



"Watch-List" Bills 2019; updated as of 3/20/2019					
State	Bill #	Introduced	Status	Summary	Comments and Proposed Changes
AL Crossover Deadline: 26 th legislative day Session ends: 6/17/19	H.B. 91	3/5/2019 Sponsor: Rep. Randall Shedd	3/5/2019 Read for the first time and referred to the House Committee on Boards, Agencies and Commissions	<ul style="list-style-type: none"> Amends existing law on review of agency functions. Defines a "license" to mean "any license, certificate, or other evidence of qualification that an individual is required to obtain before he or she may engage in or represent himself or herself to be a member of a particular profession or occupation." Existing law requires that the Sunset Committee reviewing enumerated or nonenumerated agencies, hold public hearings and receive testimony from the public and all interested parties; provides that all enumerated or nonenumerated agencies shall bear the burden of establishing that sufficient public need is present which justifies their continued existence. Amends existing law to provide that all enumerated or nonenumerated agencies shall provide the reviewing and evaluating committee with "all of" the following information: (1) The identity of all agencies under the direct or advisory control of the agency under review;" (2) All powers, duties, and functions currently performed by the agency under review; (3) All constitutional, statutory, or other authority under which the powers, duties, and functions of the agency are carried out; (4) Any powers, duties, or functions which, in the opinion of the agency under review, are being performed and duplicated by another agency within the state, including the manner in which and the extent to which this duplication of efforts is occurring and any recommendations as to eliminating the duplication; (5) Any powers, duties, or functions which, in the opinion of the agency under review, are inconsistent with current and projected public needs and which should be terminated or altered; (6) <i>An accurate measure of the effectiveness of the recruitment and assistance program developed and maintained by the agency under review pursuant to Section 41-9A-1. 21;</i> (7) Any other information which the reviewing committee, in its discretion, feels is necessary and proper in carrying out its review and evaluative duties." 	<ul style="list-style-type: none"> No intervention is warranted at this time. Although the term "license" is not defined to exclude private certification organizations, the statute the bill amends refers to any "license issued by any agency."



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AR Crossover Deadline: None Session ends: 4/5/2019	S.B. 175	1/28/2019 Sponsor: Sen. John Cooper (R)	2/13/2019 Amendment #2 read the first time, rules suspended, read the second time and adopted, ordered engrossed; Re-referred to Public Health, Welfare and Labor Committee – Senate	[Bill as amended under consideration as of 02/13/2019] <ul style="list-style-type: none"> Provides that an occupational licensing entity "with authority to waive disqualification or revocation of an occupational licensure for an offense listed within the licensing requirements of the Arkansas Code when a person has pleaded guilty or nolo contendere to or has been found guilty of any listed offense" shall consider factors enumerated in the bill upon the request of an affected applicant for licensure or the person holding a license subject to revocation. The factors to be considered: The age at which the offense was committed; the circumstances surrounding the offense; the length of time since the offense was committed; subsequent work history since the offense was committed; employment references since the offense was committed; character references since the offense was committed; relevance of the offense to the occupational licensure; and other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public. Requires an occupational licensing entity to establish criteria that indicate the passage of a criminal background check based upon the occupational criteria for occupational licensure. 	<ul style="list-style-type: none"> This bill takes a different approach than bills in other states that focus on reducing barriers to reentry for those with criminal convictions, adopting a more individualized assessment process and avoiding any evidentiary presumptions. Nothing in the bill directly touches on private certification organizations, but it would be helpful 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."
AR Crossover Deadline: None Session ends: 4/5/2019	S.B. 171	1/28/2019 Sponsor: Sen. John Cooper (R)	3/19/2019 Withdrawn by author	<ul style="list-style-type: none"> Creates the "Sunrise and Sunset Occupational Licensing Commission" ("Commission"); provides for qualifications for appointment to the Commission; provides for Commission procedures. Provides that "no later than December 31st of an even-numbered year [unless an exception is made by the chair of the commission], a member of the General Assembly or the executive branch may submit proposed legislation that would create an occupational licensure or occupational licensing entity, or both, or significantly affect an existing occupational licensure or occupational licensing entity, or both, to the Sunrise and Sunset Occupational Licensing Commission for review." 	<ul style="list-style-type: none"> Results of sunrise and sunset reviews do not automatically result in changes to regulations or statutes. The review process does consider public welfare beyond narrow safety or health interests. The review process contains no evidentiary presumptions Would be helpful to add a provision requiring the Commission to request information from any relevant private certification organization that might be affected by the review before submitting its report.



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				<ul style="list-style-type: none">• Requires the Commission to review all legislation that would create a new occupational licensure or occupational licensing entity and/or significantly affect an existing occupational licensure or occupational licensing entity to determine whether "(A) The unregulated practice of the occupation would be inconsistent with the public health and safety interest; (B) The public can reasonably be expected to benefit from an assurance of initial and continuing professional skill sets or competencies; or (C) The public can be more effectively protected by means other than state regulation."• "Public health and safety interest" is defined as "protections from items or events that can cause disease, illness, injury to a person or damage to property, or financial harm, or have detrimental effects on the public good."• Requires the Commission to submit recommendations to the Speaker of the House of Representatives and the President Pro Tempore of the Senate regarding the need for the regulation of the occupation.• Requires the Commission to review the occupational licensure of all occupational licensing entities on a six-year rotating basis and consider the following to make a recommendation and on the abolition, transfer, continuation, or reorganization of each occupational licensing entity or licensure: "(i) Whether the occupational licensure serves a meaningful, defined public health and safety interest and provides the least restrictive form of regulation that will adequately protect the public health and safety interest; (ii) The extent to which the regulatory objective of the occupational licensure may be achieved through market forces, private or industry certification and accreditation programs, or enforcement of other laws; (iii) The extent to which occupational licensure ensures that applicants have occupational skill sets or competencies that correlate with a public health and safety interest and the effect that the occupational licensure has on applicants,	



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				<p>particularly individuals with moderate or low incomes who are seeking to enter the occupation or profession; and (iv) The impact of regulation, including the extent to which occupational licensure stimulates or restricts competition and affect consumer choice and the cost of services."</p> <ul style="list-style-type: none"> Requires the Commission to make a report to the Governor. 	
AR	S.B. 264	2/5/2019	3/19/2019	<ul style="list-style-type: none"> Provides that an individual shall not be disqualified from pursuing, practicing, or engaging in any occupation or profession for which licensure is required solely or in part because of a prior conviction of a crime, unless the crime for which the individual was convicted directly relates to the duties and responsibilities of the occupation or profession. Requires licensing entities to revise existing rules concerning licensure to explicitly list the specific criminal convictions that could disqualify an applicant from receiving licensure for a particular occupation or profession and to remove the phrases "moral turpitude" and "good character" from occupational licensing laws. Provides that an individual with a criminal record may petition a licensing entity at any time for a determination of whether the criminal record of the individual will disqualify the individual from licensure. 	<ul style="list-style-type: none"> Change all references to "certificate" to "state-issued certificate" and change all references to "any examination" to "any examination developed and administered by the state." 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."
Crossover Deadline: None	"Fresh Start Act of 2019"	Sponsors: Sen. Trent Garner (R); Rep. Austin McCollum (R)	Re-referred as amended to Senate Public Health, Welfare, and Labor Committee		
Session ends: 4/5/2019					
AR	S.B. 451	2/27/2019	3/19/2019	<ul style="list-style-type: none"> Amends existing law to provide that if an individual has been convicted of a crime listed in the statute, a licensing entity may waive disqualification or revocation of a license based on the conviction if a request for waiver is made by (a) an affected applicant for a license; or (b) the individual holding a license subject to revocation. Provides a list of crimes that results in permanent disqualification for licensure. Provides that if an individual has a valid criminal conviction for an offense that could disqualify the individual from receiving a license, the disqualification shall not be considered for more than five (5) 	<ul style="list-style-type: none"> Note: Bill sponsor hospitalized. Does not warrant intervention at present.
Crossover Deadline: None		Sponsor: Sen. John Cooper	Passed Senate; referred to House Judiciary Committee		
Session ends: 4/5/2019					



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				<p>years from the date of conviction or incarceration or on which probation ends, whichever date is the latest, if the individual: (a) was not convicted for committing a violent or sexual offense; and (b) has not been convicted of any other offense during the five year disqualification period.</p> <ul style="list-style-type: none"> Prohibits the licensing entity from using vague or generic terms, including without limitation the phrase "moral turpitude" and "good character." 	
AR	H.B. 1527	2/20/2019	3/20/2019	<ul style="list-style-type: none"> Creates the "Red Tape Reduction Sunrise and Sunset Act of 2019." Provides that the state will conduct a periodic comprehensive review of all occupational authorizations and the occupational entities that issue them. States that it "is the intent of the General Assembly to determine and implement the least restrictive form of occupational authorization to protect consumers from significant and substantiated harms to public health and safety." Provides that "If the Legislative Council finds substantiated evidence of significant harm arising from ... (H) Shortfalls or lack of knowledge about the good or service among consumers relative to the occupational practitioner's knowledge, the Legislative Council may recommend legislation enacting government-required certification or other occupational authorization, Requires the Legislative Council to review each occupational authorization and each occupational entity on an annual rotating basis to determine if the existing occupational authorization or occupational entity, or both, is consistent with the intent described in the statute. Requires the Legislative Council to analyze "whether consumers are sufficiently protected by competition, public knowledge of the reputations of occupational practitioners, private ratings and 	<ul style="list-style-type: none"> Amend Sec. 10-3-318(e)(2) to state that "If the Legislative Council finds substantiated evidence of significant harm arising from ... (H) Shortfalls or lack of knowledge about the good or service among consumers relative to the occupational practitioner's knowledge, the Legislative Council may recommend legislation enacting government-required certification or other occupational authorization, unless suitable, private certification for the relevant occupation is available. As used in this section, "suitable" means widely recognized as reflecting established standards of competency, skill, or knowledge in the field. Amend Sec. 10-3-318(b) to state that "It is the intent of the General Assembly to determine and implement the least restrictive form of occupational authorization to protect consumers from significant and substantiated harms to public health and safety. "Public health and



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				<p>reviews, private certification, voluntary bonding, and voluntary insurance;"</p> <ul style="list-style-type: none"> • The Legislative Council must make recommendations to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, but is not required to recommend any legislative reform for any particular occupational authorization or occupational entity. • Provides that the Legislative Council may recommend legislation with a combination of occupational authorization, including regulation with a private remedy, third-party or consumer-created ratings reviews, or private certification. • Requires occupational entities to file a report with the Governor or the Legislative Council, under a timeline determined by the Legislative Council. 	<p>safety, as used in this Chapter, includes protections from items or events that can cause disease, illness, injury to a person or damage to property, or financial harm, or have detrimental effects on the public good."</p> <ul style="list-style-type: none"> • Add a new Section Sec. 10-3-318(h): "Nothing in this Chapter is intended to restrict an agency from requiring, as a condition 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. The state may regulate and adopt 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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AZ Crossover Deadline: 2/22/2019 Session ends: 4/27/2019	H.B. 2660	2/8/2019 Sponsor: Rep. John Allen (R)	3/7/2019 Senate Second Read	<ul style="list-style-type: none">Amends existing law that a person with a criminal record may petition an agency, at any time, including before obtaining any required education or experience, taking any examination or paying any fee, for a determination of whether the person's criminal record disqualifies the person from obtaining a license, permit, certificate or other state recognition.	<ul style="list-style-type: none">Change all references to "certificate" to "state-issued certificate" and change all references to "any examination" to "any examination developed and administered by the state."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."



