

# HB301 INTRODUCED



1 HB301  
2 6TUM113-1  
3 By Representatives Jones, Oliver, Paschal, Moore (P)  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 06-Mar-24



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SYNOPSIS:

This bill would allow the Board of Dental Examiners to enter into the Dentist and Dental Hygienist Compact by adopting Article 5 of Chapter 9 of Title 34, Code of Alabama 1975, as a means of providing uniformity in licensing requirements and interstate practice throughout party states.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Board of Dental Examiners; to add Article 5 to Chapter 9 of Title 34, Code of Alabama 1975, to adopt the Dentist and Dental Hygienist Compact.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Article 5 is added to Chapter 9 of Title 34, Code of Alabama 1975, to read as follows:

ARTICLE 5. DENTIST AND DENTAL HYGIENIST COMPACT.

§34-9-100. Title and Purpose.

This article shall be known and cited as the Dentist and Dental Hygienist Compact. The purposes of this compact are to facilitate the interstate practice of dentistry and dental hygiene and improve public access to dentistry and dental



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29 hygiene services by providing dentists and dental hygienists  
30 licensed in a participating state the ability to practice in  
31 participating states in which they are not licensed. The  
32 compact does this by establishing a pathway for dentists and  
33 dental hygienists licensed in a participating state to obtain  
34 a compact privilege that authorizes them to practice in  
35 another participating state in which they are not licensed.  
36 The compact enables participating states to protect the public  
37 health and safety with respect to the practice of dentists and  
38 dental hygienists, through the state's authority to regulate  
39 the practice of dentistry and dental hygiene in the state. The  
40 compact does all of the following:

41 (1) Enables dentists and dental hygienists who qualify  
42 for a compact privilege to practice in other participating  
43 states without satisfying burdensome and duplicative  
44 requirements associated with securing a license to practice in  
45 those states.

46 (2) Promotes mobility and addresses workforce shortages  
47 through each participating state's acceptance of a compact  
48 privilege to practice in that state.

49 (3) Increases public access to qualified, licensed  
50 dentists and dental hygienists by creating a responsible,  
51 streamlined pathway for licensees to practice in participating  
52 states.

53 (4) Enhances the ability of participating states to  
54 protect the public's health and safety.

55 (5) Does not interfere with licensure requirements  
56 established by a participating state.



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57 (6) Facilitates the sharing of licensure and  
58 disciplinary information among participating states.

59 (7) Requires dentists and dental hygienists who  
60 practice in a participating state pursuant to a compact  
61 privilege to practice within the scope of practice authorized  
62 in that state.

63 (8) Extends the authority of a participating state to  
64 regulate the practice of dentistry and dental hygiene within  
65 its borders to dentists and dental hygienists who practice in  
66 the state through a compact privilege.

67 (9) Promotes the cooperation of participating states in  
68 regulating the practice of dentistry and dental hygiene within  
69 those states.

70 (10) Facilitates the relocation of military members and  
71 their spouses who are licensed to practice dentistry or dental  
72 hygiene.

73 §34-9-101. Definitions.

74 As used in this compact, the following terms have the  
75 following meanings:

76 (1) ACTIVE MILITARY MEMBER. Any individual with  
77 full-time duty status in the Armed Forces of the United  
78 States, including members of the National Guard and Reserve.

79 (2) ADVERSE ACTION. Disciplinary action or encumbrance  
80 imposed on a license or compact privilege by a state licensing  
81 authority.

82 (3) ALTERNATIVE PROGRAM. A non-disciplinary monitoring  
83 or practice remediation process applicable to a dentist or  
84 dental hygienist approved by a state licensing authority of a



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85 participating state in which the dentist or dental hygienist  
86 is licensed. This includes, but is not limited to, programs to  
87 which licensees with substance abuse or addiction issues are  
88 referred in lieu of state action.

89 (4) CLINICAL ASSESSMENT. Examination or process  
90 required for licensure as a dentist or dental hygienist, as  
91 applicable, that provides evidence of clinical competence in  
92 dentistry or dental hygiene.

93 (5) COMMISSIONER. The individual appointed by a  
94 participating state to serve as the member of the commission  
95 for that participating state.

96 (6) COMPACT. The dentist and dental hygienist compact.

97 (7) COMPACT PRIVILEGE. The authorization granted by a  
98 remote state to allow a licensee from a participating state to  
99 practice as a dentist or dental hygienist in a remote state.

100 (8) CONTINUING PROFESSIONAL DEVELOPMENT. A requirement,  
101 as a condition of license renewal, to provide evidence of  
102 successful participation in educational or professional  
103 activities relevant to practice or area of work.

104 (9) CRIMINAL BACKGROUND CHECK. The submission of  
105 fingerprints or other biometric-based information for a  
106 license applicant for the purpose of obtaining that  
107 applicant's criminal history record information, as defined in  
108 28 C.F.R. § 20.3(d) from the Federal Bureau of Investigation  
109 and the state's criminal history record repository as defined  
110 in 28 C.F.R. § 20.3(f).

111 (10) DATA SYSTEM. The commission's repository of  
112 information about licensees, including, but not limited to,



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113 examination, licensure, investigative, compact privilege,  
114 state action, and alternative program.

115 (11) DENTAL HYGIENIST. An individual who is licensed by  
116 a state licensing authority to practice dental hygiene.

117 (12) DENTIST. An individual who is licensed by a state  
118 licensing authority to practice dentistry.

119 (13) DENTIST AND DENTAL HYGIENIST COMPACT COMMISSION. A  
120 joint government agency established by this compact comprised  
121 of each state that has enacted the compact and a national  
122 administrative body comprised of a commissioner from each  
123 state that has enacted the compact.

124 (14) ENCUMBERED LICENSE. A license that a state  
125 licensing authority has limited in any way other than through  
126 an alternative program.

127 (15) EXECUTIVE BOARD. The chair, vice chair, secretary,  
128 and treasurer, and any other commissioners as may be  
129 determined by commission rule or bylaw.

130 (16) JURISPRUDENCE REQUIREMENT. The assessment of an  
131 individual's knowledge of the laws and rules governing the  
132 practice of dentistry or dental hygiene, as applicable, in a  
133 state.

134 (17) LICENSE. Current authorization by a state, other  
135 than authorization pursuant to a compact privilege, or other  
136 privilege, for an individual to practice as a dentist or  
137 dental hygienist in that state.

138 (18) LICENSEE. An individual who holds an unrestricted  
139 license from a participating state to practice as a dentist or  
140 dental hygienist in that state.



