



1 germane committee of the legislature later considering such proposed legis-  
2 lation shall not be bound by the recommendation of the committee.

3 (5) The sunrise review process shall be as follows:

4 (a) The legislative services office shall prepare an application form  
5 to be approved by the committee and used for the sunrise review process  
6 described in this subsection.

7 (b) If a government requestor or a representative of a profession or oc-  
8 cupation that is not regulated proposes that the state regulate a pro-  
9 fession or occupation, the requestor or representative shall, prior to  
10 the introduction of any proposed legislation, submit the application  
11 for sunrise review to the legislative services office. The application  
12 shall be submitted by June 1 for review and processing prior to the next  
13 regular legislative session.

14 (c) In addition to any other information requested by the committee or  
15 staff, the application shall include a copy of the applicant's proposed  
16 draft legislation and a description of:

17 (i) Why licensing or other regulation of the profession or occu-  
18 pation is necessary to protect against present, recognizable, and  
19 sufficient harm to the health, safety, or welfare of the public to  
20 warrant the regulation proposed;

21 (ii) Why the proposed licensing or other regulation is the least  
22 restrictive regulation necessary to meet the objectives of the  
23 previous subparagraph;

24 (iii) Why the public cannot be effectively protected by other  
25 means;

26 (iv) Whether the overall cost-effectiveness and economic impact  
27 of the proposed regulation, including the direct and indirect  
28 costs to consumers, will be outweighed by the benefits of the pro-  
29 posed licensing or other regulation;

30 (v) Whether the proposed licensing or other regulation will have  
31 an unreasonable effect on job creation or job retention in the  
32 state or will place unreasonable restrictions on the ability of  
33 individuals who seek to practice or who are practicing a given  
34 profession or occupation to continue to practice or to find em-  
35 ployment; and

36 (vi) Any other relevant information.

37 (d) With respect to an application timely received pursuant to this  
38 subsection, the legislative services office shall, by August 15, submit  
39 a report with factual analysis to the committee and the applicant. Such  
40 report shall be made available to the public. Such report shall verify  
41 the contents of an application and submitted information and address  
42 any other related factual matters, but shall not contain a recommenda-  
43 tion.

44 (e) With respect to an application timely received pursuant to this  
45 subsection, by October 1, the committee shall review such application  
46 and submitted information and the associated report prepared by the  
47 legislative services office, along with any other relevant informa-  
48 tion, and hold a public hearing on such application. By November 1, the  
49 committee shall make a recommendation to the president pro tempore of  
50 the senate and the speaker of the house of representatives as to whether

1 a requested occupation or profession should be regulated in the manner  
2 set forth in the application. The committee's recommendation may in-  
3 clude suggestions as to how the application, including the legislation,  
4 may be improved. An applicant receiving such recommendations shall be  
5 encouraged to make such changes as suggested by the committee without  
6 the necessity of reappearing before the committee prior to introducing  
7 the legislation at issue.

8 (6) The committee shall meet as often as may be necessary for the proper  
9 performance of its duties upon the call of the cochairs.

10 (7) In addition to the sunrise process, the committee may study and  
11 review occupational licensing and certification laws in general in order  
12 to determine, as applicable, how the legislature may be able to ease occu-  
13 pational licensing barriers while still protecting the public health and  
14 safety.

15 (8) The committee shall operate for two (2) years and make a report to  
16 the second regular session of the sixty-sixth Idaho legislature in 2022. The  
17 legislature may take subsequent action to extend the duration of the commit-  
18 tee or to make it permanent.

19 SECTION 2. That Chapter 94, Title 67, Idaho Code, be, and the same is  
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
21 ignated as Section 67-9409, Idaho Code, and to read as follows:

22 67-9409. UNIVERSAL LICENSURE. (1) A licensing authority shall estab-  
23 lish a procedure for the issuance of licensure to a person who:

24 (a) Possesses current, valid, and unrestricted licensure in another  
25 state, district, or territory of the United States; and

26 (b) Demonstrates competency in the profession or occupation through  
27 methods determined by the licensing board or commission, including  
28 having completed continuing education or having experience in the pro-  
29 fession or occupation for at least two of the five years preceding the  
30 date of the application under this section.

31 Each applicant for universal licensure under this section must apply to  
32 the applicable licensing authority for licensure. An applicant under this  
33 section shall be subject to the laws regulating the person's practice in  
34 Idaho and is subject to the applicable licensing authority's jurisdiction.  
35 For purposes of this section, the term "licensure" means a license, certifi-  
36 cate, registration, permit, or other authorization to practice a profession  
37 or occupation.

38 (2) To determine whether an applicant for universal licensure, who  
39 possesses the licensure requirements established in subsection (1) of this  
40 section, is otherwise qualified for licensure under Idaho law, a licensing  
41 authority shall require an applicant to complete an application, submit  
42 supporting materials, and undergo the same background checks as required of  
43 other applicants for licensure.

44 (3) In addition to the requirements set forth in this section, if it ad-  
45 ministers an examination as part of the application requirements, a licens-  
46 ing authority may require an applicant to take and pass all or a portion of  
47 such examination as may be necessary to demonstrate competence to practice  
48 in Idaho.

