



SPONSOR: Sen. S. McBride & Rep. Griffith
Sens. Brown, Gay, Hansen, Huxtable, Lockman, Pinkney,
Poore, Sokola, Sturgeon, Townsend; Reps. Baumbach,
Briggs King, Heffernan, K. Johnson, Minor-Brown,
Morrison, Romer, Wilson-Anton

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 80

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO IMMIGRATION STATUS
REQUIREMENTS FOR PROFESSIONAL LICENSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 6, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 610. Prohibiting the denial of an application for a license solely on immigration or citizenship status.

4 (a) The General Assembly hereby finds and declares all of the following:

5 (1) It is in the best interests of this State to make full use of the skills and talents of every resident of this
6 State.

7 (2) It is the public policy of this State that each resident of this State, regardless of immigration or citizenship
8 status, is eligible to receive the benefit of applying for a license, certificate, or permit pursuant to 8 U.S.C. § 1621(d).

9 (b) For purposes of this section,

10 (1) "Application" means an application for issuance or renewal of any license, permit, certificate, approval,
11 registration, or other similar form of permission or authorization to practice or engage in any profession, occupation, or
12 business of any commission, board, or agency.

13 (2) "State" means any agency, authority, department, instrumentality, commission, office, board, or other unit
14 of this State's government authorized by law to issue a professional license, permit, certification, approval, or
15 registration necessary to engage in any profession, occupation, or business of any commission, board, or agency.

16 (c) Notwithstanding any other law or regulation, the State may not deny an application because of the applicant's
17 immigration or citizenship status.

18 (d)(1) If the State requires an applicant's social security number for an application, an applicant who does not have
19 a social security number must provide an alternative personally identifying number, such as the applicant's individual
20 taxpayer identification number, when completing the application.

21 (2) A social security number or alternative personally identifying number provided in an application is
22 confidential and is not a public record for the purposes of Chapter 100 of this title. The State may not disclose that
23 social security number or alternative personally identifying number, except for the following purposes:

24 a. Tax purposes.

25 b. Licensing purposes.

26 c. Enforcement of an order for the payment of child support.

27 Section 2. Amend § 8735, Title 29 of the Delaware Code by making deletions as shown by strike through and
28 insertions as shown by underline as follows:

29 § 8735. Division of Professional Regulation.

30 (a) The Division of Professional Regulation ~~shall have~~ (Division) has the powers, ~~duties~~ duties, and functions set
31 forth ~~in~~ under this section. The Division shall be responsible for the administrative, ministerial, budgetary, ~~clerical~~ clerical,
32 and exclusive investigative ~~functions (including but not limited to~~ functions, including the appointment, removal,
33 ~~compensation~~ compensation, and duties of ~~employees)~~ employees, as provided by law of the following commissions,
34 ~~boards~~ boards, and agencies, with the exception that the Secretary of State ~~shall~~ is not be precluded from entering into a
35 memorandum of understanding with the Secretary of the Department of Health and Social Services (DHSS) for the purpose
36 of allowing employees of ~~the Department of Health and Social Services~~ DHSS to function as inspectors, ~~investigators~~
37 investigators, and administrative support for the Board of Pharmacy:

38 (g)(1) The Director of ~~the Division of Professional Regulation~~ (Director) shall ensure that all regulatory actions
39 taken by boards and commissions listed in this section are in conformance with the Administrative Procedures Act ~~[§ 10101~~
40 ~~et seq. Act, Chapter 101 of this title]~~ title and the Freedom of Information Act ~~[§ 10001 et seq. Act, Chapter 100 of this~~
41 ~~title]~~ title. The Director shall review and approve all legal notices, public ~~notices~~ notices, and agendas for conformance
42 with these requirements.

43 (2) A social security number or alternative personally identifying number, such as an individual taxpayer
44 identification number, provided to the Division is confidential and is not a public record for the purposes of Chapter
45 100 of this title. The Division may not disclose the social security number or alternative personally identifying number,
46 except for the following purposes:

47 a. Tax purposes.

48 b. Licensing purposes.

49 c. Enforcement of an order for the payment of child support.

50 (m) The Social Security number of the applicant shall be included on the application for issuance or renewal of
51 any license, permit, certificate, approval, ~~registration~~ registration, or other similar form of permission or authorization to
52 practice or engage in any profession, ~~occupation~~ occupation, or business of any commission, ~~board~~ board, or agency ~~named~~
53 ~~in this section (but not including any~~ under subsection (a) of this section, except for any of the following:

54 (1) A license issued on behalf of a nonprofit applicant by the Board of Charitable Gaming as set forth in under
55 Chapter 15 of Title 28). 28.

56 (2) If an applicant for a license does not have a social security number, the applicant must provide an
57 alternative personally identifying number, such as the applicant's individual taxpayer identification number, when
58 completing an application for a license.

SYNOPSIS

This Act codifies the current practice in Delaware of not requiring proof of citizenship or a specific immigration status on an application for a professional license. By affirmatively providing eligibility for professional licenses regardless of immigration status, this Act brings Delaware into compliance with a federal requirement in place since August 22, 1996, under 8 U.S.C.S. § 1621(d), and provides public notice of this policy.

Author: Senator S. McBride