

The Right to Earn a Living Act

- The Right to Earn a Living Act is a measure intended to recognize the right to earn a living as a civil right that undergirds the fabric of our constitutional republic. Tennessee, Arizona, Indiana, and Louisiana each have similar laws protecting this foundational right.
- The legislation simply requires that occupational regulations must be limited to those demonstrably necessary and carefully tailored to fulfill *legitimate* public health, safety, and welfare objectives.
- The legislation requires each agency that regulates a profession to review all occupational regulations on their books and articulate the public health, safety, or welfare objective served by the regulation. The agency must also articulate why the regulation is necessary to serve the stated objective, and it must analyze the regulation's effects on worker opportunity, consumer choice and cost, unemployment, market competition, government costs.
- Any regulations that do not meet the public health, safety, and welfare objectives must be modified to come into compliance or repealed.
- Under this proposal, an individual can petition an agency to repeal or modify occupational regulations if the regulation does not further a public health, safety or welfare objective, and the agency must respond by modifying, repealing or stating the justification for the regulation within 90 days.
- An individual may also seek injunctive relief against enforcement of an occupational regulation in court. In court, an individual is entitled to relief if agency cannot prove that the occupational regulation is demonstrably necessary and carefully tailored to fulfill legitimate public health, safety or welfare objectives.
- Further, if the regulation *is* necessary to further a legitimate objective, then the court must also grant relief if the objective can be effectively served by using a less restrictive regulation that is less burdensome to economic opportunity.
- In states that have passed similar measures, regulatory agencies are taking a more deliberate, measured approach to regulating occupations that respects our right to earn a living. The laws have not resulted in an explosion of litigation. Instead, agencies are proactively removing inappropriate regulations with questionable objectives.