<p>AZ</p> <p>Crossover Deadline: 2/22/19</p> <p>Session ends: 4/27/19</p>	<p>H.B. 2231</p>	<p>1/16/2019</p> <p>Sponsor: Rep. Anthony Kern (R)</p>	<p>3/4/2019</p> <p>Third Reading – FAILED</p> <p>Committee of the Whole - RET ON CAL</p> <p>2/12/2019</p> <p>Committee Report: Rules, constitutional and in proper form, 8-0-0-0- 0-0; House Consent</p>	<ul style="list-style-type: none">• Amends existing law to provide that the committees established by the legislature to issue sunset review reports on regulatory agencies must consider the extent to which an occupational regulation meets the requirements under the law for regulating non-health professions and occupations.• Provides that “there is a rebuttable presumption that the public is sufficiently protected from unregulated practice by market competition and private remedies, including third-party or consumer-created ratings and reviews of private certification.”• Provides that the state shall regulate a profession or occupation only if “there is credible empirical evidence of present, significant and substantiated harm that the unregulated practice threatens the public health, safety or welfare” in the state, that the “actual or anticipated public benefit of the regulation clearly exceeds the costs imposed on consumers, businesses and individuals,” that “the public needs and can reasonably be expected to benefit from government regulation,” and that “the public cannot be effectively protected by less restrictive regulations.”• States that certain requirements of the section “do not preempt federal regulations or require a private certification organization to grant or deny private certification to an individual.”• Adds that “an individual may use the title ‘certified’ as allowed by a private organization that grants private certification.”	<ul style="list-style-type: none">• The definition in Section 41-3501(8) should be revised to state that “‘Private Certification’ means a voluntary program in which a private organization 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 and skill required to meet standards in the profession, as established by the private organization.”• Section 51-3502(D) should be revised to add that “nothing in this Article is intended to restrict an agency from requiring, as a condition 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 another safe harbor provision: “the state may regulate and adopt 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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CA Crossover Deadline: 5/31/19 Session ends: 9/13/19	A.B. 193	1/10/2019 Sponsor: Assemb. Jim Patterson (R)	3/6/2019 Re-referred to Committee on Committee on Business, Professions and Consumer Protection	<ul style="list-style-type: none">• Requires the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency to, beginning in 2021, conduct a comprehensive review of all occupational licensing requirements and identify unnecessary licensing requirements that “cannot be adequately justified”.• Requires the department to report to the Legislature on January 1, 2023, and every 2 years thereafter, on the department’s progress, and requires the department to issue a final report to the Legislature no later than January 1, 2033.• Requires the department to apply for federal funds that have been made available specifically for the purpose of reviewing, updating, and eliminating overly burdensome licensing requirements, as provided	<ul style="list-style-type: none">• Current version does not warrant intervention.• The bill provides no parameters to define the criteria on which the department “shall identify unnecessary licensing requirements that cannot be adequately justified.” As such, the bill requires a purely procedural review process
CO Crossover Deadline: 2/22/19 Session ends: 5/3/19	H.B. 19- 1117	2/4/2019 Sponsor: Rep. Shane Sandridge (R)	2/13/2019 House Committee on Business Affairs & Labor Postpone Indefinitely (Bill did not advance prior to crossover deadline).	<ul style="list-style-type: none">• Current law requires the department of regulatory agencies (“department”) to analyze whether to begin or continue the regulation of a profession or occupation based on several factors.• In conducting a review of a regulation, the department must “rebuttably presume that consumers are sufficiently protected by market competition and private remedies.”• Requires the department to find a present, significant, and substantiated harm to consumers before recommending regulation; the department must recommend only the “least restrictive occupational regulation that addresses the harm.”• Provides guidelines for the “least restrictive” regulation required, including that if “a consumer’s limited knowledge about the good or service relative to the seller’s greater knowledge, the department may recommend the enactment of a voluntary private or government certification.”• “Private certification” is listed as the third least restrictive form of regulation.• Requires the department to review regulatory agencies and functions for repeal, continuation, or reestablishment.	<ul style="list-style-type: none">• Section 24-34-104.1(G) should be revised to state: “A consumer’s limited knowledge about the good or service relative to the seller’s greater knowledge, the department may recommend the enactment of government certification unless suitable, private certification for the relevant occupation is available. As used in this section, “suitable” means widely recognized as reflecting established standards of competency, skill, or knowledge in the field.”• Section 24-34-104. (a.5)(l) should be revised to state: “In conducting the analysis and evaluation of the need for the continued existence of an occupational regulation in accordance with this section, the department of regulatory agencies shall rebuttably presume that consumers are sufficiently protected by market competition and private remedies. For purposes of this Chapter, “private remedies” shall include the measures listed in subsection 3(a)(iv)(8)(a)-(f). Nothing in



					<p>this Chapter 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."</p> <ul style="list-style-type: none"> • Add another safe harbor provision: "the state may regulate and adopt 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."
<p>IA</p> <p>Crossover Deadline: None</p> <p>Session ends: 5/3/19</p>	<p>H.F. 666</p> <p>and</p> <p>H.S.B. 180</p>	<p>H.F. 666:</p> <p>3/8/2019</p> <p>Sponsor: IA House Committee on Labor</p> <p>H.S.B. 180:</p> <p>2/19/2019</p> <p>Sponsor: IA House Committee on Labor</p>	<p>H.F. 666:</p> <p>3/14/2019</p> <p>Amendments H-1034 and H-1035 filed.</p> <p>H.S.B. 180:</p> <p>3/5/2019</p> <p>Committee report, recommending amendment and passage.</p>	<ul style="list-style-type: none"> • Instructs the state government efficiency review committee to review and analyze approximately "one-third of all professional licenses, certifications, and registrations available in the state" during each two-year period in which the committee must meet and to recommend. • Authorizes the committee to require the submission of information from the relevant licensing, certifying, and registering entities and other interested parties. • Instructs the committee to recommend that the legislature: <ul style="list-style-type: none"> (a) Repeals a professional license, certification, or registration. (b) Converts and occupational license to a certification or registration or converts a certification to a registration. (c) Changes the requisite qualifications for a professional license, certification, or registration. (d) Redefines the scope of practice of a professional license, certification, or registration." or take other actions • Requires the committee to consider the direct and indirect costs, utility, and health and safety implications of requiring such licenses, 	<ul style="list-style-type: none"> • As written, the bill could apply also to private certifications. Amend "one-third of all professional licenses, certifications, and registrations <i>available in the state</i>" to "one-third of all professional licenses, certifications, and registrations issued by the state " • Add "Nothing in this Chapter 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 another safe harbor provision: "the committee shall not recommend repeal of licensure requirements for any occupation for which the licensure requirements are based on uniform national laws, practices, and/or examinations that have been



				<p>certifications, and registrations and to make recommendations regarding the reviewed licenses, certifications, and registrations in its statutorily mandated report; the general assembly must vote on the adoption of each such report.</p> <ul style="list-style-type: none">• Allows a person seeking to obtain a professional license to submit a petition to a licensing board for a determination as to whether that person's criminal record will disqualify the person from receiving a license from the board.	<p>adopted by at least two-thirds of states and territories in the United States."</p>
<p>IA</p> <p>Crossover Deadline: None</p> <p>Session ends: 5/3/19</p>	<p>S.S.B. 1112</p>	<p>2/5/2019</p> <p>Sponsor: IA Senate Committee on Labor and Business Relations</p>	<p>2/28/2019</p> <p>Subcommittee recommends amendment and passage</p>	<ul style="list-style-type: none">• Sets limitations on the ability of cities and counties to regulate professions and occupations.• Prohibits cities and counties from imposing any new licensing requirements or professional or occupational fees beginning January 1, 2020.• Limits the ability of licensing authorities to refuse to grant a license on the basis of an applicant's criminal record by requiring licensing authorities to specifically list the offenses that could disqualify an applicant and to specifically detail the grounds for disqualification of each applicant.• Provides that a qualified person who commits an additional disqualifying offense during the period of disqualification or who is disqualified based on a violent or sexual crime may not be disqualified for longer than five years following release from incarceration.• Provides that an applicant who is denied a license on the basis of a criminal record is entitled to an administrative review and any review in civil court; the licensing authority bears the burden of proof in such proceedings.• Requires licensing authorities to respond to inquiries as to whether an individual's criminal record would disqualify the individual from obtaining a license.	<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."



IA Crossover Deadline: None Session ends: 5/3/19	S.S.B. 1126	2/6/2019 Sponsor: IA Senate Committee on Labor and Business Relations	2/6/2019 Subcommittee: Guth, Taylor, T. and Whiting.	<ul style="list-style-type: none">• Sets limitations on the ability of cities and counties to regulate professions and occupations.• Prohibits cities and counties from imposing any new licensing requirements or professional or occupational fees beginning January 1, 2020.• Limits the ability of licensing authorities to refuse to grant a license on the basis of an applicant's criminal record by requiring licensing authorities to specifically list the offenses that could disqualify an applicant and to specifically detail the grounds for disqualification of each applicant.• Provides that a qualified person who commits an additional disqualifying offense during the period of disqualification or who is disqualified based on a violent or sexual crime may not be disqualified for longer than five years following release from incarceration.• Provides that an applicant who is denied a license on the basis of a criminal record is entitled to an administrative review and any review in civil court; the licensing authority bears the burden of proof in such proceedings.• Requires licensing authorities to respond to inquiries as to whether an individual's criminal record would disqualify the individual from obtaining a license.	<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."
ID Crossover Deadline: 3/4/2019 Session ends: 3/25/2019	S.C.R. 112	3/18/2019 Sponsor: ID Senate Committee on Judiciary and Rules	3/20/2019 Passed Senate; moved to House	<ul style="list-style-type: none">• Authorizes the Legislative Council to appoint a committee to undertake a study of occupational licensing and certification laws and rules in Idaho.	<ul style="list-style-type: none">• Extends an existing Legislative Committee term; does not warrant intervention at present.



<p>IL</p> <p>Crossover Deadline: 4/12/2019</p> <p>Session ends: 5/31/2019</p>	<p>S.B. 1286</p> <p>and</p> <p>S.B. 1756</p>	<p>S.B. 1886: 2/7/2019</p> <p>Sen. Jason Plummer (R)</p> <p>S.B. 1756: 2/15/2019</p> <p>Sen. Jennifer Bertino- Tarrant (R)</p>	<p>S.B. 1886: 3/6/2019</p> <p>Postponed - Licensed Activities</p> <p>S.B. 1756: 36/2019</p> <p>Postponed - Licensed Activities</p>	<ul style="list-style-type: none">• Creates the Regulatory Sunrise Review Act.• Provides that the General Assembly shall commence the process established by this Act to investigate and review the necessity of new State regulation over a previously unregulated profession by passage of a resolution.• Requires that an applicant that proposes legislation to license a profession or occupation submit a petition for licensure on forms provided by the Department of Financial and Professional Regulation and pay a fee of \$1,000 within 30 days after introduction of the proposed professional regulation legislation. Provides that the Department shall prepare a report within 12 months assessing the need for the proposed new licensure upon receipt of a complete petition and petition fee; the report shall be principally authored by an expert currently associated with an Illinois post-secondary educational institution; the expert must be a labor market economist with a doctoral degree or a person with an advanced quantitative degree and an expertise in post-benefit analysis.• Provides the various requirements, factors, criteria, and standards that must be included in a report; for example, (1) whether regulation is necessary or beneficial, including any potential harm or threat to the public if the profession or occupation is not regulated or specific examples of the harm or threat identified, if any; (2) the efforts that have been made to address any concerns that give rise to the need for regulation, including: (A) voluntary efforts, if any, by members of the profession or occupation to: (i) establish a code of ethics; (ii) help resolve disputes between practitioners and consumers; and (iii) establish requirements for continuing education; (B) the existence of any national accreditation or national certification systems for the profession or occupation; (C) recourse to and the extent of use of existing law; and (D) any prior attempts to regulate the profession or occupation in Illinois; (3) whether alternatives to licensure would be adequate to protect the public interest; and (4) the extent to which regulation might harm the public, including: (A) "whether regulation will restrict entry into the profession or occupation,	<ul style="list-style-type: none">• Current version does not warrant intervention.• This bill does not affect current occupational licensure regulations, only newly proposed occupational licensure regulations.• The bill allows for consideration of harms or threats and does not create evidentiary presumptions or burdens similar to those in the ALEC model bill.• The bill includes an even-handed consideration of benefits and detriments from enacting new licensure.• The bill is supportive of and deferential to private certification programs.
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				<p>including: (i) whether the standards are the least restrictive necessary to ensure safe and effective performance; and (ii) whether persons who are registered or licensed in another jurisdiction that has requirements that are substantially equivalent to those of this State will be eligible for endorsement or some form of reciprocity. "</p> <ul style="list-style-type: none">• Provides that a profession or occupation shall be regulated by the state only when the following criteria are met: "(1) 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; (2) the public can reasonably be expected to benefit from an assurance of initial and continuing professional ability; (3) the public cannot be effectively protected by other means; and (4) regulation of the profession does not impose significant new economic hardships on the public, significantly diminish the supply of qualified practitioners, or otherwise create barriers to service that are not consistent with the public welfare or interest.• Provides that "If there exists a national ... certification system for the profession or occupation that adequately ensures quality and protects the public health, safety, and welfare, regulation by the State shall be restricted to addressing those concerns that are not covered by the national program."	
IL Crossover Deadline: 4/12/2019 Session ends: 5/31/2019	H.B. 3580	2/15/2019 Sponsor: Rep. Justin Slaughter (D)	3/5/2019 Assigned to Judiciary - Criminal Committee	<ul style="list-style-type: none">• Amends the Unified Code of Corrections to provide that a certificate of good conduct that existing law permits to be granted to relieve an eligible offender of any employment, bar also applies to occupational licensing or housing bars.	<ul style="list-style-type: none">• Add a definition of "occupational licensing" to clarify that the term applies only to licensure conditions imposed by and enumerated in state law, and that "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."



