

By: Senator(s) Younger, Hill

To: Veterans and Military Affairs

SENATE BILL NO. 2117
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 73-50-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PROVISIONS APPLICABLE TO THE ISSUANCE OF OCCUPATIONAL
3 LICENSES TO APPLICANTS WHO ARE MEMBERS OF THE MILITARY OR MARRIED
4 TO OR DEPENDENTS OF MEMBERS OF THE MILITARY, TO MAKE IT EASIER AND
5 FASTER FOR THOSE APPLICANTS TO RECEIVE OCCUPATIONAL LICENSES IN
6 MISSISSIPPI; TO PROVIDE THAT THIS SECTION SHALL BE KNOWN AS THE
7 "MILITARY FAMILY FREEDOM ACT"; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 73-50-1, Mississippi Code of 1972, is
10 amended as follows:

11 73-50-1. (1) This section shall be known as the "Military
12 Family Freedom Act."

13 (* * *2) As used in this section, the term:

14 (a) "License" means any license (other than a privilege
15 license), certificate, registration or other evidence of
16 qualification that an individual is required to obtain before he
17 or she may engage in or represent himself or herself to be a
18 member of a particular profession or occupation.

19 (b) "Occupational licensing board" means any state
20 board, commission, department or other agency in Mississippi that



21 is established for the primary purpose of regulating the entry of
22 persons into, and/or the conduct of persons within, a particular
23 profession or occupation, and which is authorized to issue
24 licenses. For the purposes of this section, the State Department
25 of Education shall be considered an occupational licensing board
26 when issuing teacher licenses under Section 37-3-2.

27 (c) "Military" means the Armed Forces or Reserves of
28 the United States, including the Army, Navy, Marine Corps, Coast
29 Guard, Air Force, and the reserve components thereof, the National
30 Guard of any state, the military reserves of any state, or the
31 naval militia of any state.

32 (* * *3) Notwithstanding any other provision of law, an
33 occupational licensing board shall issue a license * * * to an
34 applicant who is a member of the military, or an applicant who is
35 married to or is a dependent of a member of the military, if, upon
36 application to an occupational licensing board, the applicant
37 satisfies the following conditions:

38 (a) The applicant has been awarded a military
39 occupational specialty * * *, completed a military program of
40 training, completed testing or equivalent training and
41 experience * * *, and performed in the occupational
42 specialty * * *; or

43 (b) The applicant holds a current and valid license in
44 another state in an occupation with a similar scope of practice,
45 as determined by the occupational licensing board in Mississippi



46 and has * * * held this license * * * from the occupational
47 licensing board in * * * the other state for at least * * * one
48 (1) year; and

49 (c) The applicant has not committed any act in * * *
50 the other state that would have constituted grounds for refusal,
51 suspension or revocation of a license to practice that occupation
52 in * * * Mississippi at the time the act was committed * * *, the
53 occupational licensing board in the other state holds the
54 applicant in good standing, and the applicant does not have a
55 disqualifying criminal record as determined by the occupational
56 licensing board in Mississippi under Mississippi law; and

57 (d) The applicant did not surrender a license because
58 of negligence or intentional misconduct related to the applicant's
59 work in the occupation in another state; and

60 (e) The applicant does not have a complaint, allegation
61 or investigation pending before an occupational licensing board or
62 other board in another state that relates to unprofessional
63 conduct or an alleged crime. If the applicant has a complaint,
64 allegation or investigation pending, the occupational licensing
65 board in Mississippi shall not issue or deny a license to the
66 applicant until the complaint, allegation or investigation is
67 resolved, or the applicant otherwise satisfies the criteria for
68 licensure in Mississippi to the satisfaction of the occupational
69 licensing board in Mississippi; and



70 (* * *f) The applicant pays * * * all applicable
71 fees * * * in Mississippi.

