

Military Spouse License Recognition: A Guide to State Legislation



UNITED STATES DEPARTMENT OF LABOR

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MILITARY SPOUSE LICENSE RECOGNITION: A GUIDE TO STATE LEGISLATION

January 11, 2021

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Executive Summary

Military spouses bear extraordinary burdens. This Report examines one such burden: namely, the difficulties faced by military spouses who have a professional license that allows them to work in one state, but who want to work in a second state. The license is the legal instrument or status that grants permission to work in a particular profession; without the license, such work is illegal. Most U.S. states have statutes that, to some degree, grant interstate license-recognition rights to military spouses; however, the nature of our federal system leads to great variance in these rights across states.

This Report describes the policy options codified in statutes across the United States that control military spouse license recognition; supplies a plain-language summary of statutory military spouse license recognition rights in each state; highlights those recognition statutes which provide a categorical right to license recognition; and provides a tabular representation of military spouse license recognition rights in each state for ease of comparison. This Report will be of assistance to policymakers and others who wish to learn how one state's statute measures up against other statutes in the domain of the rights of military spouses who seek cross-state license recognition.

This Report finds that 21 states have enacted military spouse license recognition statutes that provide a categorical right to interstate license recognition. The remaining 29 states do not offer military spouses this statutory right. Some of those 29 states provide for optional or discretionary (not mandatory) recognition; some require equivalence or substantial equivalence between the license curricula of the home state and that of the destination state; some reduce the coverage of their recognition statutes by expressly excluding multiple occupations; and one state has no license recognition statute at all.

1. The Problem of Military Spouse License Recognition

Military spouses — those who are married to active-duty members of the military — make extraordinary contributions, but sometimes face extraordinary challenges. One of these challenges is frequent moves: Members of the military are transferred, on average, once every 2.5 years. When a member of the military is transferred to another post, his or her family faces a difficult choice: Should the rest of the family move or stay? Either choice is likely to create substantial life, career, and family challenges.

A related difficulty borne by military spouses is that their jobs are not always transferable across states: Because the permission to practice many occupations is++ controlled by each state government through the issuance of a license, those who are allowed to practice an occupation in one state are often prevented from practicing that occupation in another state until they undergo costly and time-consuming relicensing procedures. These state-level obstacles led to a recommendation from the Trump Administration in a recent Executive Order: “Accommodations should be made for any applicant for an occupational license who is the spouse of an active duty member of the uniformed services and who is relocating with the member due to the member’s official permanent change of station orders.”¹

Most state legislatures have passed a statute (or a set of statutes) that grants some kind of license recognition to military spouses who have moved to be with their active-duty spouse; in some circumstances, a military spouse license in one state can be recognized in a second state relatively quickly and inexpensively. Of the 50 states, 49 have passed some kind of military spouse license recognition statute; the exception is Connecticut. (Another mechanism for interstate license recognition, albeit one with a smaller scope, is the single-occupation interstate compact; because there are interstate compacts for only a few professions, this Report does not analyze them.²) This Report describes and evaluates the details of the states’ varied military spouse license-recognition statutes in plain language and using functional terminology.³ The differences among these statutes have real consequences.

Notably, statutory evaluations address only one measure that states take to advance license recognition for military spouses; this Report is silent about, for example, the administrative or public awareness efforts that states undertake to assist in license recognition. In other words, this Report only evaluates military spouse license recognition statutes, rather than the totality of efforts in this realm by *states*.

2. The Diverse Policy Options Chosen by State Legislatures

The United States has a federal system of governance for most licenses. Most licensing decisions are made at the state level, not the federal level; most decisions about licensing policy are made either by state legislatures or state agencies. It is a predictable consequence of federalism that interstate military spouse licensing recognition policies are not uniform across states, but rather are varied and diverse. The principal approaches that state policymakers have taken toward military spouse license recognition are listed and described below.

- **“Shall issue” vs. “may issue” policies.** Most states *require* state agencies to issue some sort of employment credential to military spouses with out-of-state licenses (“shall issue”); other states give state agencies the *option* or the *discretion* to issue the employment credential (“may issue”). The discretion that is created by a “may issue” rule may have especially significant results for agencies that are deferential to the interests of those who currently practice the occupation; in such cases, those who control agency decisions may wish to protect the incumbent practitioners of the profession, rather than open up a state’s labor market to new professionals who wish to enter it.⁴ Obviously, a “shall issue” rule is more favorable to military spouses.

Figure 1. “Shall issue” requirements in recognition statutes

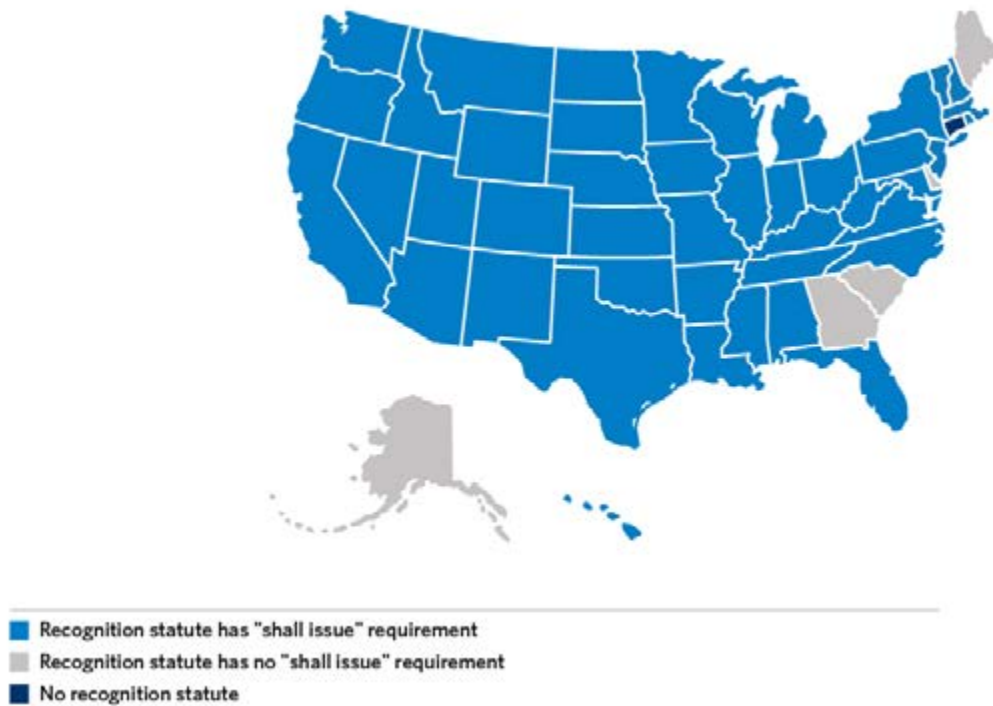
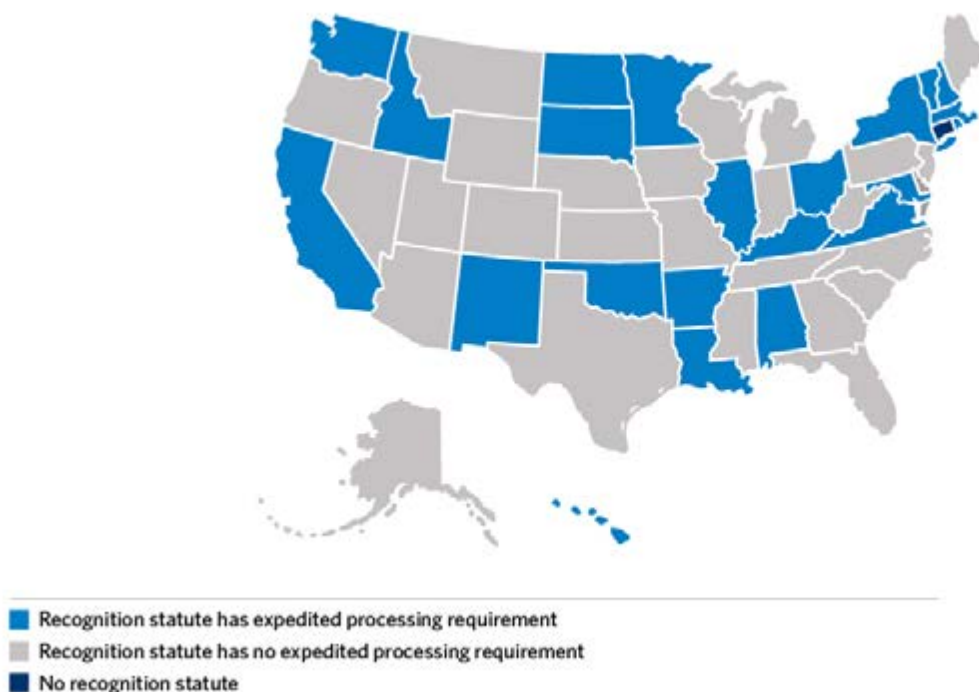
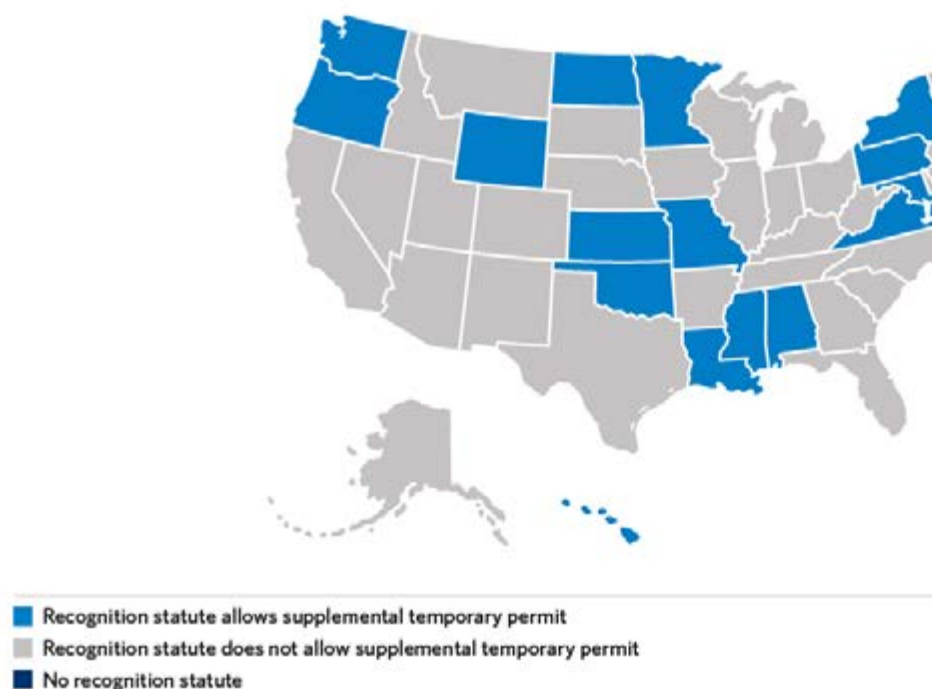