<p>IN</p> <p>Crossover Deadline: 2/26/2019</p> <p>Session ends: 4/29/2019</p>	<p>S.B. 384</p>	<p>1/14/2019</p> <p>Sponsors: Sen. Eric Koch (R); Sen. Travis Holdman (R); Sen. Victoria Spartz (R)</p>	<p>1/14/2019</p> <p>First reading: referred to Committee of Commerce and Technology</p> <p>(Bill did not advance prior to crossover deadline)</p>	<ul style="list-style-type: none">• Provides that a small business ombudsman (“ombudsman”) shall review proposed occupational regulations that impose requirements or costs on persons subject to the regulation.• Requires the ombudsman to give a report and approve or deny a regulation after determining if it is the “least restrictive regulation” that would protect consumers from “present, significant, and substantiated harms that threaten public health and safety;” the ombudsman shall presume that market competition and private remedies are sufficient to protect consumer, unless an agency “finds credible empirical evidence of a systemic problem that justifies the adoption of an occupational regulation to protect consumers.”• “If the need is to protect consumers against an imbalance of knowledge about the goods or services relative to the seller’s knowledge, the ombudsman’s comment to the agency must recommend a rule that requires voluntary private or government certification;” “private certification” is listed as the third least restrictive form of regulation.• Adds throughout that any cost evaluation must include the costs on regulated individuals.	<ul style="list-style-type: none">• See proposed changes offered with respect to Ohio SB 255 and to the IJ/ALEC model bills.
<p>IN</p> <p>Crossover Deadline: 2/26/2019</p> <p>Session ends: 4/29/2019</p>	<p>H.B. 1271</p>	<p>1/10/2019</p> <p>Sponsor: Rep. Timothy Wesco (R)</p>	<p>1/10/2019</p> <p>First reading: referred to Committee on Employment, Labor and Pensions</p> <p>(Bill did not advance prior to crossover deadline)</p>	<ul style="list-style-type: none">• Provides that if an individual is required to have an occupational license to practice, the individual may practice the occupation without an occupational license if the individual provides a signed disclosure with the consumer before entering into a contract and complies with all health, safety, security, confidentiality, reporting, and consumer protection requirements that are imposed on an individual with an occupational license.• Lists affected professions (including CPAs, Professional Engineers, plumbers, home inspectors, barbers, and cosmetologists.);• The term “occupational license” means any requirement to obtain a license, permit, registration, certificate, or other authority issued by a state agency or local unit of government to work in an occupation.	<ul style="list-style-type: none">• Sets up a potential slippery slope for traditionally regulated professions. See in-depth Legislative Analysis Memorandum.



IN Crossover Deadline: 2/26/2019 Session ends: 4/29/2019	S.B. 576	1/14/2019 Sponsor: Sen. Jim Merritt (R)	1/14/2019 Referred to Senate Committee on Commerce and Technology (Bill did not advance prior to crossover deadline)	<ul style="list-style-type: none">• Eliminates the professional licensing agency ("PLA") and establishes the health professions licensing agency ("HPLA") within the state department of health to license health professionals and the workforce licensing agency ("WLA") within the department of workforce development to license occupations that are not health professions.• Calls for regular review and evaluation of occupational licensure boards and of "the necessity, burden, and alternatives to the licenses issued by the board."	<ul style="list-style-type: none">• Does not warrant intervention at present.
MA Crossover Deadline: None Session ends: 11/20/19	H.D. 1477	1/17/2019	2/22/2019 Senate Concurred	<ul style="list-style-type: none">• Titled the "Uniform Collateral Consequences of Convictions Act," the bill addresses penalties or disadvantages "imposed on an individual as a result of the individual's conviction of an offense which applies by operation of law," regardless of whether the consequence was stated in the judgment or sentence for the convicted individual. "Collateral consequence," "collateral sanction," and "disqualification" are all defined terms having a nexus with state action.• Applies to "decision-makers," defined as "the state acting through a department, agency, officer, or instrumentality, including a political subdivision, educational institution, board, or commission, or its employees, or a government contractor, including a subcontractor, made subject to this chapter by contract, by law other than this chapter, or by ordinance."• Provides that in deciding whether to impose a disqualification, a "decision-maker" shall undertake an individualized assessment to determine whether the benefit or opportunity at issue should be denied the individual; the decision-maker may consider, if substantially related to the benefit or opportunity at issue: the particular facts and circumstances involved in the offense, and the essential elements of the offense and other relevant information,	<ul style="list-style-type: none">• The provision creating a right to petition for an order of limited relief from collateral sanctions suggests that an individual could seek a court order prohibiting a certification organization from denying or revoking certification due to a criminal conviction. The definitions suggest that the intention of the bill is limited to consequences imposed by the government, but it would be useful to add a clarification to the definition of "collateral consequence": "Decisions by nongovernmental persons or entities shall not be considered collateral consequences under this chapter, except for government contractors to the extent they assume the role of decision-makers as defined in Section 2(e)."• To confirm that this provision does not open the door to legal challenges to private certification organizations' eligibility and disciplinary decision, a safe harbor provision



				<p>including the effect on third parties of granting the benefit or opportunity.</p> <ul style="list-style-type: none"> • Allows an individual convicted of an offense to petition for an order of limited relief from “one or more collateral sanctions related to employment, education, housing, public benefits, or occupational licensing” at the sentencing court or probation department. • Provides that an individual convicted of an offense may petition the trial court for a certificate of restoration of rights relieving collateral sanctions not sooner than 5 years after the individual’s most recent conviction of a felony or misdemeanor in any jurisdiction, or not sooner than five years after the individual’s release from confinement pursuant to a criminal sentence in any jurisdiction, whichever is later. 	<p>should be added: “Nothing in this chapter shall be construed to require a private certification organization to grant or deny private certification to any individual, nor shall it impair the right of private certification organizations to establish and enforce eligibility criteria, ethics codes, or disciplinary policies. In addition, 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.”</p>
<p>MA</p> <p>Crossover Deadline: None</p> <p>Session ends: 11/20/19</p>	<p>S. 827</p>	<p>1/14/2019</p> <p>Sponsor: Sen. Joseph Boncore; Rep. Jose Tosado</p>	<p>1/22/2019</p> <p>House concurred</p>	<ul style="list-style-type: none"> • Creates the “Uniform Collateral Consequences of Conviction Act.” • Provides that an individual convicted of an offense may petition for an order of limited relief from one or more collateral sanctions related to employment, education, housing, public benefits, or occupational licensing. The petition may be presented to the: (1) sentencing court at or before sentencing; or (2) Probation Department at any time after sentencing. • The court or the trial court may issue an order of limited relief relieving one or more of the collateral sanctions if, after reviewing the petition, the individual’s criminal history, any filing by a victim or a prosecutor, and any other relevant evidence, it finds the individual has established by a preponderance of the evidence that: “(1) granting the petition will materially assist the individual in obtaining or maintaining employment, education, housing, public benefits, or occupational licensing; (2) the individual has substantial need for the relief requested in order to live a law abiding life; and (3) granting the petition would not pose an unreasonable risk to the safety or welfare of the public or any individual.” 	<ul style="list-style-type: none"> • The provision creating a right to petition for an order of limited relief from collateral sanctions suggests that an individual could seek a court order prohibiting a certification organization from denying or revoking certification due to a criminal conviction. The definitions suggest that the intention of the bill is limited to consequences imposed by the government, but it would be useful to add a clarification to the definition of “collateral consequence”: “Decisions by nongovernmental persons or entities shall not be considered collateral consequences under this chapter, except for government contractors to the extent they assume the role of decision-makers as defined in Section 2(e).” • To confirm that this provision does not open the door to legal challenges to private certification organizations’ eligibility and disciplinary decision, a safe harbor provision should be added: “Nothing in this chapter shall be construed to require a private



					certification organization to grant or deny private certification to any individual, nor shall it impair the right of private certification organizations to establish and enforce eligibility criteria, ethics codes, or disciplinary policies. In addition, 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."
MD Crossover Deadline: 3/18/2019 Session ends: 4/08/2019	H.B. 0022	11/19/2018 Sponsor: Del. Charles Sydnor (D)	3/18/2019 First Reading Judicial Proceedings	<ul style="list-style-type: none">• Current law states that "a department may not deny an occupational license or certificate to an applicant solely on the basis that the applicant has previously been convicted of a crime."• Eliminates the "solely on the basis [of a previous conviction]" language and substitutes a bright-line rule prohibiting denial of a license based on a conviction that occurred more than seven years ago, unless the department determines that there is a direct relationship between the applicant's previous conviction and the specific occupational license and certificate sought, or the issuance of the license or certificate would involve an unreasonable risk to property or to "the safety or welfare of specific individuals or the general public."• "Department" means the Department of Agriculture, Department of the Environment, Maryland Department of Health, Department of Human Services, Department of Labor, Licensing, and Regulations, or the Department of Public Safety and Correctional Services.	<ul style="list-style-type: none">• It is unclear whether the department would have to engage in the individualized assessment if a certification program denies or revokes eligibility for certification based on a criminal conviction, and certification is a precondition for licensure.• 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."
MD Crossover Deadline: 3/18/2019	S.B. 0974	2/18/2019 Sponsor: Sen. Cory McCray (D)	2/25/2019 Hearing 3/14 at 12:00 p.m. (Bill did not advance prior	<ul style="list-style-type: none">• Provides that if a period of 5 years or more has passed since an applicant's conviction for a nonviolent crime, a department or local licensing authority may not deny an occupational license or certificate to an applicant, unless the department or local licensing authority determines that there is a direct relationship between the applicant's previous conviction and the specific occupational license or certificate sought (after considering the specific duties	<ul style="list-style-type: none">• Add a safe harbor provision: "nothing in the chapter shall be construed to require a private credentialing organization to grant or deny private certification or certificate to any individual, nor alter any requirement in a licensure statute or regulation for an individual to hold current private



Session ends: 4/08/2019			to crossover deadline)	and responsibilities required of a licensee or certificate holder and whether the applicant's previous conviction has any impact on the applicant's fitness or ability to perform the duties and responsibilities authorized by the license or certificate) or the issuance of the license or certificate would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. <ul style="list-style-type: none">• Provides that at any time an individual may petition the appropriate department or local licensing authority to make a determination as to whether the individual's prior conviction would disqualify the individual from an occupational license or certification.• Requires that a department or local licensing authority, on any application for an occupational license or certificate issued by the department or local licensing authority, shall list the specific criminal convictions that would disqualify an applicant from being granted the occupational license or certificate.	certification as a condition of licensure or renewal of licensure."
MI Crossover Deadline: None Session ends: 12/31/19	S.B. 0040	1/22/2019 Sponsor: Sen. Lana Theis (R)	1/22/2019 Referred to Senate Committee on Regulatory Reform	<ul style="list-style-type: none">• Requires the Michigan Law Revision Commission ("Commission") to review new legislation to determine whether the legislation uses the least restrictive regulation necessary to protect consumers from present, significant, and substantiated harms that threaten public health and safety; the Commission may require the legislation's proponents to submit "evidence of present, significant, and substantiated harms to consumers in the state," along with "information from other individuals who are knowledgeable about the occupation, labor economics, and other relevant factors."• Requires the Commission to complete a report to the committee to which the legislation was referred.• Requires the Commission to review annually (beginning January 1, 2020) the occupational regulations of approximately 20% of the occupations that are subject to state regulation, and over each 5-year period review all occupational regulations that are subject to state regulation; to evaluate whether those regulations "use the least restrictive regulation "necessary to protect consumers from present, significant, and substantiated harms that threaten public	<ul style="list-style-type: none">• Section 404(3)(E) should be revised to state: "Asymmetrical information between a seller and a buyer, by enacting government certification unless suitable, private certification for the relevant occupation is available. As used in this section, "suitable" means widely recognized as reflecting established standards of competency, skill, or knowledge in the field."• Section 404(3) should be revised to state: "In its analysis under subsections (1) and (2), the Commission shall employ a rebuttable presumption that market competition and private remedies are sufficient to protect consumers: For purposes of this Chapter, "private remedies" shall include the measures listed in subsection 404(5)(c)(i-v). Nothing in this Chapter is intended to restrict an agency from requiring, as a



