



TESTIMONY

April 2, 2025

SENATE BILL 221 AND HOUSE BILL 663

By David Stokes

Testimony Before the Missouri House of Representatives
Judiciary Committee

TO THE HONORABLE MEMBERS OF THIS COMMITTEE

My name is David Stokes, and I am director of municipal policy at the Show-Me Institute. The Show-Me Institute is a nonprofit, nonpartisan Missouri-based think tank that supports free-market solutions for state and local policy. The ideas presented are my own. Thank you for this opportunity to testify.

Senate Bill 211 (SB 221) and House Bill 663 (HB 663) relate to the 2024 ruling by the United States Supreme Court that overturned the Chevron doctrine. Under the prior federal Chevron doctrine, “if Congress has not directly addressed the question at the center of a dispute, a court was required to uphold the agency’s interpretation of the statute as long as it was reasonable.”¹

In the simplest terms, federal courts were instructed under Chevron to show deference to the interpretation of rules by government agencies,

regulators, etc., when those rules or interpretations were challenged by citizens.

Missouri has its own laws regarding judicial hearings for contested administrative rules, and while Missouri’s rules do not have a phonaesthetically pleasing name like “Chevron,” they exist nonetheless. SB 221 and HB 663 address that point to make clear that Missouri courts are not expected to show deference to agency interpretations and, in fact, would be required to interpret regulations and rules in a manner that limits government agency authority and maximizes personal liberty.

There are numerous examples in Missouri where regulatory bodies at the state and local levels have established rules that citizens have contested because they appear to exceed the authority of the issuing agency. A short list of such examples includes:

- Previous regulations requiring that African-style hair-

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braiders undergo the long and expensive process of obtaining a cosmetology license, even though the latter license has nothing to do with hair-braiding.

- Local rules in St. Louis County that previously limited the inspection of irrigation backflow prevention devices to licensed plumbers, even though irrigation companies and their employees built out the rest of the irrigation systems.
- Local rules throughout Missouri that had restricted Uber, Lyft, and new taxicab competitors from entering markets in favor of currently licensed taxi operators.

To be clear, these are simply examples of state and local regulatory issues that have been challenged in various ways in Missouri, not an assessment of whether those regulations aligned with the underlying law.

Currently, a state agency is suing a woman for St. Louis for practicing dentistry without a license.² The question is whether installing tooth jewelry should require a dental license (which is, obviously, difficult to get). If this legislation passes, the regulators in this instance would have to act more strictly under the law as written by the legislature and less under various interpretations of that law by the Missouri Dental Board. If this case goes to court, the judges will not be expected to presume the dental board is correct. While it is entirely possible that the Missouri Dental Board is correct, the court would be required to base its decision on the law, not the dental board's interpretations of it.

Missouri citizens would be better off if our laws made clear that courts are not required to show deference to interpretations by regulatory agencies. Courts should examine the laws as written in making their judgements when people contest administrative decisions by government agencies, boards, or commissions.

SB 211 and HB 663 would help make Missouri a freer and more prosperous place for all of its citizens.

Thank you for the opportunity to submit this testimony.

ENDNOTES

1. Howe, Amy, "Supreme Court strikes down Chevron, curtailing power of federal agencies," SCOTUSblog, June 28, 2024.
2. Kukuljan, Steph, "State alleges St. Louis business performed dentistry without license," St. Louis Post-Dispatch, February 9, 2025.



5297 Washington Place · Saint Louis, MO 63108 · 314-454-0647

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