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National Alliance for Model State Drug Laws

LEGAL BARRIERS FOR PEOPLE IN RECOVERY FROM DRUG AND ALCOHOL ADDICTION: LICENSES AND CREDENTIALS

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There are many legal obstacles facing people who have overcome addiction and are in good recovery. This memorandum will provide an overview of how having a criminal conviction or an addiction to alcohol and/or drugs can affect an applicant trying to obtain a license or credential to practice a particular profession or occupation, namely certain counseling professions – addiction/substance abuse counselors, professional counselors, social workers, marriage and family therapists, and psychologists. In most states, each profession is regulated by its own board, commission, or department (“licensing agency”) which can create a wide divergence in how the issues of criminal convictions and alcohol and/or drug abuse are treated when applying for licensure. For more specific information on state laws or regulations, please see the accompanying chart or compilation of statutes and regulations.

Nearly every licensing agency nationwide provides that an applicant can be denied licensure for a criminal conviction, usually limited to felonies, and drug and/or alcohol use. However, there are certain exceptions. For example, neither convictions nor drug and/or alcohol use bar an applicant from receiving a license or certification as an addiction/substance abuse counselor in Arkansas¹, South Dakota², or Wisconsin³. In Alaska, the Board of Psychology states that a person can be denied licensure for “dishonorable conduct.”⁴ Similarly is the requirement of “good moral character” for licensure as a psychologist in Massachusetts⁵, or as a psychologist or social worker in Nevada.⁶ Tennessee requires “good moral character” for licensure or certification as an addiction/substance abuse counselor⁷, while Vermont may deny licensure as a professional counselor, social worker, marriage and family therapist, or psychologist for “conduct which evidences unfitness.”⁸

The following licensing agencies may deny licensure for convictions only:

- Arkansas – professional counselors and marriage and family therapists⁹
- Hawaii – marriage and family therapists¹⁰
- Idaho – professional counselors and marriage and family therapists¹¹
- Indiana – addiction/substance abuse counselors, professional counselors, social workers, and marriage and family therapists¹²
- Massachusetts – professional counselors and marriage and family therapists¹³
- Minnesota – marriage and family therapists¹⁴
- Mississippi – professional counselors¹⁵
- New Hampshire – professional counselors, social workers, marriage and family therapists, and psychologists¹⁶
- New York – professional counselors, social workers, marriage and family therapists, and psychologists¹⁷
- North Carolina – social workers¹⁸
- North Dakota – addiction/substance abuse counselors and professional counselors¹⁹
- Oklahoma – psychologists²⁰
- Tennessee – professional counselors and marriage and family therapists²¹
- Texas – addiction/substance abuse counselors, professional counselors, and psychologists²²
- West Virginia – psychologists.²³

Licensing agencies in twenty-eight states require that an applicant submit to a criminal history background check before being allowed to either sit for the licensing examination or receiving their license and, in most cases, failure to so submit will result in the license being denied or the applicant being refused entrance to the examination.²⁴ The South Carolina Board of Psychology only requires that an applicant submit to a criminal history background check if the applicant has been convicted of any criminal offense except a traffic violation²⁵, while Delaware has the additional requirement that licensees submit fingerprints for a background check every ten years with their application for renewal.²⁶

There are several avenues by which a criminal conviction or alcohol and/or drug abuse can be overcome. Many licensing agencies provide for waivers of criminal convictions, while others assume that a person is rehabilitated and suitable for licensure after the passage of a number of years since the conviction or the completion of the applicant's sentence. Still other licensing agencies will allow a person to reapply for licensure after the passage of a certain amount of time. Nearly all states have an Administrative Procedure Act which allows an applicant to request a hearing on the denial of licensure and from which an appeal can be taken to the state courts.²⁷

One or more licensing agencies in the following states provide waivers for either criminal convictions or drug and/or alcohol abuse: Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, West Virginia, and Wyoming.²⁸ The licensing agencies tend to look at similar factors in determining whether to grant or deny a license to an applicant with a criminal conviction:

- Age of the person at the time the crime was committed
- The nature and seriousness of the offense
- The circumstances and factors underlying the criminal conduct
- The length of time since the commission of the crime or the completion of the sentence imposed, including probation, parole, or other post-release supervision
- The relationship between the crime and the profession for which the applicant is seeking licensure
- The applicant's efforts toward rehabilitation and any evidence of rehabilitation
- The extent to which the applicant complied with the terms and conditions of his/her probation, parole, community supervision, or other sentencing requirements, including payment of court costs, fines and restitution
- Social conditions which may have contributed to the commission of the crime, including drug and alcohol use
- Whether drug or alcohol issues influenced or were related to the criminal activity
- The likelihood that the offense will be repeated if the applicant is licensed
- Subsequent work history and any employment or character references

- That the applicant is capable of performing the functions and duties of the licensed profession
- That granting a waiver won't endanger the public health and safety.

In California, a license may not be denied by any licensing agency solely on the basis of a conviction if the applicant has received a certificate of rehabilitation after conviction of a felony or meets the rehabilitation criteria after conviction of a misdemeanor.²⁹ Further, as is the case with many state licensing agencies, the crime for which the applicant was convicted must be substantially related to the qualifications, functions and/or duties of the licensed profession.³⁰ Michigan allows conviction data to be used only in determining an applicant's "good moral character;" thus, a criminal conviction in and of itself cannot be used to deny an application for licensure.³¹ Hawaii makes the refusal of an employer to hire a candidate because of his or her arrest or court record an unlawful discriminatory practice.³²

Connecticut³³, Missouri³⁴, Minnesota³⁵, Montana³⁶, New York³⁷, North Carolina³⁸, North Dakota³⁹, Oregon⁴⁰, and South Carolina⁴¹ laws do not allow a licensing agency to deny licensure solely on the grounds that an applicant has been convicted of a felony, but most will allow a licensing agency to deny licensure if the conviction directly relates to the profession for which the applicant is seeking licensure. The Montana statute provides for an investigation by the licensing agency into the circumstances of the conviction and allows a board to determine, at the conclusion of such investigation, that the applicant has not been sufficiently rehabilitated. Completion of parole or probation without a subsequent conviction is deemed to be evidence of rehabilitation.⁴² Arkansas law provides that a conviction is not a permanent bar to licensure and completion of probation or parole supervision and the passage of 5 years from the date of final discharge or release without a subsequent conviction is prima facie evidence of rehabilitation.⁴³

Florida law also bars the disqualification of an applicant for employment for conviction of a crime unless the crime was a felony or a first degree misdemeanor directly related to the position sought.⁴⁴ However, a person convicted of the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance is disqualified from applying for a license, permit, or certificate required by any agency to practice a profession unless the individual has completed all sentences of imprisonment or supervisory sanctions, seeks evaluation and enrollment in a drug treatment and rehabilitation program and submits to periodic urine testing.⁴⁵

Wisconsin Statute Annotated § 111.321 specifically prohibits discrimination against an individual by a licensing agency on the basis of arrest record, conviction record, and the use or nonuse of lawful products off the employer's premises during nonworking hours. However, § 111.335 provides exceptions to the rule in that a licensing agency is deemed to not be committing discrimination if it refuses to license an individual for conviction of a crime if the offense substantially relates to the particular licensed activity.

New Mexico Statutes Annotated §§ 28-2-1 – 28-2-6, the Criminal Offender Employment Act, provide that a conviction shall not operate as a bar to obtaining a license and further provide that a licensing agency is prohibited from making inquiry into a conviction on an initial application for employment, but may only consider a conviction after an applicant has been

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selected as a finalist for the position. The licensing agency may only refuse to grant a license if the conviction directly relates to the particular profession or the board determines, after investigation, that the applicant has not been sufficiently rehabilitated.