				<p>health and safety," and to submit a report with recommendations to the legislature to not enact new legislation or enact legislation that repeals, rescinds, or modifies the regulation.</p> <ul style="list-style-type: none"> • The Commission shall "employ a rebuttable presumption that market competition and private remedies are sufficient to protect consumers." • "Private certification" is listed as the third least restrictive form of regulation. • Defines "Certification" as "a voluntary program in which a private organization or the government of this state grants nontransferable recognition to an individual who meets personal qualifications established by the private organization or the government of this state." • Defines "Registration" as registering with the state and provides that "a nonregistered individual may not perform the occupation for compensation or use "registered" as a designated title." 	<p>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."</p> <ul style="list-style-type: none"> • In Section 404(5)(G), change all "Registered" in all instances to "government registered" so as not to ban use of the title "registered" that is conferred by private certification organizations. • Add another safe harbor provision: "the state may regulate and adopt 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."
MO Crossover Deadline: None Session ends: 5/17/2019	H.B. 472	1/08/2019 Sponsors: Rep. Derek Grier (R); Lynn Morris (R)	3/18/2019 Referred: Fiscal Review	<p>[Bill as amended under consideration as of 3/20/2019]</p> <ul style="list-style-type: none"> • Provides that no person shall 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, unless the crime for which an applicant was convicted directly relates to the duties and responsibilities for the licensed occupation. • Applies to any profession for which an occupational license is issued in the state, including any new occupational license created by a state licensing authority after August 28, 2019. • 	<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."
MO Crossover Deadline: None	H.B. 564 and S.B. 251	1/14/2019 H.B. 564 Sponsor: Rep. Derek Grier (R)	H.B. 564: 3/14/2019 Reported to the Senate and First Read (S)	<p>[Bill as amended under consideration as of 02/26/2019]</p> <ul style="list-style-type: none"> • Requires all state licensing authorities to revise existing licensing requirements before January 1, 2020 to explicitly list the specific criminal convictions that could disqualify the applicant from receiving a license. 	<ul style="list-style-type: none"> • The companion bills codify the ALEC/IJ ex-offender related principles. • 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,



<p>Session ends: 5/17/2019</p>		<p>S.B. 251 Sponsor: Sen. Andrew Koenig (R)</p>	<p>S.B. 561: 2/25/2019 Hearing Conducted S Professional Registration Committee</p>	<ul style="list-style-type: none"> • The licensing authority must use "clear and convincing standard of proof in examining the factors to determine whether an applicant with a criminal conviction" will be denied a license. • A disqualification from receiving a license due to criminal conviction shall not last longer than five years from the date of the conviction provided that the conviction is not for a crime that is violent or sexual in nature and the individual has not been convicted of any other crime during the five-year disqualification period. 	<p>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."</p>
<p>MO Crossover Deadline: None Session ends: 5/17/2019</p>	<p>S.B. 258</p>	<p>1/15/2019 Sponsor: Sen. Wayne Wallingford (R)</p>	<p>2/25/2019 Hearing Conducted S Professional Registration Committee</p>	<ul style="list-style-type: none"> • Requires all state and political subdivision licensing authorities to explicitly list the specific criminal offenses, civil penalties or judgments, or disciplinary actions taken by other licensing authorities that would disqualify an applicant from receiving a license. • Provides that beginning August 28, 2019, applicants for licensure who have pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any offenses set forth in the act may be considered by licensing authorities to have committed a criminal offense that directly relates to the duties and responsibilities of a licensed profession. • Provides that any requirement of a licensing authority that assesses the character or moral fitness of the applicant for licensure shall be limited to consideration of the criminal offenses, civil penalties or judgments, or disciplinary actions taken by other licensing authorities. • Provides that, if the state, on or after August 28, 2019, requires a license to practice an occupation or profession for which no license was required before August 28, 2019, the licensing authority shall establish a list of disqualifying criminal offenses and ensure that its consideration of moral fitness is limited in accordance with the act. • Provides that the provisions of the act only apply to the seventeen professions and occupations set forth in the act. 	<ul style="list-style-type: none"> • Define "'Licensing authority", as "any governmental agency, examining board, credentialing board, or other office with the authority to impose legal requirements for occupational fees or licensing requirements on any occupation or profession." • 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."



MO Crossover Deadline: None Session ends: 5/17/2019	S.B. 500	2/28/2019 Sponsor: Sen. Eric Burlison	3/14/2019 Second Read and Referred S Professional Registration Committee	<ul style="list-style-type: none">• Creates the "Occupational Licensing Consumer Choice Act".• Permits an unlicensed person to provide a service for which state law otherwise requires an occupational license, provided such unlicensed person makes a nonlicensed disclosure stating that the unlicensed person is working in a lawful occupation without a license, that the state requires that providers of the service hold an occupational license, and that the unlicensed person is allowed to provide the service under this act; disclosures shall be made by at least one of several means set forth in the act.• Permits an employer or contractor to hire or contract with an unlicensed person and may offer such unlicensed person's services to a consumer provided the employer or contractor makes a nonlicensed disclosure.• Prohibits an unlicensed person from being denied any privilege granted under state law to a person holding an occupational license, provided such unlicensed person, or such unlicensed person's employer or contractor provides a nonlicensed disclosure.• Requires state authorities to disclose on their internet website, and on all written or digital and online application forms for occupational licenses that a person may work in the state without an occupational license otherwise required.• Provides that production of a nonlicensed disclosure shall act as a defense against any administrative, civil or criminal action brought by a state authority for the purpose of enforcing the personal qualifications necessary to obtain and maintain an occupational license.• Permits any consumer injured by an unlicensed person to bring in small-claims or district court a civil action and may recover damages.• Applies to all licensed occupations in the state except for certain health care professions set forth in the act.	<ul style="list-style-type: none">• From the summary, it appears that this is a very far-reaching statute that would allow unlicensed individuals in Missouri to practice without a license, regardless of qualifications, except in a small set of identified healthcare professions. It appears to offer no assurance that the consumer has in fact even seen the required nonlicensed disclosure. It raises even graver concerns than those identified with respect to Indiana H.B. 1271 in the Legislative Analysis Memorandum on that bill.
MN Crossover Deadline:	H.F. 981 and	H.F. 981: 2/11/2019	2/11/2019 Referred by Chair to Public	<ul style="list-style-type: none">• Titled the "Uniform Collateral Consequences of Convictions Act," the bill addresses penalties or disadvantages "imposed on an individual as a result of the individual's conviction of an offense which applies by operation of law," regardless of whether the	<ul style="list-style-type: none">• The provision creating a right to petition for an order of limited relief from collateral sanctions suggests that an individual could seek a court order prohibiting a certification



<p>None</p> <p>Session ends: 5/20/2019</p>	<p>H.F. 982</p>	<p>Rep. Jerry Hertaus (R)</p> <p>H.F. 982: 2/11/2019</p> <p>Rep. Jamie Long (D)</p>	<p>Safety and Criminal Justice Reform</p> <p>Finance and Policy Division</p>	<p>consequence was stated in the judgment or sentence for the convicted individual. "Collateral consequence," "collateral sanction," and "disqualification" are all defined terms having a nexus with state action.</p> <ul style="list-style-type: none">• Applies to "decision-makers," defined as "the state acting through a department, agency, officer, or instrumentality, including a political subdivision, educational institution, board, or commission, or its employees, or a government contractor, including a subcontractor, made subject to this chapter by contract, by law other than this chapter, or by ordinance."• Provides that in deciding whether to impose a disqualification, a "decision-maker" shall undertake an individualized assessment to determine whether the benefit or opportunity at issue should be denied the individual; the decision-maker may consider, if substantially related to the benefit or opportunity at issue: the particular facts and circumstances involved in the offense, and the essential elements of the offense and other relevant information, including the effect on third parties of granting the benefit or opportunity.• Provides that an individual convicted of an offense may petition for an order of limited relief from one or more collateral sanctions related to employment, education, housing, public benefits, or occupational licensing. The petition may be brought before the court at any time after sentencing.• The judge may issue an order of limited relief relieving one or more of the collateral sanctions described listed in the bill if, after reviewing the petition, the individual's criminal history, and any other relevant evidence, "the judge finds the individual has established by a preponderance of the evidence that: (1) granting the petition will materially assist the individual in obtaining or maintaining employment, education, housing, public benefits, or occupational licensing; (2) the individual has substantial need for the relief requested in order to live a law-abiding life; and (3) granting the petition would not pose an unreasonable risk to the safety or welfare of the public."	<p>organization from denying or revoking certification due to a criminal conviction. The definitions suggest that the intention of the bill is limited to consequences imposed by the government, but it would be useful to add a clarification to the definition of "collateral consequence": "Decisions by nongovernmental persons or entities shall not be considered collateral consequences under this chapter, except for government contractors to the extent they assume the role of decision-makers as defined in Section 2(e)."</p> <ul style="list-style-type: none">• To confirm that this provision does not open the door to legal challenges to private certification organizations' eligibility and disciplinary decision, a safe harbor provision should be added: "Nothing in this chapter shall be construed to require a private certification organization to grant or deny private certification to any individual, nor shall it impair the right of private certification organizations to establish and enforce eligibility criteria, ethics codes, or disciplinary policies. In addition, 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"> • Provides that an individual convicted of an offense may petition the trial court for a certificate of restoration of rights relieving collateral sanctions not sooner than 5 years after the individual's most recent conviction of a felony or misdemeanor in any jurisdiction, or not sooner than five years after the individual's release from confinement pursuant to a criminal sentence in any jurisdiction, whichever is later. 	
<p>MN</p> <p>Crossover Deadline: None</p> <p>Session ends: 5/20/2019</p>	<p>H.F. 2394</p>	<p>3/11/2019</p> <p>Sponsors: Rep. Raymond Dehn (D); Rep. Aisha Gomez (D); Rep. Fue Lee (D); Rep. John Lesch (D)</p>	<p>3/11/2019</p> <p>Introduction and first reading, referred to Health and Human Services Policy</p>	<ul style="list-style-type: none"> • Provides that a state licensing board, agency, or department ("board") "must not automatically bar an individual from state recognition because of a criminal record and must provide individualized consideration." • Provides that a board may only consider a conviction of a nonexcluded crime that is a felony or violent misdemeanor; the bill enumerates excluded crimes,. The board may not consider any conviction that occurred more than three years before the date of the board's consideration except for a conviction of: (i) a felony crime of violence; (ii) a felony criminal sexual conduct; or (iii) a felony related to fraud or embezzlement." • Provides that a board may deny, diminish, suspend, revoke, withhold, or otherwise limit state recognition only if the board determines: (1) the state has an important interest in the regulation of a lawful occupation that is directly, substantially, and adversely impaired by the individual's nonexcluded criminal record as mitigated by the individual's current circumstances; and (2) the state's interest outweighs the individual's fundamental right to pursue a lawful occupation; The board has the burden of making its decision by clear and convincing evidence. • Permits an individual with a criminal record to petition a board at any time, including before obtaining any required personal qualifications, for a decision whether the individual's criminal record will disqualify the individual from obtaining state recognition. • Requires the commissioner of administration to establish an annual reporting requirement. 	<ul style="list-style-type: none"> • Includes many provisions the PCC proposed to ALEC and IJ. • Many felony charges are reduced to misdemeanors as part of plea bargains; this bill would prohibit licensure boards from considering any non-violent misdemeanor conviction, including embezzlement, fraud, abuse of prescription authority, etc. These kinds of convictions are often considered by certification organizations in enforcing ethics codes. • Although the bill includes language designed to avoid intruding on private certification decisions, it is not clear whether boards may rely on an individual's loss of certification if a criminal conviction led to that loss. To ensure that this bill does not restrict enforcement of certification standards incorporated into licensure laws, the bill should add a new Subd. 8 to Section 214.52: "nothing in sections 214.50 to 214.54 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."



