

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:*

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 Armed Forces of the United States, including the Air*
23 *Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard,*
24 *and all reserve components and auxiliaries. "Military" also includes the military*
25 *reserves and 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 an occupational license is required, it is illegal for an individual who does
3 not possess a 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, a board in this Commonwealth shall issue an
12 occupational license or government certification to a person or military spouse
13 upon application if all the following apply:

14 (a) The person holds a current and valid occupational license or government
15 certification in another jurisdiction, including in another state, district, or
16 territory of the United States, or in a location outside of the United States, in
17 a lawful occupation with a similar scope of practice, as determined by the
18 applicable board in 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 applicable 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 applicable board in this Commonwealth shall not
6 issue, and shall not deny, an occupational license or government
7 certification to the person until the:

8 1. Complaint, allegation, or investigation is resolved; or

9 2. 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 for the
15 same job, the applicable board in this Commonwealth shall issue an occupational
16 license to the person 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, a board in this Commonwealth shall issue an
20 occupational license or government certification to a person or military spouse
21 upon an application based on work experience in another jurisdiction, if all the
22 following apply:

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

- 1 (b) The person worked for at least one (1) year in the lawful occupation; and
2 (c) The person satisfies the requirements of subsection (1)(d) to (g) of Section 2
3 of this Act.

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

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

- 11 (1) A board in this Commonwealth shall provide the person with a written decision
12 regarding the application within thirty (30) days after receiving a completed
13 application.

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

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

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

- 17 (b) Determination of the occupation; and

- 18 (c) Determination of the similarity of the scope of practice of the occupational
19 license or government certification issued.

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

- 22 (1) A person who obtains an occupational license or government certification
23 pursuant to Sections 1 to 7 of this Act is subject to the:

- 24 (a) Laws regulating the occupation in this Commonwealth; and

- 25 (b) Jurisdiction of the applicable regulatory board in this Commonwealth.

- 26 (2) Sections 1 to 7 of this Act do not apply to an occupation regulated by the
27 Kentucky Supreme Court.

1 (3) Nothing in Sections 1 to 7 of this Act shall be construed to prohibit a person from
2 applying for an occupational license or government certification under another
3 statute or administrative regulation of this Commonwealth.

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

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

10 (6) An applicable board may charge a fee to a person submitting an application
11 under Sections 1 to 7 of this Act to recoup its costs, not to exceed one hundred
12 dollars (\$100).

13 (7) Sections 1 to 7 of this Act preempt laws of city, county, and other governments in
14 this Commonwealth which regulate occupational licenses and government
15 certifications.

16 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 335B IS CREATED TO
17 READ AS FOLLOWS:

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

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

24 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 335B IS CREATED TO
25 READ AS FOLLOWS:

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