



PROFESSIONAL
CERTIFICATION
COALITION

February 5, 2026

Rep. Jeremy Slottje
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20 Old Coach Road
Hudson, NH 03051-5044

Rep. Donald McFarlane
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Re: HB 1340

Dear Representatives Slottje and McFarlane:

The Professional Certification Coalition (PCC)¹ writes to raise concerns regarding the potential negative effects of HB 1340, the “Right to Earn a Living Act.” The PCC strongly opposes the bill’s proposals to mandate the repeal of existing occupational licensing regulations unless an extremely high evidentiary standard is met and permits a private cause of action allowing individuals to challenge those regulations in court. If enacted, these proposals could have an adverse effect on the health, safety, and welfare of New Hampshire citizens who trust the state to protect the public from low-quality or harmful services, and could also compel the state to expend taxpayer dollars unnecessarily. **For these reasons, the PCC opposes HB 1340, and requests that you withdraw or significantly amend the legislation to protect New Hampshire citizens.**

HB 1340 calls on state licensing agencies to review all occupational regulations to ensure that they are limited to those demonstrably necessary and carefully tailored to fulfill legitimate public health, safety or welfare objectives. The PCC supports the objective of careful review of licensure laws to ensure that unnecessary obstacles to the practice of professions are lightened or removed. However, we regard the bill’s current definition of “welfare” as too narrow, as it only encompasses protection of members of the public against fraud or harm. This evidentiary burden is extremely high, and the “demonstrably necessary” standard suggests that proof of actual harms from the absence of the regulatory requirements would be needed to meet it. This would impose an impracticable burden on the licensing authority to collect appropriate data. In addition, some licensure laws appropriately set baseline levels of professional competence that go beyond merely preventing against inflicting harm on members of the public. New Hampshire public school teachers, for example, are required to pass competency-based teacher tests to become

¹ The PCC is a nonprofit, nonpartisan association formed to address legislation that affects professional certification programs, those who hold private certification credentials, and the many constituencies that rely on professional certification. The PCC’s organizational members include non-governmental professional certification organizations, professional societies, and service providers. The PCC’s members reflect a wide spectrum of professions, including health care, engineering, financial services, and information technology, among many others. Our founding organizations – the American Society of Association Executives (the leading organization for association management) and the Institute for Credentialing Excellence (the leading developer of accreditation standards for professional certification programs) – govern the PCC.

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certified to teach in New Hampshire public schools. Quantifying the “harm” to the public from classroom teachers who fall short of those measures would be extremely difficult to do and would require longitudinal data that would be unavailable at the time of review of those regulations.

HB 1340 also invites costly litigation against government agencies by directly creating a private right of action for individuals to seek injunctions against licensure regulations. The bill would force state agencies to defend occupational regulations in court under a vague and undefined standard. Inviting costly litigation that the state would have to defend would waste limited state resources and taxpayer dollars. The threat and likelihood of litigation, and the cost burden of the resulting legal expenses, would create significant budgetary pressures on the state to eliminate occupational licensure wherever feasible, even when doing so would not be in the best interest of New Hampshire citizens.

Finally, the PCC is concerned that this framework would undermine the state’s ability to recognize and rely upon private professional certifications as part of occupational regulation. Even if amended to include safe harbors intended to preserve recognition of private certifications or to protect statutory prohibitions on deceptive trade practices, the bill’s core structure would continue to destabilize existing regulatory schemes and invite litigation over well-established standards.

For these reasons, the PCC opposes passage of HB 1340. The bill’s mandatory repeal provisions and litigation mechanisms risk weakening occupational licensing systems, discouraging reliance on nationally recognized professional standards, and diverting public resources away from effective regulation and enforcement.

Thank you for your consideration of these issues. Please feel free to reach out to us using the contact information identified below.