				<ul style="list-style-type: none">• Provides that nothing in the section “shall be construed to require a private certification organization to grant or deny private certification to any individual.”	
MS Crossover Deadline: 2/15/2019 Session ends: 4/7/2019	H.B. 375	1/8/2019 Sponsor: Rep. Robert Foster (R)	2/5/2019 Died in Committee	<ul style="list-style-type: none">• Requires that all rules adopted under the provisions of The Administrative Procedures Act shall automatically repeal on December 31 of the fifth year following the rule’s initial adoption (if adopted after July 1, 2019) or on December 31, 2024 (if adopted before July 1, 2019), unless the rule has been readopted at least sixty days before its scheduled repeal.• Requires that by January 15 of each year, each agency provides a list and summary of each rule scheduled to expire that year to the chairs of the appropriate standing committees of the legislature.	<ul style="list-style-type: none">• Does not warrant intervention at present.
MS Crossover Deadline: 2/15/2019 Session ends: 4/7/2019	H.B. 898	1/21/2019 Sponsors: Rep. Robert Foster (R); Rep. Chris Brown (R)	3/5/2019 Died In Committee	<ul style="list-style-type: none">• Requires the Mississippi Joint Committee on Performance Evaluation and Expenditure Review (“PEER”) to establish an accountability review schedule of all state agencies.• Requires PEER to provide a comprehensive written report annually which details its review of the agencies designated for review that year and addresses the review criteria outlined in the bill; agencies may submit relevant information to PEER.• Establishes criteria for PEER’s review of state agencies, including “an identification of the mission, goals and objectives intended for the agency and of the problem or need that the agency was intended to address and the extent to which the mission, goals and objectives have been achieved and the problem or need has been addressed.”• Provides that all rules adopted under the Act shall automatically repeal on December 31 of the fifth year following the rule’s initial adoption unless the rule has been readopted at least 60 days before its scheduled repeal.• Provides that by January 15 of each year, each agency shall provide a list and summary of each rule scheduled to expire that year to the chairs of the appropriate standing committees of the legislature.	<ul style="list-style-type: none">• Does not warrant intervention at present.



MS Crossover Deadline: 2/15/2019 Session ends: 4/7/2019	H.B. 1290	1/21/2019 Sponsor: Rep. Kevin Ford (R)	3/5/2019 Died in Committee	<ul style="list-style-type: none">• Current law requires each agency to review all of its rules to determine whether any rule should be repealed, amended or a new rule adopted at least every five (5) years; with every occupational licensing board to conduct that review at least every three (3) years. The bill would add the requirement that each agency must develop answers to certain questions (e.g. "Was the rule promulgated in conjunction with a program that addresses a public need. If so, was the rule created in consideration of research which is evidence based, research based, a promising practice, or none of the above and why?"; "Does the rule potentially violate federal antitrust law and, if so, how and why?"; "Does the rule impose an undue amount of compliance cost, paperwork, or other burden on individuals which it regulates?") and post those answers on the agency's website and "Transparency Mississippi" not later than thirty (30) days after the rule is amended or adopted. Failure to comply will result in loss of the agency's funding.• Requires the Occupational Licensing Review Commission to review all of its rules to determine whether any rule should be repealed, amended or a new rule adopted and to submit a report of the review to the Occupational Licensing Review Commission at least every three years.	<ul style="list-style-type: none">• The posting requirement appears primarily intended to force agencies to undergo the burdensome yet, in many respects, useful exercise of giving thought to the purpose and effect of regulations. Other than by imposing an administrative and justification burden on agencies, the bill adopts no pro- or anti-regulation requirements or presumptions.• Does not warrant intervention at present.
MS Crossover Deadline: 2/15/2019 Session ends: 4/7/2019	H.B. 1352	1/21/2019 Sponsors: Rep. Jason White (R); Kabir Karriem (D); Rep. Cheikh Taylor (D); Rep. Bill Kinkade (R); Rep. Deborah Dixon (D);	3/18/2019 Decline to Concur/Invite Conf	[Bill as amended under consideration as of 03/11/2019] <ul style="list-style-type: none">• Provides that an occupational licensing board shall "not automatically bar an individual from obtaining a license because of a nonviolent conviction" that occurred more than three years from the date of application for the license.• Requires all occupational licensing boards to "offer a process to petition the board for individualized consideration;" an individual with a criminal record may petition the board at any time, including before obtaining any required education or training, for a decision on whether the criminal record will be disqualifying.	<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."



		Rep. David Baria (D); Rep. Randy Boyd (R); Rep. Patricia Willis (R); Rep. Kathy Sykes (D); Rep. Carl Mickens (D); Rep. Cedric Burnett (D); Rep. John Hines (D); Rep. Orlando Paden (D)			
MS Crossover Deadline: 2/15/2019 Session ends: 4/7/2019	H.B. 1284 S.B. 2781	1/21/2019 H.B. 1284 Sponsors: Rep. Mark Baker (R); Rep. Kathy Sykes (D); Rep. Carl Mickens (D)	H.B. 1284: 3/5/2019 Died in Committee S.B. 2781: 3/14/2019 Passed House As Amended; Returned for Concurrence Passed Senate	[Bill as amended under consideration as of 3/20/2019] <ul style="list-style-type: none"> Provides that "absent applicable state law, no person shall 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, unless the crime for which an applicant was convicted directly relates to the duties and responsibilities for the licensed occupation." Prohibits licensing authorities (defined as an "agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on any profession") from including in rules for qualifications for licensure "vague or generic terms, including but not limited to, 'moral turpitude,' 'any felony,' and 'good character.'" Requires licensing authorities to "use the clear and convincing standard of proof in examining the factors to determine whether an applicant with a disqualifying criminal conviction will be denied an 	<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." Add to definition of "licensing authorities" that "; provided, however, this term does not include any private, non-governmental organization."



			and Transmitted to House; Title Suff Do Pass As Amended	license;" such determination may be made by the following factors: (1) "the nature and seriousness of the crime..."; (2) "the relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation," and (3) "any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relations." <ul style="list-style-type: none">• Provides that an individual "may petition a licensing authority at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license;" requires the licensing authority to "inform the individual of his standing within thirty days of receiving the petition."• Requires each licensing authority with authority to disqualify a person from pursuing or practicing an occupation for which a license is required solely or in part because of a prior criminal conviction to begin a review of its statutory authority and rules in order to propose statutory changes consistent with guidelines enumerated in the bill.	
MS Crossover Deadline: 2/15/2019 Session ends: 4/7/2019	S.B. 2911	1/21/2019 Sponsor: Sen. Juan Barnet (D)	2/5/2019 Died in Committee	<ul style="list-style-type: none">• Prohibits an occupational licensing board from automatically barring an individual from obtaining a license because of a nonviolent criminal record that is two years or older.• Defines "license" to mean "any license (other than a privilege license), certificate or other evidence of qualification that an individual is required to obtain before he or she may engage in or represent himself or herself to be a member of a particular profession or occupation."• Authorizes an individual with a criminal record to petition an occupational licensing board at any time for a decision of whether the individual's criminal record will disqualify the individual.• Provides that an occupational licensing board may deny the individual's petition only if it finds that issuing a license to the individual would be an actual threat to the health and safety of the public and the profession.	<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."• Amend the definition of "license" to clarify that it does not include private credentials: "any license (other than a privilege license), certificate or other evidence of qualification that an individual is required to obtain from the state before he or she may engage in or represent himself or herself to be a member of a particular profession or occupation."



MT Crossover Deadline: 3/2/2019 Session ends: 5/1/2019	L.C. 2298	12/5/2018 Sponsor: Sen. Kenneth Bogner (R)	1/4/2019 Draft on Hold (Bill did not advance prior to crossover deadline)	<ul style="list-style-type: none">• "Generally, revise professions and occupations licensing laws."	<ul style="list-style-type: none">• No text is available.
MT Crossover Deadline: 3/22019 Session ends: 5/1/2019	L.C. 3214	1/22/2019 Sponsor: Rep. Mark Sweeney (D)	1/22/2019 Draft Request Received (Bill did not advance prior to crossover deadline)	<ul style="list-style-type: none">• "Generally Revise Occupational and Licensing Boards."	<ul style="list-style-type: none">• No text available.
MT Crossover Deadline: 3/2/2019 Session ends: 5/1/2019	L.C. 3070	1/7/2019 Sponsor: Sen. Roger Webb (R)	3/20/2019 Draft Ready for Delivery (Bill did not advance prior to crossover deadline)	<ul style="list-style-type: none">• Revises licensing procedures for persons with criminal convictions to require all professional and occupational licensing boards to list crimes for which applicants with criminal convictions may not be licensed.• Provides that a "license applicant who has been convicted of a criminal offense may not be disqualified from pursuing, practicing, or engaging in an occupation for which a license is required solely or in part because of a prior conviction of a crime, unless and such the criminal offense relates directly to the duties and responsibilities for the occupation for which the license is sought."• Deletes references to public health, safety, or welfare.• Requires that a licensing board that prohibits an applicant from being licensed wholly or partially on the basis of a criminal conviction to notify the applicant of the reasons for the decision and notify the applicant of his or her rights under the statute in writing.	<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."



				<ul style="list-style-type: none">Permits an individual with a criminal conviction to request that a board provide a preliminary determination prior to the individual applying for a license regarding whether the individual's criminal conviction disqualifies the individual from licensure; requires an individual requesting a preliminary determination to provide the board with details of the individual's criminal conviction and pay a fee set by the board, but not greater than \$25. Imposes on a board denying a license the burden of proof of establishing, by clear and convincing evidence, that the applicant's criminal conviction directly relates to the occupation for which the license is sought.	
MT Crossover Deadline: 3/2/2019 Session ends: 5/1/2019	S.B. 238	1/16/2019 Sponsor: Brian Hoven (R)	3/2/2019 Missed Deadline for General Bill Transmittal (Bill did not advance prior to crossover deadline)	<ul style="list-style-type: none">Provides that a court shall issue a rehabilitation certificate to a person with a criminal record who files a petition with the sentencing judge or the district court for the judicial district in which the person resides requesting a rehabilitation certificate; outlines conditions which must be met for the court to issue a rehabilitation certificate.Provides that the rehabilitation certificate creates a presumption of rehabilitation and successful reentry into the community; the presumption is a bar against the use of the individual's criminal record against the individual in applications for employment, housing, or professional and occupational licensure.	<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."
MT Crossover Deadline: 3/2/2019 Session ends: 5/1/2019	S.J. 18	12/5/2018 Sponsor: Sen. Diane Sands (D)	3/22/2019 Passed Senate Judiciary Committee (Bill did not advance prior to crossover deadline)	<ul style="list-style-type: none">Joint resolution of the Senate and the House of Representatives requesting an interim study of occupational licensing barriers faced by individuals with criminal records.	<ul style="list-style-type: none">Does not warrant action at present.



