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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1094 Session of  
2021

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INTRODUCED BY KAUFFMAN, STAMBAUGH, R. MACKENZIE, METCALFE, RYAN,  
MILLARD, B. MILLER, WHEELAND, COX, ROWE AND JOZWIAK,  
APRIL 5, 2021

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 5, 2021

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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.

1 "Licensing commission." A departmental or administrative  
2 commission under the Bureau of Professional and Occupational  
3 Affairs in the Department of State.

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

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

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

14 (2) a business activity:

15 (i) in which the licensee engages; and

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

19 Section 4. Sanction.

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

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

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

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

8 Section 5. Affirmative defense.

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

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

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

22 Section 6. Effective date.

23 This act shall take effect in 60 days.