RESOURCEBRIEF
a publication of the Council on Licensure, Enforcement & Regulation

The Balance Between Public Protection and the Right to Earn a Living

Dick M. Carpenter II, Ph.D., Director of Strategic Research, Institute for Justice
Professor, University of Colorado, Colorado Springs

Lee McGrath, Legislative Counsel, Institute for Justice

The evidence about costs and benefits and the inconsistencies present in licensure suggests the balance between regulation of occupations and the preservation of freedom to practice may tilt toward the former at the expense of the latter

One of the significant challenges facing licensing professionals is striking the most effective, efficient and just balance between regulation of occupations and preserving occupational practice free from unnecessary government restrictions. As discussed in greater detail below, there are at least two reasons—legal and economic—why finding such a balance is important. The first—legal—grows out of the right enshrined in the U.S. Constitution to earn a living free from unnecessary government intrusion. The second reflects the economic and labor market effects of reduced competition in the respective industry, opportunities for prospective workers, and choices available to consumers—all of which are generally seen as negative effects, or costs of regulation—and their relationship to protection of public health and safety.

A recent movement in the community of regulators—right touch regulation—also calls for finding such a balance, in some ways built on some of the same motivations listed above. Much of the literature and recommendations relevant to right touch regulation originates from and is contextualized in the U.K. Therefore, we end this resource brief with a re commendation using language more familiar to U.S. readers on how regulators and elected officials can think about striking an effective balance.

The Legal Framework

From the founding of the U.S., the right to earn a living has been recognized as a fundamental right (Neily, 2005; Sandefur, 2003)—a view long upheld by the United States Supreme Court. As Justice Field explained:

> And when the Colonies separated from the mother country no privilege was more fully recognized or more completely incorporated into the fundamental law of the country than that every free subject in the British empire was entitled to pursue his happiness by following any of the known established trades and occupations of the country, subject only to such restraints as equally affected all others. (Slaughter House Cases, 1873)

Sixty years later, Justice Sutherland wrote:

> Under [the Fourteenth Amendment] nothing is more clearly settled than that it is beyond the power of the state, under the guise of protecting the public, arbitrarily (to) interfere with private business or prohibit lawful occupations or impose unreasonable or unnecessary restrictions upon them. (*New State Ice Co. v. Liebman*, 1932)

Likewise, according to Justice Douglas:

> The right to work . . . [is] the most precious liberty that man possesses." (*Barsky v. Bd. of Regents*, 1954)

This does not mean, however, that occupational practice was or is seen as something inherently beyond the touch of regulation. Instead, civic leaders, elected officials, and courts have struggled to balance legitimate interests in protecting public health and safety with the preservation of

Kleiner's (2011) findings indicated licensing results in 2.85 million fewer jobs with an annual cost to consumers of $203 billion.

free practice (Neily, 2005). The Supreme Court, for example, has affirmed the constitutionality of occupational licensing as a mechanism of public protection (*Dent v. West Virginia*, 1889), but also recognized that if a licensing scheme did not reasonably relate to protecting the public, it would unconstitutionally "deprive one of his right to pursue a lawful vocation" (*Dent v. West Virginia*, 1889). Consequently, courts have struck down, for example, a Florida license for photographers (*Sullivan v. DeCerb*, 1945) and an Oklahoma license for watchmakers (*State ex rel. Whetsel v. Wood*, 1952) as accomplishing nothing related to protecting public safety.

Throughout much of the 20th century, state legislatures adopted an increasing number of licensing regimes (Kleiner, 2006) and courts likewise approved of many of them (Neily, 2005; Sandefur, 2006), but despite such judicial deference to legislative action, contemporary courts still scrutinize whether licensing systems strike a necessary balance and strike down laws that appear misaligned (*Craigmiles v. Giles*, 2002; *St. Joseph Abbey v. Castille*, 2011), making it an important legal and constitutional issue for legislators and regulators.

