

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 90

By: Senator Hill
By: Representative Underwood

For An Act To Be Entitled

AN ACT TO CREATE THE AUTOMATIC AND EXPEDITED
LICENSURE FOR OUT-OF-STATE INDIVIDUALS ACT; TO
AUTHORIZE OCCUPATIONAL LICENSING ENTITIES TO PROVIDE
FOR AUTOMATIC AND EXPEDITED LICENSURE FOR INDIVIDUALS
WHO ARE LICENSED IN ANOTHER STATE, TERRITORY, OR
DISTRICT OF THE UNITED STATES; AND FOR OTHER
PURPOSES.

Subtitle

TO CREATE THE AUTOMATIC AND EXPEDITED
LICENSURE FOR OUT-OF-STATE INDIVIDUALS
ACT.

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

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

CHAPTER 7 - AUTOMATIC AND EXPEDITED OCCUPATIONAL LICENSURE FOR OUT-OF-STATE
INDIVIDUALS ACT

17-7-101. Title.

This chapter shall be known and may be cited as the "Automatic and
Expedited Occupational Licensure for Out-of-State Individuals Act".

17-7-102. Definitions.

As used in this chapter:



1 (1) "Automatic occupational licensure" means the granting of
2 occupational licensure without an individual's having met occupational
3 licensure requirements provided under this title or by the rules of the
4 relevant occupational licensing entity;

5 (2) "Occupational licensing entity" means an office, board,
6 commission, department, council, bureau, or other agency of state government
7 having authority to license, certify, register, permit, or otherwise
8 authorize an individual to engage in a particular occupation or profession,
9 not including occupations or professions within the judicial branch of
10 government or occupations or professions subject to the superintending
11 control of the Supreme Court; and

12 (3) "Occupational licensure" means a license, certificate,
13 registration, permit, or other form of authorization required by law or rule
14 that is required for an individual to engage in a particular occupation or
15 profession.

16
17 17-7-103. Applicability.

18 Unless otherwise stated in this chapter, this chapter applies to an
19 individual who has occupational licensure in another state, territory, or
20 district of the United States.

21
22 17-7-104. Automatic occupational licensure.

23 An occupational licensing entity shall grant automatic occupational
24 licensure to engage in an occupation or a profession to an individual who is
25 the holder in good standing of occupational licensure with similar scope of
26 practice issued by another state, territory, or district of the United
27 States.

28
29 17-7-105. Expedited occupational licensure.

30 (a)(1) An occupational licensing entity may submit proposed rules
31 recommending an expedited process for the attainment of occupational
32 licensure instead of automatic occupational licensure as provided under § 17-
33 7-104 to the Administrative Rules Subcommittee of the Legislative Council.

34 (2) The proposed rules described in subdivision (a)(1) of this
35 section shall include temporary or provisional occupational licensure
36 provisions with a term of ninety (90) days or more.

1 (3) The occupational licensing entity shall provide automatic
2 occupational licensure if the proposed expedited occupational licensure rules
3 are not approved as required by § 17-7-106.

4 (b)(1) An occupational licensing entity shall expedite the process for
5 initial occupational licensure for an individual who is listed in § 17-7-104.

6 (2) An occupational licensing entity shall provide the applicant
7 under subdivision (b)(1) of this section with a temporary or provisional
8 license upon receipt of required documentation or the successful completion
9 of any examination required by the relevant occupational licensing entity to
10 enable the applicant to secure employment in his or her occupation or
11 profession.

12
13 17-7-106. Legislative oversight of rules.

14 (a) The Administrative Rules Subcommittee of the Legislative Council
15 shall:

16 (1) Review the proposed rules of an occupational licensing
17 entity as submitted for public comment at least thirty (30) days before the
18 public comment period ends under the Arkansas Administrative Procedure Act, §
19 25-15-201 et seq.; and

20 (2) Approve the proposed rules submitted under § 17-7-105 based
21 on:

22 (A) A determination of whether the expedited process
23 provides the least restrictive means of attaining occupational licensure; and

24 (B) Any other criteria the Administrative Rules
25 Subcommittee of the Legislative Council determines necessary to achieve the
26 objectives of this section.

27 (b) The Administrative Rules Subcommittee of the Legislative Council
28 may:

29 (1) Establish a further subcommittee to assist in the duties
30 assigned to the Administrative Rules Subcommittee of the Legislative Council
31 under this section;

32 (2) Assign information filed with the Administrative Rules
33 Subcommittee of the Legislative Council under this section to one (1) or more
34 subcommittees of the Legislative Council, including without limitation a
35 subcommittee created under subdivision (b)(1) of this section; or

36 (3) Delegate the duties of the Administrative Rules Subcommittee

1 of the Legislative Council under this section to one (1) or more
2 subcommittees of the Legislative Council, which shall be subject to the final
3 review and approval of the Administrative Rules Subcommittee of the
4 Legislative Council.

5
6 17-7-107. Responsibilities of occupational licensing entities.

7 An occupational licensing entity shall:

8 (1) Submit proposed rules authorized under § 17-7-105 to the
9 Administrative Rules Subcommittee of the Legislative Council for review and
10 approval before the proposed rules are promulgated under the Arkansas
11 Administrative Procedure Act, § 25-15-201 et seq.;

12 (2) If the proposed rules are not approved as required under §
13 17-7-106, provide automatic occupational licensure to an individual listed in
14 § 17-7-103;

15 (3) Post prominently on the occupational licensing entity's
16 website a link entitled "Out-of-State Licensure" that leads directly to
17 information applicable to an individual licensed under § 17-7-103; and

18 (4) Provide to the Legislative Council an annual report stating
19 the number of individuals granted automatic occupational licensure and
20 expedited occupational licensure under this chapter.