

**SB181 ENGROSSED**



1 SB181

2 2JX5GKI-2

3 By Senators Kelley, Kitchens, Smitherman, Stewart

4 RFD: Veterans, Military Affairs and Public Safety

5 First Read: 20-Feb-25



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to the practice of respiratory therapy; to adopt the Respiratory Care Interstate Compact as Article 2 of Chapter 27B of Title 34, Code of Alabama 1975; to allow licensed respiratory therapists to practice among compact states; to establish requirements and obligations for participation in the compact; to provide for disciplinary actions and joint investigation procedures; to establish and provide for the operation of the Respiratory Care Interstate Compact Commission; and to provide for the management, implementation, and enforcement of the compact among member states.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-27B-1 through 34-27B-14, Code of Alabama 1975, are designated as Article 1 of Chapter 27B of Title 34, Code of Alabama 1975.

Section 2. Article 2, commencing with Section 34-27B-50, is added to Chapter 27B of Title 34, Code of Alabama 1975, to read as follows:

Article 2. RESPIRATORY CARE INTERSTATE COMPACT  
§34-27B-50. Purpose.



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29 (a) The purpose of this compact is to facilitate the  
30 interstate practice of respiratory therapy with the goal of  
31 improving public access to respiratory therapy services by  
32 providing respiratory therapists licensed in a member state  
33 the ability to practice in other member states. The compact  
34 preserves the regulatory authority of states to protect public  
35 health and safety through the current system of state  
36 licensure.

37 (b) This compact is designed to achieve the following  
38 objectives:

39 (1) Increase public access to respiratory therapy  
40 services by creating a responsible, streamlined pathway for  
41 licensees to practice in member states with the goal of  
42 improving outcomes for patients.

43 (2) Enhance states' ability to protect the public's  
44 health and safety.

45 (3) Promote the cooperation of member states in  
46 regulating the practice of respiratory therapy within those  
47 member states.

48 (4) Ease administrative burdens on states by  
49 encouraging the cooperation of member states in regulating  
50 multi-state respiratory therapy practice.

51 (5) Support relocating active military members and  
52 their spouses.

53 (6) Promote mobility and address workforce shortages.  
54 §34-27B-51. Definitions.

55 As used in this compact, the following terms have the  
56 following meanings:



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57 (1) ACTIVE MILITARY MEMBER. Any person with a full-time  
58 duty status in the Armed Forces of the United States,  
59 including members of the National Guard and Reserve.

60 (2) ADVERSE ACTION. Any administrative, civil,  
61 equitable, or criminal action permitted by a state's laws  
62 which is imposed by any state authority with regulatory  
63 authority over respiratory therapists, such as license denial,  
64 censure, revocation, suspension, probation, monitoring of the  
65 licensee, or restriction on the licensee's practice, not  
66 including participation in an alternative program.

67 (3) ALTERNATIVE PROGRAM. A nondisciplinary monitoring  
68 or practice remediation process applicable to a respiratory  
69 therapist approved by any state authority with regulatory  
70 authority over respiratory therapists. This includes, but is  
71 not limited to, programs to which licensees with substance  
72 abuse or addiction issues are referred in lieu of adverse  
73 action.

74 (4) CHARTER MEMBER STATES. Those member states who were  
75 the first seven states to enact the compact into the laws of  
76 their state.

77 (5) COMMISSION or RESPIRATORY CARE INTERSTATE COMPACT  
78 COMMISSION. The government instrumentality and body politic  
79 whose membership consists of all member states that have  
80 enacted the compact.

81 (6) COMMISSIONER. The individual appointed by a member  
82 state to serve as the member of the commission for that member  
83 state.

84 (7) COMPACT. The Respiratory Care Interstate Compact.



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85 (8) COMPACT PRIVILEGE. The authorization granted by a  
86 remote state to allow a licensee from another member state to  
87 practice as a respiratory therapist in the remote state under  
88 the remote state's laws and rules. The practice of respiratory  
89 therapy occurs in the member state where the patient is  
90 located at the time of the patient encounter.

91 (9) CRIMINAL BACKGROUND CHECK. The submission by the  
92 member state of fingerprints or other biometric-based  
93 information on license applicants at the time of initial  
94 licensing for the purpose of obtaining that applicant's  
95 criminal history record information, as defined in 28 C.F.R. §  
96 20.3(d) or successor provision, from the Federal Bureau of  
97 Investigation and the state's criminal history record  
98 repository, as defined in 28 C.F.R. § 20.3(f) or successor  
99 provision.

100 (10) DATA SYSTEM. The commission's repository of  
101 information about licensees as further set forth in Section  
102 34-27B-57.

103 (11) DOMICILE. The jurisdiction which is the licensee's  
104 principal home for legal purposes.

105 (12) ENCUMBERED LICENSE. A license that a state's  
106 respiratory therapy licensing authority has limited in any  
107 way.

108 (13) EXECUTIVE COMMITTEE. A group of directors elected  
109 or appointed to act on behalf of, and within the powers  
110 granted to them, by the commission.

111 (14) HOME STATE. Except as set forth in Section  
112 34-27B-54, the member state that is the licensee's primary



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113 domicile.

114 (15) HOME STATE LICENSE. An active license to practice  
115 respiratory therapy in a home state that is not an encumbered  
116 license.

117 (16) JURISPRUDENCE REQUIREMENT. An assessment of an  
118 individual's knowledge of the state rules governing the  
119 practice of respiratory therapy in such state.

120 (17) LICENSEE. An individual who currently holds an  
121 authorization from the state to practice as a respiratory  
122 therapist.

