



1 The legislature may take subsequent action to extend the duration of the com-  
2 mittee or to make it permanent.

3 (5) Effective January 1, 2021, the committee shall conduct a sunrise  
4 review upon request that a lawful profession or occupational group that is  
5 not regulated become regulated. For purposes of this section, a profession  
6 or occupation becoming "regulated" means adding a requirement that a person  
7 must hold a license, certificate, registration, permit, or other authoriza-  
8 tion issued by a licensing authority to engage in such profession or occupa-  
9 tion.

10 (a) Sunrise review by the committee shall be required prior to the  
11 introduction of any proposed legislation that a lawful profession or  
12 occupational group that is not licensed become licensed; provided,  
13 however, that a germane committee of the legislature later considering  
14 such proposed legislation shall not be bound by the recommendation of  
15 the committee. The sunrise review process shall be as follows:

16 (i) The legislative services office shall prepare and publish an  
17 application form to be approved by the committee and used for the  
18 sunrise review process.

19 (ii) A requestor shall, prior to the introduction of any proposed  
20 legislation, submit the application for sunrise review to the leg-  
21 islative services office. The application shall be submitted by  
22 May 1 for review and processing prior to the next regular legisla-  
23 tive session.

24 (iii) In addition to any other information requested by the com-  
25 mittee or staff, the application shall include a copy of the appli-  
26 cant's proposed draft legislation and a description of:

- 27 1. The requestor's identity and relationship to the profes-  
28 sion or occupational group;
- 29 2. Why licensing or other regulation of the profession or  
30 occupation is necessary to protect against present, recog-  
31 nizable, and sufficient harm to the health, safety, or wel-  
32 fare of the public to warrant the regulation proposed;
- 33 3. Why the proposed licensing or other regulation is the  
34 least restrictive regulation necessary to protect against  
35 present, recognizable, and sufficient harm to the health,  
36 safety, or welfare of the public to warrant the regulation  
37 proposed;
- 38 4. Why the public cannot be effectively protected by other  
39 means;
- 40 5. Whether the overall cost-effectiveness and economic im-  
41 pact of the proposed regulation, including the direct and  
42 indirect costs to consumers, will be outweighed by the bene-  
43 fits of the proposed licensing or other regulation;
- 44 6. Whether the proposed licensing or other regulation will  
45 have an unreasonably negative effect on job creation, job  
46 retention, or wages in the state or will place unreasonable  
47 restrictions on the ability of individuals who seek to prac-  
48 tice or who are practicing a given profession or occupation  
49 to continue to practice or to find employment; and
- 50 7. Any other relevant information.

1 (iv) With respect to an application timely received by the leg-  
2 islative services office by May 1:

3 1. By August 1, the legislative services office shall submit  
4 a report with factual analysis to the committee and the ap-  
5 plicant. Such report shall be made available to the public.  
6 Such report shall verify the contents of an application and  
7 submitted information and address any other related factual  
8 matters, but shall not contain a recommendation.

9 2. By October 1, the committee shall review such appli-  
10 cation and submitted information and the associated report  
11 prepared by the legislative services office, along with any  
12 other relevant information, and hold a public hearing on  
13 such application.

14 3. By November 1, the committee shall prepare a written  
15 recommendation as to whether a requested occupation or pro-  
16 fession should be regulated in the manner set forth in the  
17 application and shall and deliver such recommendation to  
18 the president pro tempore of the senate and the speaker of  
19 the house of representatives for subsequent delivery to the  
20 appropriate germane committee chairpersons. Such written  
21 recommendation may include non-mandatory suggestions as to  
22 how the application, including the proposed legislation,  
23 may be improved. An applicant receiving such suggestions  
24 shall be encouraged follow the recommended suggestions of  
25 the committee before offering the legislation for introduc-  
26 tion during the next legislative session.

27 SECTION 2. 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 67-9409, Idaho Code, and to read as follows:

30 67-9409. UNIVERSAL LICENSURE. (1) A licensing authority shall estab-  
31 lish a procedure for the issuance of licensure to a person who:

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

34 (b) Demonstrates competency in the profession or occupation through  
35 methods determined by the licensing board or commission.

36 (2) Each applicant for universal licensure under this section must ap-  
37 ply to the applicable licensing authority for licensure. An applicant under  
38 this section shall be subject to the laws regulating the person's practice in  
39 Idaho and is subject to the applicable licensing authority's jurisdiction.  
40 For purposes of this section, the term "licensure" means a license, certifi-  
41 cate, registration, permit, or other authorization to practice a profession  
42 or occupation.

