

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

House Bill 2038

BY DELEGATES HOWELL AND PACK

[Originating in the Committee on Government

Organization, January 11, 2019.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §30-1A-2a, relating to the procedure to determine if an occupation or
3 profession should be regulated; providing when an application to regulate is prohibited;
4 providing for the legislative auditor to review other state occupation and professional
5 regulations; and providing for the sunset of occupation or professional regulation.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 1A. PROCEDURE FOR REGULATION OF OCCUPATIONS AND
PROFESSIONS.**

§30-1A-2a. When applications are prohibited; when licensure shall sunset.

1 (a) Notwithstanding the procedures set out in this article for regulation of an occupation or
2 profession, an application, proposing to regulate an unregulated profession or occupation, if fewer
3 than 25 other states in the United States of America license and regulate that occupation or
4 profession, is prohibited, unless the applicant demonstrates that West Virginia is unique and that
5 the profession or occupation should be regulated in this state.

6 (b) The Legislative Auditor, pursuant to the authority in §4-10-1 et seq., of this code, shall
7 review the status of state licensure of each profession and occupation regulated pursuant to this
8 chapter, beginning in calendar year 2019 and every five years thereafter to determine if fewer
9 than 25 other states in the United States of America license and regulate that occupation or
10 profession, and shall recommend that the article governing that profession or occupation in this
11 state sunset, unless it is demonstrated that West Virginia is unique and that the profession or
12 occupation should continue to be regulated in this state.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.