72 (* * *4) * * * Notwithstanding any other law, the
73 occupational licensing board shall issue a license to an applicant
74 who is a member of the military, or an applicant who is married to
75 or is a dependent of a member of the military, upon application
76 based on work experience in another state, if all the following
77 apply:

78 (a) * * * The applicant worked in a state that does not
79 use a license to regulate a lawful occupation, but Mississippi
80 uses a license to regulate a lawful occupation with a similar
81 scope of practice, as determined by the occupational licensing
82 board;

83 (b) * * * The applicant worked for at least three (3)
84 years in the lawful occupation; and

85 (c) * * * The applicant satisfies the provisions of
86 paragraphs (c) through (f) of subsection (3) of this section.

87 * * *

88 (5) * * * An occupational licensing board may require an
89 applicant to pass a jurisprudential examination specific to
90 relevant state laws in Mississippi that regulate the occupation if
91 the issuance of a license in Mississippi requires an applicant to
92 pass a jurisprudential examination specific to relevant state
93 statutes and administrative rules in Mississippi that regulate the
94 occupation.



95 (6) * * * The occupational licensing board shall issue or
96 deny the license to the applicant within one hundred twenty days
97 (120) days after receiving an application.

98 If the application requires longer than two (2) weeks to
99 process, the occupational licensing board shall issue a temporary
100 practice permit within thirty (30) days after receiving the
101 application if the applicant submits an affidavit, under penalties
102 of perjury, affirming that he or she satisfies the provisions of
103 subsection (3) (a) or subsection (3) (b) of this section and
104 subsection (3) (c) through (e) and pays all applicable fees as
105 required by subsection (3) (f), or satisfies the provisions of
106 subsection (4) (a) through (c) and pays all applicable fees as
107 required by subsection (3) (f).

108 The applicant may practice under the temporary permit until a
109 license is granted, or until a notice to deny the license is
110 issued, in accordance with rules adopted by the occupational
111 licensing board. A temporary license will expire in three hundred
112 sixty-five (365) days after its issuance if the applicant fails to
113 satisfy the requirement for licensure in subsection (5), if
114 applicable.

115 (7) * * * (a) The applicant may appeal any of the following
116 decisions of an occupational licensing board to a court of general
117 jurisdiction:

118 (i) Denial of a license;

119 (ii) Determination of the occupation;



120 (iii) Determination of the similarity of the scope
121 of practice of the license issued; or

122 (iv) Other determinations under this section.

123 (b) The court shall determine all questions of law,
124 including the interpretation of a constitutional or statutory
125 provision or a rule adopted by an occupational licensing board,
126 without regard to any previous determination that may have been
127 made on the question in any action before the occupational
128 licensing board.

129 (8) An occupational licensing board shall prominently print
130 the following on all license applications, any communication
131 denying a license, and on the board's website: "Pursuant to the
132 provisions of the Military Family Freedom Act, Mississippi shall
133 recognize occupational licenses obtained from other states for
134 military members and their families." An occupational licensing
135 board shall prepare and place on the board's website an annual
136 report detailing the number of applications submitted to the
137 licensing board under this section during a calendar year and the
138 actions taken by the board on the applications.

139 (* * *9) An occupational licensing board shall adopt rules
140 necessary to implement this section by January 1, * * * 2021. In
141 addition, an occupational licensing board shall make all
142 reasonable efforts to issue a license to an applicant for a
143 license under this section.



144 (* * * 10) Nothing in this section shall be construed to
145 prohibit a military * * * applicant * * *, spouse or dependent
146 from proceeding under the existing licensure * * * requirements
147 established by an occupational licensing board in * * *
148 Mississippi.

149 (11) Nothing in this chapter shall be construed to prevent
150 Mississippi from entering into a licensing compact or reciprocity
151 agreement with another state, foreign province or foreign country.
152 A license issued under this section is valid only in Mississippi.
153 It does not make the person eligible to work in another state
154 under an interstate compact or reciprocity agreement unless
155 otherwise provided in Mississippi law.

156 (* * * 12) Nothing in this section shall be construed to
157 apply to the practice of law as regulated under Section 73-3-1 et
158 seq.

159 * * *

160 (13) This section preempts any ordinances of any
161 municipality, county and other political subdivisions of the State
162 of Mississippi that regulate licenses.

163 **SECTION 2.** This act shall take effect and be in force from
164 and after July 1, 2020.

