

AMENDED IN SENATE MAY 14, 2012
AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 975

Introduced by Senator Wright

January 19, 2012

An act to add Section 101.2 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 975, as amended, Wright. Professions and vocations: regulatory authority.

Existing law, the Business and Professions Code, provides for the licensure and regulation of various professions and vocations by boards, bureaus, and commissions within the Department of Consumer Affairs. Under existing law, a city or county shall not prohibit a person or group of persons, authorized by one of these boards, bureaus, or commissions, as specified, to engage in a particular business from engaging in that business, and shall not prohibit a healing arts professional licensed by one of those boards from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee.

This bill would provide that those boards, bureaus, and commissions have the sole and exclusive authority to license and regulate the practice of professions and vocations regulated by those boards pursuant to provisions of that code, and that no licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions or vocations other than under that code or by regulation promulgated by the applicable board through its authority granted under that code. The bill would prohibit a city, county, city and county, school

district, other special district, a local or regional agency, or joint powers agency from imposing a licensing requirement upon a person licensed to practice a profession or vocation regulated by one of these boards. The bill would state findings and declarations of the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
2 (a) ~~The State of California~~, State and Consumer Services
3 Agency, contains the Department of Consumer Affairs, which
4 contains approximately 38 boards, bureaus, and commissions the
5 mission of which is to regulate specified professions and vocations.
6 In addition to those boards, bureaus, and commissions, the state
7 government also is comprised of dozens of other state agencies,
8 departments, boards, bureaus, and commissions.
9 (b) California local government is comprised of 58 counties,
10 approximately 470 cities, and over 2,000 special districts, local
11 and regional agencies, and joint powers agencies.
12 (c) If other state governmental entities or local governmental
13 entities were to require persons licensed to practice a profession
14 or vocation by a board, bureau, or commission within the
15 Department of Consumer Affairs to satisfy additional licensing
16 requirements in order to practice their professions or vocations,
17 before or within the respective governmental entity, this would
18 impose enormous regulatory burdens upon those persons.
19 (d) The practice of adopting continuing education requirements
20 through regulatory action, and the imposition of mandatory training
21 programs to satisfy requirements for licensure, certification, or
22 registration, is becoming more prevalent with each passing year
23 as authority is shifted from direct legislative action to increasingly
24 broad, yet undefined, regulatory mandates.
25 (e) The imposition of educational and training requirements by
26 these governmental entities, in addition to state licensing
27 requirements, inhibits the practice of those professions within or
28 before those governmental entities.
29 (f) Further, as additional licensing requirements are imposed,
30 it is becoming difficult and impractical for the state and local

1 governmental entities to administer conflicting and diverse
2 requirements, resulting in greater confusion and increased costs.

3 (g) It is therefore imperative that the licensed professions and
4 vocations have a single set of licensing requirements that apply
5 uniformly throughout the state and apply equally in all state and
6 local governmental entities, and that licensed professionals clearly
7 understand the expectations with which they must comply in order
8 to legally operate within their scopes of practice in the state.

9 SEC. 2. Section 101.2 is added to the Business and Professions
10 Code, to read:

11 101.2. (a) (1) The boards specified in Section 101 shall have
12 the sole and exclusive authority to license and regulate the practice
13 of professions and vocations regulated by those boards pursuant
14 to provisions of this code.

15 (2) No city, county, city and county, school district, other special
16 district, local or regional agency, or joint powers agency, shall
17 impose a licensing requirement upon a person licensed to practice
18 a profession or vocation regulated by a board specified in Section
19 101.

20 (3) A licensing requirement shall not be imposed upon a person
21 licensed to practice a profession or vocation regulated by a board
22 specified in Section 101 other than by this code or by regulation
23 promulgated by the applicable board through its authority granted
24 under this code.

25 (b) For purposes of this section, “licensing requirements”
26 include, but are not limited to, the following with respect to a
27 profession or vocation licensed and regulated by a board specified
28 in Section 101:

29 (1) Additional training or certification requirements to practice
30 within the scope of practice of a profession or vocation licensed
31 under this code.

32 (2) Continuing education requirements for renewal or
33 continuation of licensure.

34 (3) Any additional *experience or qualification* requirements
35 beyond those provided in this code or pursuant to regulations
36 promulgated by the applicable board specified in Section 101
37 through its authority granted under this code.

38 (c) Nothing in this section shall be construed to do either of the
39 following:

- 1 (1) Prohibit parties from contractually agreeing to additional
- 2 experience, qualifications, or training of a licensee under this code
- 3 in connection with performance of a contract.
- 4 (2) Prohibit a licensee from voluntarily undertaking satisfaction
- 5 of certification programs not required under this code for licensure
- 6 by a board specified in Section 101.