

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 637 Session of 2019

INTRODUCED BY DiSANTO, SCHWANK, BAKER, GORDNER, MENSCH, COLLETT, MARTIN, A. WILLIAMS, PHILLIPS-HILL, FARNESE, LEACH, BREWSTER, BARTOLOTTA, TARTAGLIONE, K. WARD, KILLION, BLAKE, HAYWOOD AND IOVINO, MAY 13, 2019

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, OCTOBER 30, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in criminal history record
3 information, further providing for use of records by
4 licensing agencies; AND MAKING RELATED REPEALS. <--

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 9124(a), (b) and (c) of Title 18 of the
8 Pennsylvania Consolidated Statutes are amended and the section
9 is amended by adding ~~subsections~~ A SUBSECTION to read: <--

10 § 9124. Use of records by licensing agencies.

11 ~~(a) State agencies. [Except as provided by this chapter, a]~~ <--
12 ~~A board, commission or department of the Commonwealth, when~~

13 (A) [STATE AGENCIES.--EXCEPT AS PROVIDED BY THIS CHAPTER] <--

14 PERMISSIBLE USE OF INFORMATION.--

15 (1) EXCEPT AS PROVIDED IN SUBSECTION (E), A BOARD,
16 COMMISSION OR DEPARTMENT OF THE COMMONWEALTH, WHEN
17 determining eligibility for licensing, certification,

1 registration or permission to engage in a trade, profession  
2 or occupation, may consider convictions of the applicant of  
3 crimes ~~{but the convictions} only in accordance with this~~ <--  
4 ~~chapter. Convictions~~ shall not automatically preclude the  
5 issuance of a license, certificate, registration or permit.

6 (2) THIS SUBSECTION SHALL NOT APPLY TO THE SUPREME <--  
7 COURT, OR AN ENTITY OF THE SUPREME COURT, IN ITS CAPACITY TO  
8 GOVERN THE PRACTICE, PROCEDURE AND CONDUCT OF ALL COURTS, THE  
9 ADMISSION TO THE BAR, THE PRACTICE OF LAW, THE ADMINISTRATION  
10 OF ALL COURTS AND SUPERVISION OF ALL OFFICERS OF THE JUDICIAL  
11 BRANCH.

12 (b) Prohibited use of information.--~~{The} Notwithstanding~~ <--  
13 ~~any other provision of law concerning licensing, certification,~~  
14 ~~registration or permitting, the~~ following information shall not  
15 be used in consideration of an application for a license,  
16 certificate, registration or permit:

17 (1) Records of arrest if there is no conviction of a  
18 crime based on the arrest.

19 (2) Convictions which have been annulled [or], expunged  
20 or subject to limited access under sections 9122.1 (relating  
21 to petition for limited access) and 9122.2 (relating to clean  
22 slate limited access).

23 (3) Convictions of a summary offense.

24 (4) Convictions for which the individual has received a  
25 pardon from the Governor.

26 (5) Convictions which do not ~~{relate to the applicant's~~ <--  
27 ~~suitability for the license, certificate, registration or~~  
28 ~~permit.} directly relate to the trade, occupation or <--  
29 profession for which the license, certificate, registration  
30 or permit is sought.~~

1           (6) Adjudications of delinquency.

2           (c) State action authorized.--[Boards,] ~~Notwithstanding any~~ <--  
3 ~~other provision of law concerning licensing, certification,~~  
4 ~~registration or permitting, the boards, EXCEPT AS PROVIDED IN~~ <--  
5 SUBSECTION (E), BOARDS, commissions or departments of the  
6 Commonwealth authorized to license, certify, register or permit  
7 the practice of trades, occupations or professions may refuse to  
8 grant or renew, or may suspend or revoke any license,  
9 certificate, registration or permit {for the following causes: <--

10           (1) Where the applicant has been convicted of a felony.

11           (2) Where the applicant has been convicted of a  
12 misdemeanor which relates to the trade, occupation or  
13 profession for which the license, certificate, registration  
14 or permit is sought.} ~~based in whole or in part on a~~ <--  
15 ~~conviction of a crime if all of the following apply:~~

16           ~~(1) The applicant has been convicted of a felony or a~~  
17 ~~misdemeanor which directly relates to the trade, occupation~~  
18 ~~or profession for which the license, certificate,~~  
19 ~~registration or permit is sought.~~

