

1 State of Arkansas *As Engrossed: S2/6/23 S2/15/23 S2/28/23 S3/1/23 S3/6/23*
2 *H3/15/23*

3 94th General Assembly
4 Regular Session, 2023

A Bill

SENATE BILL 90

5
6 By: Senators Hill, Hester
7 *By: Representatives McCollum, Underwood*

For An Act To Be Entitled

8
9
10 AN ACT TO CREATE THE AUTOMATIC OCCUPATIONAL LICENSURE
11 FOR OUT-OF-STATE *LICENSURE* ACT; TO AUTHORIZE
12 OCCUPATIONAL LICENSING ENTITIES TO PROVIDE FOR
13 AUTOMATIC OCCUPATIONAL LICENSURE FOR *NEW RESIDENTS*
14 WHO ARE LICENSED IN ANOTHER STATE, TERRITORY, OR
15 DISTRICT OF THE UNITED STATES; AND FOR OTHER
16 PURPOSES.

Subtitle

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

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23
24 *BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:*

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

28 CHAPTER 7 - AUTOMATIC OCCUPATIONAL LICENSURE FOR OUT-OF-STATE *LICENSURE* ACT

29
30 17-7-101. Title.

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

33
34 17-7-102. Definitions.

35 As used in this chapter:

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



1 occupational licensure to an individual who establishes residency in this
2 state without the individual's having met occupational licensure requirements
3 provided under this title or by the rules of the relevant occupational
4 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, including without
14 limitation military occupational specialty, required by law or rule that is
15 required for an individual to engage in a particular occupation or
16 profession.

17
18 17-7-103. Applicability.

19 Unless otherwise stated in this chapter, this chapter applies to an
20 individual who has occupational licensure in another state, territory, or
21 district of the United States and has established a residence in this state.
22

23 17-7-104. Automatic occupational licensure.

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

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

33 (2) An individual who worked:

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

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

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

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

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

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

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

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

20
21 17-7-105. Responsibilities of occupational licensing entities.

22 An occupational licensing entity shall:

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

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

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

31
32 17-7-106. Exemptions.

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

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

35 (2) Legal professionals; or

36 (3) Individuals under reciprocity agreements.