123 (18) MEMBER STATE. A state that has enacted the compact  
124 and been admitted to the commission in accordance with the  
125 provisions herein and commission rules.

126 (19) MODEL COMPACT. The model for the Respiratory Care  
127 Interstate Compact on file with The Council of State  
128 Governments or other entity as designated by the commission.

129 (20) REMOTE STATE. A member state where a licensee is  
130 exercising or seeking to exercise the compact privilege.

131 (21) RESPIRATORY THERAPIST or RESPIRATORY CARE  
132 PRACTITIONER. An individual who holds a credential issued by  
133 the National Board for Respiratory Care, or its successor, and  
134 who holds a license to practice respiratory therapy, and who  
135 meets all of the requirements outlined in Section 34-27B-3.  
136 For purposes of this compact, any other title or status  
137 adopted by a state to replace the term "respiratory therapist"  
138 or "respiratory care practitioner" shall be deemed synonymous  
139 with "respiratory therapist" and shall confer the same rights  
140 and responsibilities to the licensee under the provisions of



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141 this compact at the time of its enactment.

142 (22) RESPIRATORY THERAPY, RESPIRATORY THERAPY PRACTICE,  
143 RESPIRATORY CARE, THE PRACTICE OF RESPIRATORY CARE, or THE  
144 PRACTICE OF RESPIRATORY THERAPY. The care and services  
145 provided by or under the direction and supervision of a  
146 respiratory therapist or respiratory care practitioner as set  
147 forth in the member state's statutes and rules in the state  
148 where the services are being provided.

149 (23) RESPIRATORY THERAPY LICENSING AUTHORITY. The  
150 agency, board, or other body of a state that is responsible  
151 for licensing and regulation of respiratory therapists.

152 (24) RULE. A regulation adopted by an entity that has  
153 the force and effect of law.

154 (25) SCOPE OF PRACTICE. The procedures, actions, and  
155 processes a respiratory therapist licensed in a state or  
156 practicing under a compact privilege in a state is permitted  
157 to undertake in that state and the circumstances under which  
158 the respiratory therapist is permitted to undertake those  
159 procedures, actions, and processes. Such 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 respiratory therapy licensing authority  
164 or other government agency.

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



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

174 (27) STATE. Any state, commonwealth, district, or  
175 territory of the United States.

176 §34-27B-52. State Participation in the Compact.

177 (a) In order to participate in this compact and  
178 thereafter continue as a member state, a member state shall do  
179 all of the following:

180 (1) Enact a compact that is not materially different  
181 from the model compact.

182 (2) License respiratory therapists.

183 (3) Participate in the commission's data system.

184 (4) Have a mechanism in place for receiving and  
185 investigating complaints against licensees and compact  
186 privilege holders.

187 (5) Notify the commission, in compliance with the terms  
188 of this compact and commission rules, of any adverse action  
189 against a licensee, a compact privilege holder, or a license  
190 applicant.

191 (6) Notify the commission, in compliance with the terms  
192 of this compact and commission rules, of the existence of  
193 significant investigative information.

194 (7) Comply with the rules of the commission.

195 (8) Grant the compact privilege to a holder of an  
196 active home state license and otherwise meet the applicable





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197 requirements of Section 34-27B-53 in a member state.

198           (9) Complete a criminal background check for each new  
199 licensee at the time of initial licensure. Where expressly  
200 authorized or permitted by federal law, whether such federal  
201 law is in effect prior to, at, or after the time of a member  
202 state's enactment of this compact, a member state's enactment  
203 of this compact shall hereby authorize the member state's  
204 respiratory therapy licensing authority to perform criminal  
205 background checks as defined herein. The absence of such a  
206 federal law as described in this subsection shall not prevent  
207 or preclude such authorization where it may be derived or  
208 granted through means other than the enactment of this  
209 compact.

210           (b) Nothing in this compact prohibits a member state  
211 from charging a fee for granting and renewing the compact  
212 privilege.

213           §34-27B-53. Compact Privilege.

214           (a) To exercise the compact privilege under the terms  
215 and provisions of the compact, the licensee shall do all of  
216 the following:

217           (1) Hold and maintain an active home state license as a  
218 respiratory therapist.

219           (2) Hold and maintain an active credential from the  
220 National Board for Respiratory Care, or its successor, that  
221 would qualify them for licensure in the remote state in which  
222 they are seeking the privilege.

223           (3) Have not had any adverse action against a license  
224 within the previous two years.



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225 (4) Notify the commission that the licensee is seeking  
226 the compact privilege within a remote state or states.

227 (5) Pay any applicable fees, including any state and  
228 commission fees and renewal fees, for the compact privilege.

229 (6) Meet any jurisprudence requirements established by  
230 the remote state in which the licensee is seeking a compact  
231 privilege.

232 (7) Report to the commission any adverse action taken  
233 by any non-member state within 30 days from the date the  
234 adverse action is taken.

235 (8) Report to the commission, when applying for a  
236 compact privilege, the address of the licensee's domicile and  
237 thereafter promptly report to the commission any change in the  
238 address of the licensee's domicile within 30 days of the  
239 effective date of the change in address.

240 (9) Consent to accept service of process by U.S. mail  
241 at the licensee's domicile on record with the commission with  
242 respect to any action brought against the licensee by the  
243 commission or a member state, and consent to accept service of  
244 a subpoena by U.S. mail at the licensee's domicile on record  
245 with the commission with respect to any action brought or  
246 investigation conducted by the commission or a member state.

