

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: AB 742

VERSION: AMENDED MARCH 13, 2024

AUTHOR: ELHAWARY

SPONSOR: CALIFORNIA LEGISLATIVE BLACK CAUCUS

STAFF RECOMMENDED POSITION: SUPPORT

SUBJECT: DEPARTMENT OF CONSUMER AFFAIRS: LICENSING: APPLICANTS WHO ARE DESCENDANTS OF SLAVES

Summary:

This bill would require boards within the Department of Consumer Affairs (DCA) to prioritize applicants seeking licensure if they are certified by the State Bureau for Descendants of American Slavery as a descendant of American slaves.

Existing Law:

- 1) Requires Boards under DCA to expedite the initial licensure process for applicants who are honorably discharged members of the U.S. Armed Forces. (Business and Professions Code (BPC) §115.4)
- 2) Requires DCA boards to expedite the licensure process and waive the licensure application fee and the initial license fee for applicants who have a current license in the same profession in another state, and who are married to, or in a domestic partnership or other legal union with an active-duty member of the U.S. Armed Forces who is assigned to active duty in California. (BPC §115.5).
- 3) Requires DCA boards to expedite the licensure process for applicants who can demonstrate that they have been admitted to the U.S. as a refugee, have been granted asylum, or who hold a special immigrant visa. (BPC §135.4)
- 4) Requires the Medical Board of California to give priority review status to applicants who can demonstrate they intend to practice in a medically underserved area or serve a medically underserved population, as defined in §128522 of the Health and Safety Code (HSC). They must provide proper documentation to prove this, which may include a letter from the employer indicating acceptance of employment and a start date. (BPC §2092)
- 5) Requires the Medical Board of California, the Osteopathic Medical Board of California, the Board of Registered Nursing, and the Physician Assistant Board to

expedite the licensure process for applicants who demonstrate that they intend to provide abortions within the scope of practice of their license. (BPC § 870)

This Bill:

- 1) Requires boards under DCA to prioritize African American applicants seeking licensure who are descendants of American slaves (BPC §115.7).
- 2) Provides that this requirement becomes effective only if SB 518 (Weber Pierson, 2025) is enacted. That bill currently proposes the establishment of the Bureau for Descendants of American Slavery. The effective date would commence once that bureau establishes a process to certify descendants of American slaves (BPC §115.7).
- 3) Includes a sunset date of four years from the operative date, or until January 1, 2032, whichever is earlier (BPC §115.7).

SB 518 (Weber Pierson, 2025)

SB 518 is a companion bill to AB 742. AB 742 only becomes operative if SB 518 is also enacted. SB 518 does the following:

- 1) Establishes the Bureau for Descendants of American Slavery (Bureau) within the California Department of Justice. (Government Code (GC) §15212)
- 2) Tasks the Bureau with determining how an individual's status as a descendant will be confirmed and establishing a process to certify descendants. Proof of this status is a qualifying criterion for benefits authorized by the state for descendants. (GC §15213)
- 3) Defines "descendants" as descendants of an African American chattel enslaved person in the United States, or descendants of a free Black person living in the United States prior to the end of the 19th century. (GC §15211)

Comments:

- 1) **Author's Intent.** In the fact sheet for the bill, the author's office highlights that descendants of slaves have historically faced barriers to accessing licenses due to the longstanding impact of racial bias, stating the following:

"By prioritizing descendants of slaves when applying for licenses, we hope to increase the number of applicants as well as those who are able to obtain licensure in various businesses and professions where descendants of slaves have often been overlooked and underrepresented. In addition, AB 742 will ensure that these applicants are not subjected to an arbitrary waiting period, allowing them to begin practicing with their license much sooner. This is one small step in righting the wrongs of the past."

- 2) **Fiscal Impact.** This bill requires the Board to “prioritize” applicants seeking licensure who are verified by a new state bureau as being descendants of slaves. The meaning of “prioritize” is not specified and should be clarified. However, staff assumes the intended meaning is that these applications will be expedited.

