



2021 STATE LEGISLATIVE WATCHLIST

Last updated: January 27, 2021

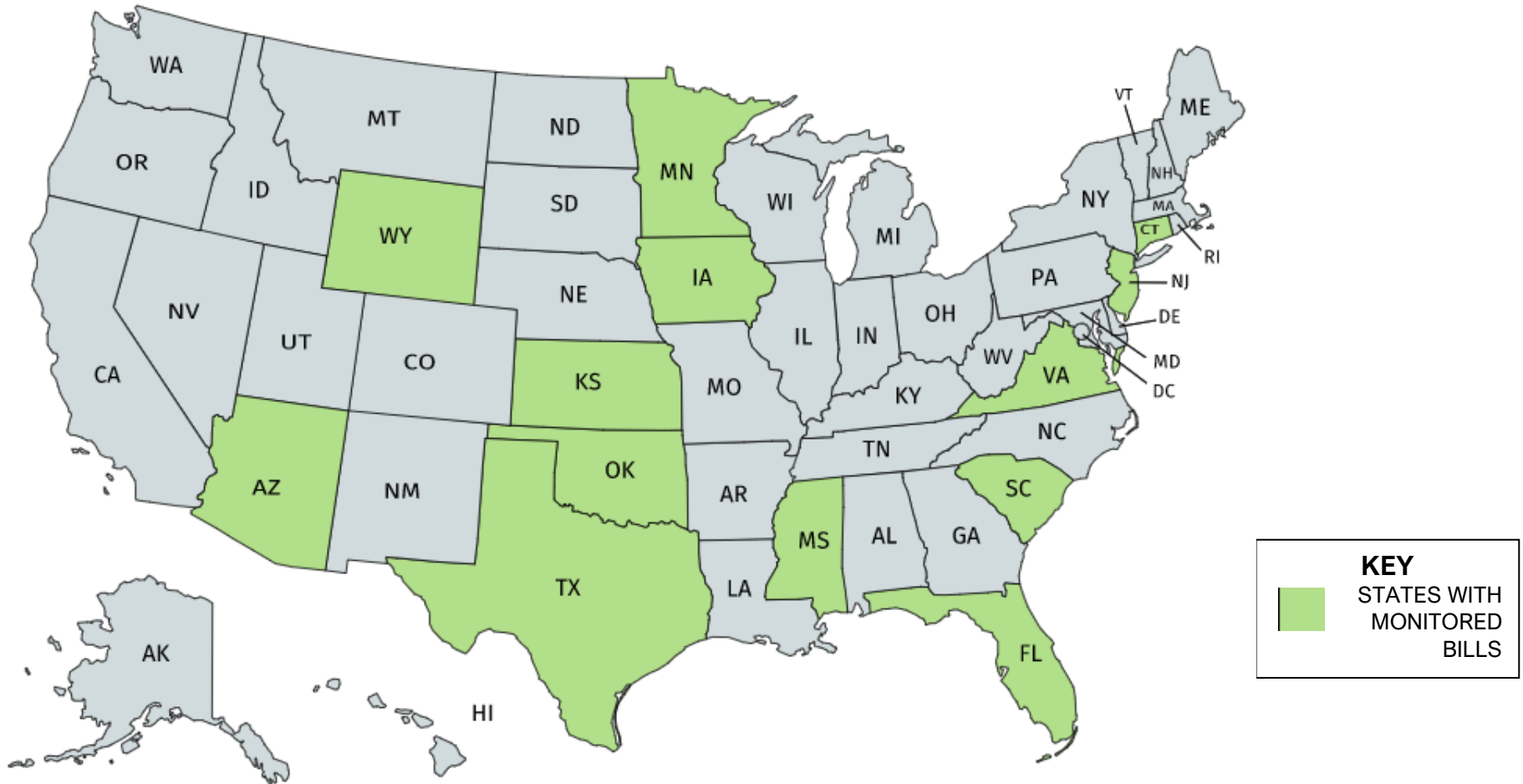


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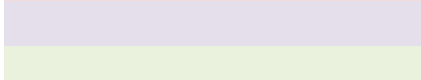
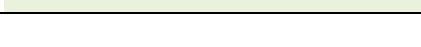
KEY

 = High Priority

2020 = Carryover bill from 2020 Watchlist

REPEAT = Reintroduced bill from the 2020 Watchlist

NEW = Bill summarized for the first time in current version of Watchlist


Dead	
Under consideration in one chamber	
Passed one chamber and under consideration in the other	
Awaiting governor's signature	
Enacted	

Arizona	Session Dates	Crossover Deadline	Carryover to 2022
	Jan. 11 – April 23, 2021		No

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
AZ	HB 2067 *REPEAT*	01/14/2021	Bret Roberts (R)	House Second Reading (01/20/2021)	In House	Amend	Low
Bill Summary		<ul style="list-style-type: none"> • Category: Ex-offender Reentry • Note: This bill is a reintroduction of HB 2402—monitored on the 2020 watchlist—which died when the AZ legislature adjourned sine die. • Amends Arizona law (Section 13-905) that allows a person convicted of a criminal offense to apply to have their judgment of guilt set aside and requires a court that grants an application to set aside a guilty judgment to include a certificate of second chance if the person: <ul style="list-style-type: none"> ○ Was convicted of a misdemeanor; ○ Was convicted of a class 4, 5, or 6 felony and at least 2 years have elapsed since they fulfilled the conditions of probation or sentence; or ○ Was convicted of a class 2 or 3 felony and at least 5 years have elapsed since the person fulfilled the conditions of probation or sentence. • A certificate of second chance: <ul style="list-style-type: none"> ○ Releases the person from all barriers and disabilities in obtaining an occupational license resulting from the conviction, if they are “otherwise qualified” ○ “Is not a recommendation or sponsorship for a promotion of the person who possesses the certificate of second chance when applying for an occupational license, employment or housing” • Permits the state or the victim to object to an application to have a judgement of guilt set aside. 					
Comments and Proposed Changes		<ul style="list-style-type: none"> • Add a safe harbor provision: “nothing in the chapter shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.” 					

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
AZ	HB 2319 *REPEAT*	01/26/2021	Ben Toma (R)	House Second Reading (01/27/2021)	In House	Amend	Medium
Bill Summary		<ul style="list-style-type: none"> • Category: Ex-offender Reentry • Note: This bill is a reintroduction of HB 2359 —monitored on the 2020 watchlist—which died when the AZ legislature adjourned sine die. • Amends Title 41, Chapter 6, Article 11, of the Arizona Revised Statutes. • Prohibits an agency from denying a regular or provisional license to “an otherwise qualified applicant” who has been convicted of criminal drug offenses (ranging from marijuana to manufacture of meth to unauthorized use or possession of prescription drugs). • Defines an “occupational license” as “any agency permit, certificate, approval, registration, or charter or any similar form of permission that allows an individual to use an occupational title or work in a lawful occupation, trade, or profession.” • Exempts the following entities: <ul style="list-style-type: none"> ○ The State Board of Education for the purposes of certification of persons. ○ A health profession regulatory board; ○ The Department of Health Services; ○ A law enforcement agency and the Arizona Peace Officer Standards and Training Board. 					
Comments and Proposed Changes		<ul style="list-style-type: none"> • This bill is far too broad, prohibiting the denial of a license to any individual convicted of any drug crime, ranging from the minor (e.g., possession of marijuana for personal use) to the major (running a meth distribution ring) to the job-related (abusing prescription privileges to distribute opioids to addicts) to the safety-related (a conviction for opioid use that results from an active substance abuse addiction). • Change “Notwithstanding any other law, an agency may not deny to an otherwise qualified applicant who has been convicted of an offense that involves a violation of title 13, chapter 34 or 34.1 or an offense committed in another jurisdiction that has the same elements as an offense listed in title 13, chapter 34 or 34.1 either of the following” to “A qualified applicant convicted of an offense that involves a violation of title 13, chapter 34 or 34.1 or an offense 					

	<p>committed in another jurisdiction that has the same elements as an offense listed in title 13, chapter 34 or 34.1 may not be disqualified by an agency from the following solely on the basis of the conviction if (i) the individual has completed all sentences for the conviction, (ii) the individual has not reoffended since the conviction, (iii) the individual has no pending charges, (iv) if the conviction was related to substance abuse, the individual has provided evidence establishing rehabilitation and the ability to practice the profession safely and without substance abuse, and (v) the offense does not relate to the practice of the occupation or pose a danger to members of the public the individual would encounter in the practice of the occupation.”</p> <ul style="list-style-type: none"> • Add a safe harbor provision: “Nothing in the chapter shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.”
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State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
AZ	SB 1218  *REPEAT*	01/20/2021	Tyler Pace (R)	Senate Second Reading (01/21/2021)	In Senate	Amend	High
Bill Summary		<ul style="list-style-type: none"> • Category: Review and Repeal • Note: This bill is a reintroduction of SB 1142—monitored on the 2020 watchlist—which died when the AZ legislature adjourned sine die. • Amends the Arizona statute on “nonhealth professions; occupations; regulations.” • Permits the state to regulate a profession or occupation—in the “least restrictive manner”—only if <u>all</u> of the following apply <ul style="list-style-type: none"> ○ There is credible evidence of harm that the unregulated practice threatens the public health, safety, or welfare in the state; ○ The actual or anticipated public benefit of the regulation clearly exceeds the cost on consumers; businesses, and individuals; ○ The public needs and can be reasonably expected to benefit from government regulation; and ○ The public cannot be effectively protected by less restrictive regulations. • Adds the “extent to which the level of regulation exercised by [an] agency compares to other states and is appropriate and whether less or more stringent levels of regulation would be appropriate and, if the agency administers an occupational regulation [...], the extent to which the occupational regulation meets the requirements of section 41-3502 [on regulating nonhealth professions and occupations; criteria]” to the enumerated factors that each committee of reference, must consider in determining the need for continuation or termination of each agency. 					