Figure 2. Expedited processing requirements in recognition statutes

- **“License” vs. “temporary permit.”** Some states allow military spouses with out-of-state licenses to get a second (local) license; that second license functions just like the licenses the state agency ordinarily grants. Other states allow military spouses with out-of-state licenses to get only a temporary permit; the temporary permit’s life is typically shorter than a license, or it is not renewable or less renewable than a license is. States often require or encourage the recipients of temporary permits to pursue the training or education that is necessary for a license. Generally, a license-holder is in a stronger position than a permit-holder for several reasons: for example, a permit-holder may periodically have to demonstrate military spouse status to receive permit renewal, while a licenseholder does not.⁵ A rule that allows for a second (local) license, not just a temporary permit, is more favorable to military spouses.
- **Expedited licensing or temporary permits for military spouses.** Some states require priority processing for military spouse license applications, or they put military spouse applicants at the head of the line of applicants. Some states provide temporary permits to military spouses as a kind of alternate pathway to permission to practice in circumstances when immediate licensing is unavailable. These features are more favorable to military spouses.
- **True license recognition.** A few states do not require military spouses with out-of-state licenses to pursue a second (local) license to practice a profession; instead, the state will recognize the out-of-state license and therefore permit the military spouse to practice a profession without a second license. (This rule, which can be called “true license recognition,” is used for drivers’ licenses throughout the United States: a driver who crosses a state line does not have to purchase a second license to continue driving, because a license issued by one state will be recognized by another.) A true license recognition rule, because it requires a smaller paperwork burden, is more favorable to military spouses.

Figure 3. Supplemental temporary permit available during license processing

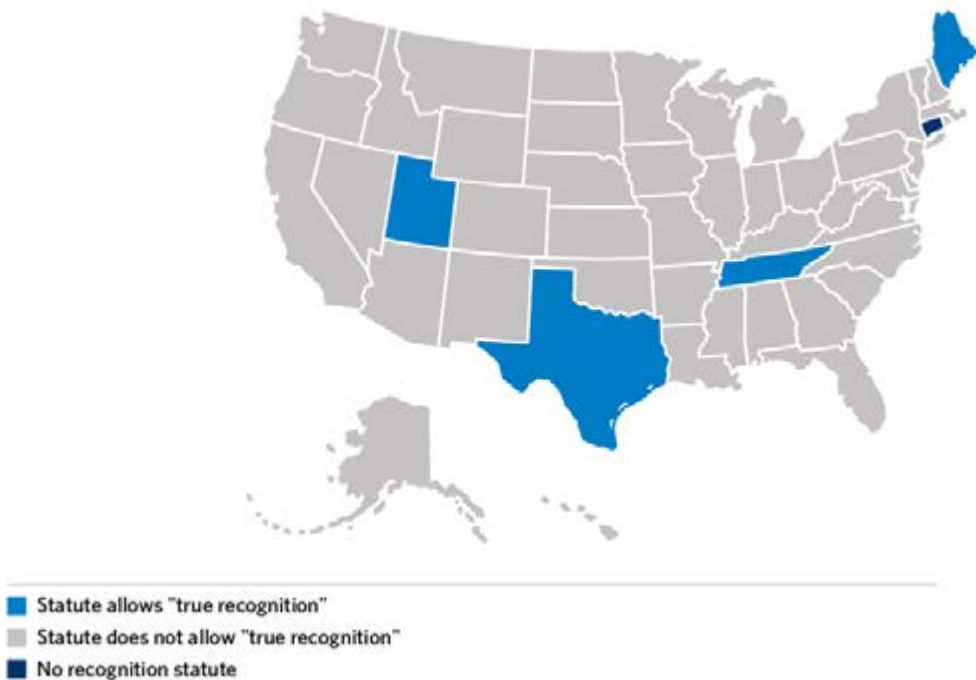
- **Fee waivers.** Some states require state agencies to waive some or all of the fees for out-of-state-licensed military spouses that the agencies would ordinarily charge to license applicants; obviously, fee waivers are more favorable to military spouses.
- **Universal recognition.** A few states⁶ allow for comprehensive license recognition for all out-of-state licensees, not just for military spouses with out-of-state licenses.⁷ Because this rule makes it unnecessary for military spouses to prove their military spouse status to qualify for license recognition,⁸ a universal recognition rule is arguably favorable to military spouses.
- **Cross-state tests for “substantial equivalency,” or something similar, in education/training.** The majority of states require military spouses who seek license recognition to demonstrate that the education or training they received for an out-of-state license is equivalent or substantially equivalent (or a similar test) to the training that is required for a local license. Depending on how this requirement is interpreted, it can give the state agency significant discretion in its decision to accept or reject an application for a license.⁹ The same concerns about the discretionary powers of state agencies with a “may issue” policy, as described above, are relevant here as well. Because tests which require state agencies to compare two sets of education/training curricula give those state agencies significant discretion, and some state agencies have historically been deferential to the interests of incumbent professionals, statutes and policies that are free of the requirement that military spouses

demonstrate “substantial equivalency” (or something similar) are more favorable to military spouses. More precisely, this Report distinguishes three levels of increasingly strict requirements: similarity, substantial equivalence, and equivalence.

- Statutes that expressly exclude multiple occupations from the statute’s scope.** Some license recognition statutes expressly exclude large swaths of occupations that the state licenses. A statute with a scope that includes most or all occupations, rather than excluding a large number of state-licensed occupations from its scope, is more favorable to military spouses. (Law licenses, which typically are regulated by state judiciaries or bar associations, are outside the scope of this Report.¹⁰)
- Training, experience, or monitoring requirement.** Some states require additional qualifications when military spouses with out-of-state licenses seek local recognition. For example, in order for military spouses to receive a second license, states sometimes require additional education and/or some amount of previous professional experience, while other states sometimes require the licensed military spouse to be monitored by a local professional. A statute that does not require such additional training, experience, or monitoring is more favorable to military spouses.

In short, state policymakers have adopted a wide variety of rules and procedures that govern the recognition of occupational licenses across state lines. The sections that follow detail the policies in place in each of the 50 states.

Figure 4. Statutes which allow “true license recognition” of out-of-state licenses, rather than requiring a local license



3. A Table of Military Spouse Licensing Recognition Rules by State

Table 1 represents various features of the statutes that govern license recognition for military spouses. In general, the more check marks that appear next to a state in this table, the more favorable that state's license recognition statute is for military spouses; conversely, the more Xs that appear next to a state in this table, the less favorable that state's license recognition statute is for military spouses. (The "curricular similarity requirement" column explains the level of out-of-state curricular resemblance required: one X signifies that "similarity" is required, two Xs signify that "substantial equivalence" is required, and three Xs signify that "equivalence" is required.)