Other licensing agencies have imposed time periods after which an applicant is either deemed to be rehabilitated or after which they may apply for licensure. The periods range from 6 months (in the case of a person applying for certification as an addiction/substance abuse counselor in Louisiana) to ten years, depending on the severity of the crime for which the person was convicted.⁴⁶

In addition, some state licensing agencies provide a time period after which an applicant previously denied licensure can reapply.⁴⁷ The Arkansas Board of Psychology will allow reapplication after the applicant completes a Board devised rehabilitation plan.⁴⁸ The Minnesota Boards of Professional Counseling and Psychology allow an applicant to demonstrate his or her fitness at reasonable intervals after denial.⁴⁹ The Board of Professional Counseling in Alabama proscribes the longest period – 3 years – before an applicant can reapply.⁵⁰

Expunction, setting aside and sealing of the records of criminal convictions provide another avenue by which applicants can overcome an obstacle to receiving a professional license. Twenty-one states have statutes allowing for the expunction, setting aside or sealing of certain criminal conviction records, the effect of which in most cases is to put the individual in the position they occupied prior to the conviction and allows the individual to answer that they have not been convicted of any crime in response to an inquiry.⁵¹ However, Louisiana requires that convictions which have been expunged must still be disclosed to the Board of Examiners of Psychologists and the Board of Social Work Examiners upon request.⁵² Nevada and Ohio laws allow a professional licensing board to inspect any record that has been sealed to determine the suitability of an applicant.⁵³ Utah makes expunged records available to the Division of Occupational and Professional Licensing upon request.⁵⁴

Four states – California, Illinois, New Jersey and New York – also provide certificates of rehabilitation, certificates of relief from disabilities, and/or certificates of good conduct which are used to evidence rehabilitation after the conviction of an offense.⁵⁵ New York law allows licensing agencies to consider a conviction specified in a certificate of relief from disabilities and/or a certificate of good conduct in making a determination as to an applicant's moral character.⁵⁶

Finally, licensing agencies in Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Idaho, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Nebraska, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming have created by rule or statute impaired practitioner programs which provide a means by which, in most cases, a licensee can avoid disciplinary action as a result of alcohol and/or drug abuse.⁵⁷ In Louisiana, the program is available to substance abuse counselors-in-training and to applicants for licensure as social workers.⁵⁸ Minnesota law makes the program available to all persons regulated by the various licensing agencies for licensure as an addiction/substance abuse counselor, professional

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counselor, social worker, marriage and family therapist, and psychologist.⁵⁹ The Ohio Boards of Professional Counseling, Social Work and Marriage and Family Therapy also make the program available to applicants.⁶⁰ In Virginia, the program is also available to applicants for licensure as addiction/substance abuse counselors, professional counselors, social workers, marriage and family therapists, and psychologists.⁶¹ The South Carolina Boards of Professional Counseling and Marriage and Family Therapy make the program available to applicants as well⁶², while South Dakota licensing agencies for licensure as addiction/substance abuse counselors, professional counselors, social workers, marriage and family therapists, and psychologists make the program available to applicants and students.⁶³

¹ Ark. Code Ann. § 17-27-414

² S.D. Codified Laws § 36-34-21

³ Wis. Stat. Ann. § 440.88

⁴ Alaska Stat. § 08.86.130

⁵ Mass. Gen. Laws Ch. 112, § 119

⁶ Nev. Rev. Stat. § 641.170

⁷ Tenn. Comp. R. & Regs. 1200-30-01-.04

⁸ Vt. Stat. Ann. Tit. 26 §§ 3016, 3210, 3271, and 4042

⁹ Ark. Code Ann. §§ 17-97-302, 17-27-303, 17-27-304

¹⁰ Haw. Rev. Stat. § 451J-11

¹¹ Idaho Code § 54-3407

¹² Ind. Code §25-23.6-10.5-1, § 25-23.6-8.5-1, § 25-23.6-5-1, § 25-23.6-8-1

¹³ Mass. Gen. Laws Ch. 112, § 169

¹⁴ Minn. Stat. § 148B.37

¹⁵ Miss. Code Ann. § 73-30-21

¹⁶ N.H. Code Admin. R. Ann. MHP 302.01

¹⁷ N.Y. Comp. Codes R. & Regs. Tit. 8, § 28-1.2, N.Y. Educ. Law §§ 7603, 7704, 8402, 8403