The Economic Framework

In an economic framework, the question of balance between public protection and freedom to practice most typically takes the form of weighing evidence of costs and benefits associated with the regulation of occupations. "[A]ll policies have costs and gains and thus influence the distribution of advantages and disadvantages" (Dahl, 1977, p. 6). In occupational licensing, the prevalent costs are increased prices to consumers for goods and services and lost job opportunities for aspiring workers. Evidence of such costs goes back 40 years and has largely proven consistent in its findings to the present day. Some studies have come to this conclusion through narrowly focused examinations of particular occupations. For example, Shepherd (1978) examined the dental profession and concluded licensing regimes enabled dentists to systematically raise fees to augment their earnings. He estimated that the price of dental services and mean dentist incomes were between 12% and 15% higher in nonreciprocity jurisdictions when other factors were accounted for. This translated into annual costs to consumers of approximately $700 million. Subsequent studies have likewise found positive returns to dentists for licensing regimes (Kleiner & Park, 2010; Wing & Marier, 2014). Additional examples demonstrate how licensing results in fewer practitioners and higher prices to consumers in the mortgage broker (Kleiner & Todd, 2007), manicurist (Federman, Harrington, & Krynski, 2006), interior design (Harrington & Treber, 2009), and funeral industries (Harrington, 2007).

Other studies, led primarily by Kleiner and Krueger, have measured costs more globally. Kleiner (2006) examined costs in the form of employment growth rates, with a comparison of states and occupations with stronger versus weaker occupational licensing requirements. He showed that partially licensed occupations had a 20% lower growth rate in states with licensing relative to states without licensing. Kleiner concluded that a licensed occupation that grew at a 10% rate between 1990 and 2000 would have grown at a 12% rate if it were unregulated. Kleiner and Krueger (2009, 2010) estimated the percentage of the U.S. workforce requiring a license to practice. They found that the number was almost 30%, which was a significant increase from the 5% of workers that needed a license in the 1950s. Kleiner and Krueger also found that after controlling for education, labor market experience, occupation, and other controls, licensing is associated with a 15% wage premium in the national labor market. Kleiner (2011a) then used this wage premium to estimate costs to consumers and costs in the form of fewer jobs as a result of licensing. His findings indicated licensing results in 2.85 million fewer jobs with an annual cost to consumers of $203 billion. At the state level, Schlomach (2012) applied Kleiner's wage premium to labor force estimates in Arizona to calculate costs to consumers. Schlomach found that licensing drove up costs to Arizona's consumers by between $1.8 billion and $2.2 billion in 2010.

To justify an efficacious balance, we should expect to see an accrual of benefits that significantly outweighs such costs. To date, there is little evidence to that effect; results show theoretical benefits from licensure often do not materialize. Such conclusions come from research on a diversity of occupations, such as school teachers (Angrist & Guryan, 2008; Buddin & Zamarro, 2008; Kleiner & Petree, 1988), construction trades (Skarbek, 2008), mortgage brokers (Kleiner & Todd, 2007), dentists (Kleiner & Kudrle, 2000), physicians (Paul, 1984), and others (Carroll & Gaston, 1981).

To take just one example, Carpenter's (2008) study of the interior design industry examined the benefits of licensing by comparing quality

of service metrics in states with different levels of regulation (i.e., licensure, titling, certification, none) and found no difference based on type of regulation. Moreover, legislative analysts in several states considered the need for proposed interior design licensure as part of sunrise reports. Without exception, every sunrise report on interior design found no sufficient and reliable evidence to suggest harm is occurring as a result of unregulated interior designers. Moreover, when given the chance to produce such evidence for the reports, interior design associations produced none (Cooke, 2000; Nettles, 1991; Roper, 1989) or the complaints they did supply resulted from designers practicing without a license (Washington State Department of Licensing, 2005). The reports further found that means were already in place to ensure the quality of interior designers' work and failed to identify any benefit to the public from such regulations. Every report recommended against regulation in their respective states.