TABLE 1.

state	"shall issue"	expedited processing	additional temporary permit	true license recognition	fee waiver	universal recognition	curricular similarity requirement	excludes multiple professions	temporary permit only	supervision requirement	education/experience requirement
Alabama	✓	✓	✓		✓		XX	X			
Alaska							XXX		X		
Arizona	✓					✓				X	
Arkansas	✓	✓					XX				
California	✓	✓						X	X		
Colorado	✓				✓				X		
Connecticut											
Delaware							X		X		
Florida	✓				✓						
Georgia							XX		X		
Hawaii	✓	✓	✓				XXX				
Idaho	✓	✓									
Illinois	✓	✓					XX				
Indiana	✓						XX				X
Iowa	✓				✓	✓					
Kansas	✓		✓								X
Kentucky	✓	✓					X				
Louisiana	✓	✓	✓		✓		XX				X
Maine			✓	✓					X		
Maryland	✓	✓	✓				XX				
Massachusetts	✓	✓	✓		✓		XX				
Michigan	✓								X		
Minnesota	✓	✓	✓								
Mississippi	✓		✓				XX				
Missouri	✓				✓	✓					

TABLE 1, cont'd.

state	"shall issue"	expedited processing	additional temporary permit	true license recognition	fee waiver	universal recognition	curricular similarity requirement	excludes multiple professions	temporary permit only	supervision requirement	education/experience requirement
Montana	✓						XX				
Nebraska	✓				✓		X		X		
Nevada	✓										
New Hampshire	✓	✓					XX				
New Jersey	✓						XXX		X		X
New Mexico	✓	✓			✓		XX				
New York	✓	✓	✓		✓		XX			X	
North Carolina	✓				✓		XX				X
North Dakota	✓	✓	✓		✓		X				X
Ohio	✓	✓			✓				X		
Oklahoma	✓	✓	✓		✓		XX				
Oregon	✓		✓								X
Pennsylvania	✓		✓				XX				
Rhode Island	✓	✓	✓				XX				
South Carolina									X		
South Dakota	✓	✓			✓						
Tennessee	✓			✓			X	X			
Texas	✓			✓			XX				
Utah	✓			✓							
Vermont	✓	✓	✓				XX				
Virginia	✓	✓	✓				XX				
Washington	✓	✓	✓				XX				
West Virginia	✓				✓				X		
Wisconsin	✓	✓									
Wyoming	✓		✓				XX				X

4. The Categorical Right to Recognition in Military Spouse Licensing Statutes

There are 21 states that have enacted military spouse license recognition statutes that provide some kind of categorical right to interstate license recognition: Arizona, Colorado, Florida, Idaho, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, West Virginia, and Wisconsin.

This subset of 21 states all have enacted statutes that (1) establish “shall issue” policies (that is, policies which require a state agency to issue some sort of employment credential to military spouses with out-of-state licenses); (2) do *not* require that applicants demonstrate equivalent or substantially equivalent previous education/training in their home state as a condition of licensing; and (3) do *not* contain a list of excepted professions that narrows the scope of license recognition for those professions.

In this subset of 21 states that have enacted categorical license recognition statutes for military spouses, 12 states have enacted statutes with additional helpful provisions for military spouses:

- Idaho’s, Kentucky’s, Ohio’s, South Dakota’s, and Wisconsin’s statutes require expedited license processing;
- Kansas’s, Mississippi’s and Oregon’s statutes require the issuance of a temporary permit that allows occupational practice until the license is issued;
- Maryland’s, Minnesota’s, and North Dakota’s statutes require both expedited license processing and the issuance of a temporary permit that allows occupational practice until the license is issued; and
- Utah’s statute requires the state to recognize the original, out-of-state professional license without the burden of an application process.

The remaining 29 states have not enacted statutes that provide military spouses with a categorical right to license recognition; instead, those states have weaker license recognition statutes or no license recognition statute at all. More precisely, one state (Connecticut) has no license recognition statute at all; the remaining 28 states have some sort of license recognition statute, but each state’s statute contains some provision that diminishes its scope or force. Some of those statutes provide for optional or discretionary (not mandatory) recognition; some require equivalence or substantial equivalence between the license curricula of the home state and that of the destination state; and some of those statutes reduce coverage by expressly excluding multiple occupations.¹¹

5. A Plain-Language Description of Military Spouse Licensing Recognition Statutes by State¹²

Alabama: State agencies shall expedite the issuance of licenses to licensed military spouses from states with substantially equivalent education/training requirements; furthermore, state agencies shall issue temporary permits. However, the statute excludes the professions regulated by the following state agencies: the Securities Commission, the Peace Officers’ Standards and Training Commission, the State Board of Pharmacy, the Board of Dental Examiners, the State Board of Chiropractic Examiners, the Liquefied Petroleum Gas Board, and the State Board of Medical Examiners. Some licensing fees are waived.

Alaska: State agencies may issue temporary permits to licensed military spouses from states with equivalent education/training requirements.

Arizona: State agencies shall issue licenses to licensees from other states (not limited to military spouses).

Arkansas: State agencies shall expedite the issuance of licenses to licensed military spouses from states with substantially equivalent education/training requirements.

Figure 5. Recognition statutes which waive some or all licensing fees

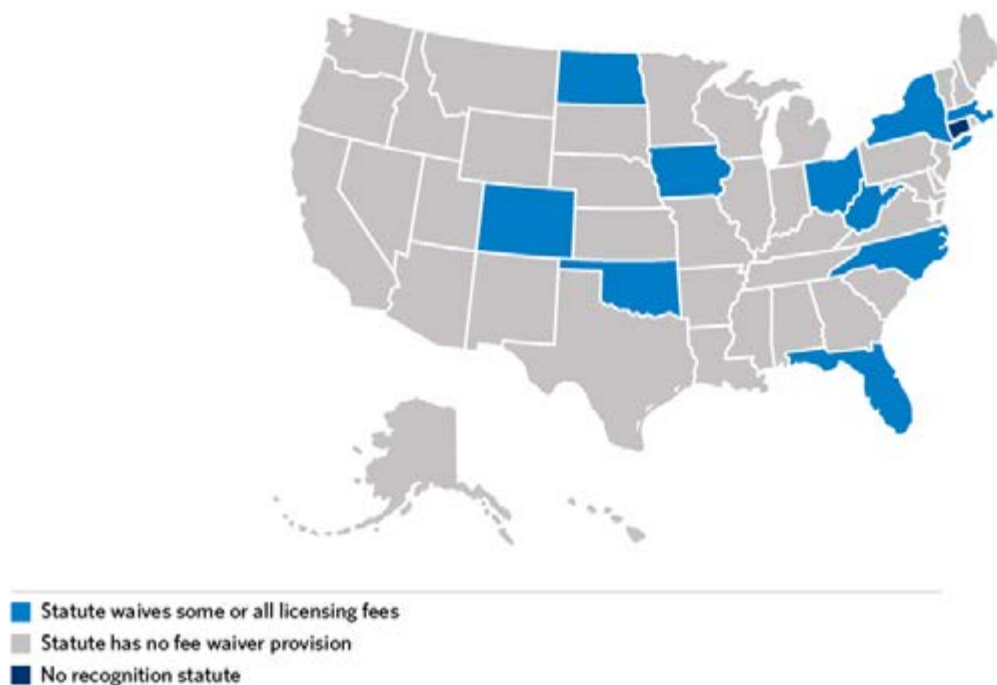
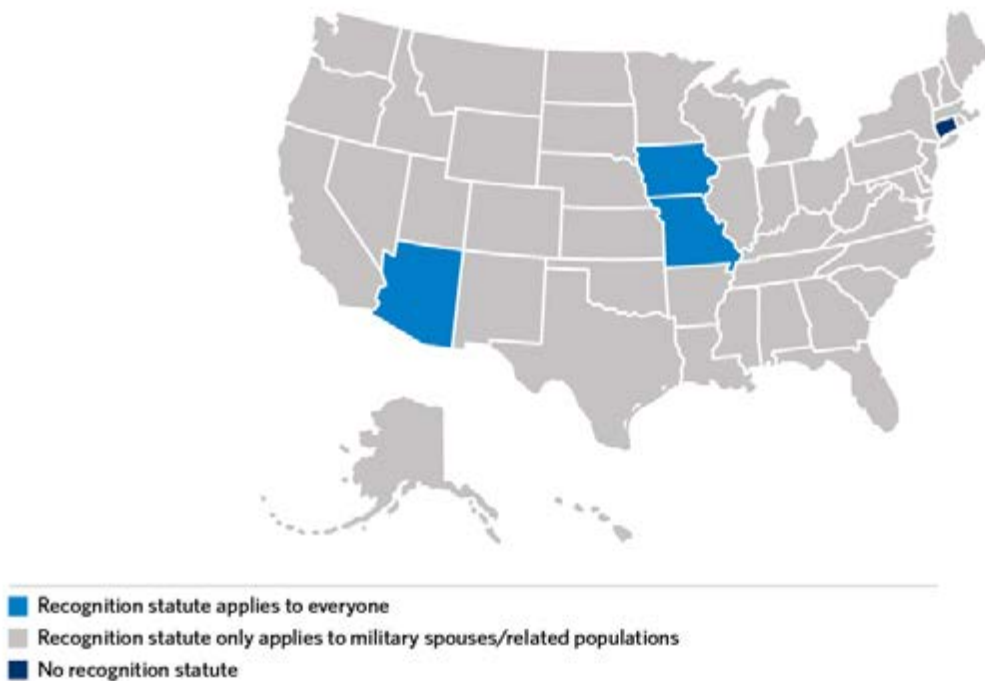


Figure 6. Recognition statute applies to everyone (not just military spouses)

California: State agencies shall issue temporary permits to licensed military spouses, but this law applies only to registered nurses, vocational nurses, psychiatric technicians, speech-language pathologists, audiologists, veterinarians, and all licensees of the state Medical Board as well as the Board for Professional Engineers, Land Surveyors, and Geologists. State agencies shall expedite the licensing process for military spouses.

