

HB 1960 -- REGULATORY SANDBOX PROGRAMS

SPONSOR: Riley

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Economic Development by a vote of 11 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by the vote of 9 to 0.

This bill establishes the "Regulatory Sandbox Act", which creates the Regulatory Relief Office within the Department of Economic Development. The Regulatory Relief Office will administer the provisions of the bill with the purpose of identifying state regulations that could potentially be waived or suspended for participating businesses during a two-year period in which the participating business demonstrates an innovative product offering to consumers.

The Regulatory Relief Office must maintain a web page on the Department's website that invites residents and businesses to make suggestions regarding regulations that could be modified or eliminated to reduce the regulatory burden of residents and businesses in the state (Section 620.3905, RSMo).

The Regulatory Relief Office will be responsible for evaluating and approving or denying applications to participate in the Sandbox Program. An applicant must submit an application along with a \$300 application fee to the Regulatory Relief Office, which must include contact information and a description of the innovative offering to be demonstrated, including statements regarding how the innovative offering is subject to licensing, legal prohibition, or other authorization requirements outside of the Sandbox Program; each regulation that the applicant seeks to have waived or suspended while participating in the Sandbox Program; how the innovative offering would benefit consumers; and what risks might exist for consumers who use or purchase the innovative offering, as described in the bill.

Upon the receipt of a report from all applicable agencies, the Regulatory Relief Office must provide the application and associated reports to the General Regulatory Sandbox Program Advisory Committee, which is established by the bill. The Advisory Committee will be composed of 11 members, as described in the bill including two members of the House of Representatives, one appointed by the Speaker and one appointed by the Minority Leader of the House, and two members of the Senate, one appointed by the President Pro Tem and one appointed by the Minority Leader of the Senate. The Advisory Committee shall advise and make recommendations to the Regulatory Relief Office on whether to

approve applications to the Sandbox Program, and may meet at its own discretion to override a decision of the Regulatory Relief Office on the admission or denial of an applicant to the Sandbox Program, provided such override is decided with a two-thirds majority vote of the members of the Advisory Committee, and further provided that such vote shall be taken within 15 business days of the Regulatory Relief Office's decision. Meetings of the Advisory Committee will be considered public meetings for the purposes of the Sunshine Law (Section 620.3910).

No later than 15 business days after the day on which a completed application is received by the Regulatory Relief Office, the Office must review the application and refer the application to each applicable agency, as defined in the Act, that regulates the applicant's business. No later than 60 days after the day on which an applicable agency receives a completed application for review, the applicable agency must provide a written report to the Sandbox Program director with the applicable agency's findings, including any identifiable, likely, and significant harm to the health, safety, or financial well-being of consumers that the relevant regulation protects against, and a recommendation to the Regulatory Relief Office that the applicant either be admitted or denied entrance into the Sandbox Program. An applicable agency may deny an application for reasons described in the bill. The Regulatory Relief Office cannot approve any application denied by an applicable agency (Section 620.3915).

Upon approval of an application, a Sandbox participant will have 24 months after the day on which its application was approved to demonstrate the innovative offering described in the Sandbox participant's application. During such period, the Sandbox participant shall be exempt from the regulations outlined in an agreement entered into with the Regulatory Relief Office.

Innovative offerings will only be available to consumers who are residents of this state, and no regulation can be waived or suspended if such waiver or suspension would prevent a consumer from seeking restitution in the event that the consumer is harmed. A Sandbox participant will not be subject to prosecution or administrative penalty for a violation of any regulation that is waived or suspended during the duration of the participant's demonstration period (Section 620.3920).

Prior to demonstrating an innovative offering, a Sandbox participant must disclose certain information to consumers, as described in the bill (Section 620.3925).

At least 45 days prior to the end of a participant's demonstration period, the participant must notify the Regulatory Relief Office

with the intention to exit the Sandbox Program or seek an extension. The Regulatory Relief Office can grant an extension not to exceed 12 months, and a participant can seek multiple extensions. If a demonstration includes an innovative offering that requires ongoing services or duties beyond the two-year demonstration period, the participant can continue to demonstrate the offering, but will be subject to all regulations that were waived or suspended as part of the Sandbox Program, provided that any participant that receives an extension to the demonstration period will not be subject to the waived or suspended regulations until after the end of the extended demonstration period.

A Sandbox participant must retain certain records for a period of two years after exiting the Sandbox Program.

The Regulatory Relief Office shall establish quarterly reporting requirements for each participant, and each participant shall notify the Regulatory Relief Office and each applicable agency of any incidents that result in harm to the health, safety, or financial well-being of a consumer.

No later than 45 days after a Sandbox participant exits the Sandbox Program, such participant must submit a written report describing an overview of the demonstration. No later than 30 days after receiving such report, an applicable agency must provide a written report to the Regulatory Relief Office that describes any statutory or regulatory reform the applicable agency recommends (Section 620.3930).

This bill is similar to SS HCS HB 268 (2023); and SB 1068 (2022).

PROPOSERS: Supporters say that entrepreneurs are burdened with too many state regulations and therefore have no incentive to bring new, innovative products and services to market. Also, existing state regulations are not easily or regularly amended to account for a rapidly changing marketplace. Proponents also say that this bill would give new businesses a chance to take more calculated risks, and therefore more of an incentive to test out ideas without the burden of regulatory bodies.

Testifying in person for the bill were Representative Riley; NFIB (National Federation Of Independent Business); Next Missouri And Biostl; Matt Morrow, Springfield Area Chamber of Commerce; Missouri Chamber of Commerce and Industry; Cicero Action; Opportunity Solutions Project; Americans For Prosperity; United We; City of Kansas City, Civic Council Of Greater Kansas City; and the Greater Kansas City Chamber of Commerce.

OPPONENTS: Those who oppose the bill say that such a bill undermines the ideal of impartiality in which state regulations are to be applied equally to all businesses. Instead, this bill would give some businesses an unfair advantage. Opponents also say that the definition of "innovative product" is too broad, which could lead to potential bad actors entering into the Sandbox. Opponents further say that the bill does not provide enough time for regulatory departments to determine if a product or service admitted into the Sandbox is harmful to the public.

Testifying in person against the bill was the Sierra Club Missouri Chapter.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.