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141 (19) MODEL COMPACT. The model for the Dentist and  
142 Dental Hygienist Compact on file with the Council of State  
143 Governments or other entity as designated by the commission.

144 (20) PARTICIPATING STATE. A state that has enacted the  
145 compact and been admitted to the commission in accordance with  
146 the provisions in this compact and commission rules.

147 (21) QUALIFYING LICENSE. A license that is not an  
148 encumbered license issued by a participating state to practice  
149 dentistry or dental hygiene.

150 (22) REMOTE STATE. A participating state where a  
151 licensee who is not licensed as a dentist or dental hygienist  
152 is exercising or seeking to exercise the compact privilege.

153 (23) RULE. A regulation adopted by an entity that has  
154 the force of law.

155 (24) SCOPE OF PRACTICE. The procedures, actions, and  
156 processes a dentist or dental hygienist licensed in a state is  
157 permitted to undertake in that state and the circumstances  
158 under which the licensee is permitted to undertake those  
159 procedures, actions, and processes. The procedures, actions,  
160 and processes and the circumstances under which they may be  
161 undertaken may be established through means, including, but  
162 not limited to, statute, rules, case law, and other processes  
163 available to the state licensing authority or other government  
164 agency.

165 (25) SIGNIFICANT INVESTIGATIVE INFORMATION.  
166 Information, records, and documents received or generated by a  
167 state licensing authority pursuant to an investigation for  
168 which a determination has been made that there is probable



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169 cause to believe that the licensee has violated a statute or  
170 rule that is considered more than a minor infraction for which  
171 the state licensing authority could pursue state action  
172 against the licensee.

173 (26) STATE. Any state, commonwealth, district, or  
174 territory of the United States of America that regulates the  
175 practices of dentistry and dental hygiene.

176 (27) STATE LICENSING AUTHORITY. An agency or other  
177 entity of a state that is responsible for the licensing and  
178 regulation of dentists or dental hygienists.

179 §34-9-102. State Participation in the Compact.

180 (a) In order to join the compact and thereafter  
181 continue as a participating state, a state must do all of the  
182 following:

183 (1) Enact a compact that is not materially different  
184 from the model compact as determined in accordance with  
185 commission rules.

186 (2) Participate fully in the commission's data system.

187 (3) Have a mechanism in place for receiving and  
188 investigating complaints about its licensees and license  
189 applicants.

190 (4) Notify the commission, in compliance with the terms  
191 of the compact and commission rules, of any state action or  
192 the availability of significant investigative information  
193 regarding a licensee and license applicant.

194 (5) Fully implement a criminal background check  
195 requirement, within a time frame established by commission  
196 rule, by receiving the results of a qualifying criminal





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197 background check.

198 (6) Comply with the commission rules applicable to a  
199 participating state.

200 (7) Accept the National Board Examinations of the Joint  
201 Commission on National Dental Examinations or another  
202 examination accepted by commission rule as a licensure  
203 examination.

204 (8) Accept for licensure that applicants for a dentist  
205 license graduate from a predoctoral dental education program  
206 accredited by the Commission on Dental Accreditation, or  
207 another accrediting agency recognized by the United states  
208 Department of Education for the accreditation of dentistry and  
209 dental hygiene education programs, leading to the Doctor of  
210 Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.)  
211 degree.

212 (9) Accept for licensure that applicants for a dental  
213 hygienist license graduate from a dental hygiene education  
214 program accredited by the Commission on Dental Accreditation  
215 or another accrediting agency recognized by the United states  
216 Department of Education for the accreditation of dentistry and  
217 dental hygiene education programs.

218 (10) Require for licensure that applicants successfully  
219 complete a clinical assessment.

220 (11) Have continuing professional development  
221 requirements as a condition for license renewal.

222 (12) Pay a participation fee to the commission as  
223 established by commission rule.

224 (b) A state is not disqualified from participating in



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225 the compact by providing alternative pathways for an  
226 individual to obtain an unrestricted license.

227 (c) When conducting a criminal background check the  
228 state licensing authority shall do all of the following:

229 (1) Consider the information disclosed in the criminal  
230 background check in making a licensure decision.

231 (2) Maintain documentation of completion of the  
232 criminal background check and background check information to  
233 the extent allowed by state and federal law.

234 (3) Report to the commission whether it has completed  
235 the criminal background check and whether the individual was  
236 granted or denied a license.

237 (d) A licensee of a participating state, who has a  
238 qualifying license in that state and does not hold an  
239 encumbered license in any other participating state, shall be  
240 issued a compact privilege in a remote state in accordance  
241 with the terms of the compact and commission rules. If a  
242 remote state has a jurisprudence requirement, a compact  
243 privilege will not be issued to the licensee unless the  
244 licensee has satisfied the jurisprudence requirement.

245 §34-9-103. Compact Privilege.

246 (a) To obtain and exercise the compact privilege under  
247 the terms and provisions of the compact, the licensee must do  
248 all of the following:

249 (1) Possess a qualifying license as a dentist or dental  
250 hygienist in a participating state.

251 (2) Be eligible for a compact privilege in any remote  
252 state in accordance with subsections (d), (g), and (h).



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253 (3) Submit to an application process whenever the  
254 licensee is seeking a compact privilege.

255 (4) Pay any applicable commission and remote state fees  
256 for a compact privilege in the remote state.

257 (5) Meet any jurisprudence requirement established by a  
258 remote state in which the licensee is seeking a compact  
259 privilege.

260 (6) Pass a National Board Examination of the Joint  
261 Commission on National Dental Examinations or another  
262 examination accepted by commission rule.

263 (7) For a dentist, be a graduate from a predoctoral  
264 dental education program accredited by the Commission on  
265 Dental Accreditation, or another accrediting agency recognized  
266 by the United States Department of Education for the  
267 accreditation of dentistry and dental hygiene education  
268 programs, leading to the Doctor of Dental Surgery (D.D.S.) or  
269 Doctor of Dental Medicine (D.M.D.) degree.

270 (8) For a dental hygienist, be a graduate from a dental  
271 hygiene education program accredited by the Commission on  
272 Dental Accreditation or another accrediting agency recognized  
273 by the United States Department of Education for the  
274 accreditation of dentistry and dental hygiene education  
275 programs.

276 (9) Successfully complete a clinical assessment for  
277 licensure.

278 (10) Report to the commission state action taken by any  
279 non-participating state when applying for a compact privilege  
280 and, otherwise, within 30 days from the date the state action



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281 is taken.