247 (b) The compact privilege is valid until the expiration  
248 date or revocation of the home state license unless terminated  
249 pursuant to adverse action. The licensee must comply with all  
250 of the requirements of subsection (a) to maintain the compact  
251 privilege in a remote state. If those requirements are met, no  
252 adverse actions are taken, and the licensee has paid any



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253 applicable compact privilege renewal fees, then the licensee  
254 will maintain the licensee's compact privilege.

255 (c) A licensee providing respiratory therapy in a  
256 remote state under the compact privilege shall function within  
257 the scope of practice authorized by the remote state for the  
258 type of respiratory therapist license the licensee holds. Such  
259 procedures, actions, processes, and the circumstances under  
260 which they may be undertaken may be established through means,  
261 including, but not limited to, statute, rules, case law, and  
262 other processes available to the state respiratory therapy  
263 licensing authority or other government agency.

264 (d) If a licensee's compact privilege in a remote state  
265 is removed by the remote state, the individual shall lose or  
266 be ineligible for the compact privilege in that remote state  
267 until the compact privilege is no longer limited or restricted  
268 by that state.

269 (e) If a home state license is encumbered, the licensee  
270 shall lose the compact privilege in all remote states until  
271 both of the following occur:

272 (1) The home state license is no longer encumbered.

273 (2) Two years have elapsed from the date on which the  
274 license is no longer encumbered due to the adverse action.

275 (f) Once a licensee with a restricted or limited  
276 license meets the requirements of subsection (e), the licensee  
277 must also meet the requirements of subsection (a) to obtain a  
278 compact privilege in a remote state.

279 §34-27B-54. Active Military Member or Their Spouse.

280 (a) An active military member or their spouse shall



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281 designate a home state where the individual has a current  
282 license in good standing. The individual may retain the home  
283 state designation during the period the service member is on  
284 active duty.

285 (b) An active military member and their spouse shall  
286 not be required to pay to the commission for a compact  
287 privilege any fee that may otherwise be charged by the  
288 commission. If a remote state chooses to charge a fee for a  
289 compact privilege, it may choose to charge a reduced fee or no  
290 fee to an active military member and their spouse for a  
291 compact privilege.

292 §34-27B-55. Adverse Actions.

293 (a) A member state in which a licensee is licensed  
294 shall have authority to impose adverse action against the  
295 license issued by that member state.

296 (b) A member state may take adverse action based on  
297 significant investigative information of a remote state or the  
298 home state, so long as the member state follows its own  
299 procedures for imposing adverse action.

300 (c) Nothing in this compact shall override a member  
301 state's decision that participation in an alternative program  
302 may be used in lieu of adverse action and that such  
303 participation shall remain nonpublic if required by the member  
304 state's laws.

305 (d) A remote state shall have the authority to:

306 (1) Take adverse actions as set forth herein against a  
307 licensee's compact privilege in that state.

308 (2) Issue subpoenas for both hearings and



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309 investigations that require the attendance and testimony of  
310 witnesses, and the production of evidence.

311 a. Subpoenas may be issued by a respiratory therapy  
312 licensing authority in a member state for the attendance and  
313 testimony of witnesses and the production of evidence.

314 b. Subpoenas issued by a respiratory therapy licensing  
315 authority in a member state for the attendance and testimony  
316 of witnesses shall be enforced in the latter state by any  
317 court of competent jurisdiction in the latter state, according  
318 to the practice and procedure of that court applicable to  
319 subpoenas issued in proceedings pending before it.

320 c. Subpoenas issued by a respiratory therapy licensing  
321 authority in a member state for production of evidence from  
322 another member state shall be enforced in the latter state,  
323 according to the practice and procedure of that court  
324 applicable to subpoenas issued in the proceedings pending  
325 before it.

326 d. The issuing authority shall pay any witness fees,  
327 travel expenses, mileage, and other fees required by the  
328 service statutes of the state where the witnesses or evidence  
329 are located.

330 (3) Unless otherwise prohibited by state law, recover  
331 from the licensee the costs of investigations and disposition  
332 of cases resulting from any adverse action taken against that  
333 licensee.

334 (4) Notwithstanding subdivision (d)(2), a member state  
335 may not issue a subpoena to gather evidence of conduct in  
336 another member state that is lawful in such other member state



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337 for the purpose of taking adverse action against a licensee's  
338 compact privilege or application for a compact privilege in  
339 that member state.

340 (5) Nothing in this compact authorizes a member state  
341 to impose discipline against a respiratory therapist's compact  
342 privilege in that member state for the individual's otherwise  
343 lawful practice in another state.

344 (e) Joint investigations.

345 (1) In addition to the authority granted to a member  
346 state by its respective Respiratory Therapy Practice Act or  
347 other applicable state law, a member state may participate  
348 with other member states in joint investigations of licensees,  
349 provided, however, that a member state receiving such a  
350 request has no obligation to respond to any subpoena issued  
351 regarding an investigation of conduct or practice that was  
352 lawful in a member state at the time it was undertaken.

353 (2) Member states shall share any significant  
354 investigative information, litigation, or compliance materials  
355 in furtherance of any joint or individual investigation  
356 initiated under the compact. In sharing such information  
357 between member state respiratory therapy licensing  
358 authorities, all information obtained shall be kept  
359 confidential, except as otherwise mutually agreed upon by the  
360 sharing and receiving member state or states.

361 (f) Nothing in this compact permits a member state to  
362 take any adverse action against a licensee or holder of a  
363 compact privilege for conduct or practice that was legal in  
364 the member state at the time it was undertaken.



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365 (g) Nothing in this compact permits a member state to  
366 take disciplinary action against a licensee or holder of a  
367 compact privilege for conduct or practice that was legal in  
368 the member state at the time it was undertaken.