Colorado: State agencies shall issue non-renewable three-year permits to licensed military spouses. Licensing fees are waived.

Connecticut: This state has no general military spouse license recognition statute.

Delaware: State agencies may issue temporary permits to licensed military spouses from states with substantially similar education/training requirements.

Florida: State agencies shall issue licenses to licensed military spouses. Some licensing fees are waived.

Georgia: State agencies may exercise true license recognition, issue temporary permits, issue expedited licenses, or some combination thereof. As a condition of licensing, state agencies may require licensed military spouses to have previous education/training that substantially meets the state's standards.

Hawaii: State agencies shall issue expedited licenses to licensed military spouses from states with education/training that are equivalent to the state's requirements. State agencies shall also issue expedited temporary permits to applicants with substantially equivalent education/training to allow the military spouse to perform services under professional supervision.

Idaho: State agencies shall issue expedited licenses to licensed military spouses.

Illinois: State agencies shall issue expedited licenses to licensed military spouses from states with substantially equivalent education/training requirements.

Indiana: State agencies shall issue licenses to licensed military spouses from states with substantially equivalent education/training requirements. Military spouse applicants must demonstrate competence as determined by the state agency, such as professional experience in two of the five years before application or the completion of continuing education.

Iowa: State agencies shall issue licenses to licensed military spouses who have been licensed for at least one year. Some licensing fees are waived.

Kansas: State agencies shall issue licenses to licensed military spouses. Applicants without professional experience for the two years preceding the application may face additional education/training or monitoring requirements. If state agencies determine that the license currently held by the military spouse is not equivalent to the local license, the agency may issue a temporary permit that allows the lawful practice of the occupation while the spouse completes additional requirements.

Kentucky: State agencies shall issue licenses to licensed military spouses within 30 days unless the agency can show a significant statutory deficiency in previous education/training requirements which could cause a health or safety risk.

Louisiana: State agencies shall issue licenses to licensed military spouses with education/training that are substantially equivalent to the state's requirements. Military spouse applicants must demonstrate competence as determined by the state agency, such as professional experience or the completion of continuing education. Furthermore, state agencies shall issue temporary permits to licensed military spouses who have substantially equivalent education/training as described above until a license is granted or denied; the application for that license shall receive priority processing. Licensing fees may be waived.

Maine: State agencies may temporarily allow for true recognition of the licenses of military spouses; state agencies may issue temporary permits for a period of time necessary to obtain a license. State agencies may allow some exemptions from continuing education requirements.

Maryland: State agencies shall issue expedited licenses to licensed military spouses who have been licensed for at least one year. State agencies may also issue temporary permits to licensed military spouses who have been licensed for less than one year; such a temporary permit authorizes the military spouse to perform regulated services while completing additional requirements for licensing in Maryland, but the permit may not be issued if its issuance would pose a risk to public health, welfare, or safety.

Massachusetts: State agencies shall issue expedited licenses to licensed military spouses from states with substantially equivalent education/training requirements. State agencies shall issue temporary permits to licensed military spouses from states that lack substantially equivalent education/training requirements; this temporary permit allows the applicant to perform regulated services while completing the requirements for full licensing. Some licensing fees are waived.

Michigan: State agencies shall issue temporary permits to licensed military spouses; the six-month temporary permit is renewable one time if the state agency determines that more time is needed to fulfill licensing requirements.

Minnesota: State agencies shall issue expedited licenses to licensed military spouses. State agencies shall issue temporary permits to licensed military spouses; this temporary permit allows the applicant to perform regulated services while completing the requirements for full licensing.

Mississippi: State agencies shall issue licenses to licensed military spouses so long as the license is at least one year old. If the license takes more than two weeks to process, the applicant shall receive a temporary practice permit.

Missouri: State agencies shall issue licenses to licensed military spouses within 30 days. Some licensing fees are waived.

Montana: State agencies shall issue licenses to licensees from other states (not limited to military spouses) with substantially equivalent education/training requirements.

Nebraska: State agencies shall issue temporary permits that are valid for one year, or until the regular license application is accepted or rejected, to licensed military spouses from states with similar education/training requirements. Some licensing fees are waived.

Nevada: State agencies shall “develop opportunities for reciprocity of licensure” for licensed military spouses.

New Hampshire: State agencies shall facilitate the issuance of licenses to licensed military spouses from states with substantially equivalent education/training requirements.

New Jersey: State agencies shall issue licenses or temporary permits (at their discretion) to licensed military spouses. Temporary permits shall only be issued to licensees from states with equivalent licensure requirements; temporary permit applicants also must demonstrate professional experience for at least two of the prior five years. Furthermore, temporary permit applicants may also be required by the state agency to pass examinations or undergo continuing education.

New Mexico: State agencies shall issue licenses as soon as practicable to licensed military spouses from states with substantially equivalent education/training requirements. Some licensing fees are waived.

New York: State agencies shall, after an expedited review, issue licenses to licensed military spouses from states with substantially equivalent education/training requirements. State agencies may also grant temporary practice permits to licensed military spouses who will work under the supervision of a licensee and who are from states with significantly comparable education/training requirements. Some licensing fees are waived.

North Carolina: State agencies shall issue licenses to licensed military spouses from states with substantially equivalent education/training requirements. Military spouse applicants must demonstrate competence as determined by the state agency, such as professional experience (for example, professional experience for two of the prior five years) or the completion of continuing education. Some licensing fees are waived.

North Dakota: State agencies shall issue licenses to licensed military spouses. Military spouse applicants must demonstrate competence as determined by the state agency, including professional experience for two of the prior four years, and the board must determine that issuance of the license will not substantially increase the risk of harm to the public. State agencies shall issue temporary permits to military spouses in those cases in which the standard licensing requirements have been substantially met. State agencies must immediately begin the license and permit issuing process upon the application of a military spouse, and if the agency does not issue the license or permit within 30 days, it must immediately issue a temporary permit. Some licensing fees are waived.

Figure 7. Comparative curricular requirements in recognition statutes

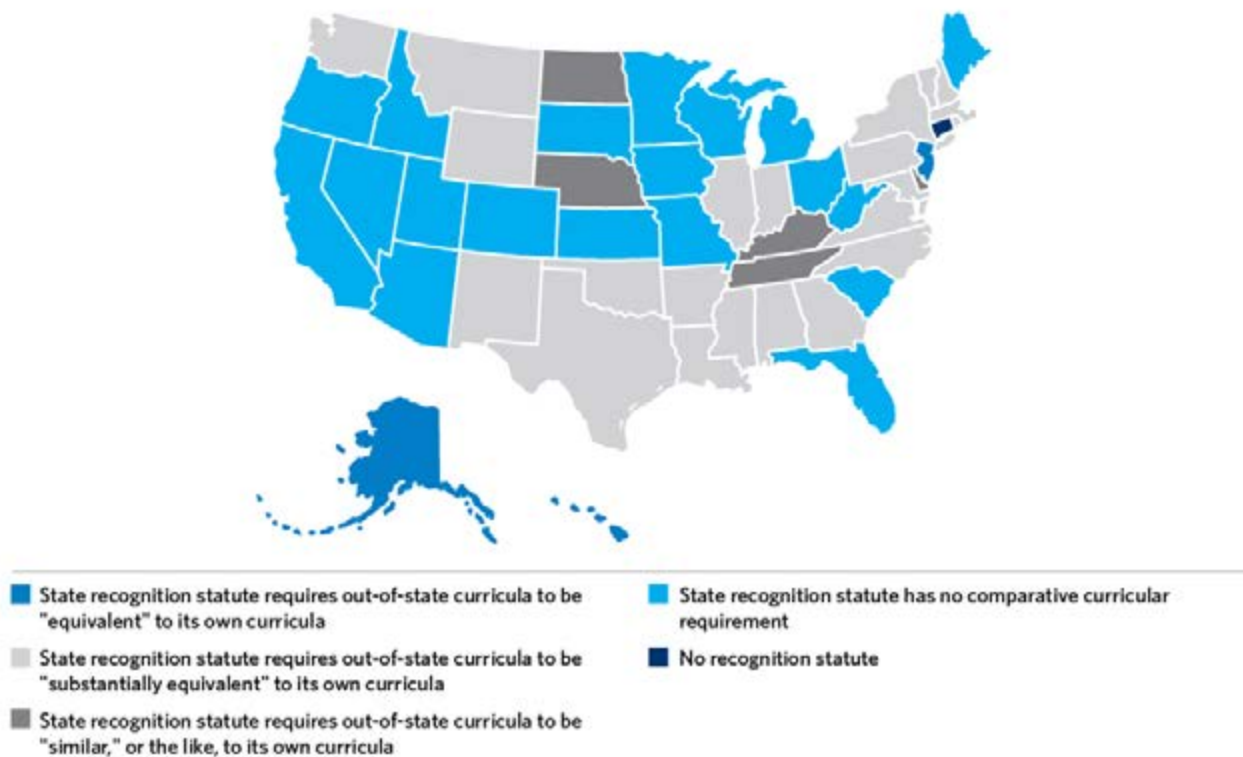
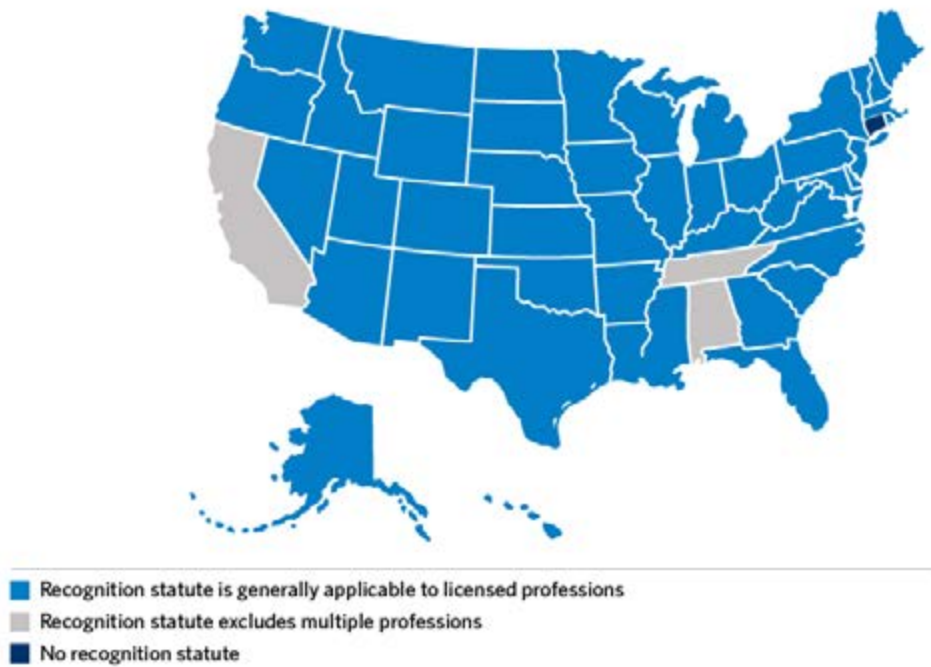


