

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H3/15/21 H3/17/21*

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1667

4

5 By: Representatives Furman, Brooks, Brown, Dotson, Gonzales, Hollowell, Lundstrum, McCollum,

6 Pilkington, Ray, Wooten

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For An Act To Be Entitled

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AN ACT TO CREATE THE UNIVERSAL LICENSING RECOGNITION

10

ACT; AND FOR OTHER PURPOSES.

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12

13

Subtitle

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TO CREATE THE UNIVERSAL LICENSING

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RECOGNITION ACT.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code Title 17, is amended to add an additional
chapter to read as follows:

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22

CHAPTER 4

23

UNIVERSAL LICENSING RECOGNITION ACT

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17-4-101. Title.

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This chapter shall be known and may be cited as the "Universal
Licensing Recognition Act".

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17-4-102. Legislative findings and purpose.

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(a) The General Assembly finds that:

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(1) Occupational licensing protects current practitioners and
disproportionately burdens entrepreneurs, unemployed workers, and low-income
individuals who are trying to enter a profession or occupation;

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(2) Burdensome licensing requirements hold back the Arkansas
economy because professionals whose jobs require an occupational license are
less likely to relocate to Arkansas to work, build a life, and invest in

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1 local communities; and

2 (3) Recognizing occupational licenses from other states and
3 granting licenses based on work experience in other states, so long as that
4 that state does not require a license, is a way to keep Arkansas working and
5 remaining competitive.

6 (b) It is the purpose of this chapter to create economic opportunities
7 for entrepreneurs and entry-level professionals that live in the State of
8 Arkansas by:

9 (1) Recognizing an occupational license they have earned in
10 another state; and

11 (2) Granting a occupational license based on work experience
12 they have acquired in another state if that state did not require an
13 occupational license.

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15 17-4-103. Definitions.

16 As used in this chapter:

17 (1) "Applicant" means an individual seeking an occupational or
18 professional license;

19 (2) "Occupational licensing entity" means an office, board,
20 commission, department, council, bureau, or other agency of state government
21 having authority to license, certify, register, permit, or otherwise
22 authorize an individual to engage in a particular occupation or profession;

23 (3) "Occupational license" means a license, certificate,
24 registration, permit, or other form of authorization required by law or rule
25 for an individual to engage in a particular occupation or profession; and

26 (4) "Resident" means a person domiciled in the State of Arkansas
27 under § 9-3-101.

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29 17-4-104. Recognition of occupational license issued in other states.

30 (a) An occupational licensing entity shall issue an occupational
31 license without an examination, in the discipline applied for, and at the
32 same practice level as determined by the occupational licensing entity to an
33 applicant who is a resident of this state if the applicant:

34 (1) Is currently licensed or certified in at least one (1) other
35 state in the discipline applied for and at the same practice level as
36 determined by the occupational licensing entity and the occupational license

1 is in good standing in all states in which the person holds an occupational
2 license;

3 (2)(A) Has had the occupational license in another state for at
4 least one (1) year.

5 (B) If the applicant has an occupational license in
6 another state, that minimum education requirements, work experience,
7 apprenticeship requirements, or clinical supervision requirements were in
8 effect, and the other state verifies that the applicant met those
9 requirements in order to have an occupational license in that state.

10 (C) If required by the other state, the applicant
11 previously passed an examination required for the occupational license;

12 (3) Has not had an occupational license revoked and has not
13 voluntarily surrendered an occupational license in any other state or country
14 while under investigation for unprofessional conduct;

15 (4)(A) Has not had unresolved disciplinary action imposed by any
16 other occupational licensing entity.

17 (B) If a jurisdiction in another state has taken
18 disciplinary action against the person, the occupational licensing entity
19 shall determine if the cause for the action was corrected and if the matter
20 has been resolved.

21 (C) If the matter has not been resolved by that
22 jurisdiction, the occupational licensing entity may not issue or deny an
23 occupational license under this section until the matter is resolved;

24 (5)(A) Does not have a complaint, allegation, or investigation
25 pending before another occupational licensing entity in another state or
26 country that relates to unprofessional conduct.

27 (B) If an applicant has any complaint, allegation, or
28 investigation pending, the occupational licensing entity shall suspend the
29 application process and may not issue or deny an occupational license under
30 this section to the applicant until the complaint, allegation, or
31 investigation is resolved; and

32 (6) Pays all applicable fees.

33 (b) This section does not prevent an occupational licensing entity
34 from entering into a reciprocity agreement with another state or
35 jurisdiction.

36 (c) An occupational license issued under this section is valid only in

1 this state and does not make the person eligible to be part of an interstate
2 compact.

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4 17-4-105. Reporting.

5 (a) An occupational licensing entity shall report to the Department of
6 Labor and Licensing the following data regarding applications for licensure
7 under this chapter:

8 (1) The number of applicants for a license;

9 (2) The number of licenses issued;

10 (3) The number of licenses denied; and

11 (4) The number of license determinations pending.

12 (b) On or before January 1 of each year, the department shall compile
13 and publish annually a report of the data required to be submitted under
14 subsection (a) of this section on a searchable public website.

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16 SECTION 2. DO NOT CODIFY. Rules.

17 (a) All occupational licensing entities shall promulgate rules
18 necessary to implement this act.

19 (b)(1) When adopting the initial rules to implement this act, the
20 final rule shall be filed with the Secretary of State for adoption under §
21 25-15-204(f):

22 (A) On or before January 1, 2023; or

23 (B) If approval under § 10-3-309 has not occurred by
24 January 1, 2022, as soon as practicable after approval under § 10-3-309.

25 (2) An occupational licensing entity shall file the proposed
26 rule with the Legislative Council under § 10-3-309(c) sufficiently in advance
27 of January 1, 2023, so that the Legislative Council may consider the rule for
28 approval before January 1, 2023.

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30 SECTION 3. DO NOT CODIFY. EFFECTIVE DATE.

31 This act shall be effective on and after January 1, 2022.

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33 /s/Furman
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