369 §34-27B-56. Establishment of the Respiratory Care  
370 Interstate Compact Commission.

371 (a) The compact member states hereby create and  
372 establish a joint government agency whose membership consists  
373 of all member states that have enacted the compact known as  
374 the Respiratory Care Interstate Compact Commission. The  
375 commission is an instrumentality of the compact member states  
376 acting jointly and not an instrumentality of any one state.  
377 The commission shall come into existence on or after the  
378 effective date of the compact, as set forth in Section  
379 34-27B-60.

380 (b) Membership, voting, and meetings.

381 (1) Each member state shall have and be limited to one  
382 commissioner selected by that member state's respiratory  
383 therapy licensing authority.

384 (2) The commissioner shall be an administrator or their  
385 designated staff member of the member state's respiratory  
386 therapy licensing authority.

387 (3) The commission, by rule or bylaw, shall establish a  
388 term of office for commissioners and, by rule or bylaw, may  
389 establish term limits.

390 (4) The commission may recommend to a member state the  
391 removal or suspension of any commissioner from office.

392 (5) A member state's respiratory therapy licensing



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393 authority shall fill any vacancy of its commissioner occurring  
394 on the commission within 60 days of the vacancy.

395 (6) Each commissioner shall be entitled to one vote on  
396 all matters before the commission requiring a vote by  
397 commissioners.

398 (7) A commissioner shall vote in person or by such  
399 other means as provided in the bylaws. The bylaws may provide  
400 for commissioners to meet by telecommunication, video  
401 conference, or other means of communication.

402 (8) The commission shall meet at least once during each  
403 calendar year. Additional meetings may be held as set forth in  
404 the bylaws.

405 (c) The commission shall have all of the following  
406 powers:

407 (1) Establish and amend the fiscal year of the  
408 commission.

409 (2) Establish and amend bylaws and policies, including,  
410 but not limited to, a code of conduct and conflict of  
411 interest.

412 (3) Establish and amend rules, which shall be binding  
413 in all member states.

414 (4) Maintain its financial records in accordance with  
415 the bylaws.

416 (5) Meet and take such actions as are consistent with  
417 the provisions of this compact, the commission's rules, and  
418 the bylaws.

419 (6) Initiate and conduct legal proceedings or actions  
420 in the name of the commission; provided, that the standing of





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421 any respiratory therapy licensing authority to sue or be sued  
422 under applicable law shall not be affected.

423 (7) Maintain and certify records and information  
424 provided to a member state as the authenticated business  
425 records of the commission, and designate an agent to do so on  
426 the commission's behalf.

427 (8) Purchase and maintain insurance and bonds.

428 (9) Accept or contract for services of personnel,  
429 including, but not limited to, employees of a member state.

430 (10) Conduct an annual financial review.

431 (11) Hire employees, elect or appoint officers, fix  
432 compensation, define duties, grant such individuals  
433 appropriate authority to carry out the purposes of the  
434 compact, and establish the commission's personnel policies and  
435 programs relating to conflicts of interest, qualifications of  
436 personnel, and other related personnel matters.

437 (12) Assess and collect fees.

438 (13) Accept any and all appropriate gifts, donations,  
439 grants of money, other sources of revenue, equipment,  
440 supplies, materials, and services, and receive, utilize, and  
441 dispose of the same, provided that at all times:

442 a. The commission shall avoid any appearance of  
443 impropriety.

444 b. The commission shall avoid any appearance of  
445 conflict of interest.

446 (14) Lease, purchase, retain, own, hold, improve, or  
447 use any property, real, personal, or mixed, or any undivided  
448 interest therein.



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449 (15) Sell, convey, mortgage, pledge, lease, exchange,  
450 abandon, or otherwise dispose of any property real, personal,  
451 or mixed.

452 (16) Establish a budget and make expenditures.

453 (17) Borrow money in a fiscally responsible manner.

454 (18) Appoint committees, including standing committees,  
455 composed of commissioners, state regulators, state legislators  
456 or their representatives, consumer representatives, and such  
457 other interested persons as may be designated in this compact  
458 and the bylaws.

459 (19) Provide and receive information from, and  
460 cooperate with, law enforcement agencies.

461 (20) Establish and elect an executive committee,  
462 including a chair, vice chair, secretary, treasurer, and such  
463 other offices as the commission shall establish by rule or  
464 bylaw.

465 (21) Enter into contracts or arrangements for the  
466 management of the affairs of the commission.

467 (22) Determine whether a state's adopted language is  
468 materially different from the model compact language such that  
469 the state would not qualify for participation in the compact.

470 (23) Perform such other functions as may be necessary  
471 or appropriate to achieve the purposes of this compact.

472 (d) The Executive Committee.

473 (1) The executive committee shall have the power to act  
474 on behalf of the commission according to the terms of this  
475 compact. The powers, duties, and responsibilities of the  
476 executive committee shall include all of the following:



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477 a. Overseeing the day-to-day activities of the  
478 administration of the compact, including enforcement and  
479 compliance with the provisions of the compact, its rules and  
480 bylaws, and other such duties as deemed necessary.

481 b. Recommending to the commission changes to the rules  
482 or bylaws, changes to this compact legislation, fees charged  
483 to compact member states, fees charged to licensees, and other  
484 fees.

485 c. Ensuring compact administration services are  
486 appropriately provided, including by contract.

487 d. Preparing and recommending the budget.

488 e. Maintaining financial records on behalf of the  
489 commission.