MT Crossover Deadline: 3/2/2019 Session ends: 5/1/2019	S.B. 347	3/20/2019 Sponsor: Sen. Roger Webb (R)	3/22/2019 Referred to Senate Business, Labor, and Economic Affairs Committee	<ul style="list-style-type: none">• Amends existing law to provide that a board or the department on behalf of a program may not refuse to license a person solely on the basis of a previous criminal conviction, however, if a license applicant has been convicted of a criminal offense that directly relates to the occupation for which the license is sought and the board or the department on behalf of a program may, after investigation, find that the applicant has not been sufficiently rehabilitated as to warrant the public trust and may deny the issuance of a license.• Revised the Act on Occupational and Professional Licensing Procedures to replace references to "licensing authority" or "licensing agency" with "a board or the department on behalf of a program."	<ul style="list-style-type: none">• No intervention warranted at present. The bill would preserve the provision in current law that a criminal conviction cannot be the "sole" reason for denial of a license. The law relates only to licensure.
NC Crossover Deadline: 5/09/2019 Session ends: 6/30/2019	S. 305	1/19/2019 Sponsors: Sen. Warren Daniel (R); Sen. Andy Wells (R)	3/20/2019 Passed 1 st Reading; Referred to Senate Rules and Operations Committee	<ul style="list-style-type: none">• Revises existing law to state that a licensing board shall not automatically deny licensure on the basis of an applicant's criminal history and "notwithstanding any other provision of law, no board may deny an applicant a license based solely on conviction for a crime of moral turpitude."• The term "license" is defined to include a "certificate, or other evidence of qualification which an individual is required to obtain before he may engage in or represent himself to be a member of a particular profession."• Distinguishes between "Occupational Licensing Boards," which are defined as "Any board, committee, commission, or other agency in North Carolina which is established for the primary purpose of regulating the entry of persons into, and the conduct of persons within, a particular profession or occupation, and which is authorized to issue licenses, " and a "State Agency Licensing Board."• A board may deny a license to an applicant on the basis of conviction of a crime if the board determines, based upon the factors specified in the statute, that "the public's safety and general welfare could be adversely affected if the board issued the applicant a license."	<ul style="list-style-type: none">• As written, the bill could apply also to private certifications. Amend "the definition of "license" to ""evidence of qualification which an individual is required to obtain from the state before he may engage in or represent himself to be a member of a particular profession."<ul style="list-style-type: none">• Add "Nothing in this Chapter is intended to restrict a board, committee, commission, or other 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."



				<ul style="list-style-type: none"> • Provides procedures for a board's denial of an applicant and information that must be included on a board's website. • Provides that, if denied licensure, the applicant shall be entitled, as of right, to a hearing on the issue before the board if the applicant has relevant evidence, not previously considered, regarding the applicant's qualifications. 	
<p>ND</p> <p>Crossover Deadline: 2/20/2019</p> <p>Session ends: 5/2/2019</p>	<p>S.B. 2353</p>	<p>1/21/2019</p> <p>Sponsors: Sen. J. Lee (R); Sen. Randall; Sen. Gary J. Nelson (R); Sen. Randall Burckhard (R); Joan Heckaman (D); Rep. Mike Nathe (R); Rep. Mark Sanford (R)</p>	<p>3/15/2019</p> <p>Committee Hearing</p> <p>(Bill did not advance prior to crossover deadline)</p>	<ul style="list-style-type: none"> • States that "notwithstanding law to the contrary, a board shall issue a license to an applicant who is a foreign practitioner, unless the board determines the issuance of the license would jeopardize the health and safety of the residents of this state. If the board determines licensure under this section would jeopardize the health and safety of the residents of this state, the board may deny the application or may issue a provisional license, issue a restricted license, or otherwise authorize limited practice to protect the health and safety of the residents of this state." • Defines "Board" as "a board, commission, or other agency of state government created or identified in this title to regulate an occupation or profession;" establishes process for governor appointment of Board members. • Provides that a Board must "establish and implement a strategic plan to regulate occupations and professions in the least restrictive manner appropriate to promote public health and safety." • Provides the terms of licensure and establishes a renewal process. • Provides for Board training, grievance procedure, and disciplinary proceedings. 	<ul style="list-style-type: none"> • Definition of "foreign practitioner" broad enough to include practitioners holding authorization to practice from outside the U.S. • Warrants further consideration as to whether language should be tightened to specify only U.S. jurisdictions, if there are concerns about lax requirements in non-U.S. jurisdictions.
<p>ND</p> <p>Crossover Deadline: 2/20/2019</p> <p>Session ends: 5/2/2019</p>	<p>H.B. 1253</p>	<p>1/03/2019</p> <p>Sponsors: Rep. Tom Kading (R); Rep. Jake Blum (R); Rep. Aaron McWilliams</p>	<p>02/15/2019</p> <p>Second reading, failed to pass, yeas 5 nays 84</p> <p>(Bill did not advance prior</p>	<p>[Bill as amended under consideration as of 02/13/2019]</p> <ul style="list-style-type: none"> • Amends the section of the code that lists exceptions to the provision that prior conviction of a crime is not a bar to state licensures. • Adds that an individual who is applying for a license that requires an education or training period of not more than four years may petition a state agency, board, commission, department, or other licensing entity before submitting an application or entering a training program for a particular license for a determination of 	<ul style="list-style-type: none"> • Safe harbor provision should go further: "this section may not be construed to require a private certification organization to grant or deny a private certification to an 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."



		(R); Rep. Mary Schneider (D); Sen. Jordan Kannianen (R)	to crossover deadline)	<p>whether the individual's criminal record will disqualify the individual from obtaining state licensure.</p> <ul style="list-style-type: none"> • Lists the information that must be included in the petition and facts that may not be considered by the state agency, board, commission, department, or other licensing entity. • The state agency, board, commission, department, or other licensing entity may not find an individual's criminal record disqualifies the individual from state licensure, unless it determines that the state's interest in protecting public safety is superior to the individual's fundamental right to pursue a lawful occupation and it establishes by clear and convincing evidence that the individual was convicted of a relevant felony or violent misdemeanor and that the license will put the individual in a position where the individual is more likely to reoffend and cause harm. • Includes that "this section may not be construed to require a private or national certification organization to grant or deny a private or national certification to an individual." 	
NH	H.B. 662	1/16/2019	3/19/2019	<ul style="list-style-type: none"> • Establishes a commission to study "possibilities for reforming the state's occupational licensing requirements and procedures to reduce barriers to licensure and to increase New Hampshire's economic competitiveness." 	<ul style="list-style-type: none"> • The commission appears to have a balanced membership and does not seem to be pushing an ideological agenda; the focus is on portability, reciprocity, and standardization of vocabulary. • We do not view this bill as concerning to the PCC membership.
Crossover Deadline: 4/4/19 (House) 3/28/19 (Senate) Session ends: 6/30/2019		Sponsors: Rep. Beth Rodd (D); Rep. Sandra Keans (D); Rep. Linn Opderbecke (D)	Committee Report: Inexpedient to Legislate (Vote 13-7; RC)		
NJ	S.1589	2/5/2018	2/25/2019	<ul style="list-style-type: none"> • Provides that no person shall be disqualified from holding any certificate, registration or license solely because of a prior conviction of a crime, unless the crime directly relates to the profession or occupation. • Requires a board to consider the following when determining if a conviction directly relates to the profession or occupation: (1) "the 	<ul style="list-style-type: none"> • 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 or impair any requirement in a licensure statute or regulation for an
Crossover Deadline: None.		Sponsors: Assemb. Rep. Troy	Passed the Senate on 2/21/2019		



Session ends: 1/14/2020		Singleton [D] Sen. Nia Gill [D] Sen. Sandra Cunningham [D]	Referred to Assembly Regulated Professions Committee	nature and seriousness of the crime and the passage of time since its commission; (2) "the relationship of the crime to the purposes of regulating the profession or occupation," (3) "any evidence of rehabilitation of the person in the period of time following the prior conviction," and the relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation regulated by the board." <ul style="list-style-type: none">• Requires that the board provide notice to an applicant of its intent to reject the applicant because of the applicant's prior conviction of a crime; the applicant must have a reasonable opportunity to be heard before the board prior to the board making a final decision.	individual to hold current private certification as a condition of licensure or renewal of licensure."
NM Crossover Deadline: None. Session ends: 3/16/2019	H.B. 382	1/28/2019 Sponsor: Rep. Andrea Romero (D)	2/26/2019 2/26/2019 - HLVMC: Substitute amendment reported by committee Did not pass by session end.	<ul style="list-style-type: none">• Amends existing law to expand the list of criminal records that shall not be considered in application for any public employment, license or other authority to include "a conviction that has been sealed, dismissed, expunged, or pardoned; " a juvenile adjudication;" or " a conviction that occurred more than three years before the date of the petition except for a conviction of (a) a felony committed with violence against a person, threatened violence or a likelihood of serious bodily injury; in which the defendant was personally armed with or personally used a deadly weapon in the commission of the crime; or in which the defendant personally inflicted great bodily injury in the commission of the crime; or (b) a felony in violation of any provision of Chapter 30, Article 9 NMSA 1978 [sexual offenses]."• Provides that "an individual with a criminal record may petition a board at any time, including before obtaining any required education or training, for a decision of whether the individual's criminal record will disqualify the individual from obtaining a license."• Prohibits a board from determining that an individual's criminal record is disqualifying for obtaining a license, unless the board establishes by "clear and convincing evidence" that: (1) the individual was convicted of a non-violent non-sexual offense felony less than three years before the date of the petition that is "directly,	<ul style="list-style-type: none">• 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 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."



				substantially and adversely related to the state's interest in protecting public safety"; and (2) granting the license would "put the individual in a position in which the individual would more likely than not cause harm."	
NM Crossover Deadline: None. Session ends: 3/16/2019	S.B. 385	1/28/2019 Sponsors: Sen. Mark Moores (R); Sen. Bill O'Neill (D); Rep. Andrea Romero (D)	3/14/2019 Passed both houses House: 63-0-7 Senate: 34-2-6	<ul style="list-style-type: none"> Amends existing law to add that "an applicant with a conviction directly related to an occupation for which a license is sought shall not be automatically disqualified from licensure if the applicant can demonstrate sufficient mitigation or rehabilitation and fitness to perform the duties of the occupation." Permits the applicant to provide evidence that at least one year has elapsed since the applicant's release from any correctional institution; that the applicant has complied with all terms and conditions of probation or parole; and that the applicant has not been convicted of any crime since the applicant's conviction for a crime directly related to the occupation for which a license is sought; or of mitigation or rehabilitation and present fitness, including: (1) mitigating circumstances relevant to the crime or social conditions surrounding the applicant at the time the crime was committed; (2) the age of the applicant at the time the crime was committed; (3) the time elapsed since the crime was committed; (4) evidence of work history, particularly any training or work experience related to the occupation for which the license is sought; or (5) references from persons in contact with the applicant since the applicant's release from any local, state or federal correctional institution. 	<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."
NM Crossover Deadline: None. Session ends: 3/16/2019	S.B. 325	1/23/2019 Sponsors: Sen. Joe Cervantes (D); Sen. Richard Martinez (D); Sen.	3/5/2019 Passed Senate: 37-7 3/15/2019: Reported by House Judiciary Committee	<ul style="list-style-type: none"> Permits an individual convicted of an offense to petition for an order of limited relief from one or more collateral sanctions related to employment, education, housing, public benefits or occupational licensing; the petition may be presented to the sentencing court at or before sentencing. The court may issue an order of limited relief relieving one or more of the collateral sanctions described in the act if, it finds the individual has established by a preponderance of the evidence that: (1) granting the petition will materially assist the individual in obtaining or maintaining employment, education, housing, public 	<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."



		Peter Wirth (D)	with Do Pass Recommendation	benefits or occupational licensing; (2) the individual has substantial need for the relief requested in order to live a law-abiding life; and (3) granting the petition would not pose an unreasonable risk to the safety or welfare of the public or any individual.	
OK Crossover Deadline: 3/14/2019 Session ends: 5/31/2019	H.B. 1373	1/16/2019 Sponsor: Rep. Zack Taylor (R)	3/18/2019 Passed House: 3/4/2019 Second Reading referred to Senate Business, Commerce and Tourism	[Bill as amended under consideration as of 03/11/2019] <ul style="list-style-type: none"> Requires all state entities that are charged with oversight of occupational licenses to explicitly list the specific criminal records that are "directly related to the duties and responsibilities for the licensed occupation" that would disqualify an applicant from receiving certification. Provides that "if an individual has a valid criminal conviction for a crime that would disqualify the individual from receiving a license, the disqualification shall not last longer than five (5) years from the date of conviction, provided that the conviction is not for a crime that is violent or sexual in nature and the individual has not been convicted of any other crime during the five-year disqualification period." Permits "an individual with a criminal record" to "petition a licensing authority at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license." Includes provisions specific to particular practice acts. 	<ul style="list-style-type: none"> 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 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."
OK Crossover Deadline: 3/14/2019 Session ends: 5/31/2019	H.B. 2134	2/4/2019 (pre-filed) Sponsor: Rep. Cyndi Munson (D)	3/14/2019 First Reading	[Bill as amended under consideration as of 03/20/2019 <ul style="list-style-type: none"> Provides 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, unless it is a conviction directly related to the occupation for which the license is sought;" unless there is a constitutional or statutory provision explicitly stating that certain convictions are automatic bars to licensing. Requires that the licensing authority consider the following when determining if a conviction directly relates to the position or the occupation for which the license is sought: (1) "Whether the conviction is directly related to the duties and responsibilities of the occupation," (2) "whether the occupation offers the opportunity for 	<ul style="list-style-type: none"> 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 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."



