

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 S2/28/23 S3/1/23 S3/6/23*

2 94th General Assembly

A Bill

3 Regular Session, 2023

SENATE BILL 90

4
5 By: Senators Hill, *Hester*

6 By: Representatives Underwood, *McCollum*

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.

Subtitle

17
18 *TO CREATE THE AUTOMATIC OCCUPATIONAL*
19 *LICENSURE FOR OUT-OF-STATE INDIVIDUALS*
20 *ACT.*

21
22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. Arkansas Code Title 17, is amended to add an additional
26 chapter to read as follows:

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

28
29 17-7-101. Title.

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

32
33 17-7-102. Definitions.

34 As used in this chapter:

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



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, including without
13 limitation military occupational specialty, required by law or rule that is
14 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 and has established a residence in this state.

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

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

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

32 (2) An individual who worked:

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

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

1 (b) An individual who is granted automatic occupational licensure
2 under this subchapter shall meet all other occupational licensure
3 requirements for a resident of this state and all renewal requirements of the
4 occupational licensure, including without limitation a criminal background
5 check and continuing education hours.

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

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

10 (2) Furnish a bond, financial statement, and proof of insurance
11 coverage.

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

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

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

19
20 17-7-105. Responsibilities of occupational licensing entities.

21 An occupational licensing entity shall:

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

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

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

30
31 17-7-106. Exemptions.

32 (a) This subchapter does not apply to licensure or certification of:

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

34 (2) Legal professionals; or

35 (3) Individuals under reciprocity agreements.

36 (b) This subchapter does not apply to an existing multistate or

1 interstate compact if the subchapter would result in a nullification of the
2 multistate or interstate compact.

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/s/Hill