490 f. Monitoring compact compliance of member states and  
491 providing compliance reports to the commission.

492 g. Establishing additional committees as necessary.

493 h. Exercising the powers and duties of the commission  
494 during the interim between commission meetings, except for  
495 adopting or amending rules, adopting or amending bylaws, and  
496 exercising any other powers and duties expressly reserved to  
497 the commission by rule or bylaw.

498 i. Performing other duties as provided in the rules or  
499 bylaws of the commission.

500 (2) The executive committee shall be composed of up to  
501 nine members, as further set forth in the bylaws of the  
502 commission:

503 a. Seven voting members who are elected by the  
504 commission from the current membership of the commission; and



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505           b. Two ex officio, nonvoting members.

506           (3) The commission may remove any member of the  
507 executive committee as provided in the commission's bylaws.

508           (4) The executive committee shall meet at least  
509 annually.

510           a. Executive committee meetings shall be open to the  
511 public, except that the executive committee may meet in a  
512 closed, nonpublic meeting as provided in subdivision (f) (4).

513           b. The executive committee shall give advance notice of  
514 its meetings, posted on its website and as determined to  
515 provide notice to persons with an interest in the business of  
516 the commission.

517           c. The executive committee may hold a special meeting  
518 in accordance with subdivision (f) (2).

519           (e) The commission shall adopt and provide to the  
520 member states an annual report.

521           (f) Meetings of the commission.

522           (1) All meetings of the commission that are not closed  
523 pursuant to subdivision (4) shall be open to the public.

524 Notice of public meetings shall be posted on the commission's  
525 website at least 30 days prior to the public meeting.

526           (2) Notwithstanding subdivision (1), the commission may  
527 convene an emergency public meeting by providing at least  
528 24-hours' prior notice on the commission's website, and any  
529 other means as provided in the commission's rules, for any of  
530 the reasons it may dispense with notice of proposed rulemaking  
531 under Section 34-27B-58(g). The commission's legal counsel  
532 shall certify that one of the reasons justifying an emergency



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533 public meeting has been met.

534 (3) Notice of all commission meetings shall provide the  
535 time, date, and location of the meeting, and if the meeting is  
536 to be held or accessible via telecommunication, video  
537 conference, or other electronic means, the notice shall  
538 include the mechanism for access to the meeting.

539 (4) The commission or the executive committee may  
540 convene in a closed, nonpublic meeting for the commission or  
541 executive committee to receive or solicit legal advice or to  
542 discuss any of the following:

543 a. Noncompliance of a member state with its obligations  
544 under the compact.

545 b. The employment, compensation, discipline, or other  
546 matters, practices, or procedures related to specific  
547 employees.

548 c. Current or threatened discipline of a licensee or  
549 compact privilege holder by the commission or by a member  
550 state's respiratory therapy licensing authority.

551 d. Current, threatened, or reasonably anticipated  
552 litigation.

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

555 f. Accusing any person of a crime or formally censuring  
556 any person.

557 g. Trade secrets or commercial or financial information  
558 that is privileged or confidential.

559 h. Information of a personal nature where disclosure  
560 would constitute a clearly unwarranted invasion of personal



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561 privacy.

562 i. Investigative records compiled for law enforcement  
563 purposes.

564 j. Information related to any investigative reports  
565 prepared by, or on behalf of or for use of, the commission or  
566 other committee charged with responsibility of investigation  
567 or determination of compliance issues pursuant to the compact.

568 k. Legal advice.

569 l. Matters specifically exempted from disclosure by  
570 federal or member state law.

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

572 (5) If a meeting, or portion of a meeting, is closed,  
573 the presiding officer shall state that the meeting will be  
574 closed and reference each relevant exempting provision, and  
575 such reference shall be recorded in the minutes.

576 (6) The commission shall keep minutes in accordance  
577 with commission rules and bylaws. All documents considered in  
578 connection with an action shall be identified in such minutes.  
579 All minutes and documents of a closed meeting shall remain  
580 under seal, subject to release only by a majority vote of the  
581 commission or order of a court of competent jurisdiction.

582 (g) Financing of the commission.

583 (1) The commission shall pay, or provide for the  
584 payment of, the reasonable expenses of its establishment,  
585 organization, and ongoing activities.

586 (2) The commission may accept any and all appropriate  
587 revenue sources as provided herein.

588 (3) The commission may levy on and collect an annual



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589 assessment from each member state and impose fees on licensees  
590 of member states to whom it grants a compact privilege to  
591 cover the cost of the operations and activities of the  
592 commission and its staff. The aggregate annual assessment  
593 amount for member states, if any, shall be allocated based  
594 upon a formula that the commission shall adopt by rule.

595 (4) The commission shall not incur obligations of any  
596 kind prior to securing the funds or a loan adequate to meet  
597 the same; nor shall the commission pledge the credit of any of  
598 the member states, except by and with the authority of the  
599 member state.

600 (5) The commission shall keep accurate accounts of all  
601 receipts and disbursements. The receipts and disbursements of  
602 the commission shall be subject to the financial review and  
603 accounting procedures established under its bylaws. However,  
604 all receipts and disbursements of funds handled by the  
605 commission shall be subject to an annual financial review by a  
606 certified or licensed public accountant, and the report of the  
607 financial review shall be included in and become part of the  
608 annual report of the commission.

609 (h) Qualified immunity, defense, and indemnification.

610 (1) Nothing herein shall be construed as a limitation  
611 on the liability of any licensee for professional malpractice  
612 or misconduct, which shall be governed solely by any other  
613 applicable state laws.