282 (11) Report to the commission when applying for a  
283 compact privilege the address of the licensee's primary  
284 residence and thereafter immediately report to the commission  
285 any change in the address of the licensee's primary residence.

286 (12) Consent to accept service of process by mail at  
287 the licensee's primary residence on record with the commission  
288 with respect to any action brought against the licensee by the  
289 commission or a participating state, and consent to accept  
290 service of a subpoena by mail at the licensee's primary  
291 residence on record with the commission with respect to any  
292 action brought or investigation conducted by the commission or  
293 a participating state.

294 (b) The licensee must comply with the requirements of  
295 subsection (a) to maintain the compact privilege in the remote  
296 state. If those requirements are met, the compact privilege  
297 will continue as long as the licensee maintains a qualifying  
298 license in the state through which the licensee applied for  
299 the compact privilege and pays any applicable compact  
300 privilege renewal fees.

301 (c) A licensee providing dentistry or dental hygiene in  
302 a remote state under the compact privilege shall function  
303 within the scope of practice authorized by the remote state  
304 for a dentist or dental hygienist licensed in that state.

305 (d) A licensee providing dentistry or dental hygiene  
306 pursuant to a compact privilege in a remote state is subject  
307 to that state's regulatory authority. A remote state, in  
308 accordance with due process and that state's laws, may by



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309 state action revoke or remove a licensee's compact privilege  
310 in the remote state for a specific period of time and impose  
311 fines or take any other necessary actions to protect the  
312 health and safety of its citizens. If a remote state imposes a  
313 state action against a compact privilege that limits the  
314 compact privilege, that state action applies to all compact  
315 privileges in all remote states. A licensee whose compact  
316 privilege in a remote state is removed for a specified period  
317 of time is not eligible for a compact privilege in any other  
318 remote state until the specific time for removal of the  
319 compact privilege has passed and all encumbrance requirements  
320 are satisfied.

321 (e) If a license in a participating state is an  
322 encumbered license, the licensee shall lose the compact  
323 privilege in a remote state and shall not be eligible for a  
324 compact privilege in any remote state until the license is no  
325 longer encumbered.

326 (f) Once an encumbered license in a participating state  
327 is restored to good standing, the licensee must meet the  
328 requirements of subsection (a) to obtain a compact privilege  
329 in a remote state.

330 (g) If a licensee's compact privilege in a remote state  
331 is removed by the remote state, the individual shall lose or  
332 be ineligible for the compact privilege in any remote state  
333 until both of the following occur:

334 (1) The specific period of time for which the compact  
335 privilege was removed has ended.

336 (2) All conditions for removal of the compact privilege



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337 have been satisfied.

338 (h) Once the requirements of subsection (g) have been  
339 met, the licensee must meet the requirements in subsection (a)  
340 to obtain a compact privilege in a remote state.

341 §34-9-104. Active Military Member or Their Spouse.

342 An active military member or his or her spouse shall  
343 not be required to pay to the commission for a compact  
344 privilege the fee otherwise charged by the commission. If a  
345 remote state chooses to charge a fee for a compact privilege,  
346 the state may choose to charge a reduced fee or no fee to an  
347 active military member or his or her spouse for a compact  
348 privilege.

349 §34-9-105. State Actions.

350 (a) A participating state in which a licensee is  
351 licensed shall have exclusive authority to impose state action  
352 against the qualifying license issued by that participating  
353 state.

354 (b) A participating state may take state action based  
355 on the significant investigative information of a remote  
356 state, so long as the participating state follows its own  
357 procedures for imposing state action.

358 (c) Nothing in this compact shall override a  
359 participating state's decision that participation in an  
360 alternative program may be used in lieu of state action and  
361 that such participation shall remain non-public if required by  
362 the participating state's laws. Participating states must  
363 require licensees who enter any alternative program in lieu of  
364 discipline to agree not to practice pursuant to a compact



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365 privilege in any other participating state during the term of  
366 the alternative program without prior authorization from the  
367 other participating state.

368 (d) Any participating state in which a licensee is  
369 applying to practice or is practicing pursuant to a compact  
370 privilege may investigate actual or alleged violations of the  
371 statutes and rules authorizing the practice of dentistry or  
372 dental hygiene in any other participating state in which the  
373 dentist or dental hygienist holds a license or compact  
374 privilege.

375 (e) A remote state shall have the authority to do all  
376 of the following:

377 (1) Take state actions as set forth in Section  
378 34-9-103(d) against a licensee's compact privilege in the  
379 state.

380 (2) In furtherance of its rights and responsibilities  
381 under the compact and the commission's rules, the remote state  
382 may issue subpoenas for both hearings and investigations that  
383 require the attendance and testimony of witnesses, and the  
384 production of evidence. Subpoenas issued by a state licensing  
385 authority in a participating state for the attendance and  
386 testimony of witnesses, or the production of evidence from  
387 another participating state, shall be enforced in the latter  
388 state by any court of competent jurisdiction, according to the  
389 practice and procedure of that court applicable to subpoenas  
390 issued in proceedings pending before it. The issuing authority  
391 shall pay any witness fees, travel expenses, mileage, and  
392 other fees required by the service statutes of the state where



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393 the witnesses or evidence are located.

394 (3) If otherwise permitted by state law, the remote  
395 state may recover from the licensee the costs of  
396 investigations and disposition of cases resulting from any  
397 state action taken against that licensee.

398 (f) Joint investigations.

399 (1) In addition to the authority granted to a  
400 participating state by its dentist or dental hygienist  
401 licensure act or other applicable state law, a participating  
402 state may jointly investigate licensees with other  
403 participating states.

404 (2) Participating states shall share any significant  
405 investigative information, litigation, or compliance materials  
406 in furtherance of any joint or individual investigation  
407 initiated under the compact.

408 (g) Authority to continue investigation.

409 (1) After a licensee's compact privilege in a remote  
410 state is terminated, the remote state may continue an  
411 investigation of the licensee that began when the licensee had  
412 a compact privilege in that remote state.

413 (2) If the investigation yields what would be  
414 significant investigative information had the licensee  
415 continued to have a compact privilege in that remote state,  
416 the remote state shall report the presence of such information  
417 to the data system as required by Section 34-9-107(b)(6) as if  
418 it was significant investigative information.

419 §34-9-106. Establishment and Operation of the  
420 Commission.





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421 (a) The compact participating states hereby create and  
422 establish a joint government agency whose membership consists  
423 of all participating states that have enacted the compact. The  
424 commission is an instrumentality of the participating states  
425 acting jointly and not an instrumentality of any one state.  
426 The commission shall come into existence on or after the  
427 effective date of the compact as set forth in Section  
428 34-9-110(a).