20           ~~(2) The board, commission or department has conducted an~~  
21 ~~individualized assessment of the relation of the conviction~~  
22 ~~to the applicant's overall suitability to engage in the~~  
23 ~~trade, occupation or profession for which the license,~~  
24 ~~certificate, registration or permit is sought. An~~  
25 ~~individualized assessment conducted under this paragraph~~  
26 ~~shall include a consideration of the particular facts or~~  
27 ~~circumstances surrounding the offense or criminal conduct,~~  
28 ~~the length of time since the offense or criminal conduct~~  
29 ~~occurred and the grade and seriousness of the offense or~~  
30 ~~criminal conduct.~~

1 ~~(c.1) Exception. A board, commission or department may not~~  
2 ~~refuse to grant or renew and may not suspend or revoke any~~  
3 ~~license, certificate, registration or permit under subsection~~  
4 ~~(c) if the applicant can establish sufficient mitigation or~~  
5 ~~rehabilitation and fitness to perform the duties of the trade,~~  
6 ~~occupation or profession for which the license, certificate,~~  
7 ~~registration or permit is sought. Where criminal conduct is~~  
8 ~~directly related to the license, certificate, registration or~~  
9 ~~permit being sought, the board, commission or department shall~~  
10 ~~consider relevant proof of any factors that would rebut an~~  
11 ~~adverse presumption or show rehabilitation, including:~~

12 ~~(1) Facts or circumstances regarding the offense or~~  
13 ~~criminal conduct.~~

14 ~~(2) Number of offenses for which the applicant was~~  
15 ~~convicted.~~

16 ~~(3) Increase in age and maturity of the applicant since~~  
17 ~~the date of the conviction for the offense or release from a~~  
18 ~~correctional institution.~~

19 ~~(4) The applicant's criminal history, or lack thereof,~~  
20 ~~after the date of the offense or criminal conduct while~~  
21 ~~engaged in the same or similar trade, occupation or~~  
22 ~~profession for which the license, certificate, registration~~  
23 ~~or permit is sought.~~

24 ~~(5) Length and consistency of employment history before~~  
25 ~~and after the date of the offense or criminal conduct.~~

26 ~~(6) Participation in education or training activities.~~

27 ~~(7) Employment or character references and any other~~  
28 ~~information regarding fitness for trade, occupation or~~  
29 ~~profession for which the license, certificate, registration~~  
30 ~~or permit is sought.~~

1 ~~(8) Whether the applicant is bonded under a Federal,~~  
2 ~~State or local bonding program.~~

3 ~~(9) Any other factors to rebut an adverse presumption or~~  
4 ~~present relevant individual circumstances to show~~  
5 ~~rehabilitation.~~

6 \* \* \*

7 ~~(e) Petitions. An individual with a criminal history record~~  
8 ~~may petition a board, commission or department at any time,~~  
9 ~~including before obtaining education or training, for a~~  
10 ~~preliminary decision on whether the individual's criminal~~  
11 ~~history record might disqualify the individual from receiving a~~  
12 ~~license, certificate, registration or permit.~~

13 ~~(f) Limitations. A board, commission or department may only~~  
14 ~~consider criminal history records and determinations of whether~~  
15 ~~to grant, deny, suspend, revoke or renew a license, certificate,~~  
16 ~~registration or permit on the grounds of good moral character, a~~  
17 ~~crime of moral turpitude, an unethical or dishonest practice or~~  
18 ~~conduct or other categorical consideration in accordance with~~  
19 ~~the limitations specified under this section. The provisions of~~  
20 ~~this section shall supersede any law or regulation of this~~  
21 ~~Commonwealth to the contrary.~~

22 ~~(g) Regulations. A board, commission or department shall~~  
23 ~~promulgate regulations regarding the consideration of criminal~~  
24 ~~history records as part of the determination on whether or not~~  
25 ~~to grant, deny, suspend, revoke or renew a license, certificate,~~  
26 ~~registration or permit.~~

27 \* \* \*

<--

28 ~~(E) BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS.--~~

29 ~~(1) A BOARD OR COMMISSION UNDER THE BUREAU OF~~  
30 ~~PROFESSIONAL AND OCCUPATIONAL AFFAIRS IN THE DEPARTMENT OF~~

1 STATE, WHEN DETERMINING ELIGIBILITY FOR LICENSURE,  
2 CERTIFICATION, REGISTRATION OR PERMISSION TO ENGAGE IN A  
3 PROFESSION OR OCCUPATION, MAY CONSIDER CONVICTIONS OF THE  
4 APPLICANT OF CRIMES ONLY IN ACCORDANCE WITH THIS SECTION.  
5 CONVICTIONS SHALL NOT AUTOMATICALLY PRECLUDE THE ISSUANCE OF  
6 A LICENSE, CERTIFICATE, REGISTRATION OR PERMIT.