Right Touch Regulation

In some ways, the processes used in sunrise reports are similar to those at the core of right touch regulation. Originated in the U.K. as part of refining healthcare regulations and now spreading to other occupations and countries (Bayne, 2012; Bilton & Cayton, 2013), right touch is a process in which regulators commit to use evidence and data to identify risks associated with an occupation and find proportionate and targeted ways to address the risk, which may or may not include new or increased regulation (Bilton & Cayton, 2013). The intention is to balance two extremes: over-regulation, which is seen as interference in personal conduct, and under-regulation, which fails to provide sufficient public protection. The principle guiding this search for proper balance is that regulation plays an important role in protecting the public, but it should not unduly control how people choose to live their lives (Bilton & Cayton, 2013). As such, it takes on qualities of balance discussed above.

Right touch is relatively new on the regulatory scene and its efficacy remains to be fully demonstrated, particularly outside of the U.K. and in occupations and professions beyond healthcare. However, right touch principles have the potential to assist licensing officials in finding an effective balance. To apply these principles, right touch requires those adopting regulations to (a) identify the problem before the solution, (b) quantify the risks, (c) get as close to the problem as possible, (d) focus on the outcome (with a specific focus on prioritizing public safety rather than the interests of any particular professional group), (e) use regulation only when necessary, (f) keep it simple, (g) check for unintended consequences, and (h) review and respond to change. In so doing, the goal is to produce regulations that are proportionate to risk, consistent, targeted, transparent, and agile, or perhaps no regulation or only voluntary registration (Bilton & Cayton, 2013; *http://www.professionalstandards.org.uk/policy-and-research/right-touch-regulation*).

If such a framework were applied to occupational licenses in the U.S., recent evidence suggests many would appear misbalanced. Specifically, Carpenter, Knepper, Erickson, and Ross (2012) gathered the licensure requirements of 102 low- and moderate-income occupations across all 50 states and the District of Columbia. The requirements data included fees, education/training, examinations, minimum grade levels, and minimum age levels. With these requirements, the authors ranked states and occupations from most to least difficult to enter. In comparing these requirements across states and occupations, Carpenter et al. found three striking inconsistencies that suggest misbalance.

First, most of the 102 occupations are licensed in just a handful of states; for example, interpreters are licensed in only 16 states while auctioneers are licensed in 33. If a license is required to protect the public, one would expect more consistency. For example, only five states require licenses for shampooers; it seems highly unlikely that conditions in those five states are any different from the other 46 (DC included) that do not license shampooers. Moreover, only 15 occupations are licensed in 40 states or more. Even allowing for variation in states that may change the nature or popularity of some occupations across borders, the lack of consistency is revealing. For the vast majority of these licensed occupations, many people are practicing elsewhere without government permission and apparently without widespread harm.

Table 1. Applying right touch principles

Right Touch Principles	
1	Identify the problem before the solution.
2	Quantify the risks.
3	Get as close to the problem as possible.
4	Focus on the outcome (with a specific focus on prioritizing public safety rather than the interests of any particular professional group).
5	Use regulation only when necessary.
6	Keep it simple.
7	Check for unintended consequences.
8	Review and respond to change.

A second type of inconsistency identified by Carpenter et al. surfaced in a comparison of the requirements of one occupation to another. Such comparisons revealed that often, licensure requirements for a given occupation do not appear to align with the public health or safety risk it poses. For example, emergency medical technicians (EMT) hold lives in their hands, yet 66 other occupations in Carpenter et al.'s sample have greater average licensure requirements than EMTs. This includes interior designers, log scalers, barbers and cosmetologists, landscape workers, manicurists, and a host of contractor designations. By way of perspective, in Carpenter et al.'s measure of education and training requirements, the average cosmetologist spends 372 days in training; the average EMT a mere 33. Even the average locksmith must complete almost three times the amount of training as the average EMT. Carpenter et al. pointed out that this is not to suggest the requirements of EMTs are too lax. Instead, it leads one to question why the other occupations are so onerously regulated.