614 (2) The member states, commissioners, officers,  
615 executive directors, employees, and agents of the commission  
616 shall be immune from suit and liability, both personally and



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617 in their official capacity, for any claim for damage to or  
618 loss of property or personal injury or other civil liability  
619 caused by or arising out of any actual or alleged act, error,  
620 or omission that occurred, or that the person against whom the  
621 claim is made had a reasonable basis for believing occurred  
622 within the scope of commission employment, duties, or  
623 responsibilities; provided, that nothing in this subsection  
624 shall be construed to protect any such person from suit or  
625 liability for any damage, loss, injury, or liability caused by  
626 the intentional, willful, or wanton misconduct of that person.  
627 The procurement of insurance of any type by the commission  
628 shall not in any way compromise or limit the immunity granted  
629 hereunder.

630 (3) The commission shall defend any commissioner,  
631 officer, executive director, employee, and agent of the  
632 commission in any civil action seeking to impose liability  
633 arising out of any actual or alleged act, error, or omission  
634 that occurred within the scope of commission employment,  
635 duties, or responsibilities, or as determined by the  
636 commission that the person against whom the claim is made had  
637 a reasonable basis for believing occurred within the scope of  
638 commission employment, duties, or responsibilities; provided,  
639 that nothing herein shall be construed to prohibit that person  
640 from retaining their own counsel at their own expense; and  
641 provided further, that the actual or alleged act, error, or  
642 omission did not result from that person's intentional,  
643 willful, or wanton misconduct.

644 (4) The commission shall indemnify and hold harmless





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645 any commissioner, member, officer, executive director,  
646 employee, and agent of the commission for the amount of any  
647 settlement or judgment obtained against that person arising  
648 out of any actual or alleged act, error, or omission that  
649 occurred within the scope of commission employment, duties, or  
650 responsibilities, or that such person had a reasonable basis  
651 for believing occurred within the scope of commission  
652 employment, duties, or responsibilities; provided, that the  
653 actual or alleged act, error, or omission did not result from  
654 the intentional, willful, or wanton misconduct of that person.

655 (5) Nothing in this compact shall be interpreted to  
656 waive or otherwise abrogate a member state's state action  
657 immunity or state action affirmative defense with respect to  
658 antitrust claims under the Sherman Act, Clayton Act, or any  
659 other state or federal antitrust or anticompetitive law or  
660 rule.

661 (6) Nothing in this compact shall be construed to be a  
662 waiver of sovereign immunity by the member states or by the  
663 commission.

664 §34-27B-57. Data System.

665 (a) The commission shall provide for the development,  
666 maintenance, operation, and utilization of a coordinated  
667 database and reporting system containing licensure, adverse  
668 action, and the presence of significant investigative  
669 information.

670 (b) Notwithstanding any other provision of state law to  
671 the contrary, a member state shall submit a uniform data set  
672 to the data system as required by the rules of the commission,



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673 including, but not limited to, all of the following:

674 (1) Identifying information.

675 (2) Licensure data.

676 (3) Adverse actions against a licensee, license  
677 applicant, or compact privilege holder and information related  
678 thereto.

679 (4) Nonconfidential information related to alternative  
680 program participation, the beginning and ending dates of such  
681 participation, and other information related to such  
682 participation not made confidential under member state law.

683 (5) Any denial of application for licensure, and the  
684 reason or reasons for such denial.

685 (6) The presence of current significant investigative  
686 information.

687 (7) Other information that may facilitate the  
688 administration of this compact or the protection of the  
689 public, as determined by the rules of the commission.

690 (c) No member state shall submit any information which  
691 constitutes criminal history record information, as defined by  
692 applicable federal law, to the data system established  
693 hereunder.

694 (d) The records and information provided to a member  
695 state pursuant to this compact or through the data system,  
696 when certified by the commission or an agent thereof, shall  
697 constitute the authenticated business records of the  
698 commission, and shall be entitled to any associated hearsay  
699 exception in any relevant judicial, quasi-judicial, or  
700 administrative proceedings in a member state.



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701 (e) Significant investigative information pertaining to  
702 a licensee in any member state will only be available to other  
703 member states.

704 (f) It is the responsibility of the member states to  
705 report any adverse action against a licensee and to monitor  
706 the database to determine whether adverse action has been  
707 taken against a licensee. Adverse action information  
708 pertaining to a licensee in any member state will be available  
709 to any other member state.

710 (g) Member states contributing information to the data  
711 system may designate information that may not be shared with  
712 the public without the express permission of the contributing  
713 state.

714 (h) Any information submitted to the data system that  
715 is subsequently expunged pursuant to federal law or the laws  
716 of the member state contributing the information shall be  
717 removed from the data system.

718 §34-27B-58. Rulemaking.

719 (a) The commission shall adopt reasonable rules in  
720 order to effectively and efficiently implement and administer  
721 the purposes and provisions of the compact. A rule shall be  
722 invalid and have no force or effect only if a court of  
723 competent jurisdiction holds that the rule is invalid because  
724 the commission exercised its rulemaking authority in a manner  
725 that is beyond the scope and purposes of the compact, or the  
726 powers granted hereunder, or based upon another applicable  
727 standard of review.

728 (b) For purposes of the compact, the rules of the



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729 commission shall have the force of law in each member state.

730 (c) The commission shall exercise its rulemaking powers  
731 pursuant to the criteria set forth in this section and the  
732 rules adopted thereunder. Rules shall become binding as of the  
733 date specified in each rule.

734 (d) If a majority of the legislatures of the member  
735 states rejects a rule or portion of a rule, by enactment of a  
736 statute or resolution in the same manner used to adopt the  
737 compact within four years of the date of adoption of the rule,  
738 then the rule shall have no further force and effect in any  
739 member state.

