State of Arkansas*As Engrossed: S2/6/23 S2/15/23 S2/28/23 S3/1/23 S3/6/23 H3/15/23*
94th General Assembly

A Bill

Regular Session, 2023 SENATE BILL 90

By: Senators Hill, Hester
By: Representatives McCollum, Underwood

For An Act To Be Entitled

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

Subtitle

TO CREATE THE AUTOMATIC OCCUPATIONAL LICENSURE FOR OUT-OF-STATE LICENSURE 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 OCCUPATIONAL LICENSURE FOR OUT-OF-STATE *LICENSURE* ACT

17-7-101. Title.

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

17-7-102. Definitions.

As used in this chapter:

(1) "Automatic occupational licensure" means the granting of

occupational *licensure to an individual who establishes residency in this state without the* individual's having met occupational licensure requirements provided under this title or by the rules of the relevant occupational licensing entity;

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

(3) "Occupational licensure" means a license, certificate, registration, permit, or other form of *authorization, including without limitation military occupational specialty, required* by law or rule that is required for an individual to engage in a particular occupation or profession.

17-7-103. Applicability.

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

17-7-104. Automatic occupational licensure.

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

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

(2) An individual who worked:

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

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

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

(c)(1) Notwithstanding subsections (a) and (b) of this section, an occupational licensing entity may require an applicant to pass an examination specific to relevant state laws that regulate the occupation or profession.

(2) Notwithstanding subsections (a) and (b) of this section, an occupational licensing entity shall require an applicant to furnish a bond, financial statement, or proof of insurance coverage if required by state law.

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

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

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

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

An occupational licensing entity shall:

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

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

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

17-7-106. Exemptions.

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

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

(2) Legal professionals; or

(3) Individuals under reciprocity agreements.

(b) This subchapter does not apply to an existing multistate or interstate compact if the subchapter would result in a nullification of the multistate or interstate compact.

/s/Hill

APPROVED: 4/4/23