

1925--A

2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

Introduced by Sens. MORAHAN, ALESI, AUBERTINE, DIAZ, SERRANO, THOMPSON
-- read twice and ordered printed, and when printed to be committed to
the Committee on Higher Education -- committee discharged, bill
amended, ordered reprinted as amended and recommitted to said commit-
tee

AN ACT to amend the education law, in relation to the abolition of citi-
zenship requirements for licensure in certain professions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 6501 of the education law, as amended by chapter 81
2 of the laws of 1995, is amended to read as follows:
3 S 6501. Admission to a profession (licensing). 1. Admission to prac-
4 tice of a profession in this state is accomplished by a license being
5 issued to a qualified applicant by the [education] department. To qual-
6 ify for a license an applicant shall meet the requirements prescribed in
7 the article for the particular profession and shall meet the require-
8 ments prescribed in section 3-503 of the general obligations law.
9 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO OTHERWISE QUALIFIED
10 APPLICANT SHALL BE DENIED A LICENSE, CERTIFICATE, LIMITED PERMIT OR
11 REGISTRATION PURSUANT TO THIS TITLE BY REASON OF HIS OR HER LACK OF
12 CITIZENSHIP OR IMMIGRATION STATUS, UNLESS SUCH APPLICANT IS INELIGIBLE
13 FOR A PROFESSIONAL LICENSE UNDER FEDERAL LAW OR IS UNLAWFULLY PRESENT IN
14 THE UNITED STATES.
15 S 2. Paragraph (f) of subdivision 6 of section 6506 of the education
16 law, as amended by chapter 133 of the laws of 1982, is amended to read
17 as follows:
18 (f) Citizenship [or immigration status: be a United States citizen or
19 an alien lawfully admitted for permanent residence in the United
20 States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;
21 S 3. Subdivision 6 of section 6524 of the education law, as amended by
22 chapter 379 of the laws of 2008, is amended to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 (6) Citizenship [or immigration status: be a United States citizen or
2 an alien lawfully admitted for permanent residence in the United States;
3 provided, however that the board of regents may grant a three year waiv-
4 er for an alien physician to practice in an area which has been desig-
5 nated by the department as medically underserved, except that the board
6 of regents may grant an additional extension not to exceed six years to
7 an alien physician to enable him or her to secure citizenship or perma-
8 nent resident status, provided such status is being actively pursued;
9 and provided further that the board of regents may grant an additional
10 three year waiver, and at its expiration, an extension for a period not
11 to exceed six additional years, for the holder of an H-1b visa, an O-1
12 visa, or an equivalent or successor visa thereto]: MEET NO REQUIREMENT
13 AS TO UNITED STATES CITIZENSHIP;

14 S 4. Subdivision 6 of section 6554 of the education law, as amended by
15 chapter 133 of the laws of 1982, is amended to read as follows:

16 (6) Citizenship [or immigration status: be a United States citizen or
17 an alien lawfully admitted for permanent residence in the United
18 States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

19 S 5. Subdivision 6 of section 6604 of the education law, as amended by
20 chapter 403 of the laws of 2002, is amended to read as follows:

21 (6) Citizenship [or immigration status: be a United States citizen or
22 an alien lawfully admitted for permanent residence in the United States;
23 provided, however, that the board of regents may grant a three year
24 waiver for an alien to practice in an area which has been designated a
25 federal dental health professions shortage area, except that the board
26 of regents may grant an additional extension not to exceed six years to
27 an alien to enable him or her to secure citizenship or permanent resi-
28 dent status, provided such status is being actively pursued]: MEET NO
29 REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

30 S 6. Subdivision 6 of section 6609 of the education law, as amended by
31 chapter 403 of the laws of 2002, is amended to read as follows:

32 (6) Citizenship [or immigration status: be a United States citizen or
33 an alien lawfully admitted for permanent residence in the United States;
34 provided, however, that the board of regents may grant a three year
35 waiver for an alien to practice in an area which has been designated a
36 federal dental health professions shortage area, except that the board
37 of regents may grant an additional extension not to exceed six years to
38 an alien to enable him or her to secure citizenship or permanent resi-
39 dent status, provided such status is being actively pursued]: MEET NO
40 REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

41 S 7. Subdivision 6 of section 6704 of the education law, as amended by
42 chapter 201 of the laws of 2007, is amended to read as follows:

43 (6) Citizenship [or immigration status: be a United States citizen or
44 an alien lawfully admitted for permanent residence in the United States;
45 provided, however that the board of regents may grant a one-time three-
46 year waiver for a veterinarian who otherwise meets the requirements of
47 this article and who has accepted an offer to practice veterinary medi-
48 cine in a county in the state which the department has certified as
49 having a shortage of qualified applicants to fill existing vacancies in
50 veterinary medicine, and provided further that the board of regents may
51 grant an extension of such three-year waiver of not more than one year]:
52 MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

53 S 8. Subdivision 6 of section 6711 of the education law, as amended by
54 chapter 80 of the laws of 2000, is amended to read as follows:

55 6. Citizenship [or immigration status: be a United States citizen or
56 an alien lawfully admitted for permanent residence in the United States;

provided, however that the board of regents may grant a one-time three-year waiver for an animal health technician who otherwise meets the requirements of this article and provided further that the board of regents may grant an extension of such three-year waiver of not more than one year]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 9. Paragraph 6 of subdivision 1 of section 6805 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 10. Subdivision 6 of section 6955 of the education law, as added by chapter 327 of the laws of 1992, is amended to read as follows:

6. Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP.

S 11. Paragraph 6 of subdivision 1 of section 7206 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 12. Paragraph 6 of subdivision 1 of section 7206-a of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 13. Paragraph 6 of subdivision 1 of section 7324 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 14. Paragraph 6 of subdivision 1 of section 7504 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 15. Subdivision 5 of section 7804 of the education law, as amended by chapter 230 of the laws of 1997, is amended to read as follows:

(5) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 16. Subdivision 6 of section 6704 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 17. Subdivision 6 of section 6711 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

6. Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

1 S 18. This act shall take effect immediately, provided that the amend-
2 ments to subdivision 6 of section 6704 and subdivision 6 of section 6711
3 of the education law, made by sections seven and eight of this act,
4 shall be subject to the expiration and reversion of such subdivisions
5 pursuant to chapter 80 of the laws of 2000, as amended, when upon such
6 date the provisions of sections sixteen and seventeen of this act shall
7 take effect.