

By: Senator(s) Blackwell

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2187

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



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

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

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

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



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

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

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

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

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

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

(d) The board in the other state holds the person in 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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

(b) Determination of the occupation;



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

(d) Other determinations under this act.

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

SECTION 10. This act shall not apply to any occupation regulated by the State Supreme Court.

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

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

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

(4) Nothing in this act shall be construed to require a private certification organization to grant or deny private 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, 2021.