429 (b) Participation, voting, and meetings.

430 (1) Each participating state shall have and be limited  
431 to one commissioner selected by that participating state's  
432 state licensing authority or, if the state has more than one  
433 state licensing authority, selected collectively by the state  
434 licensing authorities.

435 (2) The commissioner shall be a member or designee of  
436 the authority or authorities.

437 (3) The commission may by rule or bylaw establish a  
438 term of office for commissioners and may by rule or bylaw  
439 establish term limits.

440 (4) The commission may recommend to a state licensing  
441 authority or authorities, as applicable, removal or suspension  
442 of an individual as the state's commissioner.

443 (5) A participating state's state licensing authority  
444 or authorities, as applicable, shall fill any vacancy of its  
445 commissioner on the commission within 60 days of the vacancy.

446 (6) Each commissioner shall be entitled to one vote on  
447 all matters that are voted upon by the commission.

448 (7) The commission shall meet at least once during each



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449 calendar year. Additional meetings may be held as set forth in  
450 the bylaws. The commission may meet by telecommunication,  
451 video conference, or other similar electronic means.

452 (c) The commission shall have the power to do all of  
453 the following:

454 (1) Establish the fiscal year of the commission.

455 (2) Establish a code of conduct and conflict of  
456 interest policies.

457 (3) Adopt rules and bylaws.

458 (4) Maintain its financial records in accordance with  
459 the bylaws.

460 (5) Meet and take actions as are consistent with the  
461 provisions of this compact, the commission's rules, and the  
462 bylaws.

463 (6) Initiate and conclude legal proceedings or actions  
464 in the name of the commission, provided that the standing of  
465 any state licensing authority to sue or be sued under  
466 applicable law shall not be affected.

467 (7) Maintain and certify records and information  
468 provided to a participating state as the authenticated  
469 business records of the commission, and designate a person to  
470 do so on the commission's behalf.

471 (8) Purchase and maintain insurance and bonds.

472 (9) Borrow, accept, or contract for services of  
473 personnel, including, but not limited to, employees of a  
474 participating state.

475 (10) Conduct an annual financial review.

476 (11) Hire employees, elect or appoint officers, fix



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477 compensation, define duties, grant such individuals  
478 appropriate authority to carry out the purposes of the  
479 compact, and establish the commission's personnel policies and  
480 programs relating to conflicts of interest, qualifications of  
481 personnel, and other related personnel matters.

482 (12) As set forth in the commission rules, charge a fee  
483 to a licensee for the grant of a compact privilege in a remote  
484 state and thereafter, as may be established by commission  
485 rule, charge the licensee a compact privilege renewal fee for  
486 each renewal period in which that licensee exercises or  
487 intends to exercise the compact privilege in that remote  
488 state. Nothing in this subdivision shall be construed to  
489 prevent a remote state from charging a licensee a fee for a  
490 compact privilege or renewals of a compact privilege, or a fee  
491 for the jurisprudence requirement if the remote state imposes  
492 such a requirement for the grant of a compact privilege.

493 (13) Accept any and all appropriate gifts, donations,  
494 grants of money, other sources of revenue, equipment,  
495 supplies, materials, and services, and receive, utilize, and  
496 dispose of the same; provided that at all times the commission  
497 shall avoid any appearance of impropriety conflict of  
498 interest.

499 (14) Lease, purchase, retain, own, hold, improve, or  
500 use any property, real, personal, or mixed, or any undivided  
501 interest therein.

502 (15) Sell, convey, mortgage, pledge, lease, exchange,  
503 abandon, or otherwise dispose of any property real, personal,  
504 or mixed.



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505 (16) Establish a budget and make expenditures.

506 (17) Borrow money.

507 (18) Appoint committees, including standing committees,  
508 which may be composed of members, state regulators, state  
509 legislators or their representatives, and consumer  
510 representatives, and other interested persons as may be  
511 designated in this compact and the bylaws.

512 (19) Provide and receive information from, and  
513 cooperate with, law enforcement agencies.

514 (20) Elect a chair, vice chair, secretary and  
515 treasurer, and other officers of the commission as provided in  
516 the commission's bylaws.

517 (21) Establish and elect an executive board.

518 (22) Adopt and provide to the participating states an  
519 annual report.

520 (23) Determine whether a state's enacted compact is  
521 materially different from the model compact language such that  
522 the state would not qualify for participation in the compact.

523 (24) Perform any other functions that may be necessary  
524 or appropriate to achieve the purposes of this compact.

525 (d) Meetings of the commission.

526 (1) All meetings of the commission that are not closed  
527 pursuant to this subsection shall be open to the public.  
528 Notice of public meetings shall be posted on the commission's  
529 website at least 30 days prior to the public meeting.

530 (2) Notwithstanding subsection (d)(1), the commission  
531 may convene an emergency public meeting by providing at least  
532 24-hour prior notice on the commission's website, and any



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533 other means as provided in the commission's rules, for any of  
534 the reasons it may dispense with notice of proposed rulemaking  
535 under Section 34-9-108(1). The commission's legal counsel  
536 shall certify that one of the reasons justifying an emergency  
537 public meeting has been met.

538 (3) Notice of all commission meetings shall provide the  
539 time, date, and location of the meeting, and if the meeting is  
540 to be held or accessible via telecommunication, video  
541 conference, or other electronic means, the notice shall  
542 include the mechanism for access to the meeting through such  
543 means.

544 (4) The commission may convene in a closed, non-public  
545 meeting for the commission to receive legal advice or to  
546 discuss any of the following:

547 a. Non-compliance of a participating state with its  
548 obligations under the compact.

549 b. The employment, compensation, discipline, or other  
550 matters, practices, or procedures related to specific  
551 employees or other matters related to the commission's  
552 internal personnel practices and procedures.

553 c. Current or threatened discipline of a licensee or  
554 compact privilege holder by the commission or by a  
555 participating state's licensing authority.

556 d. Current, threatened, or reasonably anticipated  
557 litigation.

558 e. Negotiation of contracts for the purchase, lease, or  
559 sale of goods, services, or real estate.

560 f. Accusing any individual of a crime or formally



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561 censuring any individual.

562 g. Trade secrets or commercial or financial information  
563 that is privileged or confidential.

564 h. Information of a personal nature where disclosure  
565 would constitute a clearly unwarranted invasion of personal  
566 privacy.