In the language of right touch regulation, a significant body of evidence suggests some—and perhaps many—occupational licenses in the U.S. do not appear proportionate to risk, consistent or targeted.

Third, Carpenter et al. found licensure inconsistencies within occupations across states. To work as a manicurist, for example, 10 states require four months or more of training. Yet Alaska demands only about two days and Iowa about nine days. It is not clear why aspiring manicurists in Alabama (163 days) and Oregon (140 days) need so much more time in training. But manicurists are not alone. The education and experience requirements for animal trainers range from zero to almost 1,100 days, or three years. And for vegetation pesticide handlers, training obligations range from zero to 1,460 days, or four years, with fees up to $350. This high degree of variation is prevalent throughout the occupations. Thirty-nine of them have differences of more than 1,000 days between the minimum and maximum number of days required for education and experience. And another 23 occupations have differences of more than 700 days.

These inconsistencies are particularly notable when few states license an occupation but do so onerously. For example, social service assistants is the fourth most difficult occupation to enter in Carpenter et al.'s ranking. It requires almost three-and-a-half years of training, but it is only licensed in seven states. Dietetic technicians must spend 800 days in education and training, making for the eighth most burdensome requirements in Carpenter et al.'s ranking, but they are licensed in only three states. The seven states that license tree trimmers require on average more than a year of training. Such evidence indicates that the presence of significant licensure requirements in some states while most other states have none is reason to question the severity if not the existence of those requirements in order to find the right touch of regulation.

Implications

The evidence about costs and benefits and the inconsistencies present in licensure suggests the balance between regulation of occupations and the preservation of freedom to practice may tilt toward the former at the expense of the latter. Costs of licensure appear to outweigh the benefits, and the significant inconsistencies between and within states and occupations suggest licensure requirements are not rationally tied to needs. In the language of right touch regulation, a significant body of evidence suggests some and perhaps many occupational licenses in the U.S. do not appear proportionate to risk, consistent, or targeted. In light of such findings, licensing professionals may want to ask themselves several questions in order to strike a more effective and efficient balance.

Why are we licensing these occupations?

The ostensible answer is protecting public health and safety, but a search for systematic and empirical evidence of harm (not mere anecdote) through unlicensed practice may yield little support for that answer. To determine if a license is necessary or the extent of regulation required for a particular license is genuinely essential, a simple place to start would be to examine how the requirements of one state compare to another and how the requirements of one occupation compare to another. Engaging a study similar to sunrise reports or right touch processes can also prove valuable in identifying the utility of a license or its various requirements.

If a license or its requirements fail to prove their worth, how should that influence how we or our board interpret and enforce licensing laws?

Licenses are typically created through legislation, but boards and licensing professionals often work with great latitude in how they interpret, enforce, and even create licensure requirements (since many times legislation will defer the

creation of licensure requirements to boards or agencies). Thus, the elimination or significant reform to a license may be limited only to elected officials, but licensing professionals may enjoy enough flexibility to find a more effective and efficient balance between regulating an occupation and preserving the advantages of market competition.

If a license or its requirements fail to prove their worth, what should we tell elected officials?

Legislators often look to licensing professionals for guidance on the creation of or changes to occupational licenses. If a license or its requirements appear out of balance, providing such information during committee hearings or in written reports or testimony—accompanied by recommendations—can prove influential. One of the most significant recommendations could be to consider regulatory options other than the simple dichotomy of licensure or no licensure.

Upon the consideration of a new license or when reviewing existing licenses, policymakers can use the least restrictive type of occupational regulations to find that effective balance, similar to the design of right touch regulation. The spectrum of regulations range from the least restrictive—market competition/no government regulation—to the most restrictive—occupational licensure. The entire spectrum is included below, listed from least to most restrictive.