7 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW  
8 CONCERNING LICENSING, CERTIFICATION, REGISTRATION OR  
9 PERMITTING IN THE VARIOUS PRACTICE ACTS, IN ADDITION TO THE  
10 RESTRICTIONS IN SUBSECTION (B), A BOARD OR COMMISSION UNDER  
11 THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS SHALL NOT  
12 CONSIDER A CONVICTION WHICH DOES NOT DIRECTLY RELATE TO THE  
13 DUTIES, FUNCTIONS AND RESPONSIBILITIES IN THE PRACTICE OF THE  
14 PROFESSION OR OCCUPATION FOR WHICH THE LICENSE, CERTIFICATE,  
15 REGISTRATION OR PERMIT IS SOUGHT, UNLESS IT IS PROVEN BY THE  
16 PROSECUTOR FOR THE BOARD OR COMMISSION BY A PREPONDERANCE OF  
17 THE EVIDENCE AND BASED ON THE INDIVIDUALIZED ASSESSMENT  
18 REQUIRED BY PARAGRAPH (3) THAT THE APPLICANT POSES AN  
19 UNACCEPTABLE RISK TO THE PEOPLE WITH WHOM THE APPLICANT WOULD  
20 INTERACT IN THE CONDUCT OF THE PROFESSION OR OCCUPATION.

21 (3) A BOARD OR COMMISSION UNDER THE BUREAU OF  
22 PROFESSIONAL AND OCCUPATIONAL AFFAIRS MAY REFUSE TO GRANT OR  
23 RENEW, OR MAY SUSPEND, REVOKE OR OTHERWISE DISCIPLINE A  
24 LICENSE, CERTIFICATE, REGISTRATION OR PERMIT OF AN INDIVIDUAL  
25 BASED IN WHOLE OR IN PART ON A CONVICTION OF A CRIME IF ALL  
26 OF THE FOLLOWING APPLY:

27 (I) THE INDIVIDUAL HAS BEEN CONVICTED OF A FELONY OR  
28 MISDEMEANOR WHICH DIRECTLY RELATES TO THE DUTIES,  
29 FUNCTIONS AND RESPONSIBILITIES IN THE PRACTICE OF THE  
30 PROFESSION OR OCCUPATION OR WHICH, BASED ON THE FACTS AND

1           CIRCUMSTANCES OF THE PARTICULAR CRIME, DEMONSTRATES THAT  
2           THE INDIVIDUAL POSES AN UNACCEPTABLE RISK TO THE PEOPLE  
3           WITH WHOM THE INDIVIDUAL WOULD INTERACT IN THE PRACTICE  
4           OF THE PROFESSION OR OCCUPATION.

5           (II) THE BOARD OR COMMISSION HAS CONDUCTED AN  
6           INDIVIDUALIZED ASSESSMENT OF THE RELATION OF THE  
7           CONVICTION TO THE INDIVIDUAL'S OVERALL SUITABILITY TO  
8           ENGAGE IN THE PROFESSION OR OCCUPATION. AN INDIVIDUALIZED  
9           ASSESSMENT CONDUCTED UNDER THIS SUBPARAGRAPH SHALL  
10           INCLUDE A CONSIDERATION OF THE PARTICULAR FACTS OR  
11           CIRCUMSTANCES SURROUNDING THE CRIME, THE LENGTH OF TIME  
12           SINCE THE CRIME OCCURRED AND THE GRADE AND SERIOUSNESS OF  
13           THE CRIME.

14           (4) A BOARD OR COMMISSION UNDER THE BUREAU OF  
15           PROFESSIONAL AND OCCUPATIONAL AFFAIRS MAY NOT REFUSE TO GRANT  
16           OR RENEW AND MAY NOT SUSPEND, REVOKE OR OTHERWISE DISCIPLINE  
17           A LICENSE, CERTIFICATE, REGISTRATION OR PERMIT UNDER  
18           PARAGRAPH (3) IF THE INDIVIDUAL CAN PRESENT EVIDENCE OF THE  
19           PARTICULAR FACTS AND CIRCUMSTANCES SURROUNDING THE CRIME, AND  
20           THE INDIVIDUAL'S OVERALL CRIMINAL HISTORY RECORD, WHICH  
21           DEMONSTRATES THAT THE INDIVIDUAL DOES NOT POSE AN  
22           UNACCEPTABLE RISK TO PEOPLE WITH WHOM THE INDIVIDUAL WOULD  
23           INTERACT IN THE CONDUCT OF THE PROFESSION OR OCCUPATION, OR  
24           IF THE INDIVIDUAL CAN SHOW REHABILITATION AND FITNESS TO  
25           PERFORM THE DUTIES, FUNCTIONS AND RESPONSIBILITIES IN THE  
26           PRACTICE OF THE PROFESSION OR OCCUPATION. WHERE THE CRIME IS  
27           DIRECTLY RELATED TO THE DUTIES, FUNCTIONS AND  
28           RESPONSIBILITIES IN THE PRACTICE OF THE PROFESSION OR  
29           OCCUPATION, THE BOARD OR COMMISSION SHALL CONSIDER RELEVANT  
30           PROOF OF ANY FACTOR THAT WOULD SHOW THAT THE INDIVIDUAL DOES