567 i. Investigative records compiled for law enforcement  
568 purposes.

569 j. Information related to any investigative reports  
570 prepared by or on behalf of or for use of the commission or  
571 other committee charged with responsibility of investigation  
572 or determination of compliance issues pursuant to the compact.

573 k. Legal advice.

574 l. Matters specifically exempted from disclosure to the  
575 public by federal or participating state law.

576 m. Other matters as adopted by the commission by rule.

577 (5) If a meeting, or portion of a meeting, is closed,  
578 the presiding officer shall state that the meeting will be  
579 closed and reference each relevant exempting provision, and  
580 that reference shall be recorded in the minutes.

581 (6) The commission shall keep minutes that fully and  
582 clearly describe all matters discussed in a meeting and shall  
583 provide a full and accurate summary of actions taken, and the  
584 reasons supporting the actions taken, including a description  
585 of the views expressed. All documents considered in connection  
586 with an action shall be identified in the minutes. All minutes  
587 and documents of a closed meeting shall remain under seal,  
588 subject to release only by a majority vote of the commission



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589 or order of a court of competent jurisdiction.

590 (e) Financing of the commission.

591 (1) The commission shall pay, or provide for the  
592 payment of, the reasonable expenses of its establishment,  
593 organization, and ongoing activities.

594 (2) The commission may accept all appropriate sources  
595 of revenue, donations, grants of money, equipment, supplies,  
596 materials, and services.

597 (3) The commission may levy on and collect an annual  
598 assessment from each participating state and impose fees on  
599 licensees of participating states when a compact privilege is  
600 granted, to cover the cost of the operations and activities of  
601 the commission and its staff, which must be in a total amount  
602 sufficient to cover its annual budget as approved each fiscal  
603 year for which sufficient revenue is not provided by other  
604 sources. The aggregate annual assessment amount for  
605 participating states shall be allocated based upon a formula  
606 that the commission shall adopt by rule.

607 (4) The commission shall not incur obligations of any  
608 kind prior to securing the funds adequate to meet those  
609 obligations; nor shall the commission pledge the credit of any  
610 participating state, except by and with the authority of the  
611 participating state.

612 (5) The commission shall keep accurate accounts of all  
613 receipts and disbursements. The receipts and disbursements of  
614 the commission shall be subject to the financial review and  
615 accounting procedures established under its bylaws. All  
616 receipts and disbursements of funds handled by the commission



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617 shall be subject to an annual financial review by a certified  
618 or licensed public accountant, and the report of the financial  
619 review shall be included in and become part of the annual  
620 report of the commission.

621 (f) The executive board.

622 (1) The executive board shall have the power to act on  
623 behalf of the commission according to the terms of this  
624 compact. The powers, duties, and responsibilities of the  
625 executive board shall include all of the following:

626 a. Overseeing the day-to-day activities of the  
627 administration of the compact, including compliance with the  
628 provisions of the compact and the commission's rules and  
629 bylaws.

630 b. Recommending to the commission changes to the rules  
631 or bylaws, changes to this compact legislation, fees charged  
632 to compact participating states, fees charged to licensees,  
633 and other fees.

634 c. Ensuring compact administration services are  
635 appropriately provided, including by contract.

636 d. Preparing and recommending the budget.

637 e. Maintaining financial records on behalf of the  
638 commission.

639 f. Monitoring compact compliance of participating  
640 states and providing compliance reports to the commission.

641 g. Establishing additional committees as necessary.

642 h. Exercising the powers and duties of the commission  
643 during the interim between commission meetings, except for  
644 adopting or amending rules, adopting or amending bylaws, and





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645 exercising any other powers and duties expressly reserved to  
646 the commission by rule or bylaw.

647 i. Other duties as provided in the rules or bylaws of  
648 the commission.

649 (2) The executive board shall be composed of up to  
650 seven members.

651 a. The chair, vice chair, secretary, and treasurer of  
652 the commission, and any other members of the commission who  
653 serve on the executive board shall be voting members of the  
654 executive board.

655 b. Other than the chair, vice chair, secretary, and  
656 treasurer, the commission may elect up to three voting members  
657 from the current membership of the commission.

658 (3) The commission may remove any member of the  
659 executive board as provided in the commission's bylaws.

660 (4) The executive board shall meet at least annually.

661 a. An executive board meeting at which it takes or  
662 intends to take formal action on a matter shall be open to the  
663 public, except that the executive board may meet in a closed,  
664 non-public session of a public meeting when dealing with any  
665 of the matters covered under subdivision (d)(4).

666 b. The executive board shall give five business days'  
667 notice of its public meetings, posted on its website and as it  
668 may otherwise determine to provide notice to persons with an  
669 interest in the public matters the executive board intends to  
670 address at those meetings.

671 (5) The executive board may hold an emergency meeting  
672 when acting for the commission for any of the following



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673 reasons:

674 a. Meet an imminent threat to public health, safety, or  
675 welfare.

676 b. Prevent a loss of commission or participating state  
677 funds.

678 c. Protect public health and safety.

679 (g) Qualified immunity, defense, and indemnification.

680 (1) The members, officers, executive director,  
681 employees, and representatives of the commission shall be  
682 immune from suit and liability, both personally and in their  
683 official capacity, for any claim for damage to or loss of  
684 property or personal injury or other civil liability caused by  
685 or arising out of any actual or alleged act, error, or  
686 omission that occurred, or that the individual against whom  
687 the claim is made had a reasonable basis for believing  
688 occurred within the scope of commission employment, duties, or  
689 responsibilities; provided that nothing in this subdivision  
690 shall be construed to protect any individual from suit or  
691 liability for any damage, loss, injury, or liability caused by  
692 the intentional, willful, or wanton misconduct of that  
693 individual. The procurement of insurance of any type by the  
694 commission shall not in any way compromise or limit the  
695 immunity granted under this subdivision.

696 (2) The commission shall defend any member, officer,  
697 executive director, employee, and representative of the  
698 commission in any civil action seeking to impose liability  
699 arising out of any actual or alleged act, error, or omission  
700 that occurred within the scope of commission employment,



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701 duties, or responsibilities, or as determined by the  
702 commission that the person against whom the claim is made had  
703 a reasonable basis for believing occurred within the scope of  
704 commission employment, duties, or responsibilities; provided  
705 that nothing in this subdivision shall be construed to  
706 prohibit that individual from retaining his or her own counsel  
707 at his or her own expense; and provided further, that the  
708 actual or alleged act, error, or omission did not result from  
709 that individual's intentional, willful, or wanton misconduct.

