

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.

