

1 AN ACT relating to universal recognition of occupational licenses.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 335B IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 7 of this Act, unless the context requires otherwise:*

- 6 *(1) "Board" means a government agency, board, department, or other government*
7 *entity that regulates a lawful occupation and issues an occupational license or*
8 *government certification to an individual;*
- 9 *(2) "Government certification" means a voluntary, government-granted, and*
10 *nontransferable recognition to an individual who meets personal qualifications*
11 *related to a lawful occupation. Upon the government's initial and continuing*
12 *approval, the individual may use "government certified" or "state certified" as a*
13 *title. A noncertified individual may also perform the lawful occupation for*
14 *compensation, but may not use the title "government certified" or "state*
15 *certified." "Government certification" shall not be synonymous with*
16 *"occupational license," and shall not include credentials that are prerequisites to*
17 *working lawfully in an occupation;*
- 18 *(3) "Lawful occupation" means a course of conduct, pursuit, or profession that*
19 *includes the sale of goods or services that are not themselves illegal to sell*
20 *irrespective of whether the individual selling them is subject to an occupational*
21 *license;*
- 22 *(4) "Military" means the United States Armed Forces, including the Air Force,*
23 *Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and all*
24 *reserve components and auxiliaries. It also includes the military reserves and*
25 *militia of any United States territory or state;*
- 26 *(5) "Occupational license" means a nontransferable authorization in law for an*
27 *individual to perform exclusively a lawful occupation based on meeting personal*

1 qualifications, including military occupational specialties. In an occupation for
2 which a license is required, it is illegal for an individual who does not possess a
3 valid occupational license to perform the occupation;

4 (6) "Other state" or "another state" means any territory or state of the United States,
5 other than this Commonwealth; and

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

9 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 335B IS CREATED TO
10 READ AS FOLLOWS:

11 (1) Notwithstanding any other law, the board shall issue an occupational license or
12 government certification to a person or military spouse upon application if all the
13 following apply:

14 (a) The person holds a current and valid occupational license or government
15 certification in another jurisdiction, including in a state, district, or territory
16 of the United States, or in a location outside of the United States, in a lawful
17 occupation with a similar scope of practice, as determined by the board in
18 this Commonwealth;

19 (b) The person has held the occupational license or government certification in
20 the issuing jurisdiction for at least one (1) year and is in good standing;

21 (c) The board in the issuing jurisdiction required the person to pass an
22 examination, or to meet education, training, or experience standards;

23 (d) The person does not have a disqualifying criminal record as determined by
24 the board in this Commonwealth;

25 (e) No board in another jurisdiction has revoked, nor has the person
26 surrendered in another jurisdiction, an occupational license or government
27 certification because of negligence or intentional misconduct related to the

1 person's work in the occupation;

2 (f) The person does not have a complaint, allegation, or investigation pending
3 before a board in another jurisdiction which relates to unprofessional
4 conduct or an alleged crime. If the person has a complaint, allegation, or
5 investigation pending, the board in this Commonwealth shall not issue or
6 deny an occupational license or government certification to the person
7 until:

8 1. The complaint, allegation, or investigation is resolved; or

9 2. The person otherwise meets the criteria for an occupational license or
10 government certification to the satisfaction of this Commonwealth's
11 board; and

12 (g) The person pays all applicable fees of the Commonwealth.

13 (2) If another jurisdiction issued the person or military spouse a government
14 certification but this Commonwealth requires an occupational license to work,
15 the board in this Commonwealth shall issue an occupational license to the person
16 if the person otherwise satisfies all the requirements.

17 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 335B IS CREATED TO
18 READ AS FOLLOWS:

19 (1) Notwithstanding any other law, the board shall issue an occupational license or
20 government certification to a person or military spouse, upon application based
21 on work experience in another jurisdiction, if all the following apply:

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

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

1 (c) The person satisfies the requirements of subsection (1)(d) to (g) of Section 2
2 of this Act.

3 (2) A board may require a person to pass a jurisprudential examination specific to
4 relevant state laws that regulate the occupation if an occupational license or
5 government certification in this Commonwealth requires a person to pass a
6 jurisprudential examination specific to relevant state statutes and administrative
7 regulations that regulate the occupation.

8 ➔SECTION 4. A NEW SECTION OF CHAPTER 335B IS CREATED TO
9 READ AS FOLLOWS:

10 (1) The board shall provide the person with a written decision regarding the
11 application within thirty (30) days after receiving a completed application.

12 (2) The person may appeal the board's decision to a court of general jurisdiction.

13 (3) The person may appeal the board's:

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

15 (b) Determination of the occupation; and

16 (c) Determination of the similarity of the scope of practice of the occupational
17 license or government certification issued.

18 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 335B IS CREATED TO
19 READ AS FOLLOWS:

20 (1) A person who obtains an occupational license or government certification
21 pursuant to Sections 1 to 7 of this Act is subject to:

22 (a) The laws regulating the occupation in this Commonwealth; and

23 (b) The jurisdiction of the board in this Commonwealth.

24 (2) Sections 1 to 7 of this Act do not apply to an occupation regulated by this
25 Commonwealth's Supreme Court.

26 (3) Nothing in Sections 1 to 7 of this Act shall be construed to prohibit a person from
27 applying for an occupational license or government certification under another

1 statute or rule of this Commonwealth.

2 (4) An occupational license or government certification issued pursuant to Sections 1
3 to 7 of this Act is valid only in this Commonwealth. It does not make the person
4 eligible to work in another jurisdiction under an interstate compact or reciprocity
5 agreement unless otherwise provided in law.

6 (5) Nothing in Sections 1 to 7 of this Act shall be construed to require a private
7 certification organization to grant or deny private certification to any individual.

8 (6) The board may charge a fee to the applicant to recoup its costs not to exceed one
9 hundred dollars (\$100).

10 (7) Sections 1 to 7 of this Act preempt laws by municipal, county, and other
11 governments in this Commonwealth which regulate occupational licenses and
12 government certifications.

13 ➔SECTION 6. A NEW SECTION OF CHAPTER 335B IS CREATED TO
14 READ AS FOLLOWS:

15 (1) During a declared emergency, the Governor may order the recognition of an
16 occupational license from another jurisdiction as if the license is issued in this
17 Commonwealth.

18 (2) The Governor may expand any license's scope of practice and may authorize any
19 licensee to provide services in this Commonwealth in person, telephonically, or by
20 other means for the duration of the emergency.

21 ➔SECTION 7. A NEW SECTION OF CHAPTER 335B IS CREATED TO
22 READ AS FOLLOWS:

23 Sections 1 to 7 of this Act may be cited as the Universal Recognition of Occupational
24 Licenses Act.