1 NOT POSE AN UNACCEPTABLE RISK, DEMONSTRATE REHABILITATION OR  
2 ESTABLISH FITNESS TO PERFORM THE DUTIES OF THE PROFESSION OR  
3 OCCUPATION, INCLUDING:

4 (I) FACTS OR CIRCUMSTANCES REGARDING THE CRIME.

5 (II) NUMBER OF OFFENSES FOR WHICH THE INDIVIDUAL WAS  
6 CONVICTED.

7 (III) INCREASE IN AGE AND MATURITY OF THE INDIVIDUAL  
8 SINCE THE DATE OF THE CONVICTION FOR THE CRIME OR RELEASE  
9 FROM A CORRECTIONAL INSTITUTION.

10 (IV) THE INDIVIDUAL'S CRIMINAL HISTORY, OR LACK OF  
11 CRIMINAL HISTORY, AFTER THE DATE OF THE CRIME WHILE  
12 ENGAGED IN THE SAME OR SIMILAR PROFESSION OR OCCUPATION.

13 (V) LENGTH AND CONSISTENCY OF EMPLOYMENT HISTORY  
14 BEFORE AND AFTER THE DATE OF THE CRIME.

15 (VI) PARTICIPATION IN EDUCATION AND TRAINING  
16 ACTIVITIES.

17 (VII) EMPLOYMENT OR CHARACTER REFERENCES AND ANY  
18 OTHER INFORMATION REGARDING FITNESS FOR PRACTICE IN THE  
19 PROFESSION OR OCCUPATION.

20 (VIII) ANY OTHER FACTOR THAT WOULD SHOW THE  
21 INDIVIDUAL DOES NOT POSE AN UNACCEPTABLE RISK, IS CAPABLE  
22 OF BEING REHABILITATED OR IS FIT TO PERFORM THE DUTIES OF  
23 THE PROFESSION OR OCCUPATION.

24 (5) AN APPLICANT WITH A CRIMINAL HISTORY WHO, BASED ON A  
25 REVIEW OF THE REGULATIONS PUBLISHED BY THE BOARD OR  
26 COMMISSION UNDER PARAGRAPH (9) IS UNABLE TO DETERMINE WHETHER  
27 THE APPLICANT'S CRIMINAL RECORD WOULD PRECLUDE THE ISSUANCE  
28 OF A LICENSE, CERTIFICATE, REGISTRATION OR PERMIT, MAY FILE A  
29 PETITION FOR PRELIMINARY REVIEW WITH THE BOARD OR COMMISSION  
30 UNDER THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

1 SEEKING A PRELIMINARY DECISION ON WHETHER THE APPLICANT'S  
2 CRIMINAL HISTORY WOULD DISQUALIFY THE APPLICANT FROM  
3 RECEIVING A LICENSE, CERTIFICATE, REGISTRATION OR PERMIT,  
4 SUBJECT TO THE FOLLOWING:

5 (I) IF THE PETITION IS FILED SEPARATELY FROM A  
6 FORMAL APPLICATION FOR A LICENSE, CERTIFICATE,  
7 REGISTRATION OR PERMIT, THE BOARD OR COMMISSION SHALL  
8 ISSUE A PRELIMINARY DECISION WITHIN 45 DAYS. THE  
9 PRELIMINARY DECISION SHALL BE LIMITED TO A DECLARATION OF  
10 WHETHER A CONVICTION ON THE PETITIONER'S CRIMINAL HISTORY  
11 RECORD FALLS WITHIN THE SET OF CONVICTIONS THAT THE BOARD  
12 OR COMMISSION HAS PREVIOUSLY DETERMINED MAY BE DIRECTLY  
13 RELATED TO THE PROFESSION OR OCCUPATION OVER WHICH THE  
14 BOARD OR COMMISSION HAS AUTHORITY.