	<ul style="list-style-type: none"> • Requires the committee of reference to deliver a final sunset review report, which, if the state agency administers an occupational regulation, includes one or more of the following recommendations: (1) repeal the occupational license; (2) convert the occupational license to a less restrictive regulation; and/or (3) instruct the state agency to seek legislation or adopt rules to reflect the committee of reference's recommendation to: (i) impose less restrictive regulations than occupational licenses; (ii) change the requisite personal qualifications of an occupational license.; or (iii) redefine the scope of practice in an occupational license. • Prohibits regulation for “the exclusive purpose of protecting a profession or occupation from economic competition.” • Permits the legislative committee of reference to request information from state agencies that contract with individuals in regulated occupations and others with knowledge of the occupation, labor market economics or other factors. • Requires the legislative committee of reference to provide its findings and recommendations to the standing committee to which the proposed legislation is assigned and the standing committee shall address (1) the type of regulations, if any, that are appropriate and (2) if applicable, the scope of practice and requisite personal qualifications that are appropriate for a government certification or occupational license. • Provides that the bill does “not preempt federal regulations or require a private certification organization to grant or deny private certification to an individual.” • Defines "government certification" as “a voluntary program in which this state grants nontransferable recognition to an individual who meets personal qualifications that are established by law.” • Defines "private certification" as a “voluntary program in which a private organization grants nontransferable recognition to an individual who meets personal qualifications that are established by the private organization” and lists it as the third “less restrictive” form of regulation.
<p>Comments and Proposed Changes</p>	<ul style="list-style-type: none"> • As with other review and repeal bills that adopt “least restrictive” requirements, this bill is a threat to continued licensure requirements for private certification and could lead to weakening of licensure requirements that protect the public, and on which private certification organizations of all kinds (voluntary and regulated) rely. • Add “nothing in this chapter shall be construed to alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.”

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| | <ul style="list-style-type: none">• The definition of “private certification” should be revised to state that “‘Private Certification’ means “a nontransferable recognition granted to an individual by a private organization in which the individual meets personal qualifications relevant to performance of the occupation to which the certification pertains, including by demonstrating a specified level of knowledge and skill required to meet standards in the profession, as established by the private organization.”• Add Section 41-3502(H): “Notwithstanding any other provision of Section B, C, and D, no individual shall be restricted from using the title “certified” or the title “registered” to the extent that title reflects a credential held by the individual that was issued by a private certification organization that confers credentials to individuals meeting the qualifications set by the organization’s certification or certificate program.”• Add “Notwithstanding other provisions in this chapter, the state may regulate a profession or occupation and impose licensure requirements for practice of that occupation if the licensure requirements are based on uniform national laws, practices, and/or examinations that have been adopted by at least two-thirds of states and territories in the United States.”• Amend Section 41-3502(B)(1) to replace “there is credible evidence of harm that the unregulated practice threatens the public health, safety or welfare in this state” with “it can be demonstrated that the unregulated practice of the profession or occupation can clearly harm or endanger the health, safety, or welfare of the public and the potential for the harm is recognizable and not remote or speculative.” |
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Connecticut	Session Dates	Crossover Deadline	Carryover to 2022
	Jan. 6 – Jun. 9, 2021		No

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
CT	SB 268 *NEW*	01/22/2021	Joint Committee on General Law	Referred to Joint Committee on General Law (01/22/2021)	In Senate	Monitor	Low
Bill Summary		<ul style="list-style-type: none"> • Category: Occupational Regulation • Permits the Commissioner of Consumer Protection to adopt regulations to regulate occupational licensing within the cognizance of the Department of Consumer Protection. 					
Comments and Proposed Changes		<ul style="list-style-type: none"> • No intervention warranted at this time. • Department of Consumer Affairs grants licenses and permits to wide range of professions, including accountants, architects, professional engineers, pharmacists, and realtors. 					

Florida	Session Dates	Crossover Deadline	Carryover to 2022
	Mar. 2 – April 30, 2021		No

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
FL	SB 344 *NEW*	12/21/2020	Manny Diaz (R)	Referred to the Senate Governmental Oversight and Accountability; Appropriations; Rules (01/11/21)	In House	Amend	Medium
Bill Summary		<ul style="list-style-type: none"> • Category: Review and Repeal; titled the “the Occupational Regulation Sunset Act” • Presumptively repeals licensure statutes by set dates (July 1 of 2022, 2023, and 2024), unless the legislature acts before those dates to engage in “systemic review of the costs and benefits” of the occupational regulatory program and acts to “renew the program” with or without modification. • Prohibits an occupational regulatory program that expires through “scheduled repeal” from being “subsequently regulated by a local government.” The bill specifies that “the regulation of any occupation repealed by this act is preempted to the state unless local regulation of such occupation is expressly authorized by law.” 					
Comments and Proposed Changes		<ul style="list-style-type: none"> • Doesn’t provide factors to consider when determining whether a regulatory program should be allowed to expire or modified, or any standard of review. • The structure of the legislation could lead to repeal of licensure laws because of delay or inaction by the legislature, even due to wholly unrelated considerations. To avoid unintended repeal, the bill should be amended to add to Section 11.65(2): “Notwithstanding any other provision in this Act, no statute authorizing an occupational regulatory program shall be repealed if the Legislature does not engage in systemic review of the program prior to scheduled repeal date in this Act; in such cases, the scheduled repeal date shall be postponed to July 1 of the following calendar year.” The important role of occupational regulations that have been duly enacted by prior legislatures and on which the public relies should not be abolished without the Legislature engaging in its governmental oversight role. • Add “Nothing in this section is intended to restrict an agency from requiring, as a condition of licensure or renewal of licensure, that an individual’s personal qualifications include obtaining or maintaining private certification from a private organization that credentials individuals in the relevant occupation.” • Add a safe harbor provision: “Nothing in this section shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter or impair any requirement in a 					

	licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.”
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Iowa	Session Dates	Crossover Deadline	Carryover to 2022
	Jan. 11 – April 30, 2021		Yes

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
IA	SSB 1046 *NEW*	01/19/2021	Senate Committee on State Government	Introduced, referred to State Government (01/19/2021)	In Senate	Amend	Medium
Bill Summary		<ul style="list-style-type: none"> • Category: Review and Repeal / Sunset Review • Establishes categories of “regulated health profession,” “unregulated health profession,” “regulated nonhealthy profession,” and “regulated nonhealthy profession.” Provisions aim to prevent new occupational regulations. • Limits regulation of an “unregulated health profession” to “the exclusive purpose of protecting the public health or safety” and requires that all proposed legislation to regulate an unregulated health profession be reviewed by the general assembly to determine whether: <ul style="list-style-type: none"> ○ There is credible evidence that the unregulated practice of the unregulated health profession will clearly harm or endanger the public health or safety and the potential for harm is clearly recognizable and not remote. ○ The public needs and can reasonably be expected to benefit from assurance of initial and continuing professional ability. ○ The public cannot be effectively protected by other means in a more cost-efficient manner. • If the above conditions are met, a legislative committee must “consider whether the legislation is the least restrictive method of regulation to address the specific harm or danger identified” and submit its findings. The following less restrictive methods of regulation are provided: <ul style="list-style-type: none"> ○ Stricter civil actions and criminal prohibitions. ○ Inspection requirements and enabling judicial injunctive relief. ○ A system of registration. ○ A system of certification. 					


- A system of licensing.
- Requires a legislative committee to consider the following before “considering proposed legislation to expand the scope of practice of a regulated health profession:”
 - Whether the expansion of a regulated health profession’s scope of practice is only for the purpose of protecting the public from a specified harm or danger.
 - Whether the addition of adequately trained practitioners providing an expanded range of health care services will have a beneficial effect on the public and increase access to safe, quality health care.
 - Whether any changes in the entity regulating the regulated health profession are necessary to protect the public health or safety.
- Prohibits a legislative committee from considering competition with or from other regulated health professions or whether a practitioner will be able to obtain health insurance coverage for the proposed expanded scope of practice.
- Limits regulation of an “unregulated nonhealth profession” to “the exclusive purpose of protecting the public health or safety” and requires that all proposed legislation to regulate an unregulated nonhealth profession be reviewed by the referred legislative committee to determine whether:
 - The unregulated practice of the nonhealth profession can clearly harm the public health or safety.
 - The actual or anticipated public benefit of the regulation clearly exceeds the costs imposed by the regulation on consumers, businesses, and individuals.
 - The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability.
 - The public cannot be effectively protected by private certification or other alternatives.
- If the above conditions are met, the legislative committee must “examine data from multiple sources” and “consider evidence of actual harm to the public related to the unregulated nonhealth profession,” then it must determine whether the regulation is the “least restrictive regulation necessary” and “whether the regulation protects a discrete interest group from economic competition” and submit its findings.