(a) Market competition/no government regulation. It is a foundational principle of free market economics that markets generally work better than regulations not only to efficiently allocate resources but also, more specifically to this issue, to protect consumers (Friedman, 1980). Consumers today have copious amounts of information, the most basic of which is providers' reputations, that provides them with insight into the quality of providers' services, often making regulations superfluous. This is particularly so in the contemporary communication environment, where consumers have instant access to reviews, rankings, and reports about service providers. Due to social media, advice blogs, and websites such as Angie's List and Yelp, consumers can easily find recommendations on effective service providers and tips on who to avoid. Because of the speed and ready access to such information, market forces can often weed out incompetents and fraudsters quicker and more effectively than regulatory schemes. For this reason, among others, Kleiner (2011b) concluded in testimony to the Minnesota Senate Commerce Committee, "[O]ccupational licenses do not add any incremental consumer protection over competitive labor markets."

(b) Private civil action to remedy consumer harm. Should legislators not be satisfied that markets alone are sufficient to protect consumers, private rights of action can introduce a light but effective regulatory option. Allowing for litigation after injuries, even in small-claims courts, gives consumers a means to seek compensation and compel providers to adopt standards of quality to avoid loss of reputation and litigation. The cost to consumers of obtaining the remedy could be reduced by including a provision for consumers to collect court and attorneys' fees if their claims are successful.

(c) Inspections. The next level of regulation—inspections—is one already used in some contexts but could be applied more broadly as a means of consumer protection without full licensure. For example, municipalities across America adopt inspection regimes to ensure the cleanliness of restaurants, which is deemed sufficient consumer protection over a more restrictive option of licensing food preparers, wait staff, and dishwashers. The same could be applied to other professions, such as barbers and cosmetologists, where the state may have a legitimate interest in cleanliness of instruments and facilities. Similarly, periodic random inspection could replace the licensing of various trades such as electricians, carpenters, and other building contractors, where the application of skills is repeated and detectable to the experienced eye of an inspector.

(d) Bonding or insurance. To state the obvious, some occupations carry with them more risks to consumers than others. Although risks are often used to justify licensure, mandatory bonding or insurance—which essentially outsources management of risks to bonding and insurance companies—is another, less invasive way to protect consumers and the public. For example, the state interest in regulating a tree trimmer is that the service provider can pay for the repair to a home or other structure in the event of damage. The trimming itself is a relatively safe profession that possesses few other threats to consumers such that extensive state-mandated training, experience, testing, and other licensure requirements are unnecessary. This means the state interest in protecting consumers from potential harm associated with tree trimming and other similar occupational practices can be met through bonding and insurance requirements, while allowing for basically free exercise of occupational practice.

(e) Registration. This is the next most restrictive form of occupational regulation. It requires providers to notify the government of their name, address, and a description of their services. Registration is often used in combination with a private civil action because registration often includes a requirement that the provider indicate

where and how he takes process of services that initiates litigation. The simple requirement of registration with the state may also be sufficient in and of itself to deter potentially fly-by-night providers who may enter a state after a natural disaster or similar circumstances.

(f) Voluntary certification. Certification is the type of occupational regulation that restricts the use of a title. Although the voluntary nature of this designation seems contrary to the definition of regulation, it is, in fact, regulated. This is because under certification, anyone can work in an occupation, but only those who meet the state's qualifications can use a designated title, such as certified interior designer, certified financial planner, or certified mechanic, thereby regulating the use of a title. Certification sends a signal to potential customers and employers that practitioners meet the requirements of their certifying boards and organizations. Certification is less restrictive than occupational licensing and presents few costs in terms of increased unemployment and consumers prices. Certification also overcomes a frequently-cited basis for regulation—asymmetrical information, when a service provider has more or better information than customers (Akerlof, 1970). The concern is that this creates an imbalance of power that the service provider can use to his advantage. A related concern is specialized knowledge (Brain, 1991; Freidson, 2001), when a field is so complex that consumers cannot know enough to recognize when they are receiving good versus poor service. Both concerns are used to justify full licensure, but voluntary certification can accomplish much the same function of licensure—namely, signal sending (Spence, 1973)—without the costs. Certification provides information that levels the playing field with providers without setting up barriers to entry that limit opportunity and lead to higher prices.

