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DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
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) "Social security number exemption attestation" means a signed statement from the applicant stating that if
14 the applicant obtains a social security number in the future, the applicant will update their application with that social
15 security number.

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

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

(d)(1) Notwithstanding any other law or regulation, if an applicant for a license does not have a social security number, the applicant must do 1 or more of the following when completing an application for a license:

a. Provide an alternative personally identifying number, such as the applicant's individual taxpayer identification number.

b. Complete a social security number exemption attestation.

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

a. Tax purposes.

b. Licensing purposes.

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

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

§ 8735. Division of Professional Regulation.

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

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

48 (2) A social security number or alternative personally identifying number, such as an individual taxpayer
49 identification number, provided to the Division is confidential and is not a public record for the purposes of Chapter
50 100 of this title. The Division may not disclose the social security number or alternative personally identifying number,
51 except for the following purposes:

52 a. Tax purposes.

53 b. Licensing purposes.

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

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

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

61 (2) Notwithstanding any other law or regulation, if an applicant for a license does not have a social security
62 number, the applicant must do 1 or more of the following when completing an application for a license:

63 a. Provide an alternative personally identifying number, such as the applicant's individual taxpayer
64 identification number.

65 b. Complete a social security number exemption attestation.

SYNOPSIS

Senate Bill No. 80 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, Senate Bill No. 80 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. Senate Bill No. 80 also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Senate Substitute No. 1 for Senate Bill No. 80 differs from Senate Bill No. 80 by also codifying the current practice of allowing an applicant for a professional license who does not have a social security number to submit instead, an attestation stating that if the applicant obtains a social security number in the future, the applicant will update their application with that social security number.

Author: Senator S. McBride