¹⁸ N.C. Gen. Stat. § 90B-11

¹⁹ N.D. Cent. Code §§ 43-47-07, 43-45-07.1

²⁰ Okla. Stat. Tit. 59, § 1362

²¹ Tenn. Code Ann. § 63-22-110

²² 22 Tex. Admin. Code §§ 469.7 and 681.164; Tex. Occ. Code Ann. § 504.1525

²³ W. Va. Code § 30-21-7

²⁴ See, Alaska Admin. Code tit. 12, § 62.100; Ariz. Rev. Stat. § 32-3280; Ark. Code Ann. §§ 17-97-312, 17-103-307 and 17-27-313; Ark. Reg. 122.00.1-3.1, 122.00.1-3.3, and 122.00.1-3.4; Cal. Bus. & Prof. Code § 4999.51; Cal. Code Regs. Tit. 16, § 2575.5, 16 § 1815, and 16 § 1381.7; Del. Code Ann. Tit. 24, §§ 3032, 3044, 3052 and 3907; Hi. Admin. Code 11-177.1-20; Ind. Code Ann. § 25-1-1.1-4; La. Rev. Stat. Ann. §§ 37:2356.1, 37:2710, 37:3387, 37:3387.1, 37:3387.2, 37:3387.3, 37:3387.4, 37:3387.5, 37: 3387.10, 37:3387.11, 37:3387.12, 37:3387.13 and 37:3387.14; La. Admin. Code Tit. 46, Pt. LXIII, § 1205; La. Admin. Code Tit. 46, Pt. LXXX, §§ 701, 703, 705, 707, 709, 711, 715, 717 and 719; Md. Code Ann., Health Occ. § 18-302; Mich. Comp. Laws § 333.16174; Minn. Stat. Ann. § 148E.055; Miss. Code Ann. §§ 73-30-9, 73-31-13, 73-53-13, and 73-54-17; Miss. Reg. 30-14-1:A-VI; Mo. Code Regs. Ann. Tit. 20, §§ 2095-2.065, 2263-2.050, and 2233-2.030; Mont. Code Ann. §§ 37-22-301 and 37-23-202; Nev. Rev. Stat. §§ 641B.202 and 641C.260; N.H. Rev. Stat. Ann. §§ 330-C:15 and 330-C:20; N.J. Stat. Ann. §§ 45:1-21, 45:1-29, and 45:1-30; N.J. Admin. Code 13:34-4.1, 13:44G-4.1, 13:44G-4.2, and 13:44G-4.3; N.M. Stat. Ann. §§ 61-9-11 and 61-9-11.2; N.M. Admin. Code 16.22.5; N.C. Gen. Stat. §§ 90-11.40, 90-113.40A, 90-113.46A, 90-270.22, 90-270.63 and 90-345; N.C. Admin. Code tit. 21, r. 68.0216 and tit. 21, r. 54.1612; N.D. Cent. Code § 43-41-04.2; N.D. Admin. Code § 111-02-01-04; Ohio Rev. Code Ann. §§ 4776.02, 4732.091, and 4757.101; Ohio Admin. Code §§ 4732-9-04 and 4757-1-04; Okla. Stat. tit. 59, § 1261.1; Or. Admin. R. 858-010-0034, 877-022-0005, 833-120-0011 and 833-

120-0021; 49 Pa. Code § 41.11; S.C. Code Ann. § 40-55-80; Tenn. Code Ann. § 63-1-116; Tex. Occ. Code Ann. § 51.4012; 22 Tex. Admin. Code § 463.7; 25 Tex. Admin. Code § 140.430; 22 Tex. Admin. Code § 781.409; and Wash. Rev. Code § 18.130.064

²⁵ S.C. Code Ann. § 40-55-80

²⁶ Del. Code Ann. Tit. 24, §§ 3032, 3044, 3052 and 3907

²⁷ Please see the accompanying chart for statutory citations to the state Administrative Procedure Acts.

