

Representative A. Cory Maloy proposes the following substitute bill:

INTERNATIONAL LICENSING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill addresses licensure by endorsement.

Highlighted Provisions:

This bill:

- ▶ permits the Department of Agriculture to establish the minimum experience required for licensure under the Utah Pesticide Control Act;
- ▶ broadens the Division of Professional Licensing's discretion to accept substantially similar education or experience in satisfaction of standard licensing requirements;
- ▶ permits the Division of Professional Licensing to issue a temporary license to an applicant seeking licensure by endorsement under certain circumstances; and
- ▶ broadens the applicability of this section.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-1-112, as enacted by Laws of Utah 2023, Chapter 222



26 **4-14-111**, as last amended by Laws of Utah 2018, Chapter 457
27 **58-1-302**, as last amended by Laws of Utah 2023, Chapter 222



29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **4-1-112** is amended to read:

31 **4-1-112. License by endorsement.**

32 (1) As used in this section, "license" means an authorization that permits the holder to
33 engage in the practice of a profession regulated under this title.

34 (2) Subject to Subsections (4) through (7), the department shall issue a license to an
35 applicant who has been licensed in another state, district, or territory of the United States if:

36 (a) the department determines that the license issued by the other state, district, or
37 territory encompasses a similar scope of practice as the license sought in this state;

38 (b) the applicant has at least one year of experience practicing under the license issued
39 in the other state, district, or territory; and

40 (c) the applicant's license is in good standing in the other state, district, or territory.

41 (3) Subject to Subsections (4) through (7), the department may issue a license to an
42 applicant who:

43 (a) has been licensed in another state, district, or territory of the United States, or in a
44 jurisdiction outside of the United States, if:

45 (i) (A) the department determines that the applicant's education, experience, and skills
46 demonstrate competency in the profession for which licensure is sought in this state; and

47 (B) [~~the applicant has at least one year of experience practicing~~] under the license
48 issued in the other state, district, territory, or jurisdiction, the applicant has at least one year of
49 experience or a lesser minimum amount of experience established by the department; or

50 (ii) the department determines that the licensure requirements of the other state,
51 district, territory, or jurisdiction at the time the license was issued were substantially similar to
52 the requirements for the license sought in this state; or

53 (b) has never been licensed in a state, district, or territory of the United States, or in a
54 jurisdiction outside of the United States, if:

55 (i) the applicant was educated in or obtained relevant experience in a state, district, or
56 territory of the United States, or a jurisdiction outside of the United States; and

57 (ii) the department determines that the education or experience was substantially
58 similar to the education or experience requirements for the license sought in this state.

59 (4) The department may refuse to issue a license to an applicant under this section if:

60 (a) the department determines that there is reasonable cause to believe that the
61 applicant is not qualified to receive the license in this state; or

62 (b) the applicant has a previous or pending disciplinary action related to the applicant's
63 other license.

64 (5) Before the department issues a license to an applicant under this section, the
65 applicant shall:

66 (a) pay a fee determined by the department under Section 63J-1-504; and

67 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good
68 standing in the profession for which licensure is sought in this state.

69 (6) The department may make rules in accordance with Title 63G, Chapter 3, Utah
70 Administrative Rulemaking Act, prescribing the administration and requirements of this
71 section.

72 (7) This section is subject to and may be supplemented or altered by licensure
73 endorsement provisions or multistate licensure compacts in specific chapters of this title.

74 Section 2. Section 4-14-111 is amended to read:

75 **4-14-111. Registration required for a pesticide business.**

76 (1) A pesticide applicator business shall register with the department by:

77 (a) submitting an application on a form provided by the department;

78 (b) paying the registration fee; and

79 (c) certifying that the business is in compliance with this chapter and departmental
80 rules authorized by this chapter.

81 (2) (a) By following the procedures and requirements of Section 63J-1-504, the
82 department shall establish a registration fee based on the number of pesticide applicators
83 employed by the pesticide applicator business.

84 (b) (i) Notwithstanding Section 63J-1-504, the department shall deposit the fees as
85 dedicated credits and may only use the fees to administer and enforce this chapter.

86 (ii) The Legislature may annually designate the revenue generated from the fee as
87 nonlapsing in an appropriations act.

88 (3) The department shall issue a business registration certificate to a pesticide
89 applicator business if the individual or entity:
90 (a) has complied with the requirements of this section;
91 (b) has shown evidence of competence in the pesticide profession and meets the
92 certification requirements established by rule;
93 (c) provides evidence that the owner or qualifying party is a certified applicator;
94 (d) provides evidence that the owner or qualifying party:
95 (i) has been a certified applicator for at least two years out of the 10 years immediately
96 before the date of the application for a business registration certificate is received by the
97 department; [~~or~~]
98 (ii) holds an associate degree or higher in horticulture, agricultural sciences, biological
99 sciences, pest management, or a related field; or
100 (iii) has held a comparable license issued in another state, district, territory, or
101 jurisdiction and meets the requirements described in Subsection 4-1-112(2);
102 (e) demonstrates good character;
103 (f) has no outstanding infractions and owes no money to the department; and
104 (g) pays the licensing fee established by the department.
105 (4) A registration certificate expires on December 31 of the second calendar year after
106 the calendar year in which the registration certificate is issued.
107 (5) (a) The department may suspend a registration certificate if the pesticide applicator
108 business violates this chapter or any rules authorized by it.
109 (b) A pesticide applicator business whose registration certificate has been suspended
110 may apply to the department for reinstatement of the registration certificate by demonstrating
111 compliance with this chapter and rules authorized by this chapter.
112 (6) A pesticide applicator business shall:
113 (a) only employ a pesticide applicator who has received a license from the department,
114 as required by Section 4-14-103; and
115 (b) ensure that all employees comply with this chapter and the rules authorized by this
116 chapter.
117 (7) An individual or entity applying for a business registration certificate does not have
118 to meet the requirements of Subsection (3)(d) if the individual's or entity's sole use of

119 pesticides is limited to:

- 120 (a) providing ornamental and turf pest control spot treatment services; and
- 121 (b) herbicides with labels that contain the signal word "caution" or "warning."

