



## **Encouraging post COVID-19 entrepreneurship: Overcoming Michigan's regulatory barriers**

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July 7, 2021

With Michigan's government lifting all COVID-19 orders on public gatherings and mask requirements, the state's economy is ready to recover from government-mandated public health restrictions. It comes after Gov. Gretchen Whitmer unilaterally issued nearly 200 executive orders suspending, revising, and changing major public policy directly impacting the behaviors of the state's 10 million residents and businesses.

However, that is just the beginning of the regulatory challenge for small-and-medium size business owners and entrepreneurs in Michigan planning on fully re-opening or initiating a new business venture.

Michigan is only one of eight states to report an economic decline above 5% in 2020. Moreover, the state's economic output decreased by 5.4% from \$471.6 billion in 2019 to \$446.2 billion in 2020. In addition, Michigan's unemployment rate for May 2021 remained 27% higher than pre-pandemic February 2020, and total employment is down 5.6% in that same time period.

While there is evidence the Biden administration plans on increasing regulation and raising taxes on American businesses, it does not mean state and local governments are powerless to mitigate potentially negative federal regulatory barriers to state-level entrepreneurship and economic growth. And for Michigan, a recent study undertaken by Chris Edwards, director of tax policy studies at the libertarian Cato Institute, offers insights into what the state's entrepreneurs are facing when it comes to overcoming state and local government regulatory barriers to starting a new business.

A useful result of this study is the Entrepreneur Regulatory Barriers Index, an empirical calculation based on 17 variables across four general categories of regulatory restrictions. The variables measure restrictions and costs imposed on new businesses in each state, while the four categories consist of small business views (three variables), occupational licensing (two variables), other entry barriers (five variables), and regulation-created costs (seven variables).

So how does Michigan compare to other states in this Index? Unfortunately, not well. Michigan ranks 36th among the 50 states, at the bottom of the third quartile. What stands out are the results

of the first category — small business views of regulations. While Michigan government scores (on a choice scale ranging from “F to A+”) relatively high (“B”) among respondents on the variable “ease of starting a business”, the state has much room to improve when it comes to the other two variables, “labor and hiring laws” (“D+”) and “licensing laws” (“C-“). When it comes to the “other entry barriers” category, Michigan requires a “certificate of need” for the health care sector and is a liquor license quotas and alcohol control state.

A Michigan state government starting point could be analyzing state occupational licensing laws to assess which occupations need public regulation, and if so, what type of public regulation is necessary and effective.

A second initiative would be to consider establishing a state-level “regulatory sandbox.” In March, Utah became the first state to pass bipartisan legislation creating an “all-inclusive,” or all industry, regulatory sandbox. A regulatory sandbox is a defined environment where innovative companies may safely experiment under the watch and guidance of regulatory agencies.

By reducing the initial regulatory costs for entrepreneurial entrants, these fledgling firms have the opportunity to grow into competitors capable of managing normal compliance costs, at which point they “graduate” from the regulatory sandbox.

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