

Lost in Translation: Understanding Statutes, Rules and Regulations

Reading statutes, regulations and rules can be challenging. They are drafted by lawyers and often contain legal jargon. A statute is a formal written enactment of legislation that governs a state. Statutes are created by state legislatures. Typically, statutes command or prohibit something, or declare policy. A regulation is policy created by a governmental agency. Statutes give agencies the authority to create regulations, which are generally more detailed than statutes. Administrative rules are another name for regulations. Remember, that the requirements for professional licensure can be found in the statutes and regulations/rules. It is important to read both.

Below are some tips to help decode the legalese and determine your state's requirements.

- **Browse the index.** State statutes are organized by topic and subtopic. By browsing the index or table of contents of the state statute you can get an idea of how the issue you are researching fits in with the larger whole.
- **Every word has meaning in a statute or rule.** It is very important to find the definition section (if there is one) and reference that constantly. Words can have specific definitions in a statute or rule that can drastically affect the meaning.
- **If there are any words you don't understand, look them up.** If the word is not located in the definition section of the statute or rule, you can use a legal or regular dictionary. Several free options are available online.
- **Read slowly and often.** Statutes and rules are usually very dense. Remember that every word and punctuation has meaning!
- **Watch for "may" or "shall".** If a statute says you "may" do something, that means you are allowed to do it. But if it says you "shall" do something, it means you are required to do it.
- **Pay close attention to all the "ands" and "ors."** The use of "and" to end a series means that all elements of the series are included, or necessary, but an "or" at the end of a series means that only one of the elements need be included.
- **Keep these two things in mind: consistency and common sense.** Statutes are generally written to be consistent with one another, not contradictory. Also, they are generally written to make common sense, not lead to an absurd result.
- **Track down all cross-references** to other statutes and sections and read those statutes and sections.
- **Make sure the statute is up to date.** Statutes and rules do change. Check your state legislature's website for legislation that amends or repeals the statute. Check the Board's website for pending rule changes.