

Laws vs. Regulations: What's the Difference?

The governmental process can be difficult to understand and navigate. Two of the most common misunderstandings of governmental oversight is understanding the difference between laws and regulations. The main topic of this article is to assist in understanding how these two ways of delineating policy and its enforcement are similar and how they are different. If you are someone trying to lobby to make changes to a law or regulation, this article might help in pointing you in the right direction to contact the appropriate bodies, but to also let you know the type of work that would go into making those changes.

How are laws and regulations similar?

- Laws and regulations are similar in that they both try to specify and organize what that authorizing body feels is appropriate behavior. In this sense, we can think of laws and regulations as rules that are established by the federal, state, or local government or their appropriating agency. Often, Regulations are written to implement the specifics of a particular law. (e.g. licensing laws and licensing regulations; Mental Health Parity laws, and their regulations)
- Laws and regulations, under statute, have to hold public hearings open to anyone interested in testifying for public comment before making decisions about adopting, changing or eliminating a law or regulation.
- Laws and regulations are also enforced to the full authority of the law. If you were to violate a law or regulation, there may be penalties up to or including imprisonment or fines.

How are laws and regulations different?

- Laws go through the bill process before becoming established as a law. A bill has to be written, sponsored by a legislator, debated and passed through both the House of Representatives and the Senate after various committee and budget hearings before going to the Executive to be signed into law. A regulation is created by a governmental agency, often to actually implement a given law, and does not have to go through the bill process described above. With regulations, an agency holds a public hearing and after that hearing makes a decision on either adopting, changing or rejecting the regulation.
- Laws are also rules that govern everyone equally, while regulations only effect those who deal directly with the agency who is enforcing them. In other words, a law can govern the action of both the DEP and the FBI, but the DEP cannot write regulations that would be enforceable to the FBI.

So what does this mean for you?

If you are someone who is thinking about lobbying or has an interest in becoming active with social issues, you may want to know first if what you are trying to change is a law or a regulation. Each has a different method for making changes.

When Trying to Change a Law:

If you are someone who would like to change a law, or have one enacted you must first contact a legislator who would be willing to sponsor your bill. Only legislators can introduce bills to the House or

Senate, so to get a bill started you must first find someone who is willing to take this issue on for you. There are a number of ways to do this. The most convenient way is to contact your legislator and discuss with them why your issue is important and why it should be important for them.

The second way to find a sponsor is to search the various committees who may be interested in your piece of legislation and to discuss it with them.

The third way is to figure out which legislators have shown interest in these issues in the past and to present your case to them. This can sometimes be very difficult as most legislators only meet with their constituents and rarely outside of it.

When Trying to Change a Regulation:

It's important to note that regulations ARE NOT laws (Although in some cases they are considered extensions of a law). Therefore, as stated above, you do not need to go through the legislative process. When trying to change a regulation, you would only need to figure out which agency is responsible for making the regulation and contacting the appropriate board or committee members to get your issue placed on their agenda for the next possible meeting. Where a law needs a legislative sponsor, a regulation needs to simply go before the authorizing board (If and when such board deems regulations can be reviewed).

Hopefully this helps clarify the similarities and differences between laws and regulations and what a good approach may be to illicit change for something you are passionate about. Please reference the article on lobbying if you have any questions regarding what to do next.