1 (4) An applicant for universal licensure shall pay all applicable fees  
2 and shall be subject to all applicable requirements related to maintaining  
3 licensure as established by the licensing authority.

4 (5) A licensing authority may compare the authorized scope of practice  
5 in the state where the applicant currently holds licensure to the authorized  
6 scope of practice in Idaho. If a licensing authority determines that the  
7 scope of practice in Idaho requires that the applicant undergo additional  
8 education or training, the licensing authority may issue a limited license  
9 that limits the applicant's scope of practice to the scope of practice autho-  
10 rized in the state where the applicant holds licensure, along with an expla-  
11 nation as to how the applicant may qualify for non-limited licensure to prac-  
12 tice in Idaho.

13 (6) This section shall not apply to a person who is a member of a profes-  
14 sion or occupation covered by an interstate licensure compact that the per-  
15 son's home state and Idaho have each adopted. In such a situation, a person  
16 shall apply for licensure pursuant to the terms of the applicable licensure  
17 compact rather than through universal licensure pursuant to this section.  
18 A person from a state that has not adopted an interstate licensure compact  
19 that Idaho has adopted is eligible for universal licensure pursuant to this  
20 section, provided that such person is otherwise eligible pursuant to the re-  
21 quirements of this section; however, such licensure shall be valid only in  
22 Idaho. A licensing authority for a profession or occupation affected by an  
23 interstate licensure compact that Idaho has adopted shall promulgate appli-  
24 cable rules if necessary to implement the provisions of this section.

25 (7) Each licensing authority shall promulgate applicable rules if nec-  
26 essary to implement the provisions of this section.

27 SECTION 3. That Chapter 94, Title 67, Idaho Code, be, and the same is  
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
29 ignated as Section 67-9410, Idaho Code, and to read as follows:

30 67-9410. PREQUALIFICATION REQUESTS. (1) An individual who has been  
31 convicted of a criminal offense may request, at any time, that a licensing  
32 authority determine whether the individual's criminal conviction would dis-  
33 qualify the individual from obtaining a license, certificate, registration,  
34 permit, or other authorization to practice a profession or occupation issued  
35 or conferred by the licensing authority. An individual making such a request  
36 shall include details of the individual's criminal conviction and any pay-  
37 ment required by the licensing authority. A licensing authority may charge a  
38 fee of not more than twenty five dollars (\$25.00) for each request made under  
39 this section, to reimburse the costs it incurs in making the determination.

40 (2) Not later than sixty (60) days after receiving a request under this  
41 section, the licensing authority shall inform the individual whether, based  
42 on the criminal record information submitted, the individual is disquali-  
43 fied from receiving or holding the license about which the individual in-  
44 quired.

45 (3) A licensing authority shall not be bound by a determination made  
46 under this section if it later determines that the facts and circumstances  
47 submitted in a prequalification request were not complete and accurate, that  
48 the individual's criminal background is different than described in the pre-

1 qualification request, or that the individual subsequently received a fur-  
2 ther criminal conviction.

3 (4) A licensing authority shall make available to the public on the  
4 licensing authority's website a non-exhaustive list of criminal offenses  
5 that would likely disqualify an individual from obtaining a license issued  
6 or conferred by the licensing authority. Such list shall be provided with  
7 a notice that it is for informational purposes only and that a licensing  
8 authority shall not be bound by such list when making final eligibility de-  
9 terminations.

10 SECTION 4. That Chapter 94, Title 67, Idaho Code, be, and the same is  
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
12 ignated as Section 67-9411, Idaho Code, and to read as follows:

13 67-9411. EVALUATION OF CRIMINAL CONVICTIONS. (1) A licensing author-  
14 ity shall not automatically deny a license, certificate, registration, per-  
15 mit, or other authorization to practice a profession or occupation to an ap-  
16 plicant on the basis of such applicant having a prior conviction of a crime,  
17 unless the crime for which an applicant was convicted is relevant to the du-  
18 ties and responsibilities of the occupation or profession as determined by  
19 the licensing authority. A licensing authority may deny a license, certifi-  
20 cate, registration, permit, or other authorization to practice a profession  
21 or occupation to an applicant if it finds that such applicant's prior crim-  
22 inal conviction is relevant to the duties and responsibilities of the occu-  
23 pation or profession, or if it finds that such applicant should be denied on  
24 other grounds.

25 (2) A licensing authority shall not deny a license, certificate, reg-  
26 istration, permit, or other authorization to practice a profession or occu-  
27 pation to an applicant on the basis of vague or generic terms including, but  
28 not limited to, "moral turpitude" or "good moral character." If such terms  
29 appear in code or in rule, a licensing authority shall ensure that no crime or  
30 act committed by the applicant is used to automatically deny licensure pur-  
31 suant to such vague or generic terminology absent a further evaluation of the  
32 relevancy of the crime or act to the duties and responsibilities of the occu-  
33 pation or profession, as determined by the licensing authority.