Figure 8. Recognition statutes which exclude multiple professions

Ohio: State agencies shall issue temporary permits to licensed military spouses. Agencies may instead issue regular licenses to licensed military spouses, but are not required to. Agencies shall issue permits or licenses within 30 days of application, or (in cases where a criminal records check is required) within 14 days of receiving a satisfactory criminal records check. License/permit fees are waived.

Oklahoma: State agencies shall issue expedited licenses to licensed military spouses with reasonably equivalent education/training requirements. State agencies shall issue temporary permits to military spouses in those cases in which the applicant needs additional time to obtain necessary requirements. Some licensing fees are waived.

Oregon: State agencies shall issue licenses to licensed military spouses. Military spouse applicants must demonstrate competence as determined by the state agency, including professional experience for one of the prior three years. State agencies may also issue temporary permits to licensed military spouses.

Pennsylvania: State agencies shall issue licenses to licensees from other states (not limited to military spouses) with substantially equivalent education/training requirements. Applicants must demonstrate competence as determined by the state agency, such as continuing education or professional experience for two of the prior five years. Furthermore, state agencies may issue temporary permits that allow the applicant to perform regulated services while completing the requirements for full licensing.

Rhode Island: State agencies shall expedite the issuance of licenses to licensed military spouses with substantially equivalent education/training requirements. State agencies shall also issue temporary permits to military spouses that allow applicants to perform regulated services while completing the requirements for full licensing.

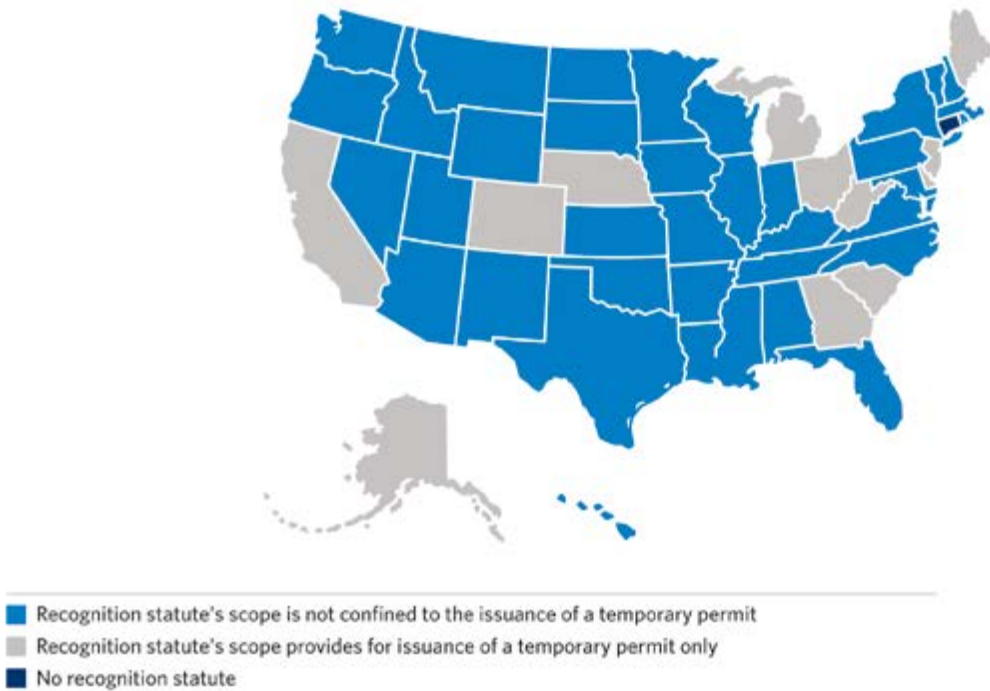
South Carolina: State agencies may issue temporary permits (one-year, nonrenewable) to licensed military spouses.

South Dakota: State agencies shall issue licenses within 30 days to licensed military spouses. Licensing fees are waived.

Tennessee: State agencies shall allow licensed military spouses from states with reasonably similar education/training requirements to practice without a local license. However, this statute excludes professions regulated by the state athletic commission, board of healing arts, board for licensing hospitals, stream pollution control board, pest control board, board of examiners for registered professional sanitarians, and board of examiners of miners.

Texas: State agencies shall allow licensed military spouses from states with substantially equivalent education/training licenses to practice without obtaining a local license.

Figure 9. Recognition statutes which provide for temporary permits only



Utah: State agencies shall allow licensed military spouses to practice without a local license.

Vermont: State agencies shall issue expedited temporary permits to military spouses from states with substantially equivalent education/training requirements unless such issuance would pose a risk to public health, safety, or welfare. State agencies must process applications for permanent licenses before temporary permits expire.

Virginia: State agencies shall issue expedited licenses to licensed military spouses from states with substantially equivalent education/training requirements; state agencies shall issue temporary permits to licensed military spouses if unable to issue licenses to them within 20 days.

Washington State: State agencies shall issue expedited licenses to licensed military spouses from states with substantially equivalent education/training requirements, and shall also issue temporary permits to those military spouses so that they can perform regulated services while completing the requirements for full licensing.

West Virginia: State agencies shall issue temporary permits within 30 days to licensed military spouses. Some licensing fees are waived.

Wisconsin: State agencies shall issue expedited reciprocal licenses to licensed military spouses who are residents.

Wyoming: State agencies shall issue licenses to licensed military spouses from states with substantially equivalent education/training requirements who can demonstrate professional competence. State agencies shall determine competence by reference to such factors as work experience, continuing education, and disciplinary history. State agencies may issue temporary permits to applicants.

6. Non-Legislative Factors in Military Spouse License Recognition

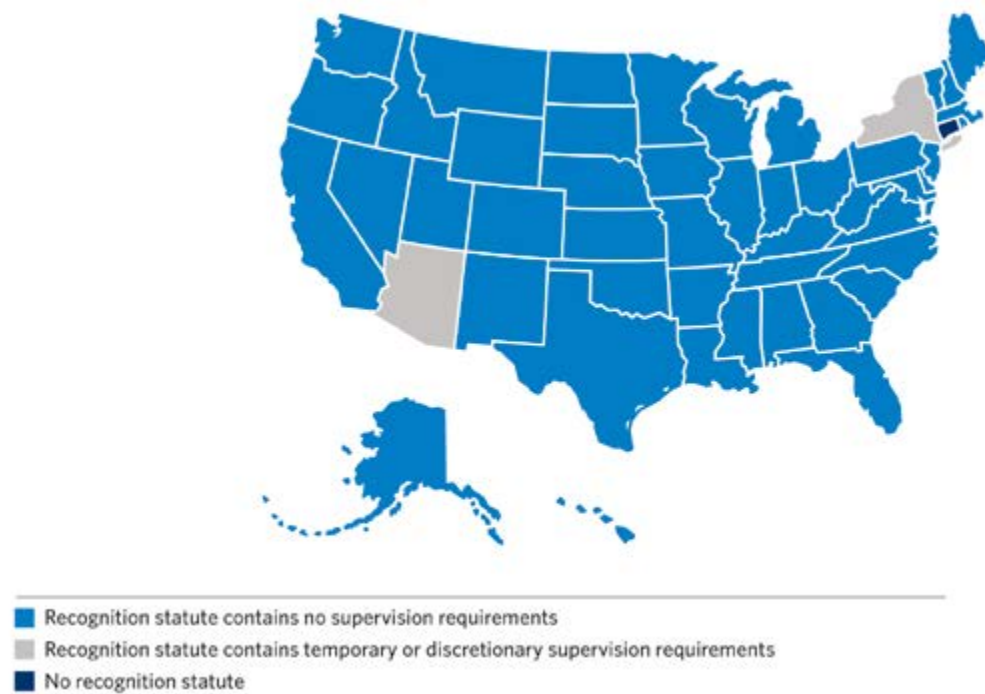
As noted, this Report evaluates only military spouse license recognition statutes; it does not evaluate the totality of efforts in this realm by the states. Some aspects of license recognition are controlled by administrative processes and decision-making, not by statute; this Report does not analyze these processes, largely because it would be considerably more difficult to make objective comparisons among states. With respect to the assignment of public resources to administration and publicity, it is reasonable to conclude that some states are considerably more aggressive than others in assisting military spouses who seek license recognition.