- Repeals [Section 3.20, Code 2021](#).
- Amends [Section 2.69, subsection 1, Code 2021](#), to require the state government efficiency review committee to meet monthly, rather than every two years, to “review the usefulness, performance, and efficacy of each board” and adds “one ex officio, nonvoting member appointed by the governor.”
- Requires one-fifth of all boards to be reviewed each calendar year and each board to be reviewed once between 2022 and 2027.
- Requires the committee to prepare and submit recommendations and how such recommendations would, among other things, “provide for the least restrictive regulations by repealing current regulations and replacing them with less restrictive regulations.”
- Defines certification as “a voluntary program in which a private organization or the state grants nontransferable recognition to an individual who meets personal qualifications established by the private organization or state law.”
- Lists certification as the third “least restrictive regulation.”
- Requires the state to “use the least restrictive regulation to protect consumers from present, significant, and substantiated harms that threaten public health or safety.”
- Includes that “if a regulation is intended to protect a consumer against asymmetrical information between the seller and buyer, the appropriate state action shall be to offer voluntary certification, unless appropriate, privately offered voluntary certification for the relevant occupation is available.”
- Includes that “this chapter shall not restrict an occupational licensing board from requiring, as a condition of licensure, or renewal of licensure, that an individual’s personal qualifications include obtaining or maintaining certification from a private organization that credentials individuals in the relevant occupation.”
- Preempts any conflicting ordinance or other local law or regulation.
- Amends [Section 272C.3, subsection 1, paragraph d, Code 2021](#) to include “Notwithstanding any other provision of law, if a board determines that there is no probable cause to believe that an asserted violation has occurred, the complaint shall be returned to the complainant with a statement specifying the reasons for rejection sufficient to enable the complainant to review the agency’s determination.”

	<ul style="list-style-type: none"> • Requires a licensing board to designate “entry regulations” or “any rule prescribing qualifications or requirements for a person’s entry into, or continued participation in, any business, trade, profession, or occupation in this state.” • Requires the administrative rules committee to review rules designated as “entry regulations” and consider whether: <ul style="list-style-type: none"> ○ The entry regulation is required by state or federal law. ○ The entry regulation is necessary to protect the public health or safety. ○ The purpose or effect of the entry regulation is to unnecessarily inhibit competition or arbitrarily deny entry into a business, trade, profession, or occupation. ○ The intended purposes of the entry regulation could be accomplished by less restrictive or burdensome means. ○ The entry regulation is outside of the scope of the licensing board’s statutory authority to adopt rules.
<p>Comments and Proposed Changes</p>	<ul style="list-style-type: none"> • This bill is medium priority, rather than high priority, because it already includes safe harbor provisions that the PCC has proposed for similar kinds of bills. For example, it avoids setting up the government as a competitor to private certification, if existing private certifications are available. And it expressly does not restrict licensure agencies from requiring private certification as a condition of licensure. • The bill also offers greater protection to the <i>status quo</i>, subjecting existing regulations to review but establishing more sizeable roadblocks to new occupational licensing than to existing occupational licensing. • Nonetheless, the bill can be improved in ways that protect the public and the certification community. Specifically, all references to “public health or safety” should be amended to recognize “public health, safety, or welfare” as legitimate bases for regulatory requirements. In addition, the definition of certification should be amended to avoid including empty, purchased credentials. The amended definition should be: “a voluntary program in which a private organization or the state grants nontransferable recognition to an individual who meets personal qualifications relevant to performance of the occupation to which the certification pertains, including by demonstrating a specified level of knowledge, competency, or skill required to meet standards in the profession, as established by state law or by a private organization that issues credentials that are widely recognized in the field.”

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| | <ul style="list-style-type: none">• Change “present, significant and substantiated harms that threaten public health or safety” to “significant, and substantiated or recognized imminent harms that threaten public health, and safety, or welfare.”• Add “Notwithstanding other provisions in this chapter, the state may regulate a profession or occupation and impose licensure requirements for practice of that occupation if the licensure requirements are based on uniform national laws, practices, and/or examinations that have been adopted by at least two-thirds of states and territories in the United States.” |
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Kansas	Session Dates	Crossover Deadline	Carryover to 2022
	Jan. 13 – May 30, 2021		Yes

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
KS	SB 10  *NEW*	01/06/2021	Richard Hilderbrand (R) Michael Fagg (R) Mark Steffen (R) Alicia Straub (R) Mike Thompson (R) Rick Wilborn (R)	Hearing: Wednesday, Jan. 27, 2021, 10:30AM (01/20/2021)	In Senate	Oppose and amend	High
Bill Summary		<ul style="list-style-type: none"> • Category: Review and Repeal; titled the “Right to Earn a Living Act” • Limits occupational rules and regulations to “those demonstrably necessary and carefully promulgated to fulfill legitimate health, safety or welfare objectives,” with “welfare” to be “narrowly construed” and defined as protection from “fraud or harm.” • Requires every agency to complete a comprehensive review of all occupational rules and regulations and occupational licenses within its jurisdiction to determine whether it is the “least restrictive”, according to a 15-level hierarchy. • For each occupational rule and regulation and occupational license, the agency must: <ul style="list-style-type: none"> ○ Articulate with specificity the public health, safety or welfare objectives served by the rule and regulation; ○ Articulate the reasons why the rule and regulation is necessary to serve the specified objectives; ○ Analyze, where information is readily available, the effects of rule and regulation on opportunities for workers, consumer choices and costs, general unemployment, market competition, governmental costs and other effects; and ○ Compare the rule and regulation to whether and how other states regulate the business or professions. • If any occupational rule and regulation is found to not be “demonstrably necessary and carefully promulgated to fulfill legitimate health, safety or welfare objectives,” the agency must: 					


	<ul style="list-style-type: none"> ○ Repeal the occupational rule and regulation or modify the occupational rule and regulation to conform with the standard; or ○ Recommend to the legislature actions necessary to repeal or modify the occupational license or occupational rule and regulation to conform to the standard. ● Permits an individual to petition an agency to repeal or modify an occupational rule and regulation within its jurisdiction, and when an individual files such a petition, the agency must, within 90 days: <ul style="list-style-type: none"> ○ Repeal the occupational rule and regulation; ○ Modify the occupational rule and regulation; or ○ State in writing provided to the petitioner the basis of the agency’s conclusion that the occupational rule and regulation conforms with the standard. ● Provides that the plaintiff shall prevail on his or her petition if the court finds, by a preponderance of the evidence, that the challenged occupational rule and regulation, on its face or in its effect, burdens the entry into a profession or occupation, and that: <ul style="list-style-type: none"> ○ The agency has failed to provide that the challenged occupational rule and regulation is not demonstrably necessary and carefully tailored to fulfill legitimate public health, safety, or welfare objectives; or ○ The legitimate public health, safety, or welfare objectives can be effectively served by using a less restrictive occupational rule and regulation that is less burdensome to economic opportunity. ● Private certification is listed as the third “less restrictive regulation.” ● If the court finds for the plaintiff, the court shall enjoin further enforcement of the challenged occupational rule and regulation and award reasonable attorney fees and costs to the plaintiff.
<p>Comments and Proposed Changes</p>	<ul style="list-style-type: none"> ● The bill allows a private cause of action for individuals to challenge occupational licensing regulations and invites expensive litigation over regulations. ● The PCC opposes passage of the private cause of action provisions of the bill, even if amended to add safe harbors to protect both regulatory recognition of private certification and statutory prohibitions on deceptive trade practices.

- The review provisions of the bill include too narrow of a definition of “welfare,” as it only encompasses protection of members of the public against fraud or harm. This evidentiary burden on the government is extremely high, and the “demonstrably necessary” standard suggests that proof of actual harms from the absence of regulatory requirements would be needed to meet it. This would impose an impracticable burden on the licensing agency to collect appropriate data, as there is in fact no existing data available that gathers evidence of public harm from each level of restriction and compares the level of harm from requiring, for example, bonding and insurance versus an occupational license requirement. In addition, some licensing laws appropriately set baseline levels of professional competence above mere avoidance of inflicting harm on members of the public.
- Amend to delete Section 3 of the bill, which provides for the private cause of action.
- Add a safe harbor provision: **“Nothing in this chapter shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.”**
- Add a definition of “private certification” stating that **“‘Private Certification’ means “a nontransferable recognition granted to an individual by a private organization in which the individual meets personal qualifications relevant to performance of the occupation to which the certification pertains, including by demonstrating a specified level of knowledge and skill required to meet standards in the profession, as established by the private organization that issues credentials that are widely recognized in the field.”**
- Add **“Notwithstanding other provisions in this chapter, the state may regulate a profession or occupation and impose licensure requirements for practice of that occupation if the licensure requirements are based on uniform national laws, practices, and/or examinations that have been adopted by at least two-thirds of states and territories in the United States.”**


Minnesota	Session Dates	Crossover Deadline	Carryover to 2022
	Jan. 5 – May 17, 2021		Yes

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
MN	HF 266  *NEW*	01/21/2021	Mort Mortensen (R)	Introduction and first reading, referred to State Government Finance and Elections (01/21/2021)	In House	Oppose	High
Bill Summary		<ul style="list-style-type: none"> • Category: Complete Prohibition • Prohibits the state against enforcing “any statute, session law, or administrative rule that relates to an occupational licensing requirement” and “applies to any occupational license issue by a state agency or board.” 					
Comments and Proposed Changes		<ul style="list-style-type: none"> • This bill is a complete prohibition against occupational licensing with no exemptions. 					

