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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

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

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

30 **4-1-112 . License by endorsement.**

- 31 (1) As used in this section, "license" means an authorization that permits the holder to
32 engage in the practice of a profession regulated under this title.
- 33 (2) Subject to Subsections (4) through (7), the department shall issue a license to an
34 applicant who has been licensed in another state, district, or territory of the United States
35 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 in
39 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
46 skills demonstrate competency in the profession for which licensure is sought
47 in this state; and
 - 48 (B) [~~the applicant has at least one year of experience practicing~~]under the license
49 issued in the other state, district, territory, or jurisdiction, the applicant has at
50 least one year of experience or a lesser minimum amount of experience
51 established by the department; or
 - 52 (ii) the department determines that the licensure requirements of the other state,
53 district, territory, or jurisdiction at the time the license was issued were
54 substantially similar to the requirements for the license sought in this state; or
 - 55 (b) has never been licensed in a state, district, or territory of the United States, or in a
56 jurisdiction outside of the United States, if:
 - 57 (i) the applicant was educated in or obtained relevant experience in a state, district, or
58 territory of the United States, or a jurisdiction outside of the United States; and
 - 59 (ii) the department determines that the education or experience was substantially
60 similar to the education or experience requirements for the license sought in this
61 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 applicant
- 64 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 applicant
- 68 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 endorsement
- 76 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 rules
- 83 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
- 86 applicators 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 applicator
- 92 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
- 99 immediately before the date of the application for a business registration
- 100 certificate is received by the department; [~~or~~]
- 101 (ii) holds an associate degree or higher in horticulture, agricultural sciences,
- 102 biological 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 the
- 109 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
- 114 demonstrating 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 to
- 121 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[~~7~~] :
- 128 (a) [~~"license"~~] "License" means an authorization that permits the holder to engage in the
- 129 practice of a profession regulated under this title.

- 130 (b) "Limited supervised training permit" means a temporary authorization to work in a
131 limited professional capacity that would otherwise require licensure under this title.
- 132 (2) Subject to Subsections (4) through (7), the division shall issue a license to an applicant
133 who has been licensed in another state, district, or territory of the United States if:
- 134 (a) the division determines that the license issued in the other state, district, or territory
135 encompasses a similar scope of practice as the license sought in this state;
- 136 (b) the applicant has at least one year of experience practicing under the license issued in
137 the other state, district, or territory; and
- 138 (c) the applicant's license is in good standing in the other state, district, or territory
139 where the license was issued.
- 140 (3) Subject to [~~Subsections (4) through (7)~~] the other provisions of this section, the division
141 may issue a license to an applicant who:
- 142 (a) has been licensed in another state, district, or territory of the United States, or in a
143 jurisdiction outside of the United States, if:
- 144 (i) (A) the division determines that the applicant's education, credentialing
145 examination, experience, and skills demonstrate competency in the profession
146 for which the licensure is sought in this state; and
- 147 (B) the applicant has at least one year of experience practicing under the license
148 issued in the other state, district, territory, or jurisdiction; or
- 149 (ii) the division determines that the licensure requirements of the other state, district,
150 territory, or jurisdiction at the time the license was issued were substantially
151 similar to the current requirements for the license sought in this state; or
- 152 (b) has never been licensed in a state, district, or territory of the United States, or in a
153 jurisdiction outside of the United States, if:
- 154 (i) the applicant was educated in or obtained relevant experience in a state, district, or
155 territory of the United States, or a jurisdiction outside of the United States; and
- 156 (ii) the division determines that the [~~education or~~] education, credentialing
157 examination, and experience was substantially similar to the current [~~education or~~]
158 education, credentialing examination, and experience requirements for the license
159 sought in this state.
- 160 (4) The division may refuse to issue a license to an applicant under this section if:
- 161 (a) the division determines that there is reasonable cause to believe that the applicant is
162 not qualified to receive the license in this state; or
- 163 (b) the applicant has a previous or pending disciplinary action related to the applicant's

164 license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

197 (v) the applicant meets the minimum professional standards to work in a supervised

- 198 environment that the division, in consultation with the applicable board,
199 establishes for the applicable profession;
- 200 (vi) the applicant submits to a background check, if required for the license for which
201 the applicant applied; and
- 202 (vii) the applicant meets with the applicable board, if requested, to evaluate the
203 applicant's qualifications.
- 204 (c) (i) A limited supervised training permit issued under this Subsection (6) expires:
205 (A) on the deadline that the division establishes for the applicant to complete the
206 additional education or experience described in Subsection (6)(b)(iii)(B); or
207 (B) upon the division's grant or denial of the applicant's application for licensure
208 by endorsement.
- 209 (ii) The division may not renew or otherwise extend a limited supervised training
210 permit unless:
- 211 (A) a circumstance or hardship arose beyond the limited supervised training
212 permit holder's control that prevented the limited supervised training permit
213 holder from completing the licensure process;
- 214 (B) the limited supervised training permit holder presents satisfactory evidence to
215 the division that the limited supervised training permit holder is making
216 reasonable progress toward obtaining licensure in the state;
- 217 (C) the division grants the renewal or extension for a period proportionate to the
218 circumstance or hardship; and
- 219 (D) the limited supervised training permit holder's employer consents in writing to
220 the renewal or extension.
- 221 [~~6~~] (7) The division, in consultation with the applicable licensing board, may make rules in
222 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing
223 the administration and requirements of this section.
- 224 (8) (a) The provisions of this section control over any conflicting licensure by
225 endorsement provision in another chapter of this title.
- 226 (b) The division, in consultation with the applicable licensing board and professional
227 educators that help establish and monitor educational requirements for the profession
228 of the applicant under review, shall ensure that the provisions of this section apply
229 uniformly to the administration and enforcement of licensure by endorsement for
230 each license type under this title.
- 231 (9) The division shall compile and post on the division's website an annual report that

- 232 includes:
233 (a) the number of licenses and limited supervised training permits issued under this
234 section during the preceding year;
235 (b) each determination in which the division deems specified education, credentialing
236 examination, experience, or skills substantially similar to the education, credentialing
237 examination, experience, or skills required for a license sought under this section; and
238 (c) documentation of each instance in which the applicable board disagreed with the
239 division's determination that an applicant's education, credentialing examination,
240 experience, or skills from another jurisdiction were substantially similar to the
241 education, credentialing examination, experience, or skills required for the license
242 sought under this section.

243 [~~(7) In accordance with Section 58-1-107, licensure endorsement provisions in this section~~
244 ~~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.