Administrative measures that state agencies can take to improve the situation of licensed military spouses include:¹³

- Providing information on license recognition for military spouses in plain language on government publications or websites;
- Creating a simple and streamlined application process; and
- Training agency staff about the options available to military spouses.

Although this Report examines only the statutes that control military spouse license recognition, the U.S. Department of Defense is monitoring how states are addressing this issue administratively.

Figure 10. Recognition statutes which include temporary or discretionary supervision requirements



7. Conclusion

Military spouses, and those charged to look out for their interests, will likely find this Report's description of the varying statutes that affect them to be helpful. State policymakers with an interest in how states treat military spouses may also find the comparative data on statutes in this Report to be helpful. To the extent that the restrictions that state policy on license recognition places on military spouses are without a public-interest rationale, state policymakers may wish to explore the costs and consequences of those restrictions and the alternatives to them.

APPENDICES

Appendix A: A Summary of the Military Spouse Website on Veterans.gov

Those who wish to examine military spouse licensing issues further may find [veterans.gov/milspouses](https://www.veterans.gov/milspouses), a U.S. Department of Labor website, to be of interest. It contains:

- A set of military spouse licensing recognition statutes for each state;
- A plain-language summary of each licensing recognition statute;
- A color-coded map of the United States that distinguishes between various types of recognition statutes;
- Links to information about the Department of Defense's expense-reimbursement program for licenses;
- Links to information about interstate compacts and other agreements that further interstate license recognition or reciprocity;
- An occupational license finder that allows the user to find information about which state agency regulates any profession in any state; and
- General information about license recognition and military spouse employment.

Appendix B: How the “Substantially Equivalent” Test, or Its Like, Gives State Agencies Significant Discretion

More than half of the states require military spouses who seek license recognition to demonstrate that their original training curriculum is similar or identical to the curriculum of the state in which they seek recognition. More precisely, to acquire recognition, spouses in these states must typically show that the curriculum they were trained in is “equivalent,” “substantially equivalent,” or “substantially similar” (or a like phrase) to the curriculum of the new state in which they want to practice.¹⁴ As a practical matter, state agency personnel often have significant discretion when they judge whether one particular curriculum is substantially equivalent to another. When state law creates this kind of discretion, it can hinder military spouses for at least two reasons: first, it may allow for unpredictable decisions by state agencies; second, the existence of such discretion may open the door to behavior by state agencies that favors incumbent providers or is otherwise less than impartial. As alluded to above, the emergence of such behavior may be more likely when state agency conduct could be influenced by members of the public who are active market participants in the profession — an unsurprising state of affairs when the boards that govern these agencies contain representatives of the profession that they regulate.¹⁵

Very few of the license recognition statutes discussed in this Report provide operational guidance about how to determine whether one curriculum is sufficiently similar to another; furthermore, because those statutes typically apply to numerous state agencies (and because state agencies do not typically issue regulations that bind other state agencies), it would be unusual to find regulations that explain how those statutes operate in practice to determine equivalence across states or similarity across states. Although some state agencies have produced regulations that explain how to compare curricula across states, the scope of such regulations is typically confined to a very small number of specified occupations. In short, there are many instances in which state agency personnel who are charged to compare license qualifications across states are handed two curricular regimes and then must make an essentially subjective or discretionary decision about the relevant degree of curricular similarity.¹⁶

A hypothetical example may demonstrate the uncertainty that is created for license recognition applicants by the combination of complex curricular requirements and degree-of-equivalence tests. Imagine that a cosmetologist with a year or two of professional practice in another state seeks license recognition from New Jersey: the New Jersey state agency that regulates cosmetology licensing¹⁷ must determine whether that applicant’s training is substantially similar to New Jersey’s.¹⁸ New Jersey law requires a 1,200-hour cosmetology curriculum;¹⁹ the state requires a specific number of hours of instruction for 17 different cosmetology subfields (for example: shampooing and temporary rinses, 60 hours; hair and scalp/reconditioning, 50 hours; etc.). There are 46 other jurisdictions (45 states and the District of Columbia) that require at least a 1,200-hour regime of cosmetology training.²⁰ It is reasonable to predict that the four states requiring fewer hours of cosmetology training will fall short of the standard that New Jersey law requires. However, with respect to the 46 jurisdictions with an equal or more extensive curriculum (as measured in hours), the New Jersey state agency’s options in this hypothetical situation do not seem to be especially constrained.

- The state agency in this hypothetical situation might decide to recognize the licenses from the 46 other jurisdictions which require 1,200 hours or more of cosmetology training: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington State, West Virginia, Wisconsin, and Wyoming.
- Alternatively, the state agency in this hypothetical situation might subject applicants to a higher level of scrutiny; it might therefore determine that applicants' licenses should not be recognized unless they have received hours of instruction equivalent to the 17 subfields that New Jersey's curricular requirements specify. This agency posture could reasonably be predicted to deny recognition to applicants from all 46 jurisdictions on the basis of the disqualifications described immediately below.
 - » Alabama, Alaska, Arkansas, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, West Virginia, Wisconsin and Wyoming fall short of New Jersey's 135-hour requirement for training in manicuring and pedicuring. Connecticut might also fall short of this requirement, because it combines manicuring with skin care, facials, and makeup in its 150-hour training requirement.
 - » Kansas and Minnesota fall short of New Jersey's 60-hour requirement for training in shampooing.
 - » Hawaii falls short of New Jersey's 160-hour training requirement for haircutting.
 - » New Mexico's 200-hour requirement for training in chemical treatments and permanents falls short of New Jersey's standard, which has a separate 115-hour requirement for permanents and a 90-hour requirement for chemical treatments.
 - » In significant part, California requirements are measured in procedures, not hours, which prevents comparison with New Jersey requirements; similarly, the broad and general training requirements for Arizona, Colorado, Delaware, Idaho, Kentucky, Louisiana, Mississippi, Nevada, New Hampshire, North Carolina, Rhode Island, Tennessee, Utah, Virginia, and Washington lack New Jersey's more exacting requirements of training in particular subfields.

The foregoing analysis suggests that a state agency that must determine whether one particular curriculum is similar enough to another has sizable discretion in the circumstances described. Because the vast majority of other U.S. jurisdictions contain similar tests in their military spouse recognition statutes, it is reasonable to assume that a substantial number of state agency determinations are subject to similarly broad discretion.

To be clear, the statutory requirement of corresponding curricula is only a hurdle for military spouses in 31 states; the 18 other states with military spouse recognition statutes have no such requirement. Furthermore, it is fair to argue that the problem looms larger in just 26 of those 31 states — namely,

the states that require “equivalent” or “substantially equivalent” training for recognition; the five states which only require “similar” training arguably present a lower hurdle for military spouses who seek cross-state license recognition. Nonetheless, in the realm of licensing recognition for military spouses, the notably high degree of discretion of state agencies that the current state of the law appears to produce in many states may not be what the policymakers who supported these statutes had in mind.

Appendix C: Some Methodological Issues

Statutory interpretation and evaluation is far from an exact science; those who interpret, evaluate, and compare statutes will necessarily make subjective choices about the best way to do the job, and the most we can ask is that those choices are reasonable. Some of the interpretive and evaluative choices in this Report are explained below.

The Arkansas statute described in Section 5 requires state agencies to “grant automatic licensure” to a military spouse “who is the holder in good standing of a substantially equivalent occupational license.” The statute’s language apparently assigns state agencies the power to determine whether any given foreign license is “substantially equivalent,” and that the statute would most likely be interpreted as implying that those state agencies may take into account another state’s education/training requirements in the course of determining whether a license is “substantially equivalent.”

The Georgia statute requires state agencies to adopt rules that specify how military spouses “may qualify” for various specified recognition privileges (“temporary licenses, licenses by endorsement, expedited licenses, or a combination thereof”). The statute’s language apparently gives state agencies, at the very least, the discretion to issue temporary permits — but, strictly speaking, it requires them to do nothing more.