15 (II) IN THE EVENT THAT THE BOARD OR COMMISSION  
16 DETERMINES A CONVICTION ON THE PETITIONER'S CRIMINAL  
17 HISTORY RECORD IS DIRECTLY RELATED TO THE DUTIES,  
18 FUNCTIONS AND RESPONSIBILITIES IN THE PRACTICE OF THE  
19 PROFESSION OR OCCUPATION, THE NOTICE OF THE PRELIMINARY  
20 DECISION SHALL INFORM THE PETITIONER THAT THE  
21 DETERMINATION IS NOT FINAL OR BINDING AS TO WHETHER THE  
22 PETITIONER QUALIFIES FOR A LICENSE, CERTIFICATE,  
23 REGISTRATION OR PERMIT, AND THAT THE PETITIONER HAS THE  
24 OPPORTUNITY TO PRESENT EVIDENCE OF THE FACTORS SPECIFIED  
25 IN PARAGRAPH (4) IN CONNECTION WITH ANY SUBSEQUENT FORMAL  
26 APPLICATION FOR A LICENSE, CERTIFICATE, REGISTRATION OR  
27 PERMIT.

28 (III) THE BOARD OR COMMISSION MAY CHARGE A FILING  
29 FEE, WHICH SHALL NOT EXCEED \$45, TO BE PAID FOR EACH  
30 PETITION FOR PRELIMINARY REVIEW FILED. ON OR AFTER

1           JANUARY 1, 2022, THE BOARD OR COMMISSION MAY ESTABLISH BY  
2           REGULATION REASONABLE FEES WHICH MAY NOT EXCEED AN AMOUNT  
3           SUFFICIENT TO REIMBURSE THE BOARD OR COMMISSION FOR THE  
4           ADMINISTRATIVE COSTS ASSOCIATED WITH PROCESSING THE  
5           PETITION FOR PRELIMINARY REVIEW. THE BOARD OR COMMISSION  
6           SHALL MAKE AVAILABLE FORMS FOR PETITIONERS TO REQUEST IN  
7           FORMA PAUPERIS STATUS IN CONNECTION WITH A PETITION. THE  
8           BOARD OR COMMISSION MAY NOT UNREASONABLY DENY IN FORMA  
9           PAUPERIS STATUS. A PETITIONER GRANTED IN FORMA PAUPERIS  
10           STATUS SHALL BE PERMITTED TO FILE A PETITION AND RECEIVE  
11           A PRELIMINARY DECISION WITHOUT PAYMENT OF THE FILING FEE.

12           (IV) EXCEPT FOR THE PETITIONER FILING THE PETITION,  
13           A PRELIMINARY DECISION ISSUED BY A BOARD, COMMISSION OR  
14           THE DEPARTMENT AS A RESULT OF A PETITION FOR PRELIMINARY  
15           REVIEW SHALL HAVE NO PRECEDENTIAL VALUE AND MAY NOT BE  
16           RELIED UPON BY INDIVIDUALS APPLYING FOR A LICENSE,  
17           CERTIFICATE, REGISTRATION OR PERMIT.

18           (6) EACH BOARD OR COMMISSION UNDER THE BUREAU OF  
19           PROFESSIONAL AND OCCUPATIONAL AFFAIRS SHALL PROVIDE, ON THEIR  
20           PUBLICLY ACCESSIBLE INTERNET WEBSITE, A STANDARDIZED FORM FOR  
21           AN APPLICANT TO PETITION FOR A PRELIMINARY REVIEW AND SHALL  
22           ISSUE PRELIMINARY DECISIONS UPON PROMULGATING FINAL  
23           REGULATIONS IN ACCORDANCE WITH PARAGRAPH (9) OR WITHIN 18  
24           MONTHS, WHICHEVER IS SOONER.

25           (7) A BOARD OR COMMISSION UNDER THE BUREAU OF  
26           PROFESSIONAL AND OCCUPATIONAL AFFAIRS MAY NOT CONSIDER MORAL  
27           CHARACTER TO MAKE DETERMINATIONS OF WHETHER TO GRANT OR  
28           RENEW, DENY, SUSPEND, REVOKE OR OTHERWISE DISCIPLINE A  
29           LICENSE, CERTIFICATE, REGISTRATION OR PERMIT.

30           (8) A BOARD OR COMMISSION UNDER THE BUREAU OF

1 PROFESSIONAL AND OCCUPATIONAL AFFAIRS MAY ONLY CONSIDER  
2 CRIMINAL HISTORY RECORDS AND MAKE DETERMINATIONS OF WHETHER  
3 TO GRANT OR RENEW, DENY, SUSPEND, REVOKE OR OTHERWISE  
4 DISCIPLINE A LICENSE, CERTIFICATE, REGISTRATION OR PERMIT IN  
5 ACCORDANCE WITH THE LIMITATIONS UNDER THIS SUBSECTION. A  
6 CRIME OF MORAL TURPITUDE MAY ONLY BE CONSIDERED AS GROUNDS TO  
7 DENY, REVOKE OR OTHERWISE DISCIPLINE A LICENSE, CERTIFICATE,  
8 REGISTRATION OR PERMIT IF THE BOARD OR COMMISSION HAS  
9 DETERMINED THAT A CONVICTION FOR SUCH CRIME IS DIRECTLY  
10 RELATED TO THE DUTIES, FUNCTIONS AND RESPONSIBILITIES IN THE  
11 PRACTICE OF THE PROFESSION OR OCCUPATION. THE PROVISIONS OF  
12 THIS SECTION SHALL SUPERSEDE ANY LAW OR REGULATION TO THE  
13 CONTRARY.