710 (3) Notwithstanding subdivision (1), should any member,  
711 officer, executive director, employee, or representative of  
712 the commission be held liable for the amount of any settlement  
713 or judgment arising out of any actual or alleged act, error,  
714 or omission that occurred within the scope of that  
715 individual's employment, duties, or responsibilities for the  
716 commission, or that the individual to whom that individual is  
717 liable had a reasonable basis for believing occurred within  
718 the scope of the individual's employment, duties, or  
719 responsibilities for the commission, the commission shall  
720 indemnify and hold harmless the individual, provided that the  
721 actual or alleged act, error, or omission did not result from  
722 the intentional, willful, or wanton misconduct of the  
723 individual.

724 (4) Nothing in this subdivision shall be construed as a  
725 limitation on the liability of any licensee for professional  
726 malpractice or misconduct, which shall be governed solely by  
727 any other applicable state laws.

728 (5) Nothing in this compact shall be interpreted to



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729 waive or otherwise abrogate a participating state's state  
730 action immunity or state action affirmative defense with  
731 respect to antitrust claims under the Sherman Act, Clayton  
732 Act, or any other state or federal antitrust or  
733 anticompetitive law or regulation.

734 (6) Nothing in this compact shall be construed to be a  
735 waiver of sovereign immunity by the participating states or by  
736 the commission.

737 §34-9-107. Data System.

738 (a) The commission shall provide for the development,  
739 maintenance, operation, and utilization of a coordinated  
740 database and reporting system containing licensure, state  
741 action, and the presence of significant investigative  
742 information on all licensees and applicants for a license in  
743 participating states.

744 (b) Notwithstanding any other provision of state law to  
745 the contrary, a participating state shall submit a uniform  
746 data set to the data system on all individuals to whom this  
747 compact is applicable as required by the rules of the  
748 commission, including all of the following:

749 (1) Identifying information.

750 (2) Licensure data.

751 (3) State actions against a licensee, license  
752 applicant, or compact privilege and information related  
753 thereto.

754 (4) Non-confidential information related to alternative  
755 program participation, the beginning and ending dates of  
756 participation in the program, and other information related to



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757 participation.

758 (5) Any denial of an application for licensure, and the  
759 reason for such denial, excluding the reporting of any  
760 criminal history record information where prohibited by law.

761 (6) The presence of significant investigative  
762 information.

763 (7) Other information that may facilitate the  
764 administration of this compact or the protection of the  
765 public, as determined by the rules of the commission.

766 (c) The records and information provided to a  
767 participating state pursuant to this compact or through the  
768 data system, when certified by the commission or an agent of  
769 the commission shall constitute the authenticated business  
770 records of the commission, and shall be entitled to any  
771 associated hearsay exception in any relevant judicial,  
772 quasi-judicial, or administrative proceedings in a  
773 participating state.

774 (d) Significant investigative information pertaining to  
775 a licensee in any participating state will only be available  
776 to other participating states.

777 (e) It is the responsibility of the participating  
778 states to monitor the database to determine whether state  
779 action has been taken against a licensee or license applicant.  
780 State action information pertaining to a licensee or license  
781 applicant in any participating state will be available to any  
782 other participating state.

783 (f) Participating states contributing information to  
784 the data system may designate information that may not be



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785 shared with the public without the express permission of the  
786 contributing state.

787 (g) Any information submitted to the data system that  
788 is subsequently expunged pursuant to federal law or the laws  
789 of the participating state contributing the information shall  
790 be removed from the data system.

791 §34-9-108. Rulemaking.

792 (a) The commission shall adopt reasonable rules in  
793 order to effectively and efficiently implement and administer  
794 the purposes and provisions of the compact. A commission rule  
795 shall be invalid and have no force or effect only if a court  
796 of competent jurisdiction holds that the rule is invalid  
797 because the commission exercised its rulemaking authority in a  
798 manner that is beyond the scope and purposes of the compact,  
799 or the powers granted hereunder, or based upon another  
800 applicable standard of review.

801 (b) The rules of the commission shall have the force of  
802 law in each participating state; provided, however, that where  
803 the rules of the commission conflict with the laws of the  
804 participating state that establish the participating state's  
805 scope of practice as held by a court of competent  
806 jurisdiction, the rules of the commission shall be ineffective  
807 in that state to the extent of the conflict.

808 (c) The commission shall exercise its rulemaking powers  
809 pursuant to the criteria set forth in this section and the  
810 rules adopted thereunder. Rules shall become binding as of the  
811 date specified by the commission for each rule.

812 (d) If a majority of the Legislatures of the



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813 participating states rejects a commission rule or portion of a  
814 commission rule, by enactment of a statute or resolution in  
815 the same manner used to adopt the compact, within four years  
816 of the date of adoption of the rule, then the rule shall have  
817 no further force and effect in any participating state or to  
818 any state applying to participate in the compact.

819 (e) Rules shall be adopted at a regular or special  
820 meeting of the commission.

821 (f) Prior to adoption of a proposed rule, the  
822 commission shall hold a public hearing and allow persons to  
823 provide oral and written comments, data, facts, opinions, and  
824 arguments.

825 (g) Prior to adoption of a proposed rule by the  
826 commission, and at least 30 days in advance of the meeting at  
827 which the commission will hold a public hearing on the  
828 proposed rule, the commission shall provide a notice of  
829 proposed rulemaking by all of the following:

830 (1) On the website of the commission or other publicly  
831 accessible platform.

832 (2) To persons who have requested notice of the  
833 commission's notices of proposed rulemaking.

834 (3) In other ways as the commission may by rule  
835 specify.

836 (h) The notice of proposed rulemaking shall include all  
837 of the following:

838 (1) The time, date, and location of the public hearing  
839 at which the commission will hear public comments on the  
840 proposed rule and, if different, the time, date, and location



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841 of the meeting where the commission will consider and vote on  
842 the proposed rule.

843 (2) If the hearing is held via telecommunication, video  
844 conference, or other electronic means, the commission shall  
845 include the mechanism for access to the hearing in the notice  
846 of proposed rulemaking.

847 (3) The text of the proposed rule and the reason for  
848 its proposal.

849 (4) A request for comments on the proposed rule from  
850 any interested person.

851 (5) The manner in which interested persons may submit  
852 written comments.

853 (i) All hearings will be recorded. A copy of the  
854 recording and all written comments and documents received by  
855 the commission in response to the proposed rule shall be  
856 available to the public.

