

1 HB560  
2 200457-1  
3 By Representatives Kitchens, Ball, Reynolds and Marques  
4 RFD: Military and Veterans Affairs  
5 First Read: 02-MAY-19

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8       SYNOPSIS:               Under existing law, spouses of active duty,  
9                               reserve, or transitioning members of the United  
10                              States Armed Forces, including the National Guard,  
11                              and surviving spouses of service members who, at  
12                              the time of death, was serving on active duty, may  
13                              receiving a professional license or certificate for  
14                              a variety of occupations if the requirements for  
15                              certification or licensure in that person's home  
16                              state are substantially similar to those required  
17                              in this state.

18                           Existing law mandates an exemption for the  
19                           practice of law, for the regulation of attorneys,  
20                           for any license or registration issued by the  
21                           Securities Commission under the Alabama Securities  
22                           Act, or for the practice of any profession  
23                           regulated by the Alabama State Board of Pharmacy,  
24                           Board of Dental Examiners, State Board of  
25                           Chiropractic Examiners, Alabama Liquefied Petroleum  
26                           Gas Board, or State Board of Medical Examiners.

1                   This bill would remove the exemption from  
2                   automatic provision for professional licenses and  
3                   certificates for qualifying military spouses that  
4                   exist under current law for the practice of law,  
5                   for the regulation of attorneys, for any license or  
6                   registration issued by the Securities Commission  
7                   under the Alabama Securities Act, or for the  
8                   practice of any profession regulated by the Alabama  
9                   State Board of Pharmacy, Board of Dental Examiners,  
10                  State Board of Chiropractic Examiners, Alabama  
11                  Liquefied Petroleum Gas Board, or State Board of  
12                  Medical Examiners.

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14                                   A BILL  
15                                   TO BE ENTITLED  
16                                   AN ACT

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18                   Relating to professional licenses; to amend Section  
19                   31-1-6, Code of Alabama 1975, as amended by Act 2018-540; and  
20                   to remove the exemption from automatic provision for  
21                   professional licenses and certificates for qualifying military  
22                   spouses that exist under current law for the practice of law,  
23                   for the regulation of attorneys, for any license or  
24                   registration issued by the Securities Commission under the  
25                   Alabama Securities Act, or for the practice of any profession  
26                   regulated by the Alabama State Board of Pharmacy, Board of  
27                   Dental Examiners, State Board of Chiropractic Examiners,

1 Alabama Liquefied Petroleum Gas Board, or State Board of  
2 Medical Examiners.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 31-1-6, Code of Alabama 1975, as  
5 amended by Act 2018-540, is amended to read as follows:

6 "§31-1-6.

7 "(a) This section shall be known and may be cited as  
8 the Military Family Jobs Opportunity Act.

9 "(b) Except as provided in subsection (h), and  
10 notwithstanding other provisions of law, this section shall  
11 apply to any board, agency, commission, or other entity  
12 providing professional licenses or certificates, or both, for  
13 the purpose of employment in the State of Alabama. On or  
14 before January 1, 2019, each board, commission, or agency  
15 providing professional licenses or certificates, or both,  
16 shall promulgate rules in conformity with this section for the  
17 purpose of implementing its requirements. The rules shall  
18 provide a method of accomplishing both of the following:

19 "(1) The issuance of a license or certificate to an  
20 eligible individual if the requirements for certification or  
21 licensure of the original issuing state or governing body are  
22 substantially equivalent to that required in the state, as  
23 provided in subsection (d).

24 "(2) A procedure for authorizing an eligible  
25 individual to perform professional services regulated by the  
26 board, agency, or commission in this state pursuant to a  
27 temporary permit, effective for at least 180 days, while the

1 eligible individual completes the specific requirements of the  
2 board, agency, or commission to obtain a license or  
3 certificate in this state that were not required in the  
4 original issuing state.

5 "(c) For the purposes of this section, an eligible  
6 individual is any individual who satisfies all of the  
7 following:

8 "(1) Is the spouse of an active duty, reserve, or  
9 transitioning member of the United States Armed Forces,  
10 including the National Guard, or a surviving spouse of a  
11 service member who, at the time of his or her death, was  
12 serving on active duty, who is relocated to and stationed in  
13 the State of Alabama under official military orders. For the  
14 purposes of this section, a transitioning service member is a  
15 member of the United States Armed Forces, including the  
16 National Guard, on active duty status or on separation leave  
17 who is within 24 months of retirement.

18 "(2) Has not committed or participated in an act  
19 that would constitute grounds for refusal, suspension, or  
20 revocation of a professional license or certificate.

21 "(3) Has not been disciplined by an authorized  
22 entity or under investigation, in any jurisdiction, in  
23 relation to a professional license or certificate.

24 "(d) Any eligible individual under subsection (c)  
25 who possesses a valid license or certificate in another state,  
26 district, or territory of the United States, or in any branch  
27 of the United States Armed Forces, including the National

1 Guard, with licensing or certification requirements greater  
2 than or substantially similar to the licensing or  
3 certification requirements of the appropriate board,  
4 commission, or agency in the State of Alabama shall be  
5 approved to continue work in his or her profession upon  
6 relocation to the State of Alabama for such time as normally  
7 allotted with receipt of a license or certificate from the  
8 appropriate board, commission, or agency. Upon completion of  
9 an application that documents compliance with the receiving  
10 agency's requirements for a certificate or license, an  
11 authorized board, commission, or agency shall expedite the  
12 application according to statute, promulgated rules, or if  
13 applicable, at the next scheduled licensure proceeding for an  
14 eligible individual under subsection (c).

15 "(e) Any board, commission, or agency in the State  
16 of Alabama may establish reciprocity with other states for  
17 military spouse professional licensing and certification.

18 "(f) Any board, agency, commission, or other entity  
19 providing professional licenses or certificates, or both, for  
20 the purpose of employment in this state, that is created after  
21 April 6, 2018, shall adopt the rules required by this section  
22 within one year after the date of its initial organizational  
23 meeting.

24 "(g) Any board, agency, commission, or other entity  
25 providing professional licenses or certificates, or both, for  
26 the purpose of employment in the state, shall waive the  
27 initial licensing fee for the eligible individual upon

1 application by the eligible individual in a manner prescribed  
2 by the board, agency, commission, or other entity. The board,  
3 agency, commission, or other entity shall process an  
4 application for a fee waiver within 30 days after receiving  
5 the application.

6 "(h) This section does not apply to ~~the practice of~~  
7 ~~law or the regulation of attorneys, any license or~~  
8 ~~registration issued by the Securities Commission under the~~  
9 ~~Alabama Securities Act,~~ any certification issued by the  
10 Alabama Peace Officers' Standards and Training Commission, ~~or~~  
11 ~~the practice of any profession regulated by the Alabama State~~  
12 ~~Board of Pharmacy, Board of Dental Examiners, State Board of~~  
13 ~~Chiropractic Examiners, Alabama Liquefied Petroleum Gas Board,~~  
14 ~~or State Board of Medical Examiners."~~

15 Section 2. This act shall become effective on the  
16 first day of the third month following its passage and  
17 approval by the Governor, or its otherwise becoming law.