14 (9) EACH BOARD OR COMMISSION UNDER THE BUREAU OF  
15 PROFESSIONAL AND OCCUPATIONAL AFFAIRS SHALL, WITHIN 18 MONTHS  
16 FROM THE EFFECTIVE DATE OF THIS SECTION, PROMULGATE FINAL  
17 REGULATIONS, FOLLOWING PUBLIC NOTICE AND COMMENTS, REGARDING  
18 THE CONSIDERATION OF CRIMINAL HISTORY RECORDS AS PART OF THE  
19 DETERMINATION OF WHETHER TO GRANT, DENY, RENEW, SUSPEND,  
20 REVOKE OR OTHERWISE DISCIPLINE A LICENSE, CERTIFICATE,  
21 REGISTRATION OR PERMIT. THE REGULATIONS SHALL INCLUDE THE  
22 PRESCRIBED PETITION FEE, AS WELL AS AN EXPLANATION OF THE  
23 CONVICTIONS THE BOARD OR COMMISSION HAS DETERMINED ARE  
24 DIRECTLY RELATED TO THE DUTIES, FUNCTIONS AND  
25 RESPONSIBILITIES IN THE PRACTICE OF THE PROFESSION OR  
26 OCCUPATION REGULATED BY THE BOARD OR COMMISSION.

27 SECTION 2. REPEALS ARE AS FOLLOWS:

28 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEALS UNDER  
29 PARAGRAPH (2) ARE NECESSARY TO EFFECTUATE THE AMENDMENT OR  
30 ADDITION OF 18 PA.C.S. § 9124(A), (B), (C) AND (E).

1 (2) THE FOLLOWING ACTS AND PARTS OF ACTS ARE REPEALED:

2 (I) THE PENULTIMATE AND LAST SENTENCE OF SECTION  
3 3(C) OF THE ACT OF MAY 1, 1933 (P.L.216, NO.76), KNOWN AS  
4 THE DENTAL LAW, WHICH READ AS FOLLOWS: "THE BOARD SHALL  
5 NOT ISSUE A LICENSE TO AN APPLICANT WHO HAS BEEN  
6 CONVICTED OF A FELONY UNDER THE ACT OF APRIL 14, 1972  
7 (P.L.233, NO.64), KNOWN AS 'THE CONTROLLED SUBSTANCE,  
8 DRUG, DEVICE AND COSMETIC ACT,' OR OF AN OFFENSE UNDER  
9 THE LAWS OF ANOTHER JURISDICTION WHICH IF COMMITTED IN  
10 THIS COMMONWEALTH WOULD BE A FELONY UNDER 'THE CONTROLLED  
11 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT,' UNLESS: (1) AT  
12 LEAST TEN (10) YEARS HAVE ELAPSED FROM THE DATE OF  
13 CONVICTION, (2) THE APPLICANT SATISFACTORILY DEMONSTRATES  
14 TO THE BOARD THAT HE HAS MADE SIGNIFICANT PROGRESS IN  
15 PERSONAL REHABILITATION SINCE THE CONVICTION SUCH THAT  
16 LICENSURE OF THE APPLICANT SHOULD NOT BE EXPECTED TO  
17 CREATE A SUBSTANTIAL RISK OF HARM TO THE HEALTH AND  
18 SAFETY OF HIS PATIENTS OR THE PUBLIC OR A SUBSTANTIAL  
19 RISK OF FURTHER CRIMINAL VIOLATIONS, AND (3) THE  
20 APPLICANT OTHERWISE SATISFIES THE QUALIFICATIONS  
21 CONTAINED IN OR AUTHORIZED BY THIS ACT. AS USED IN THIS  
22 SECTION THE TERM 'CONVICTED' SHALL INCLUDE A JUDGMENT, AN  
23 ADMISSION OF GUILT OR A PLEA OF NOLO CONTENDERE."