²⁸ See, Alaska Stat. § 08.29.400; Alaska Admin. Code tit. 12 § 18.140; Ariz. Admin. Code R4-6-208; Ark. Code Ann. §§ 17-27-313, 17-103-307 and 17-97-312; Cal. Code Regs. Tit. 16, §§ 1813 and 1395; Conn. Gen. Stat. § 19a-14; Del. Code Ann. Tit. 24 §§ 3044, 3032, 3915, 3052 and 3514; Fla. Admin. Code Ann. R. 64B4-5.001 and 64B19-17.002; Ga. Code Ann. § 43-10A-17; Ky. Rev. Stat. Ann. §§ 335.348, 335.540 and 319.082; La. Rev. Stat. Ann. §§ 37:3387, 37:3387.1, 37:3387.2, 37:3387.3, 37:3387.4, 37:3387.5, 37:3387.10, 37:3387.11, 37:3387.12, 37:3387.13 and 37:3387.14; La. Admin. Code Tit. 46, Pt. LXXX, §§ 701, 703, 705, 707, 709 and 711; Me. Rev. Stat. Ann. Tit. 10, § 8003; Mass. Regs. Code Tit. 258, § 30.03; Mich. Comp. Laws § 338.42; Minn. R. 4747.0060; Miss. Reg. 30-13-2:4-1 and 30-14-1:A-VI; Mo. Rev. Stat. §§ 324.029, 324.038 and 337.630; Mont. Code Ann. §§ 37-1-203 and 37-1-205; N.H. Code Admin. R. Ann. ALC 308.01; N.J. Admin. Code 13:34C-1.8; N.Y. Comp. Codes R. & Regs. Tit. 8, § 28-1.3; N.C. Gen. Stat. § 90-113.46A; N.D. Cent. Code § 12.1-33-02.1; Ohio Admin. Code §§ 3793:3-1-01 and 4758-4-01; Okla. Stat. Tit. 59 §§ 4000 and 1266.1; Okla. Admin. Code § 38:10-5-3, 310:405-5-3 and 310:400-7-1; Or. Admin. R. 833-120-0031, 877-022-0005 and 858-010-0034; 63 Pa. Cons. Stat. §§ 1206 and 1907; 49 Pa. Code §§ 47.12, 48.12 and 49.12; R.I. Gen. Laws §§ 5-39.1-8, 5-39.1-10, 5-69-8 and 5-69-10; R.I. Code R. 31-5-27:3.0, 31-5-27:8.0, 31-5-39:3.0 and 31-5-39:8.0; S.C. Code Ann. §§ 40-1-140, 40-63-140 and 40-75-140; Tex. Occ. Code Ann. §§ 53.022 and 53.023; 22 Tex. Admin. Code §§ 681.164, 781.407 and 801.332; Utah Admin. Code R156-1; W. Va. Code Ann. §§ 30-30-8, 30-30-10, 30-30-12, 30-30-14, 30-30-16, 30-31-8 and 30-31-9; Wyo. Stat. Ann. § 33-38-106; and Wyo. Admin. Code Al MH Ch. 3, § 2; Ch. 4, § 2; Ch. 6, § 2; Ch. 8, § 2; Ch. 9, § 2; Ch. 10, § 2; and Ch. 11, § 2

