



RETAILERS ASSOCIATION
of MASSACHUSETTS

The Voice of Retailing

**Testimony of the Retailers Association of Massachusetts
Erin Trabucco, General Counsel**

**Before the Joint Committee on Consumer Protection & Professional Licensure
July 10, 2007**

**RE: S.178, An Act Relative to Interior Designers
H.341, An Act Relative to Certification of Interior Designers**

The Retailers Association of Massachusetts (RAM), established in 1910, is a statewide trade association of over 3,000 retail and restaurant member companies. Our membership ranges from independent “mom and pop” retailers to larger national retail chains. The retail industry’s contributions to the Commonwealth include over \$101 billion in annual sales; \$4 billion in annual sales and use taxes; 18% of Massachusetts jobs; and operation in over 39,000 locations across the state.

RAM wishes to voice our opposition to S.178, An Act Relative to Interior Designers and H.341, An Act Relative to Certification of Interior Designers.

The broad scope of S.178 will have many unintended consequences for a large number of companies and thousands of employees in the Commonwealth. The all-encompassing definition of interior designer will cover many employees at retail outlets who may simply help customers pick out paint colors or furniture. This bill is anti-competitive and will prevent experienced professionals from doing the work they have done without complaint for many years. By creating a licensing requirement, many jobs will be threatened and many retail establishments will be prevented from operating in a manner that has proved beneficial to their customers.

Licensing and titling laws are used to protect public health, safety and welfare. While many occupations, such as certain medical professions, need to be licensed to ensure practitioners have the knowledge and skills necessary to avoid harming the public, the profession of interior design does not pose a threat to the public. Since interior designers do not directly or significantly affect the public health, safety, or welfare, their marketplace should not be restricted. The public is amply protected under the Commonwealth’s existing laws and building codes and the requirement proposed in this legislation will not increase those protections. Unnecessary regulation and licensing requirements will severely deprive many people from their livelihoods without just cause.

The unnecessary hardships that will be created by the licensing requirement proposed in S.178 will harm an industry that is already suffering from a downturn in the housing market. Many young professionals seeking

employment in this industry, as well as veteran designers, will be hurt by this legislation and forced to seek alternative employment in fields they are not as experienced in or passionate about. Consumer prices will inevitably be driven up due to the scarcity of designers. Countless small business owners that hire experienced interior designers will not be able to afford designers that are certified under this act and will therefore no longer offer this type of service. Denial of free enterprise and elimination of competition will result from the proposed requirements.

Additionally, the State's economy will suffer as a result of this legislation. Furniture stores currently offer their customers interior design help. The proposed requirements of S.178 will prohibit many retailers from offering such a service leaving consumers to hire their own interior designers at a much higher cost. These licensed designers may choose to order furniture, fixtures, or décor for their clients from out of state businesses. Sales tax is often not remitted on out of state purchases and Massachusetts companies will be put at a disadvantage.

S.178 recognizes only one of three professional exams. In order to meet the licensing requirements in S.178, interior designers must become eligible to take, and pass the NCIDQ exam. A college degree in interior design is mandatory to become eligible to take the NCIDQ exam. Young professionals who do not meet this requirement will be forced to go back to school and work as low paid interns under NCIDQ. Inevitably, the financial burdens of the certification process will force well qualified, intelligent, and talented individuals to seek employment in alternative fields. Additionally, the certification process will convert the Massachusetts interior design community from a diverse population of professionals to a one-size-fits-all environment that would not benefit either the profession or the public. If a licensing requirement is enacted it should not limit professionals to taking only one exam and following a specific education track that is designated as a prerequisite for the NCIDQ.

Several legal challenges have been brought against title and licensing legislation and laws. The Institute for Justice filed a law suit in New Mexico claiming that their licensing requirement for interior designers is unconstitutional. This complaint has resulted in amended language being filed in New Mexico. Additionally, the Institute for Justice filed a similar complaint in Texas. The Institute for Justice's legal challenges in these states is straightforward: prohibiting people from truthfully describing what they do—interior design—violates their First Amendment right to free expression.

S.178 and H.341 will simply add red tape and bureaucracy to available services for customers while harming many professionals employed in Massachusetts. It will also raise prices for consumers and retail stores. RAM respectfully asks the Committee to oppose S.178. Please feel free to contact me if I can be of any assistance as the Committee considers this Bill.