

HB0058S03 compared with HB0058S02

~~{deleted text}~~ shows text that was in HB0058S02 but was deleted in HB0058S03.

inserted text shows text that was not in HB0058S02 but was inserted into HB0058S03.

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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}~~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 of Professional Licensing}~~division to issue a ~~{temporary license}~~limited supervised training permit to an applicant seeking licensure by endorsement under certain circumstances;

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- ▶ 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
- ▶ ~~{broadens the applicability of this section}~~ defines terms.

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

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

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

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

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

4-1-112. License by endorsement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) submitting an application on a form provided by the department;
- (b) paying the registration fee; and
- (c) certifying that the business is in compliance with this chapter and departmental

rules authorized by this chapter.

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

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

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

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

- (a) has complied with the requirements of this section;
- (b) has shown evidence of competence in the pesticide profession and meets the certification requirements established by rule;
- (c) provides evidence that the owner or qualifying party is a certified applicator;
- (d) provides evidence that the owner or qualifying party:

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

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

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

- (e) demonstrates good character;
- (f) has no outstanding infractions and owes no money to the department; and
- (g) pays the licensing fee established by the department.

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

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

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

(6) A pesticide applicator business shall:

(a) only employ a pesticide applicator who has received a license from the department, as required by Section 4-14-103; and

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

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

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

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

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

58-1-302. License by endorsement.

(1) As used in this section~~;~~:

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

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

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

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

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

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

(3) Subject to ~~[Subsections (4) through (7)]~~ the other provisions of this section, the

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division may issue a license to an applicant who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(c) (i) A ~~{temporary license}~~limited supervised training permit issued under this Subsection (6) expires:

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

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

(ii) The division may not renew or otherwise extend a ~~{temporary license}~~limited supervised training permit unless:

(A) a circumstance or hardship arose beyond the ~~{temporary licensee's}~~limited supervised training permit holder's control that prevented the ~~{licensee}~~limited supervised training permit holder from completing the licensure process;

(B) the ~~{temporary licensee}~~limited supervised training permit holder presents satisfactory evidence to the division that the ~~{temporary licensee}~~limited supervised training permit holder is making reasonable progress toward obtaining licensure in the state;

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

(D) the ~~{temporary licensee's}~~limited supervised training permit holder's employer consents in writing to the renewal or extension.

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

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

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

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

(a) the number of licenses and limited supervised training permits issued under this

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section during the preceding year;

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

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

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

Section 4. **Effective date.**

This bill takes effect on May 1, 2024.