Sincerely,



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AABC Commissioning Group
ABRET Neurodiagnostic
Credentialing & Accreditation
(ABRET)
ABSA International: the
Association for Biosafety and
Biosecurity (ABSA)
Academy for Certification of
Vision Rehabilitation &
Education Professionals
(ACVREP)
American Association of
Critical-Care Nurses (AACN)
American Board for
Certification in Orthotics,
Prosthetics and Pedorthics
(ABCOP)
American Board of Certification
for Gastroenterology Nurses
(ABCGN)
American Board of Foot and
Ankle Surgery (ABFAS)
American Board of
Neuroscience Nursing (ABNN)
American Board of Nursing
Specialties (ABNS)
American Medical Certification
Association (AMCA)
American Nurses Credentialing
Center (ANCC)
American Payroll Association
(APA)
American Registry of
Radiologic Technologists
(ARRT)
American Society of
Association Executives (ASAE)
American Speech-Language-
Hearing Association (ASHA)
American Traffic Safety
Services Association (ATSSA)

American Translators
Association (ATA)
Arcitura Education, Inc.
Association for Financial
Counseling & Planning
Education (AFCPE)
Association of Surgical
Technologists (AST)
Behavior Analyst Certification
Board (BACB)
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Board of Certified Safety
Professionals (BCSP)
Board of Pharmacy Specialties
(BPS)
Building Commissioning
Certification Board (BCCB)
Building Industry Consulting
Service International, Inc.
(BICSI)
Certification Board for Diabetes
Care and Education (CBDCE)
Certification Board for Music
Therapists (CBMT)
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Professional Dog Trainers
(CCPDT)
Certified Financial Planner
Board of Standards (CFP Board)
Certified Fund Raising
Executive International (CFRE)
Chartered Financial Analyst
Institute (CFA Institute)
Commission for Case Manager
Certification (CCMC)
Community Association
Institute (CAI)
Competency & Credentialing
Institute (CCI)

Construction Management
Association of America
(CMAA)
Council of Engineering and
Scientific Specialty Boards
(CESB)
Dental Assisting National Board
(DANB)
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Marketing Association (DEMA)
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Technology Association (ESTA)
ETA International
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(FPA)
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Association (HSPA)
Hearth, Patio, & Barbecue
Education Foundation (HPBA)
Hospice and Palliative
Credentialing Center (HPCC)
Human Resource Certification
Institute, Inc. (HRCI)
Institute for Credentialing
Excellence (ICE)
Institute of Hazardous Materials
Management (IHMM)
International Coach Federation
(ICF)
International Information
System Security Certification
Consortium (ISC²)
Irrigation Association
IT Certification Council (ITCC)
Laborers' International Union of
North America Training &
Education Fund (LIUNA)
Medical-Surgical Nursing
Certification Board (MSNCB)
NALA – The Paralegal
Association

National Association of Personal Financial Advisors (NAPFA)

National Athletic Trainers' Association Board of Certification, Inc. (NATA/BOC)

National Board of Certification and Recertification for Nurse Anesthetists (NBCRNA)

National Board of Certification in Hearing Instrument Sciences (NBC-HIS)

National Board of Certification in Occupational Therapy (NBCOT)

National Board of Surgical Technology and Surgical Assisting (NBSTSA)

National Certification Board for Acupuncture and Herbal Medicine (NCBAHM)

National Certification Corporation (NCC)

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National Commission on Certification of Physician Assistants (NCCPA)

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National Recreation and Park Association (NRPA)

National Restaurant Association (NRA)

National Society of Professional Engineers (NSPE)

Nephrology Nursing Certification Commission (NNCC)

Oncology Nursing Certification Corporation (ONCC)

Pearson Vue

Pediatric Nursing Certification Board (PNCB)

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Pharmacy Technician Certification Board (PTCB)

Professional Association of Therapeutic Horsemanship International (PATH)

Project Management Institute (PMI)

PSI Services

QualityPro

Rehabilitation Nursing Certification Board (RNCB)

School Nutrition Association (SNA)

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Security Industry Association (SIA)

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Specialty Pharmacy Certification Board (SPCB)

Spray Polyurethane Foam Alliance (SPFA)

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