

STATE OF NEW YORK

6788

2017-2018 Regular Sessions

IN ASSEMBLY

March 17, 2017

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to removing citizenship and immigration status requirements for applicants for licensure for certain professions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 6501-a
2 to read as follows:

3 § 6501-a. Citizenship status; identification. 1. a. Except as provided
4 in paragraph (f) of subdivision six of section sixty-five hundred six of
5 this article, the department shall not deny licensure to an applicant to
6 practice any profession set forth in this title on the basis of such
7 applicant's citizenship status or immigration status.

8 b. The department is authorized to promulgate rules and regulations
9 necessary to implement the provisions of this subdivision.

10 2. Any application required by this title to be filed with the depart-
11 ment by an individual applicant shall include either the individual
12 taxpayer identification number or the social security number of the
13 applicant.

14 § 2. Subdivision 6 of section 6524 of the education law, as amended by
15 chapter 379 of the laws of 2008, 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 States,~~
18 ~~provided, however that the board of regents may grant a three year waiv-~~
19 ~~er for an alien physician to practice in an area which has been decig-~~
20 ~~nated by the department as medically underserved, except that the board~~
21 ~~of regents may grant an additional extension not to exceed six years to~~
22 ~~an alien physician to enable him or her to secure citizenship or perma-~~
23 ~~nent resident status, provided such status is being actively pursued,~~
24 ~~and provided further that the board of regents may grant an additional~~

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

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1 ~~three year waiver, and at its expiration, an extension for a period not~~
2 ~~to exceed six additional years, for the holder of an H-1b visa, an O-1~~
3 ~~visa, or an equivalent or successor visa thereto] meet no requirement as~~
4 ~~to United States citizenship or immigration status;~~

5 § 3. Paragraph 1 of subdivision 1 of section 6525 of the education
6 law, as amended by chapter 133 of the laws of 1982, is amended to read
7 as follows:

8 (1) A person who fulfills all requirements for a license as a physi-
9 cian except those relating to the examination [~~and citizenship or perma-~~
10 ~~nent residence in the United States];~~

11 § 4. Subdivision 6 of section 6554 of the education law, as amended by
12 chapter 133 of the laws of 1982, is amended to read as follows:

13 (6) Citizenship or immigration status: [~~be a United States citizen or~~
14 ~~an alien lawfully admitted for permanent residence in the United States]~~
15 ~~meet no requirement as to United States citizenship or immigration~~
16 ~~status;~~

17 § 5. Subdivision 6 of section 6604 of the education law, as amended by
18 chapter 403 of the laws of 2002, is amended to read as follows:

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

28 § 6. Subdivision 7 of section 6604-b of the education law, as added by
29 chapter 537 of the laws of 2008, is amended to read as follows:

30 7. [~~In order to be eligible for a restricted dental faculty license an~~
31 ~~applicant must be a United States citizen or an alien lawfully admitted~~
32 ~~for permanent residence in the United States, provided, however, that~~
33 ~~the department may grant a three year waiver for an alien who otherwise~~
34 ~~meets all other requirements for a restricted dental faculty license~~
35 ~~except that the department may grant an additional extension not to~~
36 ~~exceed six years to an alien to enable him or her to secure citizenship~~
37 ~~or permanent resident status, provided such status is being actively~~
38 ~~pursued.] No current faculty member shall be displaced by the holder of
39 a restricted dental faculty license.~~

40 § 7. Subdivision 6 of section 6609 of the education law, as amended by
41 chapter 403 of the laws of 2002, is amended to read as follows:

42 (6) Citizenship or immigration status: [~~be a United States citizen or~~
43 ~~an alien lawfully admitted for permanent residence in the United States,~~
44 ~~provided, however, that the board of regents may grant a three year~~
45 ~~waiver for an alien to practice in an area which has been designated a~~
46 ~~federal dental health professions shortage area, except that the board~~
47 ~~of regents may grant an additional extension not to exceed six years to~~
48 ~~an alien to enable him or her to secure citizenship or permanent resi-~~
49 ~~dent status, provided such status is being actively pursued] meet no~~
50 ~~requirement as to United States citizenship or immigration status;~~

51 § 8. Subdivision 6 of section 6704 of the education law, as amended by
52 chapter 201 of the laws of 2007, is amended to read as follows:

53 (6) Citizenship or immigration status: [~~be a United States citizen or~~
54 ~~an alien lawfully admitted for permanent residence in the United States,~~
55 ~~provided, however that the board of regents may grant a one-time three-~~
56 ~~year waiver for a veterinarian who otherwise meets the requirements of~~

~~this article and who has accepted an offer to practice veterinary medicine in a county in the state which the department has certified as having a shortage of qualified applicants to fill existing vacancies in veterinary medicine, 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 or immigration status;

§ 9. Paragraph 1 of subdivision 1 of section 6707 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(1) A person who fulfills all requirements for a license as a veterinarian except those relating to the examination [~~and citizenship or permanent residence in the United States~~];

§ 10. Subdivision 6 of section 6711 of the education law, as amended by chapter 80 of the laws of 2000, 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, 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 or immigration status;

§ 11. Paragraph 1 of subdivision 1 of section 6711-a of the education law, as amended by chapter 333 of the laws of 1990, is amended to read as follows:

1. Eligibility. Persons shall be eligible for a limited permit who fulfill all requirements for a license as a veterinary technician except those relating to the examination [~~and citizenship or permanent residence in the United States~~].