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

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

6 (5) An applicant for universal licensure shall pay all applicable fees  
7 and shall be subject to all applicable requirements related to maintaining  
8 licensure as established by the licensing authority.

9 (6) A licensing authority may, at its discretion, compare the au-  
10 thorized scope of practice in the state, or states, where the applicant  
11 currently holds licensure to the authorized scope of practice in Idaho. If  
12 such licensing authority determines that the authorized scope of practice  
13 in Idaho is broader than the scope of practice authorized in the state, or  
14 states, where the applicant currently holds licensure, such licensing au-  
15 thority may, instead of issuing a denial on the basis of the difference in  
16 scope of practice, issue a limited license to such applicant pending com-  
17 pletion of the additional education, training, and any other requirements  
18 determined necessary by the licensing authority. A limited license issued  
19 under this section shall restrict the applicant's practice in Idaho to the  
20 scope of practice authorized in the state where the applicant holds prior  
21 licensure until such time that the applicant satisfies the education, train-  
22 ing, or other requirements deemed necessary by the licensing authority.

23 (7) This section shall not apply to a person who is a member of a profes-  
24 sion or occupation covered by an interstate licensure compact that the per-  
25 son's home state and Idaho have each adopted. In such a situation, a person  
26 shall apply for licensure pursuant to the terms of the applicable licensure  
27 compact rather than through universal licensure pursuant to this section.  
28 A person from a state that has not adopted an interstate licensure compact  
29 that Idaho has adopted is eligible for universal licensure pursuant to this  
30 section, provided that such person is otherwise eligible pursuant to the re-  
31 quirements of this section; however, such licensure shall be valid only in  
32 Idaho. A licensing authority for a profession or occupation affected by an  
33 interstate licensure compact that Idaho has adopted shall promulgate appli-  
34 cable rules if necessary to implement the provisions of this section.

35 (8) Each licensing authority shall promulgate applicable rules if nec-  
36 essary to implement the provisions of this section.

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

40 67-9410. PREQUALIFICATION REQUESTS. (1) An individual who has been  
41 convicted of a criminal offense may request, at any time, that a licensing  
42 authority determine whether the individual's criminal conviction would dis-  
43 qualify the individual from obtaining a license, certificate, registration,  
44 permit, or other authorization to practice a profession or occupation issued  
45 or conferred by the licensing authority. An individual making such a request  
46 shall include details of the individual's criminal conviction and any pay-  
47 ment required by the licensing authority. A licensing authority may charge a

1 fee of not more than twenty five dollars (\$25.00) for each request made under  
2 this section, to reimburse the costs it incurs in making the determination.

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

8 (3) A licensing authority shall not be bound by a determination made  
9 under this section if it later determines that the facts and circumstances  
10 submitted in a prequalification request were not complete and accurate, that  
11 the individual's criminal background is different than described in the pre-  
12 qualification request, or that a subsequent criminal offense or other rele-  
13 vant conduct occurred after the prequalification request was submitted.

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

17 67-9411. EVALUATION OF CRIMINAL CONVICTIONS. (1) A licensing author-  
18 ity shall not deny a license, certificate, registration, permit, or other  
19 authorization to practice a profession or occupation to an applicant on the  
20 basis of such applicant having a prior conviction of a crime, unless such  
21 conviction is currently relevant to the applicant's fitness as determined by  
22 the licensing authority. The licensing authority shall make its determina-  
23 tion based upon consideration of the following factors:

24 (a) The nature and seriousness of the crime for which the individual was  
25 convicted;

26 (b) The relationship of the crime to the ability, capacity, and fit-  
27 ness required to perform the duties and discharge the responsibilities  
28 of the occupation;

29 (c) The passage of time since the commission of the crime; and

30 (d) Any evidence of rehabilitation or treatment undertaken by the indi-  
31 vidual.

32 (2) A licensing authority shall not deny a license, certificate, reg-  
33 istration, permit, or other authorization to practice a profession or occu-  
34 pation to an applicant on the basis of vague or generic terms including, but  
35 not limited to, "moral turpitude" or "good moral character." If such terms  
36 appear in code or in rule, a licensing authority shall ensure that no crime  
37 or act committed by the applicant is used to deny licensure pursuant to such  
38 vague or generic terminology absent a further evaluation of the relevancy of  
39 the crime or act to the duties and responsibilities of the occupation or pro-  
40 fession, as determined by the licensing authority.