24 (II) SECTION 10.1(B) OF THE ACT OF MAY 23, 1945  
25 (P.L.913, NO.367), KNOWN AS THE ENGINEER, LAND SURVEYOR  
26 AND GEOLOGIST REGISTRATION LAW.

27 (III) SECTION 6(C) OF THE ACT OF MAY 22, 1951  
28 (P.L.317, NO.69), KNOWN AS THE PROFESSIONAL NURSING LAW.

29 (IV) THE ANTEPENULTIMATE, PENULTIMATE AND LAST  
30 SENTENCE OF SECTION 5 OF THE ACT OF MARCH 2, 1956 (1955

1 P.L.1211, NO.376), KNOWN AS THE PRACTICAL NURSE LAW,  
2 WHICH READ AS FOLLOWS: "THE BOARD SHALL NOT ISSUE A  
3 LICENSE OR CERTIFICATE TO AN APPLICANT WHO HAS BEEN  
4 CONVICTED OF A FELONIOUS ACT PROHIBITED BY THE ACT OF  
5 APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS 'THE CONTROLLED  
6 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT,' OR CONVICTED  
7 OF A FELONY RELATING TO A CONTROLLED SUBSTANCE IN A COURT  
8 OF LAW OF THE UNITED STATES OR ANY OTHER STATE, TERRITORY  
9 OR COUNTRY UNLESS:

10 (1) AT LEAST TEN (10) YEARS HAVE ELAPSED FROM  
11 THE DATE OF CONVICTION;

12 (2) THE APPLICANT SATISFACTORILY DEMONSTRATES TO  
13 THE BOARD THAT HE HAS MADE SIGNIFICANT PROGRESS IN  
14 PERSONAL REHABILITATION SINCE THE CONVICTION SUCH  
15 THAT LICENSURE OF THE APPLICANT SHOULD NOT BE  
16 EXPECTED TO CREATE A SUBSTANTIAL RISK OF HARM TO THE  
17 HEALTH AND SAFETY OF PATIENTS OR THE PUBLIC OR A  
18 SUBSTANTIAL RISK OF FURTHER CRIMINAL VIOLATIONS; AND

19 (3) THE APPLICANT OTHERWISE SATISFIES THE  
20 QUALIFICATIONS CONTAINED IN OR AUTHORIZED BY THIS  
21 ACT.

22 AS USED IN THIS SECTION THE TERM 'CONVICTED' SHALL  
23 INCLUDE A JUDGMENT, AN ADMISSION OF GUILT OR A PLEA OF  
24 NOLO CONTENDERE. AN APPLICANT'S STATEMENT ON THE  
25 APPLICATION DECLARING THE ABSENCE OF A CONVICTION SHALL  
26 BE DEEMED SATISFACTORY EVIDENCE OF THE ABSENCE OF A  
27 CONVICTION, UNLESS THE BOARD HAS SOME EVIDENCE TO THE  
28 CONTRARY."

29 (V) SECTION 3(A)(6) OF THE ACT OF SEPTEMBER 27, 1961  
30 (P.L.1700, NO.699), KNOWN AS THE PHARMACY ACT.

1 (VI) SECTION 6(A) (5) OF THE ACT OF MARCH 23, 1972  
2 (P.L.136, NO.52), KNOWN AS THE PROFESSIONAL PSYCHOLOGISTS  
3 PRACTICE ACT.

4 (VII) SECTION 9(B) (4) OF THE ACT OF DECEMBER 27,  
5 1974 (P.L.995, NO.326), KNOWN AS THE VETERINARY MEDICINE  
6 PRACTICE ACT.

7 (VIII) THE PENULTIMATE AND LAST SENTENCE OF SECTION  
8 6(A) OF THE ACT OF OCTOBER 10, 1975 (P.L.383, NO.110),  
9 KNOWN AS THE PHYSICAL THERAPY PRACTICE ACT, WHICH READ AS  
10 FOLLOWS: "THE BOARD SHALL NOT ISSUE A LICENSE TO AN  
11 APPLICANT WHO HAS BEEN CONVICTED OF A FELONY UNDER THE  
12 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS 'THE  
13 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT,' OR  
14 OF AN OFFENSE UNDER THE LAWS OF ANOTHER JURISDICTION  
15 WHICH, IF COMMITTED IN THIS COMMONWEALTH, WOULD BE A  
16 FELONY UNDER 'THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND  
17 COSMETIC ACT,' UNLESS:

18 (1) AT LEAST TEN YEARS HAVE ELAPSED FROM THE  
19 DATE OF CONVICTION;

20 (2) THE APPLICANT SATISFACTORILY DEMONSTRATES TO  
21 THE BOARD THAT HE HAS MADE SIGNIFICANT PROGRESS IN  
22 PERSONAL REHABILITATION SINCE THE CONVICTION SUCH  
23 THAT LICENSURE OF THE APPLICANT SHOULD NOT BE  
24 EXPECTED TO CREATE A SUBSTANTIAL RISK OF HARM TO THE  
25 HEALTH AND SAFETY OF PATIENTS OR THE PUBLIC OR A  
26 SUBSTANTIAL RISK OF FURTHER CRIMINAL VIOLATIONS; AND

27 (3) THE APPLICANT OTHERWISE SATISFIES THE  
28 QUALIFICATIONS CONTAINED IN OR AUTHORIZED BY THIS  
29 ACT.