(g) Occupational license. Finally, licensing is the most restrictive form of occupational regulation. The underlying law is often referred to as a "practice act" because it limits the practice of the occupation only to those who meet the qualifications established by the state and remain in good standing. Given the cost/benefit discussion above and the advantages of other types of regulation described here, legislators should view licensing proposals with great skepticism. Less restrictive types of regulation, if any are truly needed, can most often just as effectively protect consumers without licensing's costs in terms of lost employment and consumer prices. To the extent that licensure is considered, the need for the creation of new or continuation of existing licenses should be established through careful study in which empirical evidence (not mere anecdote) is presented.

Conclusion

These recommendations can assist licensing professionals in finding an effective balance between regulation of occupations and preserving the benefits of labor market competition to consumers and citizens, and some of the research cited above suggests doing so can have positive and significant economic consequences for consumers and aspiring workers through reduced costs and expanded employment and entrepreneurial opportunities. These recommendations should not be understood to mean we advocate applying the same levels of regulation to all licenses. Rather, to strike the most efficacious balance possible, the regulation of occupations should follow targeted, evidence-based processes that seek to match regulation with risk to create the least restrictive environment that strives to protect public health and safety and preserve freedom of practice. In tough economic times, this is precisely the type of service the citizens of every state would expect from those working in their government.

References

Akerlof, G. A. (1970). The market for lemons: Qualitative uncertainty and the market mechanism. *Quarterly Journal of Economics*, 84(3), 488–500.

Angrist, J.D., & Guryan, J. (2008). Does teacher testing raise teacher quality? Evidence from state certification requirements. *Economics of Education Review*, 27, 483–503.

Barsky v. Bd. of Regents, 442, 472 (1954).

Bayne, L. (2012). Underlying philosophies and trends affecting professional regulation. Vancouver, BC: College of Registered Nurses of British Columbia.

Bilton, D., & Cayton, H. (2013). Finding the right touch: extending the right-touch regulation approach to the accreditation of voluntary registers. *British Journal of Guidance & Counselling*, 41(1), 14–23.

Brain, D. (1991). Practical knowledge and occupational control: The professionalization of architecture in the United States. *Sociological Forum*, 6, 239–268.

Buddin, R., & Zamarro, G. (2008). Teacher qualifications and student achievement in urban elementary schools. *Journal of Urban Economics*, 66, 103–115.

Carpenter, D.M. (2008). Regulation through titling laws: A case study of occupational regulation. *Regulation and Governance*, 2(3), 340–359.

Carpenter, D.M., Knepper, L., Erickson, A., & Ross, J. (2012). License to work: A national study of burdens from occupational licensing. Arlington, VA: Institute for Justice.

Carroll, S.L., & Gaston, R.J. (1981). Occupational restrictions and the quality of service received: Some evidence. *Southern Economic Journal*, 47(4), 959–976.

Cooke, M.M. (2000). Interior designers. Denver, CO: Colorado Department of Regulatory Agencies, Office of Policy and Research.

Craigmiles v. Giles, 312 F.3d 220 (6th Cir. 2002).

Dahl, R.A. (1977). On removing certain impediments to democracy in the United States. *Political Science Quarterly*, 92(1), 1–20.

Dent v. West Virginia, 129 U.S. 114 (1889).

Federman, M.N., Harrington, D. E., & Krynski, K. J. (2006). The impact of state licensing regulations on low-skilled immigrants: The case of Vietnamese manicurists. *American Economic Review*, 96(2), 237–241.

Freidson, E. (2001). Professionalism: The third logic. Chicago: University of Chicago Press.

Friedman, M. (1980). Free to choose. New York: Harcourt, Brace Jonanovich.

Harrington, D.E. (2007). Markets: Preserving funeral markets with ready-to-embalm laws. *Journal of Economic Perspectives*, 21(4), 201–216.

Harrington, D.E., & Treber, J. (2009). Designed to exclude. Arlington, VA: Institute for Justice.

