

ACT 45

S.B. NO. 3052

A Bill for an Act Relating to the Regulation and Licensing of Professions and Vocations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 26H-2, Hawaii Revised Statutes, is amended to read as follows:

“**§26H-2 Policy.** The legislature hereby adopts the following policies [concerning professional and vocational regulation within the State:] regarding the regulation of certain professions and vocations:

- (1) The regulation and licensing of professions and vocations [by the State] shall be undertaken only where reasonably necessary to protect the health, safety, or welfare of consumers of the services; the purpose of

- regulation shall be the protection of the public welfare and not that of the regulated profession or vocation;
- (2) [Where regulation of professions and vocations is reasonably necessary to protect consumers, government regulation] Regulation in the form of full licensure or other restrictions on [the] certain professions or vocations [should] shall be retained or adopted[;] when the health, safety, or welfare of the consumer may be jeopardized by the nature of the service offered by the provider;
 - [(3)] Professional and vocational regulations shall be imposed where necessary to protect consumers who, because of a variety of circumstances, may be at a disadvantage in choosing or relying on the provider of the service;
 - (4) (3) Evidence of abuses by providers of the service shall be accorded great weight in determining whether [government] regulation is desirable;
 - [(5)] (4) Professional and vocational [regulation] regulations which artificially [increases] increase the costs of goods and services to the consumer [should] shall be avoided[;] except in those cases where the legislature determines that this cost is exceeded by the potential danger to the consumer;
 - [(6)] (5) Professional and vocational [regulation should] regulations shall be eliminated [where its] when the legislature determines that they have no further benefits to consumers [are outweighed by its costs to taxpayers]; [and]
 - [(7)] (6) Regulation shall not unreasonably restrict entry into professions and vocations by all qualified persons[.]; and
 - (7) Fees for regulation and licensure shall be imposed for all vocations and professions subject to regulation; provided that the aggregate of the fees for any given regulatory program shall not be less than the full cost of administering that program.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 23, 1996.)