²⁹ Cal. Penal Code §§ 4852.01 – 4852.21

³⁰ Cal. Bus. & Prof. Code § 480

³¹ Mich. Comp. Laws § 338.42

³² Haw. Rev. Stat. § 378-2

³³ Conn. Gen. Stat. § 46a-80

³⁴ Mo. Rev. Stat. § 324.029

³⁵ Minn. Stat. Ann. § 364.03

³⁶ Mont. Code Ann. § 37-1-203

³⁷ N.Y. Correct. Law § 752

³⁸ N.C. Gen. Stat. § 90-113.46A

³⁹ N.D. Cent. Code § 12.1-33-02.1

⁴⁰ Or. Rev. Stat. § 670.280

⁴¹ S.C. Code Ann. §§ 40-1-140, 40-63-140 and 40-75-140

⁴² Mont. Code Ann. § 37-1-205

⁴³ Ark. Code Ann. § 17-1-103

⁴⁴ Fla. Stat. Ann. § 112.011

⁴⁵ Fla. Stat. Ann. § 775.16

⁴⁶ See, Ala. Admin. Code r. 850-X-10-.17; Alaska Admin. Code tit. 12, § 18.100; Ark. Code Ann. § 17-1-103; Del. Code Ann. Tit. 24, §§ 3009, 3032, 3044, 3915, 3052 and 3514; Fla. Stat. §§ 456.072, 490.009 and 491.009; Ind. Code § 25-23.6-10.5-1; Ky. Rev. Stat. Ann. § 309.086; La. Rev. Stat. Ann. §§ 37:3387, 37:3387.1, 37:3387.2, 37:3387.3, 37:3387.4; La. Admin. Code tit. 46, Pt. LXXX, §§ 701, 703, 705, 707, 709, 715, 717 and 719; Minn. Stat. § 148C.09; Miss. Code Ann. § 73-53-13; Miss. Admin. Code 30-14-1:A-VI; Mo. Rev. Stat. §§ 337.615, 337.644, 337.645 and 337.715; Mont. Admin. R. 24.154.2301; N.J. Stat. Ann. § 45:1-21; N.J. Admin. Code 13:34C-1.8; N.M. Stat. Ann. § 28-2-4; N.C. Admin. Code tit. 21, r. 68.0216; N.D. Cent. Code § 12.1-33-02.1; Ohio Admin. Code § 4758-4-01; Okla. Stat. tit. 59, § 1881; 63 Pa. Cons. Stat. §§ 1206 and 1907; 49 Pa. Code §§ 47.12, 48.12 and 49.12; S.D. Codified Laws

§§ 36-26-32, 36-27A-28, 36-32-29 and 36-33-19; Tex. Occ. Code Ann. §§ 53.021 and 504.1525; Utah Code Ann. § 58-1-401; and W. Va. Code §§ 30-30-8, 30-30-10, 30-30-12, 30-30-14 and 30-30-16

⁴⁷ See, Ala. Code § 34-8A-16; Ark. Admin. Code 074.00.1-11; Cal. Bus. & Prof. Code § 486; Colo. Rev. Stat. § 12-43-225; Fla. Admin. Code Ann. R. 64B19-11.009; Haw. Admin. Code 11-177.1-36; La. Rev. Stat. Ann. §§ 37:1110 and 37:2359; Me. Rev. Stat. Ann. Tit. 32, § 6218; Minn. Stat. §§ 148B.5905 and 148.941; Miss. Code Ann. § 73-30-11; N.M. Stat. Ann. § 61-9-13; N.Y. Comp. Codes R. & Regs. Tit. 8, § 28-1.7; N.C. Gen. Stat. §§ 90-270.15, 90-270.60 and 90-340; N.C. Admin. Code tit. 21, r. 68.0611; N.D. Admin. Code § 97-02-02-02; and Ohio Admin. Code § 4758-10-01

⁴⁸ Ark. Code Ann. § 17-1-103

⁴⁹ Minn. Stat. § 148B.5905

⁵⁰ Ala. Admin. Code r. 850-X-10-17

⁵¹ See, Ark. Code Ann. §§ 16-90-1201 and 16-90-902; Colo. Rev. Stat. §§ 24-72-308.5 and 24-72-308.6; Haw. Rev. Stat. §§ 706-622.5 and 831-3.2; Kan. Stat. Ann. § 21-6614; Ky. Rev. Stat. Ann. § 431.078; La. Rev. Stat. Ann. § 44:9; Md. Code Ann. Crim. Proc. §§ 10-105 and 10-109; Mass. Gen. Laws Ch. 94C §§ 34 and 44; Mich. Comp. Laws §§ 780.621 – 780.624; Minn. Stat. §§ 609A.01 – 609A.03; Miss. Code Ann. §§ 9-23-23, 41-29-139, 99-15-26 and 99-19-71; Nev. Rev. Stat. §§ 179.245, 179.285 and 179.259; N.H. Rev. Stat. Ann. § 651:5; N.Y. Crim. Proc. Law § 160.58; N.D. Cent. Code § 19-03.1-23; Ohio Rev. Code Ann. § 2953.32; Or. Rev. Stat. § 137.225; R.I. Gen. Laws §§ 12-1.3-2 – 12-1.3-4; Utah Code Ann. §§ 77-40-101 – 77-40-113; Wash. Rev. Code §§ 9.92.066, 9.94A.640, 9.95.240 and 9.96.060; and Wis. Stat. § 973.015

