

By: Senator(s) Blackwell

To: Accountability,  
Efficiency, Transparency

SENATE BILL NO. 2415

1 AN ACT TO CREATE THE UNIVERSAL RECOGNITION OF OCCUPATIONAL  
 2 LICENSES ACT; TO REQUIRE OCCUPATIONAL LICENSING BOARDS TO ISSUE A  
 3 LICENSE OR GOVERNMENT CERTIFICATION BY RECOGNIZING CERTAIN  
 4 QUALIFIED APPLICANTS FROM OTHER STATES; TO REQUIRE OCCUPATIONAL  
 5 LICENSING BOARDS TO PROVIDE A WRITTEN DECISION REGARDING THE  
 6 APPLICATION WITHIN A CERTAIN PERIOD OF TIME; TO PROVIDE FOR APPEAL  
 7 OF BOARD DECISIONS; TO EXEMPT ANY OCCUPATION REGULATED BY THE  
 8 STATE SUPREME COURT; TO PROVIDE LIMITATIONS OF THE ACT; TO  
 9 AUTHORIZE OCCUPATIONAL LICENSING BOARDS TO CHARGE A FEE PER  
 10 APPLICATION; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** This act shall be known and may be cited as the  
 13 "Universal Recognition of Occupational Licenses Act."

14 **SECTION 2.** (1) The words defined in this section have the  
 15 meanings given them for purposes of this act, unless the context  
 16 clearly requires otherwise:

17 (a) "Board" means a government agency, board,  
 18 department or other government entity that regulates a lawful  
 19 occupation and issues an occupational license or government  
 20 certification to an individual.

21 (b) "Government certification" means a voluntary,  
 22 government-granted and nontransferable recognition to an



23 individual who meets personal qualifications related to a lawful  
24 occupation. Upon the government's initial and continuing  
25 approval, the individual may use "government certified" or "state  
26 certified" as a title. A noncertified individual also may perform  
27 the lawful occupation for compensation but may not use the title  
28 "government certified" or "state certified." In this act, the  
29 term "government certification" is not synonymous with  
30 "occupational license." It also is not intended to include  
31 credentials, such as those used for medical-board certification or  
32 held by a certified public accountant, that are prerequisites to  
33 working lawfully in an occupation.

34 (c) "Lawful occupation" means a course of conduct,  
35 pursuit or profession that includes the sale of goods or services  
36 that are not themselves illegal to sell irrespective of whether  
37 the individual selling them is subject to an occupational license.

38 (d) "Occupational license" is a nontransferable  
39 authorization in law for an individual to perform exclusively a  
40 lawful occupation based on meeting personal qualifications  
41 established by the Legislature. In an occupation for which a  
42 license is required, it is illegal for an individual who does not  
43 possess a valid occupational license to perform the occupation.

44 (e) "Other state" or "another state" means any United  
45 States territory or state in the United States other than this  
46 state.



47 (f) "Private certification" is a voluntary program in  
48 which a private organization grants nontransferable recognition to  
49 an individual who meets personal qualifications and standards  
50 relevant to performing the occupation as determined by the private  
51 organization. The individual may use the designated title of  
52 "certified," as permitted by the private organization.

53 (g) "Scope of practice" means the procedures, actions,  
54 processes and work that a person may perform under an occupational  
55 license or government certification issued in this state.

56 **SECTION 3.** (1) Notwithstanding any other law, the board  
57 shall issue an occupational license or government certification to  
58 a person upon application, if all the following apply:

59 (a) The person holds a current and valid occupational  
60 license or government certification in another state in a lawful  
61 occupation with a similar scope of practice, as determined by the  
62 board in this state;

63 (b) The person has held the occupational license or  
64 government certification in the other state for at least one (1)  
65 year;

66 (c) The board in the other state required the person to  
67 pass an examination, or to meet education, training or experience  
68 standards;

69 (d) The board in the other state holds the person in  
70 good standing;



71 (e) The person does not have a disqualifying criminal  
72 record as determined by the board in this state under state law;

73 (f) No board in another state revoked the person's  
74 occupational license or government certification because of  
75 negligence or intentional misconduct related to the person's work  
76 in the occupation;

77 (g) The person did not surrender an occupational  
78 license or government certification because of negligence or  
79 intentional misconduct related to the person's work in the  
80 occupation in another state;

81 (h) The person does not have a complaint, allegation or  
82 investigation pending before a board in another state which  
83 relates to unprofessional conduct or an alleged crime. If the  
84 person has a complaint, allegation or investigation pending, the  
85 board in this state shall not issue or deny an occupational  
86 license or government certification to the person until the  
87 complaint, allegation or investigation is resolved or the person  
88 otherwise meets the criteria for an occupational license or  
89 government certification in this state to the satisfaction of the  
90 board in this state; and

91 (i) The person pays all applicable fees in this state.