				<p>the same or a similar offense to occur," and (3) "the length of time since the offense occurred."</p> <ul style="list-style-type: none"> • Requires the licensing authority to provide notice to an applicant of its intent to reject the applicant solely or in part because of the applicant's prior conviction; an applicant may not be rejected "if the applicant can provide evidence of mitigation or rehabilitation and present fitness to perform the duties of the occupation for which the license is sought." 	
<p>OK</p> <p>Crossover Deadline: 3/14/2019</p> <p>Session ends: 5/31/2019</p>	<p>S.B. 651</p>	<p>2/4/2019 (pre-filed)</p> <p>Sponsor: Sen. Nathan Dahm (R)</p>	<p>2/14/2019</p> <p>Referred to Appropriations; Reported Do Pass Business and Commerce committee; CR filed</p> <p>(Bill did not advance prior to crossover deadline)</p>	<ul style="list-style-type: none"> • Called 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 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." • 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. 	<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. • Safe harbors should be added to protect both regulatory recognition of private certifications and statutory prohibitions on deceptive trade practices.



				<ul style="list-style-type: none">• 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.	
OK Crossover Deadline: 3/14/2019 Session ends: 5/31/2019	S.B. 101	2/4/2019 (pre-filed) Sponsor: Sen. Micheal Bergstrom (R)	3/119/2019 Passed Senate: 3/11/2019 Second Reading referred to House Business and Commerce Committee	<ul style="list-style-type: none">• Amends the causes for the suspension, revocation, or refusal of renewal for architects licensed under the State Architectural and Registered Interior Designers Act, barbers under the Oklahoma Cosmetology and Barbering Act, professionals whose licenses are issued by the Oklahoma Funeral Board, and engineers or land surveyors.• Provides that no felony conviction shall operate to deny the issuance or reinstatement of licenses or registrations for these professions after ten years from the date of such conviction, unless the conviction continues to pose a reasonable threat to public safety or continued education, or other requirements have not been met.• Provides that all state entities that are charged with oversight of occupational licenses shall establish procedures by which individuals who were convicted of a felony or misdemeanor offense, and thereby lost an occupational license, may appeal or apply to have such license reinstated in the event such conviction is subsequently reclassified or decriminalized by the Legislature or by the vote of the people.• After ten years from the date that a conviction or plea was entered, where the underlying cause of the crime was substance abuse or mental illness, a revoked occupational license shall be reinstated unless the conviction or underlying conduct continues to	<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."



				pose a reasonable threat to public safety or the person is deemed unqualified to practice the occupation for failure to complete continued education requirements or failure to address the underlying alcohol, drug or mental illness that resulted in loss of licensure or certification in the occupation.	
OR Crossover Deadline: None Session ends: 6/30/2019	S.B. 502	1/14/2019 Sponsor: Sen. Herman Baertschig er (R)	1/16/2019 Referred to Senate Business and General Government Committee Deadline for committees to schedule hearing: 3/29/19	<ul style="list-style-type: none"> Abolishes state agencies in accordance with a provided schedule; requires agencies subject to abolition to make a report to the Sunset Advisory Committee. Creates the Sunset Advisory Committee. Requires the Sunset Advisory Committee to conduct a performance evaluation of agencies based on specified criteria, including "whether there are less restrictive or alternative methods of regulation that could adequately protect the public." Sunset Advisory Committee must conduct public hearings and make recommendations to the Governor and Legislative Assembly relating to abolition, continuation or reorganization of agencies and other matters. 	<ul style="list-style-type: none"> The automatic and presumptive abolition of state agencies is concerning, and the bill provides little guidance on how the Sunset Advisory Committee will determine whether regulation is "the least restrictive form of regulation that will adequately protect the public." Add a safe harbor provision: "Nothing in this Chapter 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 another safe harbor provision: "the state may regulate and adopt 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."
SC Crossover Deadline: 4/10/2019	H.B. 3163	12/18/2018 Sponsor: Leader J. Todd	1/8/2019 Referred to Committee on Labor,	<ul style="list-style-type: none"> Provides that no person may be disqualified from public employment, nor may a person 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, unless the crime for which he was convicted directly relates to the 	<ul style="list-style-type: none"> The "in part because" language would seem to include disqualification for lack of a required certification, if loss of eligibility for certification stemmed from a criminal conviction. Add a safe harbor provision: "nothing in the chapter shall be construed to require a



Session ends: 5/9/2019		Rutherford (D)	Commerce and Industry	<p>position of employment sought or the occupation for which the license is sought.</p> <ul style="list-style-type: none">• A person who has been convicted of a crime that directly relates to the public employment sought or to the occupation for which a license is sought must not be disqualified from the employment or occupation if the person 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.• "License" means all licenses, permits, certificates, registrations, or other means required to engage in an occupation which are granted or issued by the state before a person can pursue, practice, or engage in any occupation.	<p>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."</p>
SC Crossover Deadline: 4/10/2019 Session ends: 5/9/2019	S.B. 0330	1/18/2019 Sponsors: Sen. Thomas Davis (R); Sen. Chauncey Gregory (R); Sen. Wes Climer (R)	1/8/2019 Referred to Committee on Labor, Commerce and Industry	<ul style="list-style-type: none">• Enacts the "Occupational Licensure and Reform Act."• Accelerates the Department of Labor, Licensing, and Regulation's review cycle of all regulations from every five years to every two years.• Requires a Senate Committee to "identify whether present, significant, or substantiated harms [justify the regulation and] consider alternative provisions that would be the least restrictive."	<ul style="list-style-type: none">• Add a safe harbor provision, as in Ohio SB 255 – "nothing in this chapter is intended to 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, field, or industry" and• Add another safe harbor provision: "the state may regulate and adopt 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." <p>or</p> <ul style="list-style-type: none">• Modify the "present, significant, or substantiated harms" language.



<p>SD</p> <p>Crossover Deadline: 2/25/2019</p> <p>Session ends: 3/29/2019</p>	<p>S.B. 166</p>	<p>1/30/2019</p> <p>Sponsors: Whip Jon Hansen (R); Sen. Wayne Steinhauer (R); Rep. Spencer Gosch (R); Rep. Chris Johnson (R); Rep. Sam Marty (R)</p>	<p>2/11/2019</p> <p>State Affairs Tabled, Passed, YEAS 8, NAYS 0. S.J. 328</p>	<ul style="list-style-type: none">States that the legislature “shall review and make recommendations for the improvement of occupational licensing in the state.”	<ul style="list-style-type: none">Does not warrant intervention at present.
<p>TX</p> <p>Crossover Deadline: None</p> <p>Session ends: 5/27/2019</p>	<p>S.B. 523 and H.B. 1342</p>	<p>S.B. 523: 1/29/2019</p> <p>Sponsor: Sen. Jose Rodriguez (D)</p> <p>S.B. 1342: 2/4/2019</p> <p>Sponsors: Rep. Jeff Leach (R) and Rep. Alma Allen (D)</p>	<p>S.B. 523: 2/23/2019</p> <p>Co-author authorized</p> <p>S.B. 1342: 2/27/2019</p> <p>Referred to Corrections</p>	<ul style="list-style-type: none">Amends existing law to state that “a licensing authority may not deny a person a license or the opportunity to be examined for a license” because of a prior criminal conviction, unless the licensing authority provides written notice of the intended denial and allows the person not less than thirty days to submit any relevant information.	<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.”



TX Crossover Deadline: None Session ends: 5/27/2019	S.B. 1217	2/27/2019 Sponsor: Sen. Carol Alvarado (D)	3/7/2019 Referred to Criminal Justice	<ul style="list-style-type: none">• Amends the Occupations Code to provide that “for purposes of determining a person’s fitness to perform the duties and discharge the responsibilities of the licensed occupation, a licensing authority may not consider an arrest that did not result in a conviction.”	<ul style="list-style-type: none">• Many certification organizations take action based on conduct that leads to an arrest, even if no conviction resulted. 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.”
TX Crossover Deadline: None Session ends: 5/27/2019	H.B. 1153	1/29/2019 Sponsor: Rep. James White (R)	2/26/2019 Referred to Corrections; Read first Time	<ul style="list-style-type: none">• Amends the Occupations Code.• Prohibits a licensing authority from suspending or revoking a license, disqualifying a person from receiving a license, or denying to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of an offense unless the offense: “is on the list prepared by the licensing authority under Section 53.022” and “the person applies for the licensure before the later of the fifth anniversary of the date of: (A) conviction; or (B) the person’s release from confinement if the person’s sentence for the offense included a term of confinement;” is “listed in Article 42A.054 Code of Criminal Procedure”; or “a sexually violent offense, as defined Article 62.001, Code of Criminal Procedure.• Requires the licensing authority to prepare and make available to the public a list of offenses that directly relate to the duties and responsibilities of each occupation licensed by the authority and on conviction of which the licensing authority may take action.• Provides that in “an administrative appeal or a judicial review of a decision by a licensing authority to take an action authorized by Section 53.021(a), the authority has the burden of proving by clear and convincing evidence that: (1) the offense that the person has been convicted of directly relates to the duties and responsibilities of the licensed occupation; and (2) After consideration of the relevant factors as required by law, the person lacks the fitness to	<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.”



				perform the duties and discharge the responsibilities of the licensed occupation."	
TX Crossover Deadline: None Session ends: 5/27/2019	H.B. 1377	2/5/2019 Sponsor: Rep. Harold Dutton (D)	3/14/2019 Left pending in committee	<ul style="list-style-type: none"> • Creates a commission to review all laws of the state that restrict the rights of activities of persons convicted of a felony offense, including eligibility for certain occupational licenses. • Requires the commission to (1) evaluate all laws that restrict the rights of activities of persons convicted of a felony offense; 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. • Requires the licensing authority to make and retain records related to the suspension, revocation, or denial of a license or the denial of an opportunity to take a licensing examination on the grounds that the person has been convicted of an offense directly related to the licensed occupation until at least the third anniversary of the date of the suspension, revocation, or denial. 	<ul style="list-style-type: none"> • Does not warrant intervention at present.
TX Crossover Deadline: None Session ends: 5/27/2019	H.B. 2232	2/22/2019 Sponsor: Rep. Ron Reynolds (D)	3/6/2019 Referred to Corrections	<ul style="list-style-type: none"> • Amends the Occupations Code to prohibit a licensing authority from inquiring into or considering an applicant's criminal history record information until after determining that the applicant is otherwise qualified for the license; a licensing authority may only consider an offense committed by the applicant that directly relates to the licensed occupation and appears on the list of offenses prepared by the authority. • Outlines evidence of mitigation or rehabilitation that must be considered by the licensing authority prior to the suspension, revocation, or denial of licensure. • Requires that the licensing authority give applicants notice of intent to suspend, revoke or deny a license due to a prior conviction and an opportunity to respond. 	<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."
TX Crossover Deadline: None	S.B. 834	2/14/2019 Sponsor: Sen. Beverly Powell	3/1/2019 Referred to Business & Commerce	<ul style="list-style-type: none"> • Amends Section 53.0211 of the Occupations Code to add that unless the applicant has been convicted of an offense "described by Section 53.021(a)(1), (3), or (4), or an offense described by Section 53.021(a)(2) that is punishable as a felony", a licensing authority must issue to "an otherwise qualified applicant" who has 	<ul style="list-style-type: none"> • Does not warrant intervention at present. The reference to "an otherwise qualified applicant" does not preclude licensing authorities from enforcing requirements that licenses individuals hold a professional



Session ends: 5/27/2019				been convicted of an offense: (1) the license for which the applicant applied; or (2) a provision license.	certification, and the bill does not intrude on the decisions of private certification organizations.
TX Crossover Deadline: None Session ends: 5/27/2019	S.B. 965	2/21/2019 Sen. Carol Alvarado (D)	3/1/2019 Referred to Business & Commerce	<ul style="list-style-type: none"> Amends the Occupations Code to provide that a licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of an offense that (1) directly relates to the duties and responsibilities of the licensed occupation, (2) an offense listed in Article 42A.054, Code of Criminal Procedure, or (3) a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure, unless a person has been convicted only of an offense punishable as a Class C misdemeanor. Amends the Occupations Code to provide that a licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of an offense that that does not directly relate to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the person applies for the license, unless a person has been convicted only of an offense punishable as a Class B or C misdemeanor. 	<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."
TX Crossover Deadline: None Session ends: 5/27/2019	S.B. 1995 and H.B. 4112	S.B. 1995 3/7/2019 Sponsor: Sen. Brian Birdwell (R) H.B. 4112 Sponsor: Rep. Chris Paddle (R)	S.B. 1995 3/19/2019 Referred to State Affairs H.B. 4112 3/7/2019 Filed	<ul style="list-style-type: none"> Amends the Occupations Code to require that the Governor establish a division to review state agency rules ("division"). Applies only with respect to state agencies with a governing board that is controlled by persons who provide services that are regulated by the agency. Requires that a state agency that issues a license must submit any proposed rule affecting market competition in the state relating to the business, occupation, or profession for which a license is issued to the division for review before the rule is adopted or implemented. Requires a state agency that issues a license to also submit to the division for review any rule that the agency is considering for readoption if the rule affects market competition; a rule affects 	<ul style="list-style-type: none"> Does not warrant intervention at present. The bill is aimed at protecting regulations from antitrust challenges and contains no language that is directly or indirectly adverse to professional certification.



