has inherent qualities peculiar to it that distinguish it from ordinary work and labor;

3. The practice of the profession or occupation requires specialized skill or training and the public needs, and will benefit by, assurances of initial and continuing professional and occupational ability; and

4. The public is not effectively protected by other means.

No regulation of a profession or occupation shall conflict with the Constitution of the United States, the Constitution of Virginia, the laws of the United States, or the laws of the Commonwealth of Virginia. Periodically and at least annually, all agencies regulating a profession or occupation shall review such regulations to ensure that no conflict exists.

INTRODUCED

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