92 (2) If another state issued the person a government  
93 certification but this state requires an occupational license to  
94 work, the board in this state shall issue an occupational license



95 to the person if the person otherwise satisfies subsection (1) of  
96 this section.

97 **SECTION 4.** Notwithstanding any other law, the board shall  
98 issue an occupational license or government certification to a  
99 person upon application based on work experience in another state,  
100 if all the following apply:

101 (a) The person worked in a state that does not use an  
102 occupational license or government certification to regulate a  
103 lawful occupation, but this state uses an occupational license or  
104 government certification to regulate a lawful occupation with a  
105 similar scope of practice, as determined by the board;

106 (b) The person worked for at least three (3) years in  
107 the lawful occupation; and

108 (c) The person satisfies subsection 1(e) through (i) of  
109 Section 3 of this act.

110 **SECTION 5.** Notwithstanding any other law, the board shall  
111 issue an occupational license or government certification to a  
112 person based on holding a private certification and work  
113 experience in another state, if all the following apply:

114 (a) The person holds a private certification and worked  
115 in a state that does not use an occupational license or government  
116 certification to regulate a lawful occupation, but this state uses  
117 an occupational license or government certification to regulate a  
118 lawful occupation with a similar scope of practice, as determined  
119 by the board;



120 (b) The person worked for at least two (2) years in the  
121 lawful occupation;

122 (c) The person holds a current and valid private  
123 certification in the lawful occupation;

124 (d) The private certification organization holds the  
125 person in good standing; and

126 (e) The person satisfies subsection 1(e) through (i) of  
127 Section 3 of this act.

128 **SECTION 6.** A board may require a person to pass a  
129 jurisprudential examination specific to relevant state laws that  
130 regulate the occupation if an occupational license or government  
131 certification in this state requires a person to pass a  
132 jurisprudential examination specific to relevant state statutes  
133 and administrative rules that regulate the occupation.

134 **SECTION 7.** The board will provide the person with a written  
135 decision regarding the application within sixty (60) days after  
136 receiving a complete application.

137 **SECTION 8.** (1) The person may appeal the board's decision  
138 to a court of general jurisdiction.

139 (2) The person may appeal the board's:

140 (a) Denial of an occupational license or government  
141 certification;

142 (b) Determination of the occupation;



143 (c) Determination of the similarity of the scope of  
144 practice of the occupational license or government certification  
145 issued; or

146 (d) Other determinations under this act.

147 **SECTION 9.** A person who obtains an occupational license or  
148 government certification pursuant to this act is subject to the  
149 laws regulating the occupation in this state and the jurisdiction  
150 of the board in this state.

151 **SECTION 10.** This act does not apply to any occupation  
152 regulated by the State Supreme Court.

153 **SECTION 11.** (1) An occupational license or government  
154 certification issued pursuant to this act is valid only in this  
155 state. It does not make the person eligible to work in another  
156 state under an interstate compact or reciprocity agreement unless  
157 otherwise provided in law.

158 (2) Nothing in this act shall be construed to prevent this  
159 state from entering into a licensing compact or reciprocity  
160 agreement with another state, foreign province or foreign country.

161 (3) Nothing in this act shall be construed to prevent this  
162 state from recognizing occupational credentials issued by a  
163 private certification organization, foreign province, foreign  
164 country, international organization or other entity.

165 (4) Nothing in this act shall be construed to require a  
166 private certification organization to grant or deny private  
167 certification to any individual.



168           **SECTION 12.** The board may charge a fee to the person to  
169 recoup its costs not to exceed One Hundred Dollars (\$100.00) for  
170 each application.

171           **SECTION 13.** This act preempts laws by township, municipal,  
172 county and other governments in the state which regulate  
173 occupational licenses and government certification.

174           **SECTION 14.** This act shall take effect and be in force from  
175 and after July 1, 2020.

