

SENATE BILL REPORT

SHB 1889

As of February 19, 2024

Title: An act relating to allowing persons to receive professional licenses and certifications regardless of immigration or citizenship status.

Brief Description: Allowing persons to receive professional licenses and certifications regardless of immigration or citizenship status.

Sponsors: House Committee on Consumer Protection & Business (originally sponsored by Representatives Walen, Taylor, Leavitt, Slatter, Ramel, Duerr, Ryu, Ramos, Bateman, Reeves, Reed, Ormsby, Callan, Peterson, Kloba, Macri, Street, Doglio, Bergquist, Mena, Goodman, Thai, Santos, Hackney, Pollet, Fosse, Davis and Senn).

Brief History: Passed House: 2/9/24, 66-31.

Committee Activity: Labor & Commerce: 2/19/24.

Brief Summary of Bill

- Provides that a person not lawfully present in the United States is eligible for certain professional or commercial licenses, and prohibits denying an application solely on the basis of a person's immigration or citizenship status if the person has met all other qualifications.
- Permits applicants for licensure, certification, or registration to provide an Individual Taxpayer Identification Number in lieu of a Social Security number.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Jarrett Sacks (786-7448)

Background: Professional Licensure, Certification, and Registration. The Department of Licensing (DOL) regulates certain businesses and professions, each of which has a separate

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set of laws. Some businesses and professions are under the authority of the director of DOL, while others are regulated by a board or commission charged with regulating that particular business or profession. Examples of businesses and professions regulated under DOL include:

- architects;
- auctioneers;
- cosmetologists, manicurists, and estheticians;
- court reporters;
- embalmers and funeral directors;
- geologists;
- home inspectors;
- real estate brokers; and
- tattoo artists.

The Professional Educator Standards Board is responsible for establishing and enforcing rules determining eligibility for certification of kindergarten through grade 12 personnel, including teachers, school counselors, school psychologists, school social workers, and paraeducators.

The Department of Financial Institutions regulates the licensing of money transmitters and currency exchangers.

The Uniform Disciplinary Act (UDA) provides a legal and policy framework for the regulation and oversight of health care providers by the relevant disciplining authorities for each health care profession. Disciplining authorities may deny an application for licensure or grant a license with conditions under certain circumstances. Responsibilities in the disciplinary process are divided between the Secretary of Health and the 16 health profession boards and commissions. Examples of professions regulated under the UDA include:

- acupuncturists;
- athletic trainers;
- dentists and dental hygienists;
- dieticians and nutritionists;
- mental health counselors;
- midwives;
- nurses;
- nursing assistants;
- medical assistants;
- pharmacists;
- psychologists;
- surgical technologists; and
- veterinarians.

The Department of Labor and Industries administers and enforces laws related to the

registration of general and specialty contractors. It also licenses plumbers, electricians, and elevator mechanics.

Some professions require an applicant to be a United States citizen in order to qualify for licensure. Professions with specific United States citizenship requirements include optometrists, notaries, private investigators, private security guards, and bail bond agents.

Money transmitter and currency exchanger licensees must have a designated responsible individual, who is an individual employed by the licensee that has principal managerial authority over the provision of money services by the licensee in this state. Applications for money transmitter and currency exchange licenses must provide certain information related to the proposed responsible individual, including the proposed responsible individual's Social Security number and documentation that the proposed responsible individual is a United States citizen or has obtained legal immigration status to work in the United States.

Federal Law. Under federal law, a person not lawfully present in the United States is ineligible for any state or local public benefit. State or local public benefit is defined to include professional and commercial licenses. However, states may provide a person not lawfully present in the United States eligibility for a state or local public benefit through the enactment of a state law that affirmatively provides for such eligibility.

Summary of Bill: An individual who is not lawfully present in the United States is eligible for a professional license, commercial license, certificate, permit, or registration as allowed under federal law. A state agency or regulatory authority may not deny an application for a professional license, commercial license, certificate, permit, or registration solely on the basis of a person's immigration or citizenship status if the person has met all other qualifications.

An applicant is permitted to provide an Individual Taxpayer Identification Number instead of a Social Security number on an application. State agencies and regulatory authorities may not disclose the Social Security number or Individual Taxpayer Identification Number of an applicant or licensee for any purpose except tax purposes, licensing purposes, and enforcement of an order for child support payments. A Social Security number or Individual Taxpayer Identification Number provided to a regulatory authority is confidential and exempt from disclosure under the Public Records Act.

The requirements of the bill apply to businesses and professions included under the title of law related to businesses and professions, which includes professions regulated by DOL and professions regulated under the UDA, amongst others. The bill does not apply to interstate compacts. The requirements also apply to businesses and professions covered by the Uniform Regulation of Business and Professions Act.

The bill does not apply to private investigators, security guards, and bail bond recovery agents.