Kleiner, M.M. (2006). *Licensing occupations: Ensuring quality or restricting competition*. Kalamazoo, MI: Upjohn Institute.

Kleiner, M.M. (2011a). Occupational licensing: Protecting the public interest or protectionism? Kalamazoo, MI: W.E. Upjohn Institute for Employment Research.

Kleiner, M.M. (2011b). Testimony to the commerce committee. St. Paul, MN: Minnesota Senate Commerce Committee.

Kleiner, M.M., & Krueger, A.B. (2009). Analyzing the extent and influence of occupational licensing on the labor market. Cambridge, MA: National Bureau Of Economic Research.

Kleiner, M.M., & Krueger, A.B. (2010). The prevalence and effects of occupational licensing. *British Journal of Industrial Relations*, 48(4), 676–687.

Kleiner, M.M., & Kudrle, R.T. (2000). Does regulation affect economic outcomes: The case of dentistry. *Journal of Law and Economics*, 43(2), 547–582.

Kleiner, M.M., & Park, K.W. (2010). Battles Among Licensed Occupations: Analyzing Government Regulations on Labor Market Outcomes for Dentists and Hygienists. Cambridge, MA: National Bureau of Economic Research.

Kleiner, M.M., & Petree, D.L. (1988). Unionizing and licensing of public school teachers: Impact on wages and educational output. In R. B. Freeman & C. Ichniowski (Eds.), *When public sector workers unionize* (pp. 305–319). Chicago: University of Chicago Press.

Kleiner, M.M., & Todd, R.M. (2007). Mortgage broker regulations that matter: Analyzing earnings, employment, and outcomes for consumers. Cambridge, MA: National Bureau of Economic Research.

Neily, C. (2005). No such thing: Litigating under the rational basis test. *N.Y.U. Journal of Law & Liberty*, 1(2), 897–213.

Nettles, E.L. (1991). Review of occupational registration and licensing for interior designers. Columbia, SC: State Reorganization Commission.

New State Ice Co. v. Liebmann, 285 U.S. 262, 278 (1932).

Paul, C. (1984). Physician licensure legislation and the quality of medical care. *Atlantic Economic Journal*, 12(4), 18–30.

Roper, W.H. (1989). Review of Senate Bill 305 which proposes to license interior designers in Georgia. Atlanta, GA: Georgia Occupational Regulation Review Council.

Sandefur, T. (2003). The right to earn a living. *Chapman Law Review*, 6, 207–277.

Sandefur, T. (2006). Is economic exclusion a legitimate state interest? Four recent cases test the boundaries. *William & Mary Bill of Rights Journal*, 14(3), 1023–1062.

Schlomach, B. (2012). Six reforms to occupational licensing laws to increase jobs and lower costs. Phoenix, AZ: Goldwater Institute.

Shepard, L. (1978). Licensing restrictions and the cost of dental care. *Journal of Law and Economics*, 21(1), 187–201.

Skarbek, D. (2008). Occupational licensing and asymmetric information: Post-hurricane evidence from Florida. *Cato Journal*, 28(1), 73–82.

Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 105 (1873).

Spence, M. (1973). Job market signaling. *Quarterly Journal of Economics*, 87(3), 355–374.

St. Joseph Abbey v. Castille, 2011 U.S. Dist. LEXIS 59511 (E.D. La. 2011).

Sullivan v. DeCerb, 23 So. 2d 571 (Fla. 1945).

State ex rel. Whetsel v. Wood, 248 P.2d 612 (Okla. 1952).

Washington State Department of Licensing. (2005). Sunrise review of interior designers. Olympia, WA: Author.

Wing, C., & Marier, A. (2014). Effects of occupational regulations on the cost of dental services: Evidence from dental insurance claims. *Journal of Health Economics*, 34, 131–143.

Council on Licensure, Enforcement & Regulation

403 Marquis Ave., Ste. 200 | Lexington, KY 40502
(859) 269-1289 | www.clearhq.org