

Document: Miss. Code Ann. § 73-50-1

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Current with 2023 Regular Session legislation signed by the Governor and effective upon passage through March 18, 2023. The final official version of the statutes affected by 2023 legislation will appear on Lexis Advance and Lexis+ in the fall of 2023.

Mississippi Code 1972 Annotated Title 73. Professions and Vocations (Chs. 1 – 79) Chapter 50. Licensing, Military-trained Individuals or Spouses to Practice Occupation; Universal Recognition of Out-of-State Occupational Licenses (§§ 73-50-1 – 73-50-2)

§ 73-50-1. Military Family Freedom Act; issuance of license, by occupational licensing board to a military-applicant or spouse or dependent to lawfully practice occupation in Mississippi under certain circumstances; temporary practice permit; appeal of decisions of occupational licensing board; preemption of local ordinances regulating licenses.

(1) This section shall be known as the “Military Family Freedom Act.”

(2) As used in this section, the term:

(a) “License” means any license (other than a privilege license), certificate, registration or other evidence of qualification that an individual is required to obtain before he or she may engage in or represent himself or herself to be a member of a particular profession or occupation.

(b) “Occupational licensing board” means any state board, commission, department or other agency in Mississippi that is established for the primary purpose of regulating the entry of persons into, and/or the conduct of persons within, a particular profession or occupation, and which is authorized to issue licenses. For the purposes of this section, the State Department of Education shall be considered an occupational licensing board when issuing teacher licenses under Section 37-3-2.

(c) “Military” means the Armed Forces or Reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state.

(3) Notwithstanding any other provision of law, an occupational licensing board shall issue a license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, if, upon application to an occupational licensing board, the applicant satisfies the following conditions:

(a) The applicant has been awarded a military occupational specialty, completed a military program of training, completed testing or equivalent training and experience, and performed in the occupational specialty; or

(b) The applicant holds a current and valid license in another state in an occupation with a similar scope of practice, as determined by the occupational licensing board in Mississippi and has held this license from the occupational licensing board in the other state for at least one (1) year; and

(c) The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in Mississippi at the time the act was committed, the occupational licensing board in the other state holds the applicant in good standing, and the applicant does not have a disqualifying criminal record as determined by the occupational licensing board in Mississippi under Mississippi law; and

(d) The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state; and

(e) The applicant does not have a complaint, allegation or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, the occupational licensing board in Mississippi shall not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the occupational licensing board in Mississippi; and

(f) The applicant pays all applicable fees in Mississippi.

(4) Notwithstanding any other law, the occupational licensing board shall issue a license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, upon application based on work experience in another state, if all the following apply:

(a) The applicant worked in a state that does not use a license to regulate a lawful occupation, but Mississippi uses a license to regulate a lawful occupation with a similar scope of practice, as determined by the occupational licensing board;

(b) The applicant worked for at least three (3) years in the lawful occupation; and

(c) The applicant satisfies the provisions of paragraphs (c) through (f) of subsection (3) of this section.

(5) An occupational licensing board may require an applicant to pass a jurisprudential examination specific to relevant state laws in Mississippi that regulate the occupation if the issuance of a license in Mississippi requires an applicant to pass a jurisprudential examination specific to relevant state statutes and administrative rules in Mississippi that regulate the occupation.

(6) The occupational licensing board shall issue or deny the license to the applicant within one hundred twenty days (120) days after receiving an application.

If the application requires longer than two (2) weeks to process, the occupational licensing board shall issue a temporary practice permit within thirty (30) days after receiving the application if the applicant submits an affidavit, under penalties of perjury, affirming that he or she satisfies the provisions of subsection (3)(a) or subsection (3)(b) of this section and subsection (3)(c) through (e) and pays all applicable fees as required by subsection (3)(f), or satisfies the provisions of subsection (4)(a) through (c) and pays all applicable fees as required by subsection (3)(f).

The applicant may practice under the temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by the occupational licensing board. A temporary license will expire in three hundred sixty-five (365) days after its issuance if the applicant fails to satisfy the requirement for licensure in subsection (5), if applicable.

(7)

(a) The applicant may appeal any of the following decisions of an occupational licensing board to a court of general jurisdiction:

(i) Denial of a license;

(ii) Determination of the occupation;

(iii) Determination of the similarity of the scope of practice of the license issued; or

(iv) Other determinations under this section.

(b) The court shall determine all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by an occupational licensing board, without regard to any previous determination that may have been made on the question in any action before the occupational licensing board.

(8) An occupational licensing board shall prominently print the following on all license applications, any communication denying a license, and on the board's website: "Pursuant to the provisions of the Military Family Freedom Act, Mississippi shall recognize occupational licenses obtained from other states for military members and their families." An occupational licensing board shall prepare and place on the board's website an annual report detailing the number of applications submitted to the licensing board under this section during a calendar year and the actions taken by the board on the applications.

(9) An occupational licensing board shall adopt rules necessary to implement this section by January 1, 2021. In addition, an occupational licensing board shall make all reasonable efforts to issue a license to an applicant for a license under this section.

(10) Nothing in this section shall be construed to prohibit a military applicant, spouse or dependent from proceeding under the existing licensure requirements established by an occupational licensing board in Mississippi.

(11) Nothing in this chapter shall be construed to prevent Mississippi from entering into a licensing compact or reciprocity agreement with another state, foreign province or foreign country. A license issued under this section is valid only in Mississippi. It does not make the person eligible to work in another state under an interstate compact or reciprocity agreement unless otherwise provided in Mississippi law.

(12) Nothing in this section shall be construed to apply to the practice of law as regulated under Section 73-3-1 et seq.

(13) This section preempts any ordinances of any municipality, county and other political subdivisions of the State of Mississippi that regulate licenses.

History

Laws, 2013, ch. 350, § 1, eff from and after July 1, 2013; Laws, 2019, ch. 445, § 1, eff from and after passage (approved March 29, 2019); Laws, 2020, ch. 412, § 1, eff from and after July 1, 2020.

Mississippi Code 1972 Annotated

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