§ 12. 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 or immigration status;

§ 13. Subdivision 6 of section 6905 of the education law, as amended by chapter 994 of the laws of 1971 and such section as renumbered by chapter 50 of the laws of 1972, is amended to read as follows:

(6) Citizenship or immigration status: meet no requirement as to United States citizenship or immigration status;

§ 14. Subdivision 6 of section 6906 of the education law, as amended by chapter 330 of the laws of 1981, is amended to read as follows:

(6) Citizenship or immigration status: meet no requirements as to United States citizenship or immigration status;

§ 15. 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 or immigration status.

§ 16. Subdivision 6 of section 7004 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

(6) Citizenship or immigration status: meet no requirements as to United States citizenship or immigration status;

1 § 17. Subdivision 6 of section 7104 of the education law, as added by
2 chapter 987 of the laws of 1971, is amended to read as follows:

3 (6) Citizenship or immigration status: meet no requirement as to
4 United States citizenship or immigration status;

5 § 18. Paragraph 6 of subdivision a of section 7124 of the education
6 law, as amended by chapter 475 of the laws of 1973, is amended to read
7 as follows:

8 (6) Citizenship or immigration status: meet no requirement as to
9 United States citizenship or immigration status;

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

13 (6) Citizenship or immigration status: [~~be a United States citizen or~~
14 ~~an alien lawfully admitted for permanent residence in the United States~~]
15 meet no requirement as to United States citizenship or immigration
16 status;

17 § 20. Paragraph 6 of subdivision 1 of section 7206-a of the education
18 law, as amended by chapter 133 of the laws of 1982, is amended to read
19 as follows:

20 (6) Citizenship or immigration status: [~~be a United States citizen or~~
21 ~~an alien lawfully admitted for permanent residence in the United States~~]
22 meet no requirement as to United States citizenship or immigration
23 status;

24 § 21. Paragraph 6 of subdivision 1 of section 7304 of the education
25 law, as added by chapter 987 of the laws of 1971, is amended to read as
26 follows:

27 (6) Citizenship or immigration status: meet no requirement as to
28 United States citizenship or immigration status;

29 § 22. Paragraph 6 of subdivision 1 of section 7324 of the education
30 law, as amended by chapter 133 of the laws of 1982, is amended to read
31 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 meet no requirement as to United States citizenship or immigration
35 status;

36 § 23. Paragraph 6 of subdivision 1 of section 7404 of the education
37 law, as added by chapter 987 of the laws of 1971, is amended to read as
38 follows:

39 (6) Citizenship or immigration status: meet no requirements as to
40 United States citizenship or immigration status;

41 § 24. Paragraph 6 of subdivision 1 of section 7504 of the education
42 law, as amended by chapter 133 of the laws of 1982, is amended to read
43 as follows:

44 (6) Citizenship or immigration status: [~~be a United States citizen or~~
45 ~~an alien lawfully admitted for permanent residence in the United States~~]
46 meet no requirement as to United States citizenship or immigration
47 status;

48 § 25. Subdivision 6 of section 7603 of the education law, as added by
49 chapter 987 of the laws of 1971, is amended to read as follows:

50 (6) Citizenship or immigration status: meet no requirement as to
51 United States citizenship or immigration status;

52 § 26. Subdivision 5 of section 7804 of the education law, as amended
53 by chapter 230 of the laws of 1997, is amended to read as follows:

54 (5) Citizenship or immigration status: [~~be a United States citizen or~~
55 ~~an alien lawfully admitted for permanent residence in the United States~~]

1 meet no requirement as to United States citizenship or immigration
2 status;

3 § 27. Subdivision 1 of section 7806 of the education law, as amended
4 by chapter 230 of the laws of 1997, is amended to read as follows:

5 1. The department may issue a limited permit to practice massage ther-
6 apy as a licensed massage therapist, masseur or masseuse to a person who
7 has not previously held such a permit and who fulfills all except the
8 examination [~~and citizenship~~] requirements for a license, provided
9 however that a permit shall not be issued to a person who has failed the
10 state licensing examination.

11 § 28. Subdivision 6 of section 7904 of the education law, as amended
12 by chapter 460 of the laws of 2011, is amended to read as follows:

13 (6) Meet no requirements as to United States citizenship or immi-
14 gration status.

15 § 29. Paragraph (f) of subdivision 1 of section 8305 of the education
16 law, as added by chapter 905 of the laws of 1990, is amended to read as
17 follows:

18 (f) Citizenship or immigration status: meet no requirements as to
19 United States citizenship or immigration status;

20 § 30. This act shall take effect on the sixtieth day after it shall
21 have become a law; provided, however that the amendments to subdivision
22 7 of section 6604-b of the education law made by section six of this act
23 shall not affect the repeal of such subdivision and shall be deemed
24 repealed therewith; provided, however, that effective immediately, the
25 addition, amendment and/or repeal of any rule or regulation necessary
26 for the implementation of this act on its effective date is authorized
27 to be made and completed on or before such date.