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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1018 Session of  
2017

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INTRODUCED BY KAUFFMAN, IRVIN, D. COSTA, BURNS, MILLARD,  
EVERETT, METCALFE, ROAE, DeLUCA AND COX, MARCH 31, 2017

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 31, 2017

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AN ACT

1 Prohibiting certain licensees from knowingly employing illegal  
2 aliens; and imposing sanctions.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Professional  
7 Licensees Illegal Employment Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Licensee." An individual, corporation, partnership, limited  
13 liability company or other legal entity that holds a license  
14 issued by a licensing board or licensing commission.

15 "Licensing board." A departmental or administrative board  
16 under the Bureau of Professional and Occupational Affairs in the  
17 Department of State.

18 "Licensing commission." A departmental or administrative

1 commission under the Bureau of Professional and Occupational  
2 Affairs in the Department of State.

3 "Unauthorized alien." An alien who does not have the legal  
4 right or authorization under Federal law to work in the United  
5 States, as defined under section 274A(h) (3) of the Immigration  
6 and Nationality Act (Public Law 99-603, 8 U.S.C. § 1324a(h) (3)).  
7 Section 3. Prohibition.

8 No licensee shall knowingly employ or permit the employment  
9 of an unauthorized alien to perform a function for or in  
10 connection with:

11 (1) the profession that the licensee is licensed to  
12 practice; or

13 (2) a business activity:

14 (i) in which the licensee engages; and

15 (ii) which is related to the profession that the  
16 licensee is licensed to practice in terms of services  
17 provided.

18 Section 4. Sanction.

19 (a) Revocation.--If a licensing board or licensing  
20 commission finds that a licensee has violated section 3, the  
21 licensing board or licensing commission shall revoke the license  
22 of the licensee.

23 (b) Administrative agency law.--This section shall be  
24 subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and  
25 procedure of Commonwealth agencies) and 7 Subch. A (relating to  
26 judicial review of Commonwealth agency action).

27 (c) Verification of work authorization.--In order to  
28 investigate an alleged violation of section 3, a licensing board  
29 or licensing commission shall verify the work authorization or  
30 immigration status of an alleged unauthorized alien only through

1 the Federal Government under section 642(c) of the Illegal  
2 Immigration Reform and Immigrant Responsibility Act of 1996  
3 (Public Law 104-208, 8 U.S.C. § 1373(c)). The licensing board or  
4 licensing commission may not attempt to independently make a  
5 final determination on whether the alien is authorized to work  
6 in the United States.

7 Section 5. Affirmative defense.

8 It shall be an affirmative defense to any proceeding for a  
9 violation of this act that a licensee:

10 (1) complied with section 274A of the Immigration and  
11 Nationality Act (Public Law 99-603, 8 U.S.C. § 1324a) with  
12 respect to hiring, recruiting or referring an individual for  
13 employment in the United States; or

14 (2) required a contractor of the licensee to certify  
15 compliance with section 274A of the Immigration and  
16 Nationality Act with respect to hiring, recruiting or  
17 referring an individual for employment in the United States  
18 and has notified the appropriate Federal authority if the  
19 licensee knew that the contractor employed an unauthorized  
20 alien.

21 Section 6. Effective date.

22 This act shall take effect in 60 days.