

# STATE OF NEW YORK

6042

2019-2020 Regular Sessions

## IN ASSEMBLY

February 26, 2019

Introduced by M. of A. ORTIZ, HYNDMAN, O'DONNELL, JAFFEE, COLTON, GOTTFRIED, SOLAGES, LAVINE, JEAN-PIERRE, BARRON, WEPRIN, MOSLEY, SEAWRIGHT, BLAKE, ARROYO, DAVILA, BICHOTTE -- Multi-Sponsored by -- M. of A. SIMON -- 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 wai-~~  
19 ~~ver for an alien physician to practice in an area which has been desig-~~  
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~~

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

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1 ~~an alien physician to enable him or her to secure citizenship or perma-~~  
2 ~~nent resident status, provided such status is being actively pursued,~~  
3 ~~and provided further that the board of regents may grant an additional~~  
4 ~~three year waiver, and at its expiration, an extension for a period not~~  
5 ~~to exceed six additional years, for the holder of an H-1b visa, an O-1~~  
6 ~~visa, or an equivalent or successor visa thereto] meet no requirement as  
7 to United States citizenship or immigration status;~~

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

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

14 § 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 States]~~  
18 meet no requirement as to United States citizenship or immigration  
19 status;

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

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

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

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

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

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

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

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 one-time three-~~  
4 ~~year waiver for a veterinarian who otherwise meets the requirements of~~  
5 ~~this article and who has accepted an offer to practice veterinary medi-~~  
6 ~~cine in a county in the state which the department has certified as~~  
7 ~~having a shortage of qualified applicants to fill existing vacancies in~~  
8 ~~veterinary medicine, and provided further that the board of regents may~~  
9 ~~grant an extension of such three-year waiver of not more than one year]~~  
10 meet no requirement as to United States citizenship or immigration  
11 status;

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

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

18 § 10. Subdivision 6 of section 6711 of the education law, as amended  
19 by chapter 80 of the laws of 2000, is amended to read 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 ~~provided, however that the board of regents may grant a one-time three-~~  
23 ~~year waiver for an animal health technician who otherwise meets the~~  
24 ~~requirements of this article and provided further that the board of~~  
25 ~~regents may grant an extension of such three-year waiver of not more~~  
26 ~~than one year]~~ meet no requirement as to United States citizenship or  
27 immigration status;

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

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

35 § 12. Paragraph 6 of subdivision 1 of section 6805 of the education  
36 law, as amended by chapter 133 of the laws of 1982, is amended to read  
37 as follows:

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

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

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

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

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

51 § 15. Subdivision 6 of section 6955 of the education law, as added by  
52 chapter 327 of the laws of 1992, 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 meet no requirement as to United States citizenship or immigration  
56 status.

1 § 16. Subdivision 6 of section 7004 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 requirements as to  
4 United States citizenship or immigration status;

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

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

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

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

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

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

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

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

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

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

33 § 22. Paragraph 6 of subdivision 1 of section 7324 of the education  
34 law, as amended by chapter 133 of the laws of 1982, is amended to read  
35 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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