

INTERNATIONAL LICENSING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: Curtis S. Bramble

LONG TITLE

Committee Note:

The Business and Labor Interim Committee recommended this bill.

Legislative Vote: 13 voting for 0 voting against 8 absent

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;
- and
- ▶ permits the Division of Professional Licensing to issue a temporary license to an applicant seeking licensure by endorsement under certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 4-1-112, as enacted by Laws of Utah 2023, Chapter 222

29 4-14-111, as last amended by Laws of Utah 2018, Chapter 457

30 58-1-302, as last amended by Laws of Utah 2023, Chapter 222

31

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

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

34 **4-1-112. License by endorsement.**

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

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

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

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

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

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

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

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

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

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

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

58 (i) the applicant was educated in or obtained relevant experience in a state, district, or

59 territory of the United States, or a jurisdiction outside of the United States; and

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

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

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

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

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

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

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

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

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

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

78 **4-14-111. Registration required for a pesticide business.**

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

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

81 (b) paying the registration fee; and

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

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

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

89 (ii) The Legislature may annually designate the revenue generated from the fee as

90 nonlapsing in an appropriations act.

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

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

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

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

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

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

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

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

105 (e) demonstrates good character;

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

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

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

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

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

115 (6) A pesticide applicator business shall:

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

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

120 (7) An individual or entity applying for a business registration certificate does not have

121 to meet the requirements of Subsection (3)(d) if the individual's or entity's sole use of
122 pesticides is limited to:

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

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

126 **58-1-302. License by endorsement.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

183 (6)(a)(i); or

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

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

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

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

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

195 (ii) The division may not renew or otherwise extend a temporary license.

196 ~~[(6)]~~ (7) The division, in consultation with the applicable licensing board, may make
197 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
198 prescribing the administration and requirements of this section.

199 ~~[(7)]~~ (8) In accordance with Section [58-1-107](#), licensure endorsement provisions in this
200 section ~~[are subject to and]~~ may be supplemented or altered by licensure endorsement
201 provisions ~~[or multistate licensure compacts]~~ in specific chapters of this title.

202 Section 4. **Effective date.**

203 This bill takes effect on May 1, 2024.