The Missouri statute contains a clause that removes a list of occupations from the scope of its recognition rule. However, because those occupations are not generally licensed by Missouri at the state level, in practice this clause does not operate so as to narrow the scope of Missouri’s recognition rule. This Report therefore does not read the Missouri recognition statute as excluding a list of occupations that are licensed in Missouri.

The Nevada statute says that state agencies “shall develop opportunities for reciprocity of licensure” for military spouses. This statutory language apparently requires state agencies to recognize out-of-state licenses of military spouses and issue local licenses to them.

New Jersey law contains a statute allowing for military spouse license recognition, as well as a second statute that allows for professional and occupational license recognition more generally. Because that second statute contains conditions that will likely make it comparatively difficult for military spouses to use,²¹ it is not included in this Report’s set of evaluations.

The North Carolina statute requires state agencies to issue temporary permits to out-of-state applicants, but only in particular circumstances. As discussed in Section 2, about half of the 50 states issue temporary permits to military spouses generally; in these states, that recognition statute typically provides for the issuance of a temporary permit so that the applicant can immediately begin to practice his or her profession while pursuing additional, state-specific education or training requirements. Unlike many other states, the North Carolina statute does not as a general matter allow the issuance of a temporary permit to an applicant licensed in another state; instead, North Carolina requires the issuance of such permits only to applicants who already have education and training that is substantially equivalent to North Carolina’s. With respect to North Carolina’s statute, apparently the temporary permit will only assist those who both want to start practicing their profession immediately and who have not yet met the state’s requirement of demonstration of competence: the state’s

statute provides that the competence requirement might be satisfied by continuing education or by professional experience in two of the last five years before application. Because North Carolina allows issuance of temporary permits only in relatively narrow circumstances, this Report does not classify it as a member of the set of states that issue temporary permits to out-of-state applicants generally.

The Oklahoma statute allows license recognition only to military spouses with “reasonably equivalent” education/training requirements; for the purposes of this Report, Oklahoma’s “reasonably equivalent” standard is interpreted as functionally identical to the widely used “substantially equivalent” standard.

The District of Columbia has no statute specifically aimed at the recognition of licenses of military spouses, and the District’s statutes are therefore not included in this Report’s set of evaluations. However, the District’s agencies have the statutory power to recognize some licenses from other jurisdictions, and so its enabling statute may aid some military spouses who seek recognition there. In some circumstances, the District’s statute requires its agencies that regulate “health occupations” to issue licenses to those licensees who can demonstrate that the training they received is substantially equivalent to the training required by the District; the statute also allows such agencies to issue temporary licenses. However, its agencies that regulate “non-health related occupations” may also recognize such licensees, but those agencies have the discretion not to recognize an applicant’s license even if the applicant’s training meets the standard of substantial equivalence.²²

With the exception of Puerto Rico, no United States jurisdiction that is not a state has a military spouse license-recognition statute. In Puerto Rico, state agencies may issue licenses to licensed military spouses with substantially equivalent education/training requirements, and state agencies shall expedite the issuance of temporary permits to military spouses. Furthermore, military spouse applicants must demonstrate competence as defined by the relevant state agency in some circumstances, including professional experience for one of the prior four years. However, this Report surveys and analyzes military spouse license recognition statutes only in the states and does not provide comparative analysis of the Puerto Rico license recognition statute.

Some states have statutory provisions that allow for certain kinds of license recognition during emergencies; similarly, some governors have recently issued temporary orders or declarations that allow for certain kinds of license recognition during emergencies. Statutes or policies that are confined to emergencies are not included in this Report’s evaluations.

This Report analyzes statutes across the nation that establish general policies of cross-state license recognition for military spouses — namely, policies that affect multiple licensed occupations. However, this Report does not describe or analyze statutes that establish a particular license recognition policy for some particular occupation. There are such statutes, but the production of anything like a complete list of single-state, single-occupation license recognition statutes would be an extensive undertaking.

To repeat, comparative interpretation and evaluation of statutes necessarily involves some degree of judgment and subjectivity. Furthermore, statutes change over time; as statutes change, their effect on military spouses and their value to military spouses will change as well. This Report describes the state of the law for licensed military spouses as of September 1, 2020, but changes in law will inevitably make it outdated over time.

ENDNOTES

¹ “Executive Order on Increasing Economic and Geographic Mobility,” Principle 6, available at <https://www.whitehouse.gov/presidential-actions/executive-order-increasing-economic-geographic-mobility/>

² The representatives of several occupations have worked with states to pass interstate occupational compacts (essentially, interstate agreements) into law that aid in interstate license recognition. These are compacts that apply to one occupation; because there are hundreds of licensed occupations, advancement in interstate license recognition in the compact realm has been comparatively small.

³ This Report uses functional terminology for certain legal categories or concepts; that is, even if two different states use two different labels for the same functional category or concept, this Report uses the same label across states for multiple entities with identical functions. For example, this Report’s use of the term “license” covers not only licenses but also certifications and permits that qualify someone to practice an occupation or profession under state law. “Temporary permit” means a license that has a shorter lifetime than a normal license, or a license that is not renewable in the same way as a normal license. “State agencies” means the boards, commissions, or agencies that assign licenses to applicants and/or regulate professional practice. “Statute” means the part of the state’s legal code that generally determines the rights of the licensed military spouse, whether that code is lumped together in one place or scattered throughout the statute books. This Report uses the words “professional” and “occupational” interchangeably to refer to those lines of work governed by licenses. This Report uses the word “recognition” to describe the general phenomenon of one state taking notice of another state’s license, but uses the phrases “true recognition” or “true license recognition” to describe the more particular phenomenon in which a state allows an out-of-state licensee to practice within its borders without acquiring an additional license. This Report does not distinguish between the “education” or “training” required to become licensed. “Military spouse” means (as stated above) the spouse of an active duty member of the military; although some states grant various rights and privileges to other kinds of military spouses (for example, the spouses of veterans), such policies are highly state-specific and not easily generalizable. Finally, this Report does not analyze license recognition for those licenses that originate from outside the United States.

⁴ As the U.S. Supreme Court has noted, measures that deter self-interested behavior by state agencies are especially important “when the State seeks to delegate its regulatory power to active market participants, for established ethical standards may blend with private anticompetitive motives in a way difficult even for market participants to discern.” *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 574 S. Ct. 1101 (2015), at 1111.

⁵ The spouse with a license has all the privileges of any other license-holder in the state, not just the privileges of a military spouse statute. In many circumstances, a spouse who possesses a license will be in a stronger position than a spouse who possesses a temporary permit — for example, spousal death or divorce might shrink the professional options of a military spouse with a temporary permit, but not the professional options of a spouse with a license. In such cases, the licensee would not have to rely on a statute that assigns particular rights to licensed military spouses; instead, the licensee would be treated like any other licensee, irrespective of military spouse status.

⁶ Some states have broad license recognition statutes that are not comprehensive; those non-comprehensive license recognition statutes do not (by definition) create universal license recognition even though they offer recognition to many out-of-state licensees. For example, Utah requires its Division of Occupational and Professional Licensing to issue licenses to all out-of-state licensees who are in good standing and have one year of professional experience unless “the division determines that there is reasonable cause to believe that the person is not qualified to receive a license in this state.” U.C.A. 1953 § 58-1-302. This exception to Utah’s recognition statute, which apparently grants some degree of discretion in recognition decisions to its Division of Occupational and Professional Licensing, necessarily makes the statute non-comprehensive and non-universal.

⁷ More precisely, some statutes provide recognition privileges to all out-of-state licensees, while other statutes only apply to military spouses and other military-related personnel (for example, members of the military or veterans). This Report does not explain which categories of licensee these statutes apply to in each state (that is, this Report does not explain which statutes only apply to military spouses and which may apply to military spouses as well as active duty members of the military, veterans, or others). Rather, it only distinguishes between two classes of statutes: (first) statutes that only apply to military spouses and, in some states, military-related personnel; and (second) statutes that apply to all licensees.

⁸ Notably, the statutes at issue do not typically spell out how one might demonstrate military spouse status to a state agency, so it is difficult to generalize about the administrative burdens military spouses face when asked to demonstrate this status.

⁹ Appendix B describes the nature of this discretion in greater detail.

¹⁰ However, in about two-thirds of the states, court rules or state law allow for interstate recognition of the out-of-state law licenses of military spouses. See generally [msjudn.org](https://www.msjudn.org).

¹¹ The particulars of each state’s military spouse license recognition statute are set out in Table 1 (immediately above in text) and Section 5 (immediately below in text).