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

742 (f) Prior to adoption of a proposed rule, the  
743 commission shall hold a public hearing and allow persons to  
744 provide oral and written comments, data, facts, opinions, and  
745 arguments.

746 (g) Prior to adoption of a proposed rule by the  
747 commission, and at least 30 days in advance of the meeting at  
748 which the commission will hold a public hearing on the  
749 proposed rule, the commission shall provide a notice of  
750 proposed rulemaking:

751 (1) On the website of the commission or other publicly  
752 accessible platform;

753 (2) To persons who have requested notice of the  
754 commission's notices of proposed rulemaking; and

755 (3) In such other way or ways as the commission may by  
756 rule specify.

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757 (h) The notice of proposed rulemaking shall include all  
758 of the following:

759 (1) The time, date, and location of the public hearing  
760 at which the commission will hear public comments on the  
761 proposed rule and, if different, the time, date, and location  
762 of the meeting where the commission will consider and vote on  
763 the proposed rule.

764 (2) If the hearing is held via telecommunication, video  
765 conference, or other electronic means, the commission shall  
766 include the mechanism for access to the hearing in the notice  
767 of proposed rulemaking.

768 (3) The text of the proposed rule and the reason  
769 therefore.

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

772 (5) The manner in which interested persons may submit  
773 written comments.

774 (i) All hearings will be recorded. A copy of the  
775 recording and all written comments and documents received by  
776 the commission in response to the proposed rule shall be  
777 available to the public.

778 (j) Nothing in this section shall be construed as  
779 requiring a separate hearing on each rule. Rules may be  
780 grouped for the convenience of the commission at hearings  
781 required by this section.

782 (k) The commission shall, by majority vote of all  
783 commissioners, take final action on the proposed rule based on  
784 the rulemaking record and the full text of the rule.



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785 (1) The commission may adopt changes to the proposed  
786 rule provided the changes are consistent with the original  
787 purpose of the proposed rule.

788 (2) The commission shall provide an explanation of the  
789 reasons for substantive changes made to the proposed rule as  
790 well as reasons for substantive changes not made that were  
791 recommended by commenters.

792 (3) The commission shall determine a reasonable  
793 effective date for the rule. Except for an emergency as  
794 provided in subsection (1), the effective date of the rule  
795 shall be no sooner than 30 days after issuing the notice that  
796 it adopted or amended the rule.

797 (1) Upon determination that an emergency exists, the  
798 commission may consider and adopt an emergency rule with 24  
799 hours' notice, and with opportunity to comment; provided, that  
800 the usual rulemaking procedures provided in the compact and in  
801 this section shall be retroactively applied to the rule as  
802 soon as reasonably possible, in no event later than 90 days  
803 after the effective date of the rule. For the purposes of this  
804 provision, an emergency rule is one that must be adopted  
805 immediately in order to:

806 (1) Meet an imminent threat to public health, safety,  
807 or welfare;

808 (2) Prevent a loss of commission or member state funds;

809 (3) Meet a deadline for the adoption of a rule that is  
810 established by federal law or rule; or

811 (4) Protect public health and safety.

812 (m) The commission or an authorized committee of the



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813 commission may direct revisions to a previously adopted rule  
814 for purposes of correcting typographical errors, errors in  
815 format, errors in consistency, or grammatical errors. Public  
816 notice of any revisions shall be posted on the website of the  
817 commission. The revision shall be subject to challenge by any  
818 person for a period of 30 days after posting. The revision may  
819 be challenged only on grounds that the revision results in a  
820 material change to a rule. A challenge shall be made in  
821 writing and delivered to the commission prior to the end of  
822 the notice period. If no challenge is made, the revision will  
823 take effect without further action. If the revision is  
824 challenged, the revision may not take effect without the  
825 approval of the commission.

826 (n) (1) No member state's rulemaking process or  
827 procedural requirements shall apply to the commission.

828 (2) The commission shall have no authority over any  
829 member state's rulemaking process or procedural requirements  
830 that do not pertain to the compact.

831 (o) Nothing in this compact, nor any rule of the  
832 commission, shall be construed to limit, restrict, or in any  
833 way reduce the ability of a member state to enact and enforce  
834 laws or other rules related to the practice of respiratory  
835 therapy in that state, where those laws, regulations, or other  
836 rules are not inconsistent with the provisions of this  
837 compact.

838 §34-27B-59. Oversight, Dispute Resolution, and  
839 Enforcement.

840 (a) Oversight.



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841 (1) The executive and judicial branches of state  
842 government in each member state shall enforce this compact and  
843 take all actions necessary and appropriate to implement the  
844 compact.

845 (2) Venue is proper and judicial proceedings by or  
846 against the commission shall be brought solely and exclusively  
847 in a court of competent jurisdiction, including, but not  
848 limited to, where the principal office of the commission is  
849 located. The commission may waive venue and jurisdictional  
850 defenses to the extent it adopts or consents to participate in  
851 alternative dispute resolution proceedings. Nothing herein  
852 shall affect or limit the selection or propriety of venue in  
853 any action against a licensee for professional malpractice,  
854 misconduct, or any such similar matter.

855 (3) The commission shall be entitled to receive service  
856 of process in any proceeding regarding the enforcement or  
857 interpretation of the compact and shall have standing to  
858 intervene in such a proceeding for all purposes. Failure to  
859 provide the commission service of process shall render a  
860 judgment or order void as to the commission, this compact, or  
861 adopted rules.

