

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2038**

BY DELEGATES HOWELL AND PACK

[INTRODUCED JANUARY 9, 2019; REFERRED

TO THE COMMITTEE ON GOVERNMENT ORGANIZATION.]

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 and when a license for a regulated expires.

*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 license shall expire.**

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 professional or occupational  
 3 group or organization, if fewer than 25 other states in the United States of America license and  
 4 regulate that occupation or profession, is prohibited, unless the applicant demonstrates that West  
 5 Virginia is unique and that the professional or occupational group or organization should be  
 6 regulated in this state.

7 (b) The license of a professional or occupational group or organization in this state shall  
 8 be reviewed at five year intervals by the Legislative Auditor and be recommended to expire if  
 9 fewer than 25 other states in the United States of America license and regulate that occupation  
 10 or profession, unless it is demonstrated that West Virginia is unique and that the professional or  
 11 occupational group or organization should continue to be regulated in this state.

NOTE: The purpose of this bill is to provide that the procedure to determine if an occupation or profession should be regulated in West Virginia is prohibited if the occupation or profession is regulated in fewer than 25 other states. The bill also provides that a license of an occupation or profession regulated in West Virginia should expire if the occupation or profession is regulated in fewer than 25 other states. The statute providing the procedure for regulation or occupations and professions is referred to as a "Sunrise" statute.

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