857 (j) Nothing in this section shall be construed as  
858 requiring a separate hearing on each commission rule. Rules  
859 may be grouped for the convenience of the commission at  
860 hearings required by this section.

861 (k) The commission, by majority vote of all  
862 commissioners, shall take final action on the proposed rule  
863 based on the rulemaking record.

864 (1) The commission may adopt changes to the proposed  
865 rule provided the changes do not enlarge the original purpose  
866 of the proposed rule.

867 (2) The commission shall provide an explanation of the  
868 reasons for substantive changes made to the proposed rule as





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869 well as reasons for substantive changes not made that were  
870 recommended by commenters.

871 (3) The commission shall determine a reasonable  
872 effective date for the rule. Except for an emergency as  
873 provided in subsection (1), the effective date of the rule  
874 shall be no sooner than 30 days after the commission issuing  
875 the notice that it adopted or amended the rule.

876 (1) Upon determination that an emergency exists, the  
877 commission may consider and adopt an emergency rule with 24-  
878 hours' notice, with opportunity to comment, provided that the  
879 usual rulemaking procedures provided in the compact and in  
880 this section shall be retroactively applied to the rule as  
881 soon as reasonably possible, in no event later than 90 days  
882 after the effective date of the rule. For the purposes of this  
883 provision, an emergency rule is one that must be adopted  
884 immediately in order to do any of the following:

885 (1) Meet an imminent threat to public health, safety,  
886 or welfare.

887 (2) Prevent a loss of commission or participating state  
888 funds.

889 (3) Meet a deadline for the adoption of a rule that is  
890 established by federal law or rule.

891 (4) Protect public health and safety.

892 (m) The commission or an authorized committee of the  
893 commission may direct revisions to a previously adopted rule  
894 for purposes of correcting typographical errors, errors in  
895 format, errors in consistency, or grammatical errors. Public  
896 notice of any revisions shall be posted on the website of the



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897 commission. The revision shall be subject to challenge by any  
898 individual for a period of 30 days after posting. The revision  
899 may be challenged only on grounds that the revision results in  
900 a material change to a rule. A challenge shall be made in  
901 writing and delivered to the commission prior to the end of  
902 the notice period. If no challenge is made, the revision will  
903 take effect without further action. If the revision is  
904 challenged, the revision may not take effect without the  
905 approval of the commission.

906 (n) No participating state's rulemaking requirements  
907 shall apply under this compact.

908 §34-9-109. Oversight, Dispute Resolution, and  
909 Enforcement.

910 (a) Oversight.

911 (1) The executive and judicial branches of state  
912 government in each participating state shall enforce this  
913 compact and take all actions necessary and appropriate to  
914 implement the compact.

915 (2) Venue is proper and judicial proceedings by or  
916 against the commission shall be brought solely and exclusively  
917 in a court of competent jurisdiction where the principal  
918 office of the commission is located. The commission may waive  
919 venue and jurisdictional defenses to the extent it adopts or  
920 consents to participate in alternative dispute resolution  
921 proceedings. Nothing in this subdivision shall affect or limit  
922 the selection or propriety of venue in any action against a  
923 licensee for professional malpractice, misconduct, or any  
924 similar matter.



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925           (3) The commission shall be entitled to receive service  
926 of process in any proceeding regarding the enforcement or  
927 interpretation of the compact or commission rule and shall  
928 have standing to intervene in a proceeding for all purposes.  
929 Failure to provide the commission service of process shall  
930 render a judgment or order void as to the commission, this  
931 compact, or adopted rules.

932           (b) Default, technical assistance, and termination.

933           (1) If the commission determines that a participating  
934 state has defaulted in the performance of its obligations or  
935 responsibilities under this compact or the adopted rules, the  
936 commission shall provide written notice to the defaulting  
937 state. The notice of default shall describe the default, the  
938 proposed means of curing the default, and any other action  
939 that the commission may take, and shall offer training and  
940 specific technical assistance regarding the default.

941           (2) The commission shall provide a copy of the notice  
942 of default to the other participating states.

943           (c) If a state in default fails to cure the default,  
944 the defaulting state may be terminated from the compact upon  
945 an affirmative vote of a majority of the commissioners, and  
946 all rights, privileges, and benefits conferred on that state  
947 by this compact may be terminated on the effective date of  
948 termination. A cure of the default does not relieve the  
949 offending state of obligations or liabilities incurred during  
950 the period of default.

951           (d) Termination of participation in the compact shall  
952 be imposed only after all other means of securing compliance



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953 have been exhausted. Notice of intent to suspend or terminate  
954 shall be given by the commission to the Governor, the majority  
955 and minority leaders of the defaulting state's Legislature,  
956 the defaulting state's state licensing authority or  
957 authorities, as applicable, and each of the participating  
958 states' state licensing authority or authorities, as  
959 applicable.

960 (e) A state that has been terminated is responsible for  
961 all assessments, obligations, and liabilities incurred through  
962 the effective date of termination, including obligations that  
963 extend beyond the effective date of termination.

964 (f) Upon the termination of a state's participation in  
965 this compact, that state shall immediately provide notice to  
966 all licensees of the state, including licensees of other  
967 participating states issued a compact privilege to practice  
968 within that state, of such termination. The terminated state  
969 shall continue to recognize all compact privileges then in  
970 effect in that state for a minimum of 180 days after the date  
971 of said notice of termination.

972 (g) The commission shall not bear any costs related to  
973 a state that is found to be in default or that has been  
974 terminated from the compact, unless agreed upon in writing  
975 between the commission and the defaulting state.

976 (h) The defaulting state may appeal the action of the  
977 commission by petitioning the U.S. District Court for the  
978 District of Columbia or the federal district where the  
979 commission has its principal offices. The prevailing party  
980 shall be awarded all costs of such litigation, including



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981 reasonable attorney fees.

982 (i) Dispute resolution.

983 (1) Upon request by a participating state, the  
984 commission shall attempt to resolve disputes related to the  
985 compact that arise among participating states and between  
986 participating states and non-participating states.

987 (2) The commission shall adopt a rule providing for  
988 both mediation and binding dispute resolution for disputes as  
989 appropriate.

990 (j) Enforcement.

991 (1) The commission, in the reasonable exercise of its  
992 discretion, shall enforce the provisions of this compact and  
993 the commission's rules.