Mississippi	Session Dates	Crossover Deadline	Carryover to 2022
	Jan. 5 – Apr. 4, 2021		No

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
MS	SB 2048  *REPEAT*	01/05/2021	Kevin Blackwell (R)	Referred to the Senate Accountability, Efficiency, Transparency Committee (01/05/2021)	In Senate	Amend	High
Bill Summary		<ul style="list-style-type: none"> • Category: Review and Repeal • Note: This bill is a reintroduction of SB 2432—monitored on the 2020 watchlist—which died in committee. • Requires the Department of Health, Department of Transportation, Department of Education, Department of Finance and Administration, and the Department of Information Technology to review “every regulation, rule and requirement under its jurisdiction and prepare a base inventory...of the regulatory requirements in its existing rules.” • Requires such agencies to accept written public comments for at least 60 days, including holding at least two public hearings to allow citizens and businesses to identify regulations that are ineffective, unnecessary, or unduly burdensome; • Requires such agencies, for every regulation under its purview, to affirm (among other information): <ul style="list-style-type: none"> ○ Whether the regulation is essential to the health, safety, or welfare of Mississippi residents ○ Whether the regulation is the least restrictive regulation necessary to protect consumers from present, significant and substantiated harms that threaten public health and safety • Requires such agencies, based on the required reporting, to amend or rescind regulatory requirements “as necessary to reduce the total number of regulatory requirements under its purview by 30% over 3 years • Requires such agencies, before proposing a new rule, to repeal at least 2 existing rules with an explanation “as to what the repeal will accomplish in terms of increasing economic opportunities for the citizens of Mississippi and streamlining state government.” <ul style="list-style-type: none"> ○ After 30% of regulatory requirements are repealed, an agency is required to repeal 1 existing rule before proposing a new rule. 					

Comments and Proposed Changes	<ul style="list-style-type: none"> • Requiring a 30% reduction in regulations or the repeal of two regulations for every one added shifts the focus from whether the regulations are appropriate and needed for the protection of the public. It is also easily gamed; some single regulatory requirements can be much more sweeping or significant in impact than even a dozen minor regulatory provisions. <i>Amend</i> to delete Subsections 2(2) and 2(3), which relate to the fixed percentage reduction. • The standard of review is too narrow, omits public welfare, and presents an unrealistic evidentiary burden. Change “present, significant and substantiated harm that threaten public health or safety” to “significant, and substantiated or recognized imminent harms that threaten public health, and safety, or welfare,” and change “essential to the health, safety, or welfare of Mississippi residents” to “significantly promotes or protects the health, safety, or welfare of Mississippi residents.” • Add a safe harbor provision: “a pilot agency may adopt a new regulation for any occupation for which the licensure requirements are based on uniform national laws, practices, and/or examinations that have been adopted by at least two-thirds of states and territories in the United States.” Add a safe harbor provision: “nothing in this chapter shall require a pilot agency to alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.”
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State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
MS	HB 663  *NEW*	01/18/2021	Randy Boyd (R)	Referred to Accountability, Efficiency, Transparency; Appropriations (01/18/2021)	In House	Amend	High
Bill Summary		<ul style="list-style-type: none"> • Category: Review and Repeal • Note: Similar to SB 2048, above. • Creates the “Regulatory Reduction Pilot Program.” • Requires the Department of Health, Department of Transportation, Department of Education, Department of Agriculture and Commerce, and the Department of Information Technology Services to review “each of its regulation, rules and guidance documents and prepare a base inventory...of the regulatory requirements in its existing regulations, rules and guidance documents.” • Requires such agencies to accept written public comments for at least 60 days, including holding at least two public hearings to allow citizens and businesses to identify regulations, rules, and guidance documents that are ineffective, unnecessary, or unduly burdensome; 					

	<ul style="list-style-type: none"> • Requires such agencies, for each existing regulation, rule or guidance document under its purview, to affirm (among other information): <ul style="list-style-type: none"> ○ Whether the regulation, rule, or guidance document is essential to the health, safety, or welfare of Mississippi residents ○ Whether the regulation, rule, or guidance document is as least restrictive as necessary to protect consumers from present, significant and substantiated harms that threaten public health and safety • Requires such agencies, based on the required reporting, to amend or rescind regulations, rules or guidance documents “as necessary to reduce the total number of regulatory requirements under its purview by 30% over 3 years” • Requires such agencies, before proposing a new rule, to repeal at least 2 existing rules with “as statement explaining how the repeal will help increase the economic opportunities for the citizens of Mississippi and streamlining state government.” • After 30% of regulatory requirements are repealed, an agency is required to repeal 1 existing rule before proposing a new rule.
<p>Comments and Proposed Changes</p>	<ul style="list-style-type: none"> • Requiring a 30% reduction in regulations or the repeal of two regulations for every one added shifts the focus from whether the regulations are appropriate and needed for the protection of the public. It is also easily gamed; some single regulatory requirements can be much more sweeping or significant in impact that even a dozen minor regulatory provisions. <i>Amend</i> to delete Subsections 2(2) and 2(3), which relate to the fixed percentage reduction. • The standard of review is too narrow, omits public welfare, and presents an unrealistic evidentiary burden. Change “present, significant and substantiated harm that threaten public health or safety” to “significant, and substantiated or recognized imminent harms that threaten public health, and safety, or welfare,” and change “essential to the health, safety, or welfare of Mississippi residents” to “significantly promotes or protects the health, safety, or welfare of Mississippi residents.” • Add a safe harbor provision: “a pilot agency may adopt a new regulation for any occupation for which the licensure requirements are based on uniform national laws, practices, and/or examinations that have been adopted by at least two-thirds of states and territories in the United States.” • Add a safe harbor provision: “nothing in this chapter shall require a pilot agency to alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.”

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
MS	SB 2184 *REPEAT*	01/08/2021	Angela Hill (R)	Referred to Senate Accountability, Efficiency, Transparency Committee (01/08/21)	In Senate	Monitor	Low
Bill Summary		<ul style="list-style-type: none"> • Category: Oversight of Licensing Board Litigation • Note: This bill is a reintroduction of SB 2381—monitored on the 2020 watchlist—which died in committee. • Amends Mississippi Code of 1972, Section 73-47-9, which created the Occupational Licensing Review Commission • Adds one small business owner appointed by the Governor and one small business owner appointed by the Lieutenant Governor to the Occupational Licensing Review Commission • Adds the responsibility of actively supervising “any civil action brought by or on behalf of an occupational licensing board, including the authorization of the action.” • Requires an occupational licensing board to request an authorization form, in writing, from the commission 30 days prior to filing a civil action and to mediate the dispute with any potential defendants. • Permits a court to award a defendant who prevails in a civil action brought by an occupational licensing board one-half of its costs upon the entry of final judgment. 					
Comments and Proposed Changes		<ul style="list-style-type: none"> • No intervention warranted at this time. 					

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
MS	HB 421 *NEW*	01/18/2021	Carl Mickens (D)	Referred to Judiciary B (01/18/2021)	In House	Amend	Medium
Bill Summary		<ul style="list-style-type: none"> • Category: Ex-offender Reentry • Amends the “Fresh Start Act of 2019,” Sections 73-77-1, 73-77-3, 73-77-5, 73-77-7, and 73-77-9, Mississippi Code of 1972. 					

	<ul style="list-style-type: none"> • Provides that the Fresh Start Act supersedes any other provision of law to the contrary and makes technical, nonsubstantive changes. • Amends Section 99-19-35, Mississippi Code of 1972 to allow a person convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy to practice medicine or dentistry or to be appointed to hold or perform the duties of any office of profit, trust, or honor, after expungement, currently only available after full pardon.
Comments and Proposed Changes	<ul style="list-style-type: none"> • The amendments this bill proposes to existing law are unobjectionable, but the bill provides an opportunity to make amendments to the already enacted Fresh Start Act of 2019 that would benefit the certification community. • Amend the current statute to add a safe harbor provision: “nothing in the chapter shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.” • Amend the current statute to add to the list of factors that a licensing entity should consider when determining whether to deny a license: “whether the applicant poses an unacceptable risk to the people with whom the applicant would interact in the conduct of the profession or occupation.” • Amend the current statutory provision establishing early binding determinations of disqualification to treat such decisions as preliminary, and to allow the licensing authority to consider any new evidence relevant to the application at the time it is made, not just subsequent convictions or identification of failures to disclose information. For example, subsequent pending criminal charges of evidence of an active substance abuse problem may be a legitimate reason to deny a license.

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
MS	HB 1250 *NEW*	01/18/2021	Kabir Karriem (D)	Referred to Judiciary B (01/18/2021)	In House	Amend	Medium
Bill Summary		<ul style="list-style-type: none"> • Category: Ex-Offender Reentry • Amends the “Fresh Start Act of 2019,” Sections 73-77-1, 73-77-3, 73-77-5, 73-77-7, and 73-77-9, Mississippi Code of 1972. • Provides that the Fresh Start Act supersedes any other provision of law to the contrary and makes technical, nonsubstantive changes. 					

