



## Legislative Analysis: Licensing

<b>BILL NUMBER:</b>	AB 742
<b>SUBJECT:</b>	Licensing
<b>INTRODUCTION DATE:</b>	Amended April 8, 2025
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<b>SPONSOR:</b>	Legislative Black Caucus

### **DESCRIPTION OF PROPOSED LEGISLATION:**

This bill requires state licensing boards to prioritize applicants seeking licensure who are descendants of American slaves. Implementation of this bill is contingent on the enactment of SB 518 (Weber-Pierson) which would establish the Bureau for Descendants of American Slavery within the California Department of Justice, with provisions to repeal the processing priority four years from the date on which it becomes operative, or until January 1, 2032, whichever is earlier.

### **STAFF POSITION/RECOMMENDATION: Neutral if amended.**

Suggest amendment to exempt Boards with a demonstrable average processing time of less than 30 days for initial applications.

### **BACKGROUND:**

The Department of Consumer Affairs (DCA) consists of 36 boards, bureaus, and other entities responsible for licensing, certifying, or otherwise regulating professionals in California. There are more than 3 million licensees including health professionals regulated by healing arts boards like the BVNPT. Licensing programs and their processes may vary from profession to profession, governed by specific practice acts.

The average processing time between the submission of an initial license application and approval varies widely based on many factors including increased workload, delays in obtaining an applicant's criminal history, and deficiencies in an application. License processing timelines are then regularly evaluated through the Legislature's sunset review oversight process.

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In 2020, the Legislature enacted Assembly Bill 3121 (Weber), which formally established the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States. The Task Force was given responsibility for studying and developing reparation proposals for African Americans and then to appropriate remedies.

Chapter 10 of the Task Force's report, titled "Stolen Labor and Hindered Opportunity," addresses how African Americans have historically been excluded from occupational licenses. As discussed in the Task Force's report, "state licensure systems worked in parallel to exclusion by unions and professional societies in a way that has been described by scholars as "particularly effective" in excluding Black workers from skilled, higher paid jobs. White craft unions implemented unfair tests, conducted exclusively by white examiners to exclude qualified Black workers."

SB 518 (Weber-Pierson) which is linked to this bill, would be charged with the establishment of a process to determine how an individual's status as a descendant would be confirmed. It awaits hearing in the Senate Judiciary Committee.

AB 742 is similar to AB 2862 (Gipson) from the 2024 session. AB 2862 was introduced to implement the Task Force's recommendation that boards be required to prioritize African American applicants seeking licenses, especially applicants who are descended from a person enslaved in the United States. This bill was held in the Senate Committee on Business, Professions, and Economic Development.

## **ANALYSIS:**

BVNPT regulates more than 140,000 Licensed Vocational Nurses and Psychiatric Technician, and more than 170 schools. In general, the processing time for applicants to be approved to take the licensing exam, if they have graduated from an approved school, is generally less than 2 weeks (if they have no criminal history). AB 742 would require a "patch" in BreEZe and add the review and possible verification of the certification, thereby extending the Board's processing time. With no changes in the law, it is possible that individuals seeking this priority may be approved more quickly under the existing process, as the list of graduates coming directly from the schools are processed and approved often in less than one week.

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In 2025, 11,576 individuals are expected to graduate from approved VN and PT programs in California. This number has increased by about 10% each year since 2022, and we expect this growth to continue. Census data estimates that 6.5% of California residents are of African American ancestry, although this includes other African and African diaspora populations. If 6.5% of the graduates from the approved programs are African American, possibly as many as 750 graduates might be eligible for this priority. Given that the Board's existing approval process for applicants without a criminal history would result in an application processing time of approximately 2 weeks, the proposed prioritization may result in a longer application processing time.

Creating expedited licensure requirements for specific populations of applicants is problematic. However meritorious the project is, adding more categories of license applicants that must be expedited, dilutes the value of the expedition, and non-expedited applications could become delayed by [a matter of days.

AB 742 was approved in the Assembly Business and Professions Committee with a vote of 12-2. It awaits hearing by the Assembly Judiciary Committee.

## **FISCAL:**

It is difficult to assess an impact, as this priority would likely not take effect before 2028, when the Bureau created by SB 518 completes its initial work. All of the BreEZe users would require a patch to be created. There may be an increase in staff workload, and it is possible that the Board would need to promulgate regulations.

## **SUPPORT:**

Greater Sacramento Urban League

## **OPPOSITION:**

California Landscape Contractor's Association

Pacific Legal Foundation

17 Individuals