

Representative A. Cory Maloy proposes the following substitute bill:

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 licensing.

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 (division) discretion to accept substantially similar education or experience in satisfaction of standard licensing requirements;
- ▶ permits the division to issue a limited supervised training permit to an applicant seeking licensure by endorsement under certain circumstances;
- ▶ establishes a licensure by endorsement process that applies to all other statutory licensure by endorsement processes;
- ▶ requires that the division create an annual report related to licensure by endorsement; and
- ▶ defines terms.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **4-1-112**, as enacted by Laws of Utah 2023, Chapter 222

31 **4-14-111**, as last amended by Laws of Utah 2018, Chapter 457

32 **58-1-302**, as last amended by Laws of Utah 2023, Chapter 222



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

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

36 **4-1-112. License by endorsement.**

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

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

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

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

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

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

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

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

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

55 (ii) the department determines that the licensure requirements of the other state,
56 district, territory, or jurisdiction at the time the license was issued were substantially similar to

57 the requirements for the license sought in this state; or

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

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

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

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

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

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

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

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

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

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

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

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

80 **4-14-111. Registration required for a pesticide business.**

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

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

83 (b) paying the registration fee; and

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

86 (2) (a) By following the procedures and requirements of Section [63J-1-504](#), the
87 department shall establish a registration fee based on the number of pesticide applicators

88 employed by the pesticide applicator business.

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

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

93 (3) The department shall issue a business registration certificate to a pesticide
94 applicator business if the individual or entity:

95 (a) has complied with the requirements of this section;

96 (b) has shown evidence of competence in the pesticide profession and meets the
97 certification requirements established by rule;

98 (c) provides evidence that the owner or qualifying party is a certified applicator;

99 (d) provides evidence that the owner or qualifying party:

100 (i) has been a certified applicator for at least two years out of the 10 years immediately
101 before the date of the application for a business registration certificate is received by the
102 department; ~~or~~

103 (ii) holds an associate degree or higher in horticulture, agricultural sciences, biological
104 sciences, pest management, or a related field; or

105 (iii) has held a comparable license issued in another state, district, territory, or
106 jurisdiction and meets the requirements described in Subsection [4-1-112\(2\)](#);

107 (e) demonstrates good character;

108 (f) has no outstanding infractions and owes no money to the department; and

109 (g) pays the licensing fee established by the department.

110 (4) A registration certificate expires on December 31 of the second calendar year after
111 the calendar year in which the registration certificate is issued.

112 (5) (a) The department may suspend a registration certificate if the pesticide applicator
113 business violates this chapter or any rules authorized by it.

114 (b) A pesticide applicator business whose registration certificate has been suspended
115 may apply to the department for reinstatement of the registration certificate by demonstrating
116 compliance with this chapter and rules authorized by this chapter.

117 (6) A pesticide applicator business shall:

118 (a) only employ a pesticide applicator who has received a license from the department,

119 as required by Section 4-14-103; and

120 (b) ensure that all employees comply with this chapter and the rules authorized by this
121 chapter.

122 (7) An individual or entity applying for a business registration certificate does not have
123 to meet the requirements of Subsection (3)(d) if the individual's or entity's sole use of
124 pesticides is limited to:

125 (a) providing ornamental and turf pest control spot treatment services; and

126 (b) herbicides with labels that contain the signal word "caution" or "warning."

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

128 **58-1-302. License by endorsement.**

129 (1) As used in this section[;]:

130 (a) [~~"license"~~] "License" means an authorization that permits the holder to engage in
131 the practice of a profession regulated under this title.

132 (b) "Limited supervised training permit" means a temporary authorization to work in a
133 limited professional capacity that would otherwise require licensure under this title.

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

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

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

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

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

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

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

149 (B) the applicant has at least one year of experience practicing under the license issued

150 in the other state, district, territory, or jurisdiction; or

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

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

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

158 (ii) the division determines that the ~~[education or]~~ education, credentialing
159 examination, and experience was substantially similar to the current ~~[education or]~~ education,
160 credentialing examination, and experience requirements for the license sought in this state.

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

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

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

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

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

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

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

174 (i) the applicant is eligible for a license under this title because the applicant's
175 education, credentialing examination, or experience obtained in the other jurisdiction is
176 substantially similar to the education, credentialing examination, or experience requirements
177 for the license; or

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

181 education or experience.

182 (b) After the division chooses to evaluate an applicant under Subsection (6)(a), the
183 division may issue a limited supervised training permit to the applicant if:

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

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

187 (A) holds a license in good standing of the same classification as the limited supervised
188 training permit; and

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

190 (iii) (A) the division needs additional time to make a determination under Subsection
191 (6)(a)(i); or

192 (B) the division determines under Subsection (6)(a)(ii) that additional education or
193 experience would make the applicant's education or experience substantially similar to the
194 education or experience requirements for a license under this title, the applicant wishes to
195 pursue the education or experience, and the division establishes a deadline for the applicant to
196 complete the additional education or experience;

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

198 (v) the applicant meets the minimum professional standards to work in a supervised
199 environment that the division, in consultation with the applicable board, establishes for the
200 applicable profession;

201 (vi) the applicant submits to a background check, if required for the license for which
202 the applicant applied; and

203 (vii) the applicant meets with the applicable board, if requested, to evaluate the
204 applicant's qualifications.

205 (c) (i) A limited supervised training permit issued under this Subsection (6) expires:

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

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

210 (ii) The division may not renew or otherwise extend a limited supervised training
211 permit unless:

212 (A) a circumstance or hardship arose beyond the limited supervised training permit
213 holder's control that prevented the limited supervised training permit holder from completing
214 the licensure process;

215 (B) the limited supervised training permit holder presents satisfactory evidence to the
216 division that the limited supervised training permit holder is making reasonable progress
217 toward obtaining licensure in the state;

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

220 (D) the limited supervised training permit holder's employer consents in writing to the
221 renewal or extension.

222 ~~[(6)]~~ (7) The division, in consultation with the applicable licensing board, may make
223 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
224 prescribing the administration and requirements of this section.

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

227 (b) The division, in consultation with the applicable licensing board and professional
228 educators that help establish and monitor educational requirements for the profession of the
229 applicant under review, shall ensure that the provisions of this section apply uniformly to the
230 administration and enforcement of licensure by endorsement for each license type under this
231 title.

232 (9) The division shall compile and post on the division's website an annual report that
233 includes:

234 (a) the number of licenses and limited supervised training permits issued under this
235 section during the preceding year;

236 (b) each determination in which the division deems specified education, credentialing
237 examination, experience, or skills substantially similar to the education, credentialing
238 examination, experience, or skills required for a license sought under this section; and

239 (c) documentation of each instance in which the applicable board disagreed with the
240 division's determination that an applicant's education, credentialing examination, experience, or
241 skills from another jurisdiction were substantially similar to the education, credentialing
242 examination, experience, or skills required for the license sought under this section.

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

246 Section 4. **Effective date.**

247 This bill takes effect on May 1, 2024.