Comments and Proposed Changes	<ul style="list-style-type: none"> The amendments this bill proposes to existing law are unobjectionable, but the bill provides an opportunity to make amendments to the already enacted Fresh Start Act of 2019 that would benefit the certification community. Amend the current statute to add a safe harbor provision: “nothing in the chapter shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.” Amend the current statute to add to the list of factors that a licensing entity should consider when determining whether to deny a license: “whether the applicant poses an unacceptable risk to the people with whom the applicant would interact in the conduct of the profession or occupation.” Amend the current statutory provision establishing early binding determinations of disqualification to treat such decisions as preliminary, and to allow the licensing authority to consider any new evidence relevant to the application at the time it is made, not just subsequent convictions or identification of failures to disclose information. For example, subsequent pending criminal charges or evidence of an active substance abuse problem may be a legitimate reason to deny a license.
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State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
MS	SB 2364 *NEW*	01/15/2021	Angela Turner-Ford (D)	Referred to Judiciary, Division A (01/15/2021)	In Senate	Amend	Medium
Bill Summary		<ul style="list-style-type: none"> Category: Ex-offender Reentry Amends the “Fresh Start Act of 2019,” Sections 73-77-5, 73-77-7, and 73-77-9, Mississippi Code of 1979, to remove “Absent applicable state law.” 					
Comments and Proposed Changes		<ul style="list-style-type: none"> The bill provides an opportunity to make amendments to the already enacted Fresh Start Act of 2019 that would benefit the certification community. Amend the current statute to add a safe harbor provision: “nothing in the chapter shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.” Amend the current statute to add to the list of factors that a licensing entity should consider when determining whether to deny a license: “whether the applicant poses an unacceptable risk to the people with whom the applicant would interact in the conduct of the profession or occupation.” 					

	<ul style="list-style-type: none"> Amend the current statutory provision establishing early binding determinations of disqualification to treat such decisions as preliminary, and to allow the licensing authority to consider any new evidence relevant to the application at the time it is made, not just subsequent convictions or identification of failures to disclose information. For example, subsequent pending criminal charges of evidence of an active substance abuse problem may be a legitimate reason to deny a license.
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State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
MS	SB 2792 *NEW*	01/18/2021	John Horhn (D)	DR - TSDP: LA To JA (01/27/2021)	In Senate	Amend	Medium
Bill Summary		<ul style="list-style-type: none"> Category: Ex-offender Reentry Amends the “Fresh Start Act of 2019,” Sections 73-77-5, 73-77-7, and 73-77-9, Mississippi Code of 1979, to remove “Absent applicable state law” to apply “Notwithstanding any other provision of law” instead of “absent applicable state law.” Amends Section 73-77-7 and 73-77-9 to include: <ul style="list-style-type: none"> “Nothing in this section shall preclude any board, commission or other licensing entity from granting licenses to individuals convicted of disqualifying convictions after considering the factors listed under this subsection (2)” and “For any board, commission or other licensing entity with an existing procedure for hearings and appeals following the denial of a license codified in rules or statute on January 1, 2021, those existing procedures for hearings and appeals shall supersede the provisions of this section.” 					
Comments and Proposed Changes		<ul style="list-style-type: none"> The bill provides an opportunity to make amendments to the already enacted Fresh Start Act of 2019 that would benefit the certification community. Amend the current statute to add a safe harbor provision: “nothing in the chapter shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.” Amend the current statute to add to the list of factors that a licensing entity should consider when determining whether to deny a license: “whether the applicant poses an unacceptable risk to the people with whom the applicant would interact in the conduct of the profession or occupation.” 					

	<ul style="list-style-type: none"> Amend the current statutory provision establishing early binding determinations of disqualification to treat such decisions as preliminary, and to allow the licensing authority to consider any new evidence relevant to the application at the time it is made, not just subsequent convictions or identification of failures to disclose information. For example, subsequent pending criminal charges of evidence of an active substance abuse problem may be a legitimate reason to deny a license.
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State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
MS	SB 2608 *NEW*	01/18/2021	Barbara Blackmon (D)	Referred to Business and Financial Institutions; Judiciary, Division A (01/18/2021)	In Senate	Monitor	Low
Bill Summary		<ul style="list-style-type: none"> Category: Judicial Review Entitles a party who is “adversely affected by final agency action” to judicial review in the Chancery Court of the First Judicial District of Hinds County, if a notice of appeal or petition for review is filed within 30 days of the order, judgment, or action of the agency. Provides that “a preliminary, procedural, or intermediate order of an agency is immediately reviewable if review of the final agency decision would not provide an adequate remedy.” Requires a supersedeas to be granted “as a matter of right” if the agency decision suspends or revokes a professional license, “unless a court, upon petition of the agency, determines that a supersedeas would constitute a probable danger to the health, safety or welfare of the state.” Permits the reviewing court to issue a mandatory, prohibitory, or declaratory decision and “provide whatever relief is appropriate irrespective of the original form of the petition,” including: <ul style="list-style-type: none"> Ordering agency action required by law; Ordering agency exercise of discretion when required by law; Setting aside agency action; Remanding the case for further agency proceedings; or Deciding the rights, privileges, obligations, requirements, or procedures at issue between the parties; and 					

	<ul style="list-style-type: none"> ○ Ordering such ancillary relief as the court finds necessary to redress the effects of official action wrongfully taken or withheld. ● Permits the court to remand a case to the agency for further proceedings in or set aside the agency action, as appropriate, if it finds that: <ul style="list-style-type: none"> ○ There has been no hearing prior to agency action and the reviewing court finds that the validity of the action depends upon disputed facts; ○ The agency's action depends on any finding of fact that is not supported by competent, substantial evidence in the record of a hearing; however, the court shall not substitute its judgment for that of the agency as to the weight of the evidence on any disputed finding of fact; ○ The fairness of the proceedings or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure; ○ The agency has erroneously interpreted a provision of law and a correct interpretation compels a particular action; or ○ The agency's exercise of discretion was: (i) Outside the range of discretion delegated to the agency by law; (ii) Inconsistent with agency rule; (iii) Inconsistent with officially stated agency policy or a prior agency practice, if deviation therefrom is not explained by the agency; or (iv) Otherwise in violation of a constitutional or statutory provision. ● Provides that the court shall not substitute its judgment for that of the agency on an issue of discretion.. ● Requires the court to affirm the agency action unless it “finds ground for setting aside, modifying, remanding, or ordering agency action or ancillary relief under a specified provision of this section.” ● Does not provide for a petition “challenging an agency rule as an invalid exercise of delegated legislative authority...unless the sole issue presented by the petition is the constitutionality of a rule and there are no disputed issues of fact.”
Comments and Proposed Changes	<p>Unlike Right to Earn a Living Act bills, this bill does not allow challenges to occupational licensing regulations or shift the burden of proof to the state agency. Instead, the bill adds a level of judicial review to individual adverse licensure decisions, with the court limited to reviewing the record before the agency for legal or procedural errors.</p>

New Jersey	Session Dates	Crossover Deadline	Carryover to 2022
	Jan. 14, 2020 – Jan. 11, 2022		No

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
NJ	A 2178  *2020*	1/14/2020	Raj Mukherji (D)	Introduced, Referred to Assembly Law and Public Safety Committee (1/14/2020)	In Assembly	Amend	High
Bill Summary		<ul style="list-style-type: none"> • Category: Ex-Offender Reentry • Note: Carryover to 2021 of bill from prior legislative session. • Provides for the issuance of a certificate of rehabilitation to certain offenders with substance abuse disorders who have been determined, by a clear and convincing evidence standard, to be rehabilitated. • Provides that the certificate of rehabilitation shall “supersede all laws to the contrary, suspend and relieve all disabilities and forfeitures imposed by law by reason of the individual’s conviction of any crime or offense enumerated in the certificate, and remove any bars to employment or professional licensure or certification applicable to persons convicted of criminal offenses, except as required pursuant to federal statute or the provisions of this act.” • Enumerates “disabilities, forfeitures and bars that may be suspended and relieved by the certificate” of rehabilitation, including “qualification for a license or certification to engage in the practice of a profession, occupation, or business” and “admission to an examination to qualify for such a license or certificate.” • Provides that a “certificate granted under this section shall not prevent any judicial, administrative, licensing or other body, board, authority, public official, or employer from relying on grounds other than the fact of the criminal conviction in exercising any discretionary authority to suspend, revoke, refuse to issue, or to refuse to renew any license, permit, or other authority or privilege, or to determine eligibility or suitability for employment.” • Prohibits the denial of an employment application submitted by a person who has been issued a certificate of rehabilitation because the applicant has been previously convicted of one or more crimes or offenses, or by reason of a finding of lack of “good moral character” except when (1) there is a direct relationship between one or more of the previous crimes or offenses and the specific employment sought; and (2) less than 10 years have elapsed since the commission of the most recent crime other than disorderly persons offenses. 					

	<ul style="list-style-type: none"> • Defines “direct relationship” and provides that the certificate of rehabilitation is considered presumptive evidence of rehabilitation. • Defines “license” as “any certificate, license, permit, or grant of permission required by the laws of this State or any political subdivision thereof, or of any instrumentality of this State or its political subdivision, as a condition for the lawful practice of any act, occupation, employment, trade, vocation, business, or profession. License shall not include any license or permit to own, possess, carry, or discharge a firearm.” • Prohibits the issuance of certificate of rehabilitation to a number of enumerated violent, sexual, and other crimes.
Comments and Proposed Changes	<ul style="list-style-type: none"> • Because the bill purports to remove any bars to “professional licensure or certification,” it could be used to challenge decisions by private professional certification organizations to enforce their eligibility requirements or codes of conduct. Amend Section 2 to provide that the certificate shall “remove any bars imposed by law to employment or professional licensure or certification applicable to persons convicted of criminal offenses....” Amend definition of “license” to “any government-issued certificate, license, permit, or grant of permission required by the laws of this State or any political subdivision thereof...”, • Amend definition of “direct relationship” to: “As used in this section ‘direct relationship’ means that the nature of the criminal conduct for which the person was convicted has a direct bearing on the person’s fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license or employment or that the applicant poses an unacceptable risk to the people with whom the applicant would interact in the conduct of the profession or occupation.” • Add a safe harbor provision: “Nothing in this section shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter or impair any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.”


