

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

1 State of Arkansas *As Engrossed: S2/6/23 S2/15/23*

2 94th General Assembly

A Bill

3 Regular Session, 2023

SENATE BILL 90

4

5 By: Senators Hill, *Hester*

6 By: Representatives Underwood, *McCollum*

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For An Act To Be Entitled

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

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Subtitle

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

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17-7-101. Title.

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

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17-7-102. Definitions.

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As used in this chapter:

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(1) "Automatic occupational licensure" means the granting of occupational licensure to an individual who establishes residency in this

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1 state without the individual's having met occupational licensure requirements
2 provided under this title or by the rules of the relevant occupational
3 licensing entity;

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

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

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16 17-7-103. Applicability.

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

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21 17-7-104. Automatic occupational licensure.

22 (a) If the individual does not have a disqualifying criminal offense
23 under § 17-3-102 or any additional state law relating to the occupational
24 licensure and does not have a complaint, allegation, or investigation pending
25 for his or her occupational activity, an occupational licensing entity shall
26 grant automatic occupational licensure to engage in an occupation or a
27 profession to an individual who is:

28 (1) The holder in good standing for one (1) year of an
29 occupational licensure with similar scope of practice issued by another
30 state, territory, or district of the United States; or

31 (2) An individual who worked:

32 (A) In another state, territory, or district of the United
33 States that does not use an occupational licensure to regulate an occupation
34 or profession but is regulated by occupational licensure in this state; and

35 (B) At least three (3) years in the occupation.

36 (b) An individual who is granted automatic occupational licensure

1 under this subchapter shall meet all occupational licensure requirements for
2 renewal of the occupational licensure, including without limitation a
3 criminal background check and continuing education hours.

4 (c) Notwithstanding subsections (a) and (b) of this section, an
5 occupational licensing entity may require an applicant to:

6 (1) Pass an examination specific to relevant state laws that
7 regulate the occupation or profession; and

8 (2) Furnish a bond, financial statement, and proof of insurance
9 coverage.

10 (d) An occupational licensing entity may waive the requirements of
11 subdivision (c)(1) of this section if the occupational licensing entity finds
12 that:

13 (1) The combination of the applicant's education, training, and
14 experience is a sufficient substitute for the requirement; and

15 (2) A waiver of the requirement will not harm public health,
16 safety, or welfare.

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18 17-7-105. Responsibilities of occupational licensing entities.

19 An occupational licensing entity shall:

20 (1) Provide automatic occupational licensure to an individual
21 listed in § 17-7-104;

22 (2) Post prominently on the occupational licensing entity's
23 website a link entitled "Out-of-State Licensure" that leads directly to
24 information applicable to an individual licensed under § 17-7-104; and

25 (3) Provide to the Legislative Council an annual report stating
26 the number of individuals granted automatic occupational licensure under this
27 chapter.

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29 17-7-106. Exemptions.

30 This subchapter does not apply to licensure or certification of:

31 (1) Medical professions under Title 17, Subtitle 3;

32 (2) Legal professionals; or

33 (3) Individuals under multistate or interstate compacts.

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35 /s/Hill