STATE OF NEW YORK

8259

IN SENATE

April 24, 2018

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

2. Any application required by this title to be filed with the department by an individual applicant shall include either the individual taxpayer identification number or the social security number of the applicant.

§ 2. Subdivision 6 of section 6524 of the education law, as amended by chapter 379 of the laws of 2008, 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 three year waiver for an alien physician to practice in an area which has been designated by the department as medically underserved, except that the board of regents may grant an additional extension not to exceed six years to an alien physician to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued; and provided further that the board of regents may grant an additional three year waiver, and at its expiration, an extension for a period not to exceed six additional years, for the holder of an H-1b visa, an O-1~~

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

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~~visa, or an equivalent or successor visa thereto~~] meet no requirement as to United States citizenship or immigration status;

§ 3. Paragraph 1 of subdivision 1 of section 6525 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 physician except those relating to the examination [~~and citizenship or permanent residence in the United States~~];

§ 4. Subdivision 6 of section 6554 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;

§ 5. Subdivision 6 of section 6604 of the education law, as amended by chapter 403 of the laws of 2002, 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 three year waiver for an alien to practice in an area which has been designated a federal dental health professions shortage area, except that the board of regents may grant an additional extension not to exceed six years to an alien to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued~~] meet no requirement as to United States citizenship or immigration status;

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

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

§ 7. Subdivision 6 of section 6609 of the education law, as amended by chapter 403 of the laws of 2002, 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 three year waiver for an alien to practice in an area which has been designated a federal dental health professions shortage area, except that the board of regents may grant an additional extension not to exceed six years to an alien to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued~~] meet no requirement as to United States citizenship or immigration status;

§ 8. Subdivision 6 of section 6704 of the education law, as amended by chapter 201 of the laws of 2007, 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 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**;

§ 17. Subdivision 6 of section 7104 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 requirement as to United States citizenship **or immigration status**;

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

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

§ 19. 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 or immigration status**;

§ 20. 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 or immigration status**;

§ 21. Paragraph 6 of subdivision 1 of section 7304 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 requirement as to United States citizenship **or immigration status**;

§ 22. 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 or immigration status**;

§ 23. Paragraph 6 of subdivision 1 of section 7404 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**;

§ 24. 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 or immigration status**;

§ 25. Subdivision 6 of section 7603 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 requirement as to United States citizenship **or immigration status**;

§ 26. 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 or immigration status**;

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

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

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

(6) Meet no requirements as to United States citizenship **or immigration status**.

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

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

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