State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
NJ	S 2612 *2020*	6/25/2020	Kristin Corrado (R) Steve Sweeney (D)	Referred to Senate Budget and Appropriations Committee (7/22/2020)	In Senate	Monitor	Low
Bill Summary	<ul style="list-style-type: none"> • Category: Ex-Offender Reentry • Note: Carryover to 2021 of bill from prior legislative session. • Allows an applicable entity, defined as “a board, committee, or any State body that issues a credential for a profession or occupation,” to issue a limited license if an individual with a criminal conviction successfully completes training 						

	<p>offered by a county correctional facility or the Department of Corrections that is necessary in order to practice a specific profession or occupation.</p> <ul style="list-style-type: none"> • Requires the applicable entity to establish the period of time an individual can work under the limited license and place conditions on the license. • Requires the applicable entity to limit the scope and location of an individual’s practice, to assign a supervisor to the individual at the place of employment, and to require the individual with the limited license to notify the entity if there is a change of supervisors. • Provides that a limited license is to be revoked if the individual with such license (1) is convicted of a crime of the first, second, third, or fourth degree, or a disorderly persons offense in New Jersey, or a similar offense in another jurisdiction, or (2) fails to comply with the conditions placed on a limited license. • Provides that within 30 days of the expiration of a limited license, the supervisor of the individual with the limited license is to provide written notice to the applicable entity that issued the limited license addressing if the individual complied with all conditions of the license; the applicable entity is to issue an unrestricted license if the individual complied with the conditions of the limited license for the length of the license and meets all of the other qualifications for licensure under the applicable practice act of the profession or occupation.
Comments and Proposed Changes	<ul style="list-style-type: none"> • Does not warrant intervention at present.

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
NJ	S 942 *2020*	1/27/2020	Troy Singleton (D) Gerry Cardinale (R)	Received in the Assembly, Referred to Assembly Regulated Professions Committee (7/2/2020)	In Assembly	Monitor	Low
Bill Summary		<ul style="list-style-type: none"> • Category: Ex-Offender Reentry • Note: Carryover to 2021 of bill from prior legislative session. • Amends the statute on Professions and Occupations to permit a board to refuse to administer an examination to an individual, or to refuse to issue or suspend or revoke any certificate, registration or license issued by the board upon proof that the applicant or holder of such certificate, registration or license has engaged in certain conduct, including having “ been convicted of, or engaged in acts constituting, any crime or offense that has a direct or substantial 					

	<p>relationship to the activity regulated by the board or is of a nature such that certification, registration or licensure of the person would be inconsistent with the public's health, safety, or welfare.”</p> <ul style="list-style-type: none"> • Provides that an entity (a board listed under section 2 of P.L.1978, c.73 (C.45:1-15)) shall not disqualify a person from obtaining or holding any certificate, registration or license solely because the person has been convicted of or engaged in acts constituting any crime or offense, unless the crime or offense has a direct or substantial relationship to the regulated activity or is of a nature such that certification, registration or licensure of the person would be inconsistent with the public's health, safety, or welfare.
Comments and Proposed Changes	<ul style="list-style-type: none"> • Does not warrant intervention at present.


Oklahoma	Session Dates	Crossover Deadline	Carryover to 2022
	Feb. 1 – May 28, 2021		Yes

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
OK	SB 756  *NEW*	02/01/2021	Michael Bergstrom (R)	First Reading (02/01/2021)	In Senate	Amend	High
Bill Summary		<ul style="list-style-type: none"> • Category: Limited Consumer Choice/Right to Earn a Living statute • Creates the “Oklahoma Certification Opportunity Act.” • Defines “private certification” as “a nontransferable recognition by a private certifying organization that an individual meets the qualifications determined by the private certifying organization.” • Defines “private certifying organization” as “a nongovernmental organization that allows any individual to apply for private certification regardless of the individual’s race, creed, color, ethnicity, national origin, religion, sex, sexual orientation, or marital status.” • Defines “Participating private certifying organization” means “a private certifying organization that registers and otherwise meets the criteria specified in subsection C of Section 3 of this act.” • Defines “Privately certified” as “a designated title that an individual may use if the individual is certified by a participating private certifying organization.” • Permits a private certifying organization to voluntarily participate and register with the Secretary of state. Once registered, a participating private certifying organization is required to publish the following on a public website: <ul style="list-style-type: none"> ○ The scope of practice for each lawful occupation that the organization certifies, ○ The qualifications that an individual must possess to become certified by the private certifying organization, ○ Other factors the private certifying organization uses to certify individuals which may include consumer comments, rankings and other consumer-initiated elements, ○ The names, business addresses and websites of all individuals privately certified by the organization, and 					

- The states in which the private certifying organization is registered.
- A participating private certifying organization must also:
 - Require qualifications related to the lawful occupation an individual is certified for;
 - Verify an individual's qualifications before certification and periodically verify eligibility;
 - Require a privately certified individual to prominently display the private certification and make available materials about the qualifications and other factors required for the private certification;
 - Have at least 50 privately certified individuals in active practice in the U.S. after one year of applying for registration with the Secretary of State
- Permits a participating private certifying organization to require certificants to obtain and maintain a bond for liability related to the practice of the privately certified lawful occupation and to require certificants to pay initial and ongoing fees.
- Provides a right for certificants to engage in the lawful occupation they are certified in, regardless of other occupational regulations enacted by the State, and prohibits the State from prohibiting or imposing a penalty, fine, or fee on a certificant for engaging in a lawful occupation in compliance with the bill.
- Requires a certificant who is engaging in a lawful occupation that the State has enacted an occupational regulation for to display a sign stating:
 - The government licenses the service;
 - The individual is not licensed by the government;
 - The individual is privately certified by [the name of the private certifying organization]; and
 - The contact information of the private certification organization.
- Prohibits a certificant who is not licensed, registered, or certified by the government from using the term "licensed," "certified" or "registered" to describe the individual's credential or "any words, titles, abbreviations or letters that would induce a reasonably knowledgeable consumer of such services to believe the privately certified individual using them is occupationally regulated by the government," but permits use of the term "privately certified."


	<ul style="list-style-type: none"> • Provides that an individual who “knowingly and falsely claims to be privately certified pursuant to this act is subject to penalties under the state’s deceptive trade practices act.” • Provides the Secretary of State with enforcement of the act and the authority to terminate the registration of participating private certifying organizations. • Provides exceptions that nothing in the act shall be construed to, among other things: <ul style="list-style-type: none"> ○ Limit damages in a private civil action against an individual who is privately certified or who knowingly and falsely claims to be privately certified; ○ Require a private party or the government to do business with an individual who is not licensed, certified or registered with the government; ○ Create a cause of action against a private party or the government; ○ Require a private certification organization to participate and register with the government; ○ Increase the authority of the government to regulate nonparticipating private certification organizations;
<p>Comments and Proposed Changes</p>	<ul style="list-style-type: none"> • This bill provides a more limited variant of Consumer Choice and Right to Earn a Living bills. It sets up the state as, in effect, an alternative accreditor of private certification programs, and uses private certification as a pathway for individuals to avoid licensure provided that they disclose their lack of a license to consumers. This removes the state oversight and enforcement function from regulated professions and shifts it onto private certification organizations. • Amend to delete Section 4 (“Right to Engage in Lawful Occupation”) and Section 5 of the bill, in order to remove the consumer choice aspects of the bill. • The bill opens the door to credential-purchasing organizations masquerading as private certification organizations, Amend definition of “Private Certifying Organization” to “a nongovernmental organization that issues credentials that are widely recognized in the field based on demonstrated qualifications relevant to performance of the occupation to which the certification pertains, including by the individual’s demonstration through examination or assessment that the individual has a specified level of knowledge, competency, or skill required to meet standards in the profession, and that allows any individual to apply for private certification regardless of the individual’s race, creed, color, ethnicity, national origin, religion, sex, sexual orientation, or marital status.”

	<ul style="list-style-type: none"> • The definition of “private certification” should be revised to state that “‘Private Certification’ means a nontransferable recognition by a private certifying organization that an individual meets the personal qualifications relevant to performance of the occupation to which the certification pertains, including by demonstrating through performance on an assessment or examination a specified level of knowledge and skill required to meet standards in the profession, as determined by the private certifying organization.” • Delete Section 3(C)(4) that requires a privately certified individual to prominently display the private certification and make available materials about the qualifications and other factors required for the private certification, as certification organizations should not compel certificants to advertise or rely on their certifications. • Amend Section 7(D) to add: “(10) Alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.” • Amend Section 7(D) to add: “(11) Restrict an individual from using the title ‘certified’ or the title ‘registered’ to the extent that title reflects a credential held by the individual that was issued by a private certification organization that confers credentials to individuals meeting the qualifications set by the organization’s certification or certificate program.” • Amend Section 7(D) to add: “(12) Prevent the government from regulating a profession or occupation and impose licensure requirements for practice of that occupation if the licensure requirements are based on uniform national laws, practices, and/or examinations that have been adopted by at least two-thirds of states and territories in the United States.”
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State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
OK	SB 542  *REPEAT*	02/01/2021	Nathan Dahm (R)	First reading (02/01/2021)	In Senate	Oppose	High
Bill Summary		<ul style="list-style-type: none"> • Category: Review and Repeal • Note: this bill is a reintroduction of SB 651—monitored on the 2020 watchlist—which failed to meet a previous crossover deadline. • Creates the “Right to Earn a Living Act.” • Requires every agency to conduct a comprehensive review of all occupational regulations and occupational licenses within their jurisdiction, and (1) “articulate with specificity the public health, safety, or welfare objective(s) served by the regulation, (2) “articulate the reasons why the regulation is necessary to serve the specified objectives,” (3) analyze, where information is readily available, the effects of regulation on opportunities for 					