				<p>market competition if the rule would create a barrier to market competition in the state or result in higher prices or reduced competition for a product or service provided by a license holder in the state.</p> <ul style="list-style-type: none"> • Requires the division to conduct a thorough, independent review of each proposed rule to determine if (1) the effect of the proposed rule on market competition is consistent with applicable state policy; and (2) whether the proposed rule promotes a clearly articulated and affirmatively expressed policy as established by the legislature to displace competition with government action. • After review, the division may (1) request more information from the state agency; (2) require the state agency to conduct an analysis of possible implications of the rule; (3) solicit public comments; or hold public hearing. • After review, the division must (1) approve the proposed rule; or (2) reject the proposed rule and return the rule to the state agency with instructions for revising the rule to be consistent with applicable state policy. 	
<p>UT</p> <p>Crossover Deadline: 3/11/19</p> <p>Session ends: 3/14/2019</p>	<p>H.B. 90</p>	<p>1/9/2019</p> <p>Sponsor: Rep. Eric Hutchings (R)</p>	<p>3/22/2019</p> <p>Passed both House and Senate; sent to Governor.</p>	<ul style="list-style-type: none"> • Provides for an individual with a criminal conviction to apply to the Division of Occupational and Professional Licensing for a determination of whether the individual's criminal history would disqualify the individual from receiving a specific occupational or professional license if all other requirements were met. 	<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."
<p>UT</p> <p>Crossover Deadline: 3/11/19</p> <p>Session ends:</p>	<p>S.B. 158</p>	<p>2/12/2019</p> <p>Sen. Wayne Harper (R)</p>	<p>3/22/2019</p> <p>Passed both House and Senate; sent to Governor.</p>	<ul style="list-style-type: none"> • Modifies the Occupational and Professional Licensure Review Committee Act to define "health or safety of the public" to include "projecting against physical injury, property damage, or financial harm of the public." 	<ul style="list-style-type: none"> • The definition of "health or safety of the public" should be broadened to "protections from items or events that can cause disease, illness, injury to a person or damage to property, or financial harm, or have detrimental effects on the public good," as defined in Arkansas S.B. 171. •



3/14/2019					
VA Crossover Deadline: 2/3/19 Session ends: 2/24/2019	H.B. 2028	1/9/19 Sponsors: Del. Ronnie Campbell I; Del. Tony Wilt (R)	3/4/2019 Passed Senate and sent to Governor	<ul style="list-style-type: none">Provides that when any legislative bill requiring the Department of Professional and Occupational Regulation to increase or begin regulation of an occupation is filed during any session of the General Assembly, the Board for Professional and Occupational Regulation shall prepare an evaluation of the legislation using criteria outlined in § 54.1-311 that the Board is required to use whenever the Board determines that a particular occupation should be regulated or that a different degree of regulation should be imposed on a currently regulated occupation.	<ul style="list-style-type: none">Existing Virginia law – § 5.4.1-300 and § 54.1-311 - set up the state to compete with private certification; the fourth degree of regulation provides that when “the public requires a substantial basis for relying on the professional services of a practitioner, the Board may implement a system of certification;” “certification” solely refers to government certification.Section § 54.1-300 should be amended to change the defined term “Certification” to “Governmental Certification” and to add the definition: “Private Certification means a voluntary program in which a private organization grants nontransferable recognition to an individual who establishes that the individual possesses 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.”Section § 54.1-311(A)(4) should be amended to delete the current text and state “Governmental Certification. -- When the public requires a substantial basis for relying on the professional services of a practitioner, the Board may implement a system of governmental certification, unless suitable, private certification for the relevant occupation is available. As used in this Section, ‘suitable’ means widely recognized as reflecting established



					<p>standards of competency, skill, or knowledge in the field.”</p> <ul style="list-style-type: none">• Section § 54.1-311 is amended to add a new Section § 54.1-311(C): “Nothing in this chapter 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.”
VA Crossover Deadline: 2/3/19 Session ends: 2/24/2019	S.B. 1751	1/18/2019 Sponsors: Sen. Frank Ruff (R); Sen. Ryan McDougl(R)	3/18/2019 Approved by Governor	[Bill as amended under consideration as of 02/18/2019] <ul style="list-style-type: none">• Permits the Director of DPOR, or his designee, to issue a notice to any person unlawfully engaging in unlicensed practice of an occupation to cease and desist such activity.• Provides that following the close of any biennium, when the account for any regulatory board within DPOR shows that moneys collected on behalf of the regulatory board exceed 20 percent or \$100,000, whichever is greater, of the expenses allocated to the regulatory board for the past biennium, the regulatory board shall (i) distribute all excess revenue to current regulations and (ii) reduce the fees levied by it for certification, licensure, registration, or permit and renewal thereof so that the fees are sufficient but not excessive to cover expenses..	<ul style="list-style-type: none">• Another potential vehicle to fix the problems with existing Virginia law – § 5.4.1-300 and § 54.1-311. See comments on VA H.B. 2028.



VT Crossover Deadline: None Session ends: 5/17/2019	H.377	2/22/2019 Sponsor: Rep. Barbara Rachelson (D)	2/22/2019 Read First Time and Referred to the Committee on Judiciary	<ul style="list-style-type: none">• Provides that a regulatory entity may consider an applicant's criminal conviction history in determining whether to grant a license, but that the existence of one or more convictions alone shall not constitute a basis to deny licensure.• Requires each regulatory entity to adopt uniform standards for the type or types of criminal convictions that would disqualify any applicant for licensure for each profession that the entity regulates and otherwise outlines the standard and scope of criminal records inquiries.• Provides that, at any time, an applicant or potential applicant may petition a regulatory entity for a determination regarding whether the individual's criminal conviction history would disqualify the individual from licensure.• Provides standards for regulatory entities obtaining an applicant's criminal conviction history report, including a requirement that the regulatory entity must obtain an applicant's prior authorization.• Provides a procedure for license denial, including that if a regulatory entity intends to deny licensure based on an applicant's criminal conviction history, the regulatory entity shall provide the applicant with notice of that intent and an opportunity to present evidence of mitigating circumstances or of his or her rehabilitation.• Requires each regulatory entity to submit to the General Assembly a biennial report stating the number of licenses granted in the previous two-year period and the number of licenses denied in the previous two-year period based on an applicant's criminal conviction history, along with a list of each conviction that constituted the basis for each denial.	<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."
WA Crossover Deadline: 3/13/2019	H.B. 1770	1/30/2019 Sponsor: Rep. Jim Walsh	2/202019 Public hearing in the House Committee on Consumer	<ul style="list-style-type: none">• Defines "private certification" as "a nontransferable recognition granted to an individual by a private organization through a voluntary program in which the individual meets personal qualifications established by the private organization."• With respect to healthcare professionals, imports the definition of certification in existing statute RCW 18.120.020: "Certificate" and "certification" mean a voluntary process by which a statutory	<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



<p>Session ends: 4/28/2019</p>			<p>Protection & Business</p>	<p>regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use 'certified' in the title or designation to perform prescribed health professional tasks."</p> <ul style="list-style-type: none">• Defines "'Registration' as a nontransferable registration granted to an individual under which (i) the individual is required to give notice to the government that may include the individual's name and address, the individual's agent for service of process, the location of the activity to be performed, and a description of the service the individual provides; (ii) upon receipt of the notice by the government, the individual may use the term registered as a designated title to engage in a lawful occupation; and (iii) such notice is required to engage in the lawful occupation for compensation and is required in order to use the term registered as a designated title to engage in the lawful occupation."• Private certification" is listed as the third least restrictive form of regulation, "consistent with the health, safety, and welfare of the public." "Unfair or deceptive acts or practices under chapter 19.86 RCW 13" are listed as the fifth least restrictive form of regulation.• Requires, beginning in 2020, each standing committee of the legislature to "annually review and analyze approximately twenty percent of the occupational regulations within the jurisdiction of the committee and prepare and submit an annual report electronically to the chief clerk of the house of representatives, the secretary of the senate, and each member of the house of representatives and senate by August 31st of each year as provided in this section;" each committee must complete this process within five years and every five years thereafter.• Requires each report to include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified; provides the information that must be included in the report, including " for the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the number of government certifications, occupational licenses, and registrations the occupational board has issued,	<p>pertains, including by demonstrating a specified level of knowledge and skill required to meet standards in the profession, as established by the private organization."</p> <ul style="list-style-type: none">• Add a provision to amend RCW 18.120.020 to provide: "Notwithstanding any other provision of this chapter, nothing shall preclude an individual holding a current certification issued by a private certification organization from using the title or designation "certified" in as permitted by the private organization in connection with a credential that the organization has issued to the individual."• Add that "nothing in this Chapter is intended to restrict an agency from requiring, as a condition 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 another safe harbor provision: "the state may regulate and adopt 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."• Change "Registered" and "registration" in all instances to "government registered" and "government registration" so as not to ban use of the title "registered" that is conferred by private certification organizations.
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<p>WI</p> <p>Crossover Deadline: None</p> <p>Session ends: 12/31/19</p>	<p>A.B. 30 and S.B. 34</p>	<p>A.B. 30 2/22/2019</p> <p>Sponsors : Rep. Rob Hutton (R) and twenty-two other representatives from both parties.</p> <p>S.B. 34 2/15/2019</p> <p>Sponsors : Sen. Alberta Darling (R) and twenty-three other senators from both parties.</p>	<p>A.B. 30 3/15/2019</p> <p>Fiscal estimate received S.B. 34 3/8/2019</p> <p>Fiscal Estimate 2019</p>	<ul style="list-style-type: none">• Creates the Council on Offender Employment, which may issue a certificate of qualification for employment (CQE) that grants relief to the person from ineligibility for or disadvantage related to employment, occupational licensing, or occupational certification.• Provides that a person who has been convicted of a nonviolent crime and released from confinement may apply to the council for a CQE after he or she has served a term of incarceration of at least 24 consecutive months or after he or she has served a term of incarceration of at least 12 consecutive months and a term of extended supervision of at least 12 consecutive months.• Requires the Department of Corrections to supply the council with information gathered during the person's period of incarceration and supervision that the council may use to determine whether to grant a CQE.• Requires the council to grant a person's application for a CQE if the council finds that the person is not likely to pose a risk to public safety, that the CQE will substantially assist the person in obtaining employment or occupational licensing or certification, and that the person is less likely to commit an additional criminal offense if he or she obtains a CQE.• Prohibits the issuance of a CQE that provides relief from ineligibility for certain occupations, licenses, or certifications that are related to certain offenses, that are designed to protect public health and safety, or that have a close connection to the crime for which the person was convicted; generally, if a person who received a CQE is convicted of a felony or of a Class A or Class B misdemeanor or has his or her probation or extended supervision revoked for committing a criminal offense, the CQE is permanently revoked.• Provides limited immunity from civil liability for employers who hire a person who is issued a CQE.	<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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