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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- FREEDOM TO TRAVEL AND
WORK ACT

Introduced By: Senators de la Cruz, Morgan, and Raptakis

Date Introduced: February 25, 2021

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 90

4 FREEDOM TO TRAVEL AND WORK ACT

5 **5-90-1. Definitions.**

6 As used in this chapter, the words defined in this section shall have the following meanings:

7 (1) "Board" means a government agency, board, department or other government entity
8 that regulates a lawful occupation and issues an occupational license or government certification to
9 an individual.

10 (2) "Government certification" means a voluntary, government-granted and
11 nontransferable recognition to an individual who meets personal qualifications related to a lawful
12 occupation. Upon the government's initial and continuing approval, the individual may use
13 "government certified" or "state certified" as a title. A non-certified individual also may perform
14 the lawful occupation for compensation but may not use the title "government certified" or "state
15 certified." In this chapter, the term "government certification" is not synonymous with
16 "occupational license." It also is not intended to include credentials, such as those used for medical-
17 board certification or held by a certified public accountant, that are prerequisites to working
18 lawfully in an occupation.

1 (3) “Lawful occupation” means a course of conduct, pursuit or profession that includes the
2 sale of goods or services that are not themselves illegal to sell, irrespective of whether the individual
3 selling them is subject to an occupational license.

4 (4) “Occupational license” is a nontransferable authorization in law for an individual to
5 perform exclusively a lawful occupation based on meeting personal qualifications established by
6 law. In an occupation for which a license is required, it is illegal for an individual who does not
7 possess a valid occupational license to perform that occupation.

8 (5) “Other state” or “another state” means any United States territory or state in the United
9 States, other than Rhode Island.

10 (6) “Private certification” is a voluntary program in which a private organization grants
11 nontransferable recognition to an individual who meets personal qualifications and standards
12 relevant to performing the occupation, as determined by the private organization. The individual
13 may use the designated title of “certified,” as permitted by the private organization.

14 (7) “Scope of practice” means the procedures, actions, processes and work that a person
15 may perform under an occupational license or government certification issued in this state.

16 **5-90-2. Occupational license or government certification.**

17 (a) Notwithstanding any other law, the board shall issue an occupational license or
18 government certification to a person upon application, if all the following conditions apply:

19 (1) The person holds a current and valid occupational license or government certification
20 in another state in a lawful occupation with a similar scope of practice, as determined by the board
21 in this state;

22 (2) The person has held the occupational license or government certification in the other
23 state for at least one year;

24 (3) The board in the other state required the person to pass an examination, or to meet
25 educational, training or experience standards;

26 (4) The board in the other state holds the person in good standing;

27 (5) The person does not have a disqualifying criminal record, as determined by the board
28 in this state under state law;

29 (6) No board in another state revoked the person’s occupational license or government
30 certification because of negligence or intentional misconduct related to the person’s work in the
31 occupation;

32 (7) The person did not surrender an occupational license or government certification
33 because of negligence or intentional misconduct related to the person’s work in the occupation in
34 another state;

1 (8) The person does not have a complaint, allegation or investigation pending before a
2 board in another state which relates to unprofessional conduct or an alleged crime. If the person
3 has a complaint, allegation or investigation pending, the board in this state shall not issue or deny
4 an occupational license or government certification to the person until the complaint, allegation or
5 investigation is resolved or the person otherwise meets the criteria for an occupational license or
6 government certification in this state, to the satisfaction of the board in this state; and

7 (9) The person pays all applicable fees in this state.

8 (b) If another state issued the person a government certification but this state requires an
9 occupational license to work, the board in this state shall issue an occupational license to the person
10 if the person otherwise satisfies the requirements of subsection (a) of this section.

11 **5-90-3. Work experience.**

12 Notwithstanding any other law, the board shall issue an occupational license or government
13 certification to a person upon application, based on work experience in another state, if all the
14 following apply:

15 (1) The person worked in a state that does not use an occupational license or government
16 certification to regulate a lawful occupation, but this state uses an occupational license or
17 government certification to regulate a lawful occupation with a similar scope of practice, as
18 determined by the board;

19 (2) The person worked for at least three (3) years in the lawful occupation; and

20 (3) The person satisfies § 5-90-2 requirements.

21 **5-90-4. Private certification.**

22 Notwithstanding any other law, the board shall issue an occupational license or government
23 certification to a person, based on holding a private certification and work experience in another
24 state, if all the following apply:

25 (1) The person holds a private certification and worked in a state that does not use an
26 occupational license or government certification to regulate a lawful occupation, but this state uses
27 an occupational license or government certification to regulate a lawful occupation with a similar
28 scope of practice, as determined by the board;

29 (2) The person worked for at least two (2) years in the lawful occupation;

30 (3) The person holds a current and valid private certification in the lawful occupation;

31 (4) The private certification organization holds the person in good standing; and

32 (5) The person satisfies § 5-90-2 requirements.

33 **5-90-5. State law examination.**

34 A board may require a person to pass a jurisprudential examination specific to relevant

1 state laws that regulate the occupation, if an occupational license or government certification in this
2 state requires a person to pass a jurisprudential examination, specific to relevant state statutes and
3 administrative rules that regulate the occupation.

4 **5-90-6. Decision.**

5 The board will provide the person with a written decision regarding the application within
6 sixty (60) days after receiving a completed application.

7 **5-90-7. Appeal.**

8 (a) The person may appeal the board's decision to a court of general jurisdiction.

9 (b) The person may appeal the board's:

10 (1) Denial of an occupational license or government certification;

11 (2) Determination of the occupation;

12 (3) Determination of the similarity of the scope of practice of the occupational license or
13 government certification issued; or

14 (4) Other determinations under this chapter.

15 **5-90-8. State laws and jurisdiction.**

16 A person who obtains an occupational license or government certification pursuant to this
17 chapter is subject to:

18 (1) The laws regulating the occupation in this state; and

19 (2) The jurisdiction of the board in this state.

20 **5-90-9. Exception.**

21 This chapter does not apply to an occupation regulated by the state supreme court.

22 **5-90-10. Limitations.**

23 (a) An occupational license or government certification issued pursuant to this chapter is
24 valid only in this state. It does not make the person eligible to work in another state under an
25 interstate compact or reciprocity agreement, unless otherwise provided in law.

26 (b) Nothing in this chapter shall be construed to prevent this state from entering into a
27 licensing compact or reciprocity agreement with another state, foreign province or foreign country.

28 (c) Nothing in this chapter shall be construed to prevent this state from recognizing
29 occupational credentials issued by a private certification organization, foreign province, foreign
30 country, international organization or other entity.

31 (d) Nothing in this chapter shall be construed to require a private certification organization
32 to grant or deny private certification to any individual.

33 **5-90-11. Cost.**

34 The board may charge a fee to the person to recoup its costs not to exceed one hundred

1 [dollars \(\\$100\) for each application.](#)

2 **5-90-12. Preemption.**

3 [This chapter preempts laws any cities, towns or other governments in the state, which](#)
4 [regulate occupational licenses and government certifications.](#)

5 SECTION 2. This act shall take effect on January 1, 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- FREEDOM TO TRAVEL AND
WORK ACT

1 This act would establish an occupational regulatory framework by authorizing the issuance
2 of occupational licenses and government certifications by recognition for qualified worker
3 applicants from other states.

4 This act would take effect on January 1, 2022.

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