¹² More precisely, every state but Connecticut has passed license recognition statutes that apply to military spouses, although some of these statutes have a broader scope in that their application is not confined to military spouses and related groups but extends to all members of the public. The 49 states with recognition statutes are Alabama (Ala.Code 1975 § 31-1-6), Alaska (AS § 08.01.063), Arizona (A.R.S. § 32-4302), Arkansas (Arkansas Code § 17-1-106), California (West’s Ann.Cal.Bus. & Prof.Code § 115.5), Colorado (CRSA § 12-20-202), Delaware (29 Del.C. § 8735), Florida (West’s F.S.A. § 455.02), Georgia (Ga. Code Ann., § 43-1-34), Hawaii (HRS § 436B-14.7), Idaho (§ [67-9406]67-9306), Illinois (20 ILCS 5/5-715), Indiana (IC 25-1-17-5), Iowa (Section 272C.12, Code 2020), Kansas (K.S.A. 48-3406), Kentucky (KRS § 12.245), Louisiana (LSA-R.S. 37:3651), Maine (10 M.R.S.A. § 8011), Maryland (MD Code, Business Regulation, § 2.5-105), Massachusetts (M.G.L.A. 112 § 1B), Michigan (M.C.L.A. 339.213), Minnesota (M.S.A. § 197.4552), Mississippi (Miss. Code Ann. §73-50-1), Missouri (V.A.M.S. 324.009), Montana (MCA 37-1-304), Nebraska (Neb.Rev.St. § 38-129.01), Nevada (N.R.S. 622.510), New Hampshire (N.H. Rev. Stat. § 332-G:7), New Jersey (N.J.S.A. § 45:1-15.5), New Mexico (N.M.S.A. 1978, § 61-1-34), New York (McKinney’s Education Law § 6501), North Carolina (N.C.G.S.A. § 93B-15.1), North Dakota (NDCC § 43-51-11.1), Ohio (R.C. § 4743.04), Oklahoma (59 Okl.St. Ann. § 4100.5 et seq.), Oregon (O.R.S. § 676.308), Pennsylvania (63 P.S. § 2206.1), Rhode Island (Gen. Laws 1956, § 5-88-1, § 23-92-1), South Carolina (Code 1976 § 40-1-630), South Dakota (SDCL § 36-1B-1), Tennessee (§ 4-3-1304), Texas (V.T.C.A., Occupations Code § 55.0041), Utah (U.C.A. 1953 § 58-1-302, 58-1-307), Vermont (2013 Vermont House Bill No. 681, 2013-14 [“session law”]), Virginia (VA Code Ann. § 54.1-119), Washington (West’s RCWA 18.340.020), West Virginia (W. Va. Code, § 30-1B-5), Wisconsin (W.S.A. 440.09), and Wyoming (W.S.1977 § 33-1-117). See generally <https://www.veterans.gov/milspouses/>.

¹³ A helpful account of options in this area from which state policymakers may choose is contained in the Department of Labor’s publication, “Promising Practices: Military Spouse License Recognition for Policymakers and Licensing Administrators,” available at <https://www.workforcegps.org/resources/2019/05/23/14/47/Military-Spouse-License-Recognition-Resources>. It can be viewed by clicking on the “Promising Practices” link at that site. See also the Department of Defense’s

publication, “Military Spouse Licensure: State Best Practices and Strategies for Achieving Reciprocity,” available at <https://download.militaryonesource.mil/12038/MOS/Reports/military-spouse-licensure-report-2019.pdf>.

¹⁴ It is reasonable to categorize 3 states as requiring equivalent curricula for recognition (Alaska, Hawaii, and New Jersey); 21 states as requiring substantially equivalent curricula for recognition (Alabama, Arkansas, Georgia, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Montana, New Hampshire, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, Washington, and Wyoming); and 5 states as requiring similar curricula for recognition (Delaware, Kentucky, Nebraska, North Dakota, and Tennessee). Of the remaining 21 states, 20 of them do not require curricular comparison for recognition; the 21st (Connecticut) has no general license recognition statute. The relevant citations are listed in the footnote linked to Section 5 of this Report.

¹⁵ Measures that deter self-interested behavior by state agencies are especially important “when the State seeks to delegate its regulatory power to active market participants, for established ethical standards may blend with private anticompetitive motives in a way difficult even for market participants to discern.” *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 574 S. Ct. 1101 (2015), at 1111.

¹⁶ The hypothetical example (or set of examples) explained immediately below provides one instance (or set of instances) of the problem of administrative discretion that military spouse license applicants face. It would be difficult to estimate the scope of this problem without analyzing every occupation-specific regulation issued by every state agency that pertains to recognition, a project beyond the scope of this Report.

¹⁷ In the real world, this is the New Jersey State Board of Cosmetology and Hairstyling, but it needs to be underscored that this is a hypothetical example — not a prediction of or prescription for the real-world Board’s exercise of its duties.

¹⁸ The hypothetical applicant would presumably pursue a New Jersey license through New Jersey’s out-of-state cosmetology license recognition statute, which requires “eligibility criteria substantially similar” to New Jersey’s. New Jersey S.A. 45:5B-28. However, whether we use the “substantially similar” test from this statute or the “equivalent” test from New Jersey’s broader license recognition statute, the point remains the same: the interaction of such statutes with extensive curricular requirements opens the door to unpredictable and discretionary decisions by state agencies. There are no agency regulations which modify the operation of these statutes; the Board has issued regulations that allow for credit towards licensure for veterans (not military spouses) on the basis of military training and experience (New Jersey Admin. Code 13:28-1.1A), but these regulations are not relevant to the situation this Report describes. It bears repeating that this section considers a *hypothetical example* that would not apply to all licensed cosmetologists seeking recognition: this example is intended to illuminate the barriers *generally* faced by out-of-state licensees who must surmount requirements that are imposed by the interaction of complex curricular requirements and degree-of-equivalence tests.

¹⁹ New Jersey Admin. Code § 13:28-6.29.

²⁰ See Alabama Code § 34-7B-18; 12 Alaska Admin. Code 09.002; Arizona Revised Statutes § 32-511; Arkansas State Board of Cosmetology Rule 7.14; California Code, Chapter 10, Division 3, Article 8, § 7362.5 (b); 4 Colorado Code of Regs. § 731-1:1.2-A; Connecticut General Statutes § 20-252; Delaware Code Title 24, Chapter 51, Section 5107; District of Columbia Municipal Regs. § 17-3703.2; Florida Statutes Title XXXII, § 477.019; Official Code of Georgia Annotated § 43-10-9; State of Hawaii, Department of Commerce and Consumer Affairs, Amendment and Compilation of Chapter 16-78, Hawaii Administrative Rules, pp. C-1 and C-2; Idaho Statutes, § 54-5810 (2) (c) (i); 225 Illinois Compiled Statutes 410/3-2; 820 Indiana Admin. Code 4-4-4; Iowa Code § 157.10; Kansas Statute § 65-1905; 201 Kentucky Admin. Regs. 12:082E; Louisiana Admin. Code tit. 46, Pt. XXXI, § 301; (Maine) Office of Professional and Occupational Regulation, Chapter 27, Subchapter 3; Maryland Code, Business Occupations and Professions, § 5-304; Michigan Admin. Code R 338.2161; Minnesota Admin. Rules 2105.0145; Mississippi Code Annotated § 73-7-13; Vernon’s Annotated Missouri Statutes § 329.040; Admin. Rules of Montana § 24.121.601; “Nebraska Department of Health and Human Services, 172 NAC 37, Effective 6/20/2020” memorandum, available at https://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-037.pdf; Nevada Revised Statutes, § 644A.300; New Hampshire Statutes § 313-A:11; New Jersey Admin. Code § 13:28-6.29; New Mexico Admin. Code, § 16.34.8.15; North Carolina General Statutes § 88B-7; North Dakota Admin. Code 32-04-01-26.1; Ohio Revised Code § 4713.28; Oklahoma State Board of Cosmetology Rules and Regulations, § 175:10-3-34; 49 Pennsylvania Code § 7.129; (Rhode Island) Gen. Laws 1956, § 5-10-9; South Carolina Code of Laws § 40-13-230; South Dakota Codified Law § 36-15-17; Rules of Tennessee Board of Cosmetology and Barber Examiners, § 0440-01-.03; 16 Texas Admin. Code § 83.120; Utah Admin. Code, R156-11a-705; 18 Virginia Admin. Code 41-20-220; Revised Code of Washington 18.16.020; Legislative Rules, West Virginia Board of Barbers and Cosmetologists, § 3-1-5; Table 3-1B; Wisconsin Admin. Code § Cos 5.02; Board of Cosmetology, Wyoming Rules and Regulations, Chapter 6 § 2. The states that are not in this 46-jurisdiction category are Massachusetts, New York, Oregon, and Vermont. Massachusetts requires a two-year internship as a condition of cosmetology licensing; this requirement makes some cross-jurisdictional comparisons of cosmetology licensing requirements difficult.

²¹ N.J.S.A. 45:1-7.5 requires state agencies to issue licenses to all people who hold corresponding licenses from other states, but only under certain conditions. Under this statute, a state agency has the discretion to refuse to recognize a license from another state unless “equal reciprocity is provided for a New Jersey applicant for licensure under the law of that other state.” N.J.S.A. 45:1-15.5 (k). It is reasonable to predict that, in many cases, this exception will swallow the rule.

²² DC ST §§ 3-1205.03, 3-1205.07, 3-1205.08a, 47-2853.08. Furthermore, the agencies which regulate “non-health related occupations” may only grant licenses to an applicant from a state “which admits professionals licensed by the District in a like manner.” As noted in the immediately previous footnote, such a requirement considerably shrinks the field of eligible applicants.



UNITED STATES DEPARTMENT OF LABOR