	<p>workers, consumer choices and costs, general unemployment, market competition, governmental costs and other effects; and (4) “compare the regulation to whether and how other states regulate the business or profession.”</p> <ul style="list-style-type: none"> • Provides that “all occupational regulations shall be limited to those demonstrably necessary and carefully tailored to fulfill legitimate public health, safety or welfare objectives.” If an agency determines that this standard is not met, it must repeal or modify the regulation or recommend that the legislature take action giving authority to the agency to repeal or modify the regulation. • Provides that the term “‘Welfare’ shall be narrowly construed to encompass protection of members of the public against fraud or harm.” • Requires each agency to report to the legislature on all actions taken to conform with the Act. • Provides that any person may petition any agency to repeal or modify any occupational regulation or file an action in court to challenge an occupational regulation. • Provides that a court can enjoin enforcement of a regulation and award attorney’s fees as costs to the petitioner if the court determines that the agency has failed to prove by “a preponderance of evidence that the challenged occupational regulation is not demonstrably necessary and carefully tailored to fulfill legitimate public health, safety or welfare objectives” or “where the challenged occupational regulation is necessary to the legitimate public health, safety or welfare objectives, such objectives can be effectively served by using a less restrictive regulation.” • “Private certification” is listed as the third least restrictive form of regulation.
<p>Comments and Proposed Changes</p>	<ul style="list-style-type: none"> • This bill is a more direct threat to occupational licensing. Unlike other bills calling for a commission or a report, this bill mandates that agencies repeal regulations that do not meet the designated evidentiary standards. It also allows a private cause of action for individuals to challenge occupational licensing regulations. • Efforts to broaden the kinds of information agency must consider may be advisable, as well as broadening the definition of public welfare an agency or a court may consider. • The bill invites expensive litigation over regulations. • The PCC opposes passage of the private cause of action provisions of the bill, even if amended to add safe harbors to protect both regulatory recognition of private certifications and statutory prohibitions on deceptive trade practices.


South Carolina	Session Dates	Crossover Deadline	Carryover to 2022
	Jan. 12 – Dec. 31, 2021		Yes

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
SC	S 295  *NEW*	12/9/2020	Wes Climer (R)	Referred to Committee on Labor, Commerce and Industry (01/12/2021)	In Senate	Amend	High
Bill Summary		<ul style="list-style-type: none"> • Category: Ex-Offender Reentry • Prohibits a regulatory board or commission from denying a license – solely or in part – to an applicant “because of a prior criminal conviction unless the criminal conviction directly relates to the duties and responsibilities of the occupation or profession for which the applicant is seeking a license.” • Requires each regulatory board or commission to “make available to all license applicants a comprehensive list of criminal convictions that are specific and directly related to the duties and responsibilities of the occupation or profession regulated by the board or commission.” • Prohibits regulatory boards or commissions from using “vague or generic terms, including, but not limited to, ‘moral turpitude’ or ‘good character,’ and from considering arrests without a subsequent conviction as a justification for denying an applicant a license.” • Requires the applicable regulatory board or commission to apply a “clear and convincing” standard of proof when determining whether an applicant with a criminal conviction should be denied a license, and to consider the following factors: <ul style="list-style-type: none"> ○ The nature and severity of the crime for which the applicant was convicted; ○ The length of time since the applicant’s conviction; ○ The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation for which the applicant is seeking licensure; and ○ Any evidence of rehabilitation or treatment undertaken by the applicant that may mitigate the relationship referred to the relationship referred to above. • If an applicant has a disqualifying criminal conviction, the disqualification cannot last for longer than 5 years from the date of the conviction, “provided that the conviction is not for a violent crime or criminal sexual conduct and that the applicant has not been convicted of another disqualifying crime during that five-year period.” • Allows an applicant with a criminal record to petition a regulatory board or commission for a determination of whether the applicant’s criminal record will disqualify them from eligibility for a license. 					

	<ul style="list-style-type: none"> ○ The responsive determination must be made based on a “clear and convincing” evidentiary standard and must be binding “unless the applicant has subsequent criminal convictions or failed to disclose relevant information in his petition.” • “If a regulatory board or commission denies a permit application solely or in part because of the applicant’s prior conviction of a crime, then the regulatory board or commission must notify the applicant in writing of its decision,”
<p>Comments and Proposed Changes</p>	<ul style="list-style-type: none"> • The provision that a regulatory board may not “solely or in part deny a license to an applicant because of a prior criminal conviction” could be used to create an exception to licensure requirements for certification, if the loss of certification was due to a criminal conviction. • The automatic end of disqualification five years after date of conviction with an exception only for violent crimes does not protect the public from licenses being granted to those convicted of fraud or other serious but not violent crimes, and it makes an exception only in the case of a conviction (rather than pending charges) within that five-year period. • A pre-determined list of criminal convictions that are “directly related” to certain professions removes important discretion from licensing agencies and as a result, provides insufficient protections to the public. Replace Section 40-1-75(B) with, “A criminal conviction is ‘specific and directly related to the duties and responsibilities of an occupation or profession’ if the circumstances of the offense and the nature of the occupation would create an unreasonable risk to public safety or welfare for an ex-offender to practice the licensed profession.” • Add to the list of factors in Section 40-1-75(C)(1) that a licensing agency should consider when determining whether to deny a license a new subsection (e) “whether the applicant poses an unacceptable risk to the people with whom the applicant would interact in the conduct of the profession or occupation.” • Amend the provision establishing early binding determinations of disqualifications to treat such decisions as preliminary, and to allow the licensing authority to consider any new evidence relevant to the application at the time it is made, and not just subsequent convictions or identification of failures to disclose information. For example, subsequent pending criminal charges of evidence of an active substance abuse problem may be a legitimate reason to deny a license. • Add a safe harbor provision: “Nothing in this section shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter or impair any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.”

	<ul style="list-style-type: none"> Propose PA SB 637 (from 2020) as a better model.
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State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
SC	H 3474  *NEW*	12/16/2020 <i>*prefiled</i>	Leola Robinson (D)	Member(s) request name added as sponsor: J. L. Johnson (01/13/2021)	In House	Amend	High

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
SC	H 3474  *NEW*	12/16/2020 <i>*prefiled</i>	Leola Robinson (D)	Member(s) request name added as sponsor: J. L. Johnson (01/13/2021)	In House	Amend	High
Bill Summary		<ul style="list-style-type: none"> Category: Ex-Offender Reentry Prohibits a public or private employer from inquiring into, considering, or requiring disclosure of “the criminal record or criminal history of an applicant for employment until the applicant has been selected for an interview by the employer” or “before a conditional offer of employment is made to the applicant.” Exempts the Department of Corrections or employers “who have a statutory duty to conduct a criminal history background check or otherwise take into consideration a potential employee’s criminal history during the hiring process.” Prohibits an individual from being disqualified from “pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime, unless the crime for which he was convicted directly relates to the position of employment sought or the occupation for which the license is sought.” When determining whether a conviction “directly relates” to the “occupation for which the license is sought,” the following factors must be considered: <ul style="list-style-type: none"> The nature and seriousness of the crime for which the individual was convicted; The relationship of the crime or crimes to the purposes of regulating the position of public employment sought or the occupation for which the license is sought; and The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation. Prohibits disqualifying an individual with a criminal conviction that directly relates to the “occupation for which a license is sought” if the individual “can show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the public employment sought or the occupation for which the license is sought.” “Competent evidence of sufficient rehabilitation” may include: <ul style="list-style-type: none"> The production of the person’s most recent certified copy of a United States Department of Defense form 214 (DD-214) showing the person’s honorable discharge, or separation under honorable conditions, from the United States armed forces for military service rendered following conviction for any crime that would 					

	<p>otherwise disqualify the person from the public employment sought or the occupation for which the license is sought</p> <ul style="list-style-type: none"> ▪ Except if the person is convicted for any gross misdemeanor or felony committed after the effective date of the honorable discharge or separation from military service ○ A copy of the local, state, or federal release order, ○ Evidence showing that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime; and evidence showing compliance with all terms and conditions of probation or parole, or ○ A copy of the relevant Department of Corrections discharge order or other documents showing completion of probation or parole supervision <ul style="list-style-type: none"> • A licensing authority may also consider any evidence presented by the applicant regarding <ul style="list-style-type: none"> ○ The nature and seriousness of the crime for which he was convicted; ○ All circumstances relative to the crime, including mitigating circumstances or social conditions surrounding the commission of the crime; ○ The age of the person at the time the crime was committed; ○ The length of time elapsed since the crime was committed; ○ Letters of reference by people who have been in contact with the applicant since the applicant's release from any local, state, or federal correctional institution • A licensing authority that disqualifies an individual “from pursuing, practicing, or engaging in any occupation for which a license is required, solely or in part because of the individual's prior conviction of a crime,” must notify the individual in writing • The provisions of this section must prevail over any other laws and rules which purport to govern the granting, denial, renewal, suspension, or revocation of a license
<p>Comments and Proposed Changes</p>	<ul style="list-style-type: none"> • The provision that no person may be “disqualified from pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime” could be used to create an exception to licensure requirements for certification, if the loss of certification was due to a criminal conviction and also to challenge denials of private professional certification. Add a safe harbor provision: “Nothing in this section shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.”