30 AS USED IN THIS SUBSECTION THE TERM 'CONVICTED' INCLUDES

1 A JUDGMENT, AN ADMISSION OF GUILT OR A PLEA OF NOLO  
2 CONTENDERE."

3 (IX) SECTION 6(C) OF THE ACT OF OCTOBER 5, 1978  
4 (P.L.1109, NO.261), KNOWN AS THE OSTEOPATHIC MEDICAL  
5 PRACTICE ACT.

6 (X) SECTION 4(D) OF THE ACT OF JUNE 6, 1980  
7 (P.L.197, NO.57), KNOWN AS THE OPTOMETRIC PRACTICE AND  
8 LICENSURE ACT.

9 (XI) THE PENULTIMATE AND LAST SENTENCE OF SECTION  
10 22(B) OF THE ACT OF DECEMBER 20, 1985 (P.L.457, NO.112),  
11 KNOWN AS THE MEDICAL PRACTICE ACT OF 1985, WHICH READ AS  
12 FOLLOWS: "THE BOARD SHALL NOT ISSUE A LICENSE OR  
13 CERTIFICATE TO AN APPLICANT WHO HAS BEEN CONVICTED OF A  
14 FELONY UNDER THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),  
15 KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND  
16 COSMETIC ACT, OR OF AN OFFENSE UNDER THE LAWS OF ANOTHER  
17 JURISDICTION WHICH, IF COMMITTED IN THIS COMMONWEALTH,  
18 WOULD BE A FELONY UNDER THE CONTROLLED SUBSTANCE, DRUG,  
19 DEVICE AND COSMETIC ACT, UNLESS:

20 (1) AT LEAST TEN YEARS HAVE ELAPSED FROM THE  
21 DATE OF CONVICTION;

22 (2) THE APPLICANT SATISFACTORILY DEMONSTRATES TO  
23 THE BOARD THAT HE HAS MADE SIGNIFICANT PROGRESS IN  
24 PERSONAL REHABILITATION SINCE THE CONVICTION SUCH  
25 THAT LICENSURE OF THE APPLICANT SHOULD NOT BE  
26 EXPECTED TO CREATE A SUBSTANTIAL RISK OF HARM TO THE  
27 HEALTH AND SAFETY OF HIS PATIENTS OR THE PUBLIC OR A  
28 SUBSTANTIAL RISK OF FURTHER CRIMINAL VIOLATIONS; AND

29 (3) THE APPLICANT OTHERWISE SATISFIES THE  
30 QUALIFICATIONS CONTAINED IN OR AUTHORIZED BY THIS

1           ACT.  
2           AS USED IN THIS SECTION THE TERM 'CONVICTED' SHALL  
3           INCLUDE A JUDGMENT, AN ADMISSION OF GUILT OR A PLEA OF  
4           NOLO CONTENDERE."

5           (XII) SECTION 501(A) (7) OF THE ACT OF DECEMBER 16,  
6           1986 (P.L.1646, NO.188), KNOWN AS THE CHIROPRACTIC  
7           PRACTICE ACT.

8           (XIII) SECTION 7(A) (5), (D) (6), (E) (6), (F) (6) AND  
9           (G) (5) OF THE ACT OF JULY 9, 1987 (P.L.220, NO.39), KNOWN  
10          AS THE SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND  
11          PROFESSIONAL COUNSELORS ACT.

12          (XIV) SECTION 502(C) (1) OF THE ACT OF OCTOBER 9,  
13          2008 (P.L.1363, NO.100), KNOWN AS THE CRANE OPERATOR  
14          LICENSURE ACT.

15          (XV) SECTION 5(A) (6) OF THE ACT OF OCTOBER 9, 2008  
16          (P.L.1438, NO.118), KNOWN AS THE MASSAGE THERAPY LAW.

17          (XVI) THE PROVISION OF ANY ACT THAT IS INCONSISTENT  
18          WITH THIS ACT.

19          Section ~~2~~ 3. This act shall take effect in ~~60~~ 90 days.           <--