

By: Representatives Carpenter, Tullos,  
Williamson, Hopkins, Hulum, Stamps, Faulkner,  
Brown (20th)

To: Military Affairs

HOUSE BILL NO. 1039

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 SUCH  
5 PROVISIONS APPLY TO APPLICANTS WHO ARE VETERANS OF THE MILITARY OR  
6 MARRIED TO OR DEPENDENTS OF VETERANS OF THE MILITARY; AND FOR  
7 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 applicant  
34 who is a member or veteran of the military, or an applicant who is  
35 married to or is a dependent of a member or veteran of the  
36 military, if, upon application to an occupational licensing board,  
37 the applicant satisfies the following conditions:

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

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



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

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

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

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

68 (f) The applicant pays all applicable fees in  
69 Mississippi.



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

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

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

82 (c) The applicant satisfies the provisions of  
83 paragraphs (c) through (f) of subsection (3) of this section.

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

91 (6) The occupational licensing board shall issue or deny the  
92 license to the applicant within one hundred twenty days (120) days  
93 after receiving an application.



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

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

111           (7) (a) The applicant may appeal any of the following  
112 decisions of an occupational licensing board to a court of general  
113 jurisdiction:

- 114                           (i) Denial of a license;
- 115                           (ii) Determination of the occupation;
- 116                           (iii) Determination of the similarity of the scope  
117 of practice of the license issued; or
- 118                           (iv) Other determinations under this section.



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

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

135           (9) An occupational licensing board shall adopt rules  
136 necessary to implement this section by January 1, 2021. In  
137 addition, an occupational licensing board shall make all  
138 reasonable efforts to issue a license to an applicant for a  
139 license under this section.

140           (10) Nothing in this section shall be construed to prohibit  
141 a military applicant, spouse or dependent from proceeding under  
142 the existing licensure requirements established by an occupational  
143 licensing board in Mississippi.



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

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

153 (13) This section preempts any ordinances of any  
154 municipality, county and other political subdivisions of the State  
155 of Mississippi that regulate licenses.

156 **SECTION 2.** This act shall take effect and be in force from  
157 and after July 1, 2023.