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| | <ul style="list-style-type: none">• The list of evidence of “sufficient rehabilitation” is scanty. Amend Section 3(a) to provide that “Competent evidence of sufficient rehabilitation should be documented, and must include but shall not be established solely by ...”• Add to Section 41-1-35 (D)(2) a new subsection (d), “Whether the circumstances of the offense and the nature of the occupation would create an unreasonable risk to public safety or welfare for an ex-offender to practice the licensed profession.”• Add a new provision after Section 41-1-35 (D)(3)(a) to state “The applicant must also provide information about the applicant’s activities since the conviction as well as additional information requested by the licensing authority that is relevant to the licensing authority’s determination of the sufficiency of the evidence of mitigation or rehabilitation and fitness to perform the duties of the occupation. The applicant must also disclose any pending charges against the applicant at the time of the application and during the licensing authority’s consideration of the application.”• Propose PA SB 637 (from 2020) as a better model. |
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Texas	Session Dates	Crossover Deadline	Carryover to 2022
	Jan. 12 – May 31, 2021		No

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
TX	HB 757 *NEW*	12/8/2020	Rep. Harold Dutton (D)	Filed (12/8/2020)	Prefiled	Amend	Medium
Bill Summary		<ul style="list-style-type: none"> • Category: Ex-Offender Reentry • Prohibits using “an offense for which the defendant received a dismissal and discharge” as grounds for “denying issuance of a professional or occupational license to, or suspending or revoking the professional or occupational license of, an individual otherwise entitled to or qualified for the license.” • Allows using “an offense for which the defendant received a dismissal and discharge” as grounds for “denying, suspending, or revoking a professional or occupational license, if the offense is: <ul style="list-style-type: none"> ○ Listed in Article 42A.054(a) (first degree felony, murder, aggravated kidnapping, trafficking of persons, indecency with a child, sexual assault, injury to a child, elderly individual, or disabled individual, aggravated robbery, burglary, prostitution etc.) ○ Described by Article 62.001(5) or (6) (a “reportable conviction or adjudication” or “sexually violent offense”) ○ Committed under Chapter 21 or 43 of the Penal Code (“sexual offenses” and “public indecency”) ○ Related to the activity or conduct for which the person seeks or holds the license • Removes the provision allowing the Department of Family and Protective Services to consider “the fact that the defendant previously has received deferred adjudication community supervision” when “issuing, renewing, denying, or revoking” a license under Chapter 42, Human Resources Code • Removes the provision allowing the Council on Sex Offender Treatment to consider “the fact that the defendant previously has received deferred adjudication community supervision” when “issuing, renewing, denying, or revoking a license issued by that Council” 					
Comments and Proposed Changes		<ul style="list-style-type: none"> • That this bill requires individuals to be “otherwise entitled to or qualified for the license” means that licensure requirements for professional certification would still be enforced. The bill still needs to be improved to better protect the public and certification organizations that rely on licensure decisions. • Amend Article 42A.111(c-2)(2)(B) to read “sufficiently related to the activity or conduct for which the person seeks or holds the license” 					

	<ul style="list-style-type: none"> • Add a new section (c-3) “An offense is ‘sufficiently related’ to the activity or conduct for which the person seeks or holds the license if the circumstances of the offense and the nature of the occupation would create an unreasonable risk to public health, safety or welfare for an ex-offender to practice the licensed profession.” • Add to Article 42A.111(c-2)(2) “or,” after subsection B, and add a new subsection “(C)one that relates to conduct that poses an unacceptable risk to the people with whom the applicant would interact in the conduct of the profession or occupation.” • Add a safe harbor provision: “Nothing in this section shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter or impair any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.”
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State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
TX	HB 758 *NEW*	12/8/2020	Rep. Harold Dutton (D)	Filed (12/8/2020)	Prefiled	Amend	Medium
Bill Summary		<ul style="list-style-type: none"> • Category: Review and Repeal • Creates a commission to study and review all laws of the state that “restrict the rights or activities of persons convicted of a felony offense” including “eligibility for certain occupational licenses.” • The commission shall (1) evaluate all laws that restrict the rights or activities of persons convicted of a felony offense in the context of eligibility for certain occupational licenses and (2) “make recommendations to the legislature regarding the repeal or amendment of laws that are identified as being overly restrictive or not otherwise serving the best interest of justice” • Not later than November 1, 2022, the commission shall report their findings and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, the Supreme Court of Texas, and the Texas Court of Criminal Appeals and include “any specific statutes that the commission recommends repealing or amending.” 					
Comments and Proposed Changes		<ul style="list-style-type: none"> • The bill only calls for review and a report to the legislature with recommendations, the recommendations are not binding, and unlike some other review and repeal bills, do not have the force of law in eliminating regulations or licensing agencies. But it creates unnecessary burdens on some licensing agencies and may have a downstream impact on regulated professions that require professional certification. • Add a safe harbor provision: “the department may exempt from its review and reporting requirements any licensure requirements for any occupation for which the licensure requirements are based on uniform national 					

	laws, practices, and/or examinations that have been adopted by at least two-thirds of states and territories in the United States.”
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Virginia	Session Dates	Crossover Deadline	Carryover to 2022
	Jan. 8, 2020 – Feb. 13, 2021		No

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
VA	HB 601 *2020*	1/6/2020	Nicholas J. Freitas (R)	House: Left in General Laws (2/11/2020)	In House	Oppose	High
Bill Summary		<ul style="list-style-type: none"> • Category: Right to Earn a Living • Note: Carryover to 2021 of bill from prior legislative session. • Permits any person from petitioning an agency to request the agency to review an existing regulation for compliance with the provisions of § 54.1-100 (which provides that Virginia cannot abridge a person’s right to engage in any lawful profession, trade, or occupation unless “it is clearly found that such abridgment is necessary for the protection or preservation of the health, safety, and welfare of the public and (ii) any such abridgment is no greater than necessary to protect or preserve the public health, safety, and welfare” and allows for occupational regulation only “for the exclusive purpose of protecting the public interest when: [among other factors] the unregulated practice of the profession or occupation can harm or endanger the health, safety or welfare of the public, and the potential for harm is recognizable and not remote or dependent upon tenuous argument).” The bill also provides a process for an agency to respond to such a petition; if the agency finds that the regulation is not in compliance with § 54.1-100 the agency “shall take appropriate steps to repeal such regulation.” • Permits any individual feeling burdened by an occupational regulation to challenge the regulation in court, provided they can meet the burden of “demonstrat[ing] by a preponderance of the evidence that the challenged occupational regulation on its face or in its effect burdens the entry into or participation in an occupation;” if this burden is met, the burden shifts to the agency “to demonstrate by a preponderance of the evidence that the challenged occupational regulation is necessary to protect or preserve the health, safety, and welfare of the public and otherwise complies with the provisions of § 54.1-100. 					
Comments and Proposed Changes		<ul style="list-style-type: none"> • The bill invites expensive and distracting litigation over regulations and does not exempt any professions from its coverage. • Almost any individual seeking to enter a regulated profession can meet the burden of establishing that a regulation “burdens the entry into” a profession. As a practical matter, this means the bill will almost always place the burden of justifying a regulation on the state. 					

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| | <ul style="list-style-type: none">• The bill exempts no professions from its provisions, including traditionally regulated professions such as healthcare practitioners, lawyers, CPAs, etc.• Safe harbors should be added to protect both regulatory recognition of private certifications and statutory prohibitions on deceptive trade practices. To cut down on expensive and unnecessary litigation, challenges should be permitted only for professions that are not subject to similar regulation in at least half of the other states. |
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Wyoming	Session Dates	Crossover Deadline	Carryover to 2022
	Jan. 12, 2021 – Mar. 5, 2021		No

State	Bill #	Introduced	Primary Sponsor(s)	Last Action	Status	Position	Priority
WY	SF 15 *NEW*	12/28/2020	Joint Committee on Corporations, Elections and Political Subdivisions	Introduced and Referred to S07 – Corporations (01/12/2021)	In Senate	Amend	Medium
Bill Summary		<ul style="list-style-type: none"> • Category: COVID-19 • Allows a board that is “authorized to establish examination, inspection, permit, or license fees” for regulated professions or occupations to “waive or modify statutory examination or continuing education requirements or other statutory requirements for licensure or permitting” if the following applies: <ul style="list-style-type: none"> ○ The examination is not being given or is not practicably available; ○ Continuing education opportunities are not practicably available; or ○ The statutory requirement could not be met due to public health orders or weather conditions • Permits a licensing or certifying authority to “impose reasonable or necessary restrictions or requirements on a license, certification or practice authority affected by a waiver or modification” under the above conditions • Requires waivers or modifications lasting longer than 2 years to be reported to the appropriate legislative committee 					
Comments and Proposed Changes		<ul style="list-style-type: none"> • To ensure that a temporary measure does not become a permanent removal of certification requirements, amend subsection (b) to add a sentence after (b)(iii): “Any such waiver or modification shall be temporary, and shall require, as a condition of continued licensure or permission, that the licensed or permitted individual satisfy the examination, continuing education, or other statutory requirement within a reasonable time period, to be specified by the board, once the opportunity to satisfy those requirements is again available.” • Add a safe harbor provision: “Nothing in this section shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter or impair any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure after the temporary waiver or modification period has passed.” 					