⁵² La. Rev. Stat. Ann. § 44:9

⁵³ Nev. Rev. Stat. § 179.259 and Ohio Rev. Code Ann. § 2953.32

⁵⁴ Utah Code Ann. § 77-40-109

⁵⁵ Cal. Penal Code § 4852.01; 730 Ill. Comp. Stat. 5/5-5-5; N.J. Stat. Ann. §§ 2A:168A-1 – 2A:168A-16; and N.Y. Correct. Law §§ 700 – 703-b

⁵⁶ N.Y. Correct. Law §§ 700 – 703-b

⁵⁷ See, Alaska Stat. §08.01.050; Ariz. Rev. Stat. §§ 32-2086 and 32-3281; Conn. Gen. Stat. §§ 19a-12a and 19a-12b; Del. Admin. Code 24, r. 3000-10.0; 24 r. 3500-15 and 24 r. 3900-10.0; Fla. Stat. Ann. § 456.076; Ga. Comp. R. & Regs. R. 510-5-.05; Idaho Code §§ 54-4401 – 54-4407; Idaho Admin. Code 24.12.01.380; Iowa Code § 272C.3; Ky. Rev. Stat. Ann. § 335.370; La. Admin. Code tit. 46, Pt. XXV, §§ 701 – 705 and tit. 46, Pt. LXXX, § 1301; Md. Code Ann. Health Occ. §§ 17-515, 18-318 and 19-315; Mich. Comp. Laws §§ 333.16106a, 333.16105a, 333.16167 and 333.16170; Minn. Stat. §§ 214.31 – 214.33; Neb. Rev. Stat. § 38-175; N.M. Stat. Ann. §§ 61-31-19 and 61-7-1 – 61-7-12; N.M. Admin. Code § 16.63.19; N.Y. Educ. Law § 6510-b; N.Y. Comp. Codes R. & Regs. Tit. 8, §§ 18.2, 18.3, 18.4 and 18.5; Ohio Admin. Code §§ 4757-11-02 and 4758-11-02; Okla. Stat. Ann. tit. 59, § 1266.1; Okla. Admin. Code § 38:10-3-7; Or. Rev. Stat. §§ 676.303, 676.190, 676.195 and 676.200; 63 Pa. Cons. Stat. §§ 1218 and 1915; S.C. Admin. Code 36-17 and 36-18; S.D. Codified Laws §§ 36-2A-1 – 36-2A-15; Tenn. Code Ann. § 63-1-136; 25 Tex. Admin. Code § 140.420 and 22 Tex. Admin. Code § 781.808; Utah Code Ann. § 58-1-404; Utah Admin. Code R156-1-404a – R156-1-404e; Va. Code Ann. §§ 54.1-2516 and 54.1-2517; 18 Va. Admin. Code §§ 76-10-30 – 76-10-70; Wash. Rev. Code §§ 18.130.175 and 18.130.186; and Wyo. Stat. Ann. § 33-1-115

⁵⁸ La. Admin. Code tit. 46, Pt. XXV, §§ 701 – 705 and tit. 46, Pt. LXXX, § 1301

⁵⁹ Minn. Stat. §§ 214.31 – 214.33

⁶⁰ Ohio Admin. Code §§ 4757-11-02 and 4758-11-02

⁶¹ Va. Code Ann. §§ 54.1-2516 and 54.1-2517; 18 Va. Admin. Code §§ 76-10-30 – 76-10-70

⁶² S.C. Admin. Code 36-17 and 36-18

⁶³ S.D. Codified Laws §§ 36-2A-1 – 36-2A-15