122 Section 3. Section **58-1-302** is amended to read:

123 **58-1-302. License by endorsement.**

124 (1) As used in this section, "license" means an authorization that permits the holder to
125 engage in the practice of a profession regulated under this title.

126 (2) Subject to Subsections (4) through (7), the division shall issue a license to an
127 applicant who has been licensed in another state, district, or territory of the United States if:

128 (a) the division determines that the license issued in the other state, district, or territory
129 encompasses a similar scope of practice as the license sought in this state;

130 (b) the applicant has at least one year of experience practicing under the license issued
131 in the other state, district, or territory; and

132 (c) the applicant's license is in good standing in the other state, district, or territory
133 where the license was issued.

134 (3) Subject to [~~Subsections (4) through (7)~~] the other provisions of this section, the
135 division may issue a license to an applicant who:

136 (a) has been licensed in another state, district, or territory of the United States, or in a
137 jurisdiction outside of the United States, if:

138 (i) (A) the division determines that the applicant's education, experience, and skills
139 demonstrate competency in the profession for which the licensure is sought in this state; and

140 (B) the applicant has at least one year of experience practicing under the license issued
141 in the other state, district, territory, or jurisdiction; or

142 (ii) the division determines that the licensure requirements of the other state, district,
143 territory, or jurisdiction at the time the license was issued were substantially similar to the
144 current requirements for the license sought in this state; or

145 (b) has never been licensed in a state, district, or territory of the United States, or in a
146 jurisdiction outside of the United States, if:

147 (i) the applicant was educated in or obtained relevant experience in a state, district, or
148 territory of the United States, or a jurisdiction outside of the United States; and

149 (ii) the division determines that the education or experience was substantially similar to

150 the current education or experience requirements for the license sought in this state.

151 (4) The division may refuse to issue a license to an applicant under this section if:

152 (a) the division determines that there is reasonable cause to believe that the applicant is
153 not qualified to receive the license in this state; or

154 (b) the applicant has a previous or pending disciplinary action related to the applicant's
155 license.

156 (5) Before the division issues a license to an applicant under this section, the applicant
157 shall:

158 (a) pay a fee determined by the department under Section [63J-1-504](#); and

159 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good
160 standing in the profession for which licensure is sought in this state.

161 (6) (a) For an applicant who is or has been licensed in another jurisdiction, but does not
162 satisfy the requirements of Subsection (2) or (3), the division may evaluate and determine
163 whether:

164 (i) the applicant is eligible for a license under this title because the applicant's
165 education or experience obtained in the other jurisdiction is substantially similar to the
166 education or experience requirements for the license; or

167 (ii) in light of the applicant's education or experience obtained in the other jurisdiction,
168 the applicant's education or experience would be substantially similar to the education or
169 experience requirements for a license under this title, if the applicant obtains additional
170 education or experience.

171 (b) After the division chooses to evaluate an applicant under Subsection (6)(a), the
172 division may issue a temporary license to the applicant if:

173 (i) the applicant has an employment offer from an employer in the state;

174 (ii) the employer attests to the division that the applicant will work under the direct
175 supervision of an individual who:

176 (A) holds a license in good standing of the same classification as the temporary license;

177 and

178 (B) has held the license for minimum period of time defined by the division; and

179 (iii) (A) the division needs additional time to make a determination under Subsection

180 (6)(a)(i); or

181 (B) the division determines under Subsection (6)(a)(ii) that additional education or
182 experience would make the applicant's education or experience substantially similar to the
183 education or experience requirements for a license under this title, the applicant wishes to
184 pursue the education or experience, and the division establishes a deadline for the applicant to
185 complete the additional education or experience; and

186 (iv) the applicant pays a fee determined by the department under Section [63J-1-504](#).

187 (c) (i) A temporary license issued under this Subsection (6) expires:

188 (A) on the deadline that the division establishes for the applicant to complete the
189 additional education or experience described in Subsection (6)(b)(iii)(B); or

190 (B) upon the division's grant or denial of the applicant's application for licensure by
191 endorsement.

192 (ii) The division may not renew or otherwise extend a temporary license unless:

193 (A) a circumstance or hardship arose beyond the temporary licensee's control that
194 prevented the licensee from completing the licensure process;

195 (B) the temporary licensee presents satisfactory evidence to the division that the
196 temporary licensee is making reasonable progress toward obtaining licensure in the state;

197 (C) the division grants the renewal or extension for a period proportionate to the
198 circumstance or hardship; and

199 (D) the temporary licensee's employer consents in writing to the renewal or extension.

200 ~~[(6)]~~ (7) The division, in consultation with the applicable licensing board, may make
201 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
202 prescribing the administration and requirements of this section.

203 (8) (a) The provisions of this section control over any conflicting licensure by
204 endorsement provision in another chapter of this title.

205 (b) The division, in consultation with the applicable licensing board and professional
206 educators with expertise in the relevant profession, shall ensure that the provisions of this
207 section apply uniformly to the administration and enforcement of licensure by endorsement for
208 each license type under this title.

209 ~~[(7) In accordance with Section [58-1-107](#), licensure endorsement provisions in this~~
210 ~~section are subject to and may be supplemented or altered by licensure endorsement provisions~~
211 ~~or multistate licensure compacts in specific chapters of this title.]~~

212 Section 4. **Effective date.**

213 This bill takes effect on May 1, 2024.