On average, the Board processes around 17,000 applications annually. Assuming 3% of applicants qualified for and obtained the required certification, this represents approximately 500 applicants per year qualifying to be expedited. Since a separate state bureau will be making the determination whether an individual qualifies, and that qualifying applicants will be able to provide a standardized certification, staff believes the increased workload from this bill is minor and absorbable within existing resources.

3) **Previous Legislation.**

AB 2862 (Gipson, 2024) proposed requiring boards within DCA to prioritize applications from African American applicants, especially those descended from a person enslaved in the United States. At its May 2024 meeting, the Board took a “support if amended” position on AB 2862 and requested that the bill be amended to add certain specified declarative public policy determinations to help the bill withstand potential legal challenges. AB 2862 died in the Senate Committee on Business, Professions, and Economic Development.

- 4) **Staff Recommendation.** Staff recommends a “support” position on this bill.

5) **Support and Opposition.**

Support:

- California Legislative Black Caucus (Sponsor)
- Greater Sacramento Urban League

Opposition:

- California Landscape Contractor’s Association
- Pacific Legal Foundation
- 17 Individuals

6) **History**

04/08/25 From committee: Do pass and re-refer to Com. on JUD. (Ayes 12. Noes 2.) (April 8). Re-referred to Com. on JUD.

04/08/25 Coauthors revised.

03/17/25 Re-referred to Com. on B. & P.

03/13/25 From committee chair, with author's amendments: Amend, and re-refer to Com. on B. & P. Read second time and amended.

03/03/25 Referred to Coms. on B. & P. and JUD.

02/19/25 From printer. May be heard in committee March 21.

02/18/25 Read first time. To print.

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ASSEMBLY BILL

No. 742

Introduced by Assembly Member Elhawary
(Principal coauthors: Assembly Members Bonta, Bryan, Gipson,
Jackson, McKinnor, Sharp-Collins, and Wilson)
(Principal coauthors: Senators Richardson, Smallwood-Cuevas, and
Weber Pierson)

February 18, 2025

An act to add and repeal Section 115.7 of the Business and Professions Code, relating to professions and vocations.

legislative counsel's digest

AB 742, as amended, Elhawary. Department of Consumer Affairs: licensing: applicants who are descendants of slaves.

Existing law establishes the Department of Consumer Affairs, which is composed of specified boards that license and regulate various professions.

This bill would require those boards to prioritize applicants *seeking licensure* who are descendants of ~~slaves seeking licenses, especially applicants who are descended from a person enslaved within the United States.~~ *American slaves once a process to certify descendants of American slaves is established, as specified. The bill would make those provisions operative when the certification process is established and would repeal those provisions 4 years from the date on which the provisions become operative or on January 1, 2032, whichever is earlier.*

This bill would make these provisions operative only if SB 518 of the 2025–26 Regular Session is enacted establishing the Bureau for

Descendants of American Slavery, and would make these provisions operative when the certification process is established pursuant to that measure. The bill would repeal these provisions 4 years from the date on which they become operative or on January 1, 2032, whichever is earlier.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 115.7 is added to the Business and
2 Professions Code, to read:

3 115.7. (a) Notwithstanding any other law,~~a once the process~~
4 ~~to certify descendants of American slaves is established by the~~
5 ~~Bureau for Descendants of American Slavery pursuant to Part 15~~
6 ~~(commencing with Section 16000) of Division 3 of Title 2 of the~~
7 ~~Government Code that confirms an individual's status as a~~
8 ~~descendant of an American slave, each board shall prioritize~~
9 ~~applicants seeking licensure who are descendants of slaves seeking~~
10 ~~licenses, especially applicants who are descended from a person~~
11 ~~enslaved within the United States. American slaves.~~

12 (b) This section shall become operative on the date that the
13 certification process for the descendants of American Slaves is
14 established by the Bureau for Descendants of American Slavery
15 pursuant to Part 15 (commencing with Section 16000) of Division
16 3 of Title 2 of the Government Code.

17 (c) This section shall remain in effect only for four years from
18 the date on which this section became operative, or until January
19 1, 2032, whichever is earlier, and as of that date is repealed.

20 (d) This section shall become operative only if Senate Bill 518
21 of the 2025–26 Regular Session is enacted establishing the Bureau
22 for Descendants of American Slavery.

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