The requirements of the bill also apply to permits and certificates regulated by the Professional Educator Standards Board, the Superintendent of Public Instruction, and the Paraeducator Board.

Provisions requiring United States citizenship as a condition for licensure as an optometrist, bail bond agent, or notary are removed. Requirements for currency exchangers and money transmitters are modified by removing the requirement that a proposed responsible individual be a United States citizen or have legal immigrant status and adding the requirement that the proposed responsible individual must reside in the United States.

The following are the professional and commercial licenses covered under the bill:

- accountants;
- acupuncture and eastern medicine;
- architects;
- auctioneers;
- cosmetologists, hair designers, barbers, manicurists, and estheticians;
- counselors;
- assisted living facilities;
- podiatric medicine and surgery;
- chiropractors;
- contractors;
- dental hygienists;
- denturists;
- dentistry;
- dispensing opticians;
- audiologists, speech-language pathologists, and hearing aid specialists;
- drugless therapists;
- naturopaths;
- embalmers and funeral directors;
- engineers and land surveyors;
- escrow agents;
- birthing centers, birth doulas, and midwives;
- nursing homes and nursing home administrators;
- nursing pools;
- optometrists;
- ocularists;
- osteopaths;
- occupational therapists;
- pharmacists and pharmacy assistants;
- physicians and physician assistants;
- emergency medical care and transportation services;
- physical therapists;
- poison center medical directors and poison information specialists;

- nurses and nursing assistants;
- psychologists;
- radiologic technologists;
- real estate brokers and managing brokers;
- long-term care workers;
- respiratory care practitioners;
- veterinary medicine, surgery, and dentistry;
- landscape architects;
- professional service corporations;
- water wells;
- plumbers;
- massage therapists;
- dietitians and nutritionists;
- real estate appraisers;
- court reporters;
- sex offender treatment providers;
- fire sprinkler system contractors and fitters;
- process servers;
- bail bond agents;
- limited liability companies;
- orthotic and prosthetic services;
- substance use disorder professionals;
- on-site wastewater treatment system designers;
- surgical technologists;
- geologists;
- mental health counselors, marriage and family therapists, and social workers;
- behavioral health support specialists;
- recreation therapists;
- music therapists;
- animal massage therapists;
- athletic trainers;
- dental professionals and dental therapists;
- home inspectors;
- genetic counselors;
- body art, body piercing, and tattooing;
- appraisal management companies;
- dental anesthesia assistants;
- medical assistants;
- applied behavior analysis;
- continuing care retirement communities;
- certified peer specialists;
- camping resort operators and salespersons;
- commercial telephone solicitors;
- driver training schools and instructors;

- employment agencies;
- for hire vehicle operators;
- limousine carriers;
- notaries public;
- boxing, martial arts, and wrestling;
- scrap metal processors, scrap metal recyclers, and scrap metal suppliers;
- travel agents;
- timeshares and timeshare salespersons;
- whitewater river outfitters;
- collection agencies;
- teachers;
- school counselors, psychologists, and social workers;
- paraeducators; and
- money transmitters and currency exchangers.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on July 1, 2024.

Staff Summary of Public Testimony: PRO: The bill is really about allowing people to work. People are hired to work from other countries and their family members may not be eligible to work. If people meet the rigorous standards and pass the tests, it should be enough to let them work. Someone can go to school and meet all the requirements, but it will not help them get a professional license and advance their career. People are told they cannot obtain a professional license due to their status. The bill will help people pursue the career of their choice. There is uncertainty for undocumented individuals when it comes to the risk of applying for a professional license. The state spends resources for undocumented students only for them to hit a barrier with professional licenses.

CON: There are privacy concerns regarding private investigators, but it appears they were removed from the bill.

Persons Testifying: PRO: Representative Amy Walen, Prime Sponsor; Paul Ryan Villanueva, Communities for Our Colleges; Daniel Gomez, Latino Community Fund of Washington; Angelita Cervantes, Communities for Our Colleges; Maria Barrios, Communities for Our Colleges; Lizbeth Cervantes; Isela Bonilla, Associated Students of WSU Vancouver; Benjamin Gonzalez, Communities for Our Colleges.

CON: Greg Glassock, As Pres of Pacific Northwest Assn of Investigators and my company, Olympic Tactical & Investigations.

Persons Signed In To Testify But Not Testifying: PRO: Alex Hur, OneAmerica; Minyoung Sung, Communities for our Colleges; Noel Trujillo-Garcia, Student, LD 30th; Juniper Diegel; Deepa Bhandaru, AFT 1789; Daniel Gomez, Latino Community Fund of Washington; Karen Strickland, AFT Washington; Esperanza Borboa; Jesus Mariscal, C4C.

CON: Jeannette Mcchesney; stephanie Porcella.