994 (2) By majority vote, the commission may initiate legal  
995 action against a participating state in default in the U.S.  
996 District Court for the District of Columbia or the federal  
997 district where the commission has its principal offices to  
998 enforce compliance with the provisions of the compact and its  
999 adopted rules. The relief sought may include both injunctive  
1000 relief and damages. In the event judicial enforcement is  
1001 necessary, the prevailing party shall be awarded all costs of  
1002 such litigation, including reasonable attorney fees. The  
1003 remedies in this subdivision shall not be the exclusive  
1004 remedies of the commission. The commission may pursue any  
1005 other remedies available under federal or the defaulting  
1006 participating state's law.

1007 (3) A participating state may initiate legal action  
1008 against the commission in the U.S. District Court for the



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1009 District of Columbia or the federal district where the  
1010 commission has its principal offices to enforce compliance  
1011 with the provisions of the compact and its adopted rules. The  
1012 relief sought may include both injunctive relief and damages.  
1013 In the event judicial enforcement is necessary, the prevailing  
1014 party shall be awarded all costs of litigation, including  
1015 reasonable attorney fees.

1016 (4) No individual or entity other than a participating  
1017 state may enforce this compact against the commission.

1018 §34-9-110. Effective Date, Withdrawal, and Amendment.

1019 (a) The compact shall come into effect on the date on  
1020 which the compact statute is enacted into law in the seventh  
1021 participating state.

1022 (1) On or after the effective date of the compact, the  
1023 commission shall convene and review the enactment of each of  
1024 the states that enacted the compact prior to the commission  
1025 convening, the charter participating states, to determine if  
1026 the statute enacted by each charter participating state is  
1027 materially different than the model compact.

1028 a. A charter participating state whose enactment is  
1029 found to be materially different from the model compact shall  
1030 be entitled to the default process set forth in Section  
1031 34-9-109.

1032 b. If any participating state is later found to be in  
1033 default, or is terminated or withdraws from the compact, the  
1034 commission shall remain in existence and the compact shall  
1035 remain in effect even if the number of participating states  
1036 should be less than seven.



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1037           (2) Participating states enacting the compact  
1038 subsequent to the charter participating states shall be  
1039 subject to the process set forth in Section 34-9-106(c)(23) to  
1040 determine if their enactments are materially different from  
1041 the model compact and whether they qualify for participation  
1042 in the compact.

1043           (3) All actions taken for the benefit of the commission  
1044 or in furtherance of the purposes of the administration of the  
1045 compact prior to the effective date of the compact or the  
1046 commission coming into existence shall be considered to be  
1047 actions of the commission unless specifically repudiated by  
1048 the commission.

1049           (4) Any state that joins the compact subsequent to the  
1050 commission's initial adoption of the rules and bylaws shall be  
1051 subject to the commission's rules and bylaws as they exist on  
1052 the date on which the compact becomes law in that state. Any  
1053 rule that has been previously adopted by the commission shall  
1054 have the full force and effect of law on the day the compact  
1055 becomes law in that state.

1056           (b) Any participating state may withdraw from this  
1057 compact by enacting a statute repealing that state's enactment  
1058 of the compact.

1059           (1) A participating state's withdrawal shall not take  
1060 effect until 180 days after enactment of the repealing  
1061 statute.

1062           (2) Withdrawal shall not affect the continuing  
1063 requirement of the withdrawing state's licensing authority or  
1064 authorities to comply with the investigative and state action



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1065 reporting requirements of this compact prior to the effective  
1066 date of withdrawal.

1067 (3) Upon the enactment of a statute withdrawing from  
1068 this compact, the state shall immediately provide notice of  
1069 the withdrawal to all licensees within that state.

1070 Notwithstanding any subsequent statutory enactment to the  
1071 contrary, the withdrawing state shall continue to recognize  
1072 all compact privileges to practice within that state granted  
1073 pursuant to this compact for a minimum of 180 days after the  
1074 date of such notice of withdrawal.

1075 (c) Nothing contained in this compact shall be  
1076 construed to invalidate or prevent any licensure agreement or  
1077 other cooperative arrangement between a participating state  
1078 and a non-participating state that does not conflict with the  
1079 provisions of this compact.

1080 (d) This compact may be amended by the participating  
1081 states. No amendment to this compact shall become effective  
1082 and binding upon any participating state until it is enacted  
1083 into the laws of all participating states.

1084 §34-9-111. Construction and Severability.

1085 (a) This compact and the commission's rulemaking  
1086 authority shall be liberally construed so as to effectuate the  
1087 purposes and the implementation and administration of the  
1088 compact. Provisions of the compact expressly authorizing or  
1089 requiring the adoption of rules shall not be construed to  
1090 limit the commission's rulemaking authority solely for those  
1091 purposes.

1092 (b) The provisions of this compact shall be severable,





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1093 and if any phrase, clause, sentence, or provision of this  
1094 compact is held by a court of competent jurisdiction to be  
1095 contrary to the constitution of any participating state, a  
1096 state seeking participation in the compact, or of the United  
1097 States, or the applicability thereof to any government,  
1098 agency, person, or circumstance is held to be unconstitutional  
1099 by a court of competent jurisdiction, the validity of the  
1100 remainder of this compact and the applicability thereof to any  
1101 other government, agency, person, or circumstance shall not be  
1102 affected thereby.

1103 (c) Notwithstanding subsection b, the commission may  
1104 deny a state's participation in the compact or, in accordance  
1105 with the requirements of Section 34-9-109(b), terminate a  
1106 participating state's participation in the compact, if it  
1107 determines that a constitutional requirement of a  
1108 participating state is a material departure from the compact.  
1109 Otherwise, if this compact shall be held to be contrary to the  
1110 constitution of any participating state, the compact shall  
1111 remain in full force and effect as to the remaining  
1112 participating states and in full force and effect as to the  
1113 participating state affected as to all severable matters.

1114 §34-9-112. Consistent Effect and Conflict With Other  
1115 State Laws.

1116 (a) Nothing in this compact shall prevent or inhibit  
1117 the enforcement of any other law of a participating state that  
1118 is not inconsistent with the compact.

1119 (b) Any laws, statutes, rules, or other legal  
1120 requirements in a participating state in conflict with the



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1121 compact are superseded to the extent of the conflict.

1122 (c) All permissible agreements between the commission  
1123 and the participating states are binding in accordance with  
1124 their terms.

1125 §34-9-113. Judicial Proceedings by Individuals.

1126 Except as to judicial proceedings for the enforcement  
1127 of this compact among member states, individuals may pursue  
1128 judicial proceedings related to this compact in any Alabama  
1129 state or federal court that would otherwise have competent  
1130 jurisdiction.

1131 Section 2. This act shall become effective on October  
1132 1, 2024.