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

863 (1) If the commission determines that a member state  
864 has defaulted in the performance of its obligations or  
865 responsibilities under this compact or the adopted rules, the  
866 commission shall provide written notice to the defaulting  
867 state. The notice of default shall describe the default, the  
868 proposed means of curing the default, and any other action





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869 that the commission may take, and shall offer training and  
870 specific technical assistance regarding the default.

871 (2) The commission shall provide a copy of the notice  
872 of default to the other member states.

873 (c) If a state in default fails to cure the default,  
874 the defaulting state may be terminated from the compact upon  
875 an affirmative vote of a majority of the commissioners of the  
876 member states, and all rights, privileges, and benefits  
877 conferred on that state by this compact may be terminated on  
878 the effective date of termination. A cure of the default does  
879 not relieve the offending state of obligations or liabilities  
880 incurred during the period of default.

881 (d) Termination of membership in the compact shall be  
882 imposed only after all other means of securing compliance have  
883 been exhausted. Notice of intent to suspend or terminate shall  
884 be given by the commission to the governor, the majority and  
885 minority leaders of the defaulting state's legislature, the  
886 defaulting state's respiratory therapy licensing authority,  
887 and each of the member states' respiratory therapy licensing  
888 authorities.

889 (e) A state that has been terminated is responsible for  
890 all assessments, obligations, and liabilities incurred through  
891 the effective date of termination, including obligations that  
892 extend beyond the effective date of termination, if necessary.

893 (f) Upon the termination of a state's membership from  
894 this compact, that state shall immediately provide notice to  
895 all licensees and compact privilege holders, of which the  
896 commission has a record, within that state of such

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897 termination. The terminated state shall continue to recognize  
898 all licenses granted pursuant to this compact for a minimum of  
899 180 days after the date of the notice of termination.

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

904 (h) The defaulting state may appeal the action of the  
905 commission by petitioning the U.S. District Court for the  
906 District of Columbia or the federal district where the  
907 commission has its principal offices. The prevailing party  
908 shall be awarded all costs of such litigation, including  
909 reasonable attorney fees.

910 (i) Dispute resolution.

911 (1) Upon request by a member state, the commission  
912 shall attempt to resolve disputes related to the compact that  
913 arise among member states and between member and nonmember  
914 states.

915 (2) The commission shall adopt a rule providing for  
916 both mediation and binding dispute resolution for disputes, as  
917 appropriate.

918 (j) Enforcement.

919 (1) By majority vote, as may be further provided by  
920 rule, the commission may initiate legal action against a  
921 member state in default in the United States District Court  
922 for the District of Columbia or the federal district where the  
923 commission has its principal offices to enforce compliance  
924 with the provisions of the compact and its adopted rules. A



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925 member state by enactment of this compact consents to venue  
926 and jurisdiction in such court for the purposes set forth  
927 herein. The relief sought may include both injunctive relief  
928 and damages. In the event judicial enforcement is necessary,  
929 the prevailing party shall be awarded all costs of such  
930 litigation, including reasonable attorney fees. The remedies  
931 herein shall not be the exclusive remedies of the commission.  
932 The commission may pursue any other remedies available under  
933 federal or the defaulting member state's law.

934 (2) A member state may initiate legal action against  
935 the commission in the U.S. District Court for the District of  
936 Columbia or the federal district where the commission has its  
937 principal offices to enforce compliance with the provisions of  
938 the compact and its adopted rules. The relief sought may  
939 include both injunctive relief and damages. In the event  
940 judicial enforcement is necessary, the prevailing party shall  
941 be awarded all costs of such litigation, including reasonable  
942 attorney fees.

943 (3) No person other than a member state shall enforce  
944 this compact against the commission.

945 §34-27B-60. Effective Date, Withdrawal, and Amendment.

946 (a) The compact shall come into effect on the date on  
947 which the compact statute is enacted into law in the seventh  
948 member state.

949 (1) On or after the effective date of the compact, the  
950 commission shall convene and review the enactment of each of  
951 the first seven member states referred to as "charter member  
952 states," to determine if the statute enacted by each charter



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953 member state is materially different than the model compact.

954           a. A charter member state whose enactment is found to  
955 be materially different from the model compact shall be  
956 entitled to the default process set forth in Section  
957 34-27B-59.

958           b. If any member state is later found to be in default,  
959 or is terminated or withdraws from the compact, the commission  
960 shall remain in existence and the compact shall remain in  
961 effect even if the number of member states should be less than  
962 seven.

963           (2) Member states enacting the compact subsequent to  
964 the seven initial charter member states shall be subject to  
965 the process set forth herein and commission rule to determine  
966 if their enactments are materially different from the model  
967 compact and whether they qualify for participation in the  
968 compact.

969           (3) All actions taken for the benefit of the commission  
970 or in furtherance of the purposes of the administration of the  
971 compact prior to the effective date of the compact or the  
972 commission coming into existence shall be considered to be  
973 actions of the commission unless specifically repudiated by  
974 the commission. The commission shall own and have all rights  
975 to any intellectual property developed on behalf or in  
976 furtherance of the commission by individuals or entities  
977 involved in organizing or establishing the commission, as may  
978 be further set forth in rules of the commission.

979           (4) Any state that joins the compact subsequent to the  
980 commission's initial adoption of the rules and bylaws shall be



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981 subject to the rules and bylaws as they exist on the date on  
982 which the compact becomes law in that state. Any rule that has  
983 been previously adopted by the commission shall have the full  
984 force and effect of law on the date the compact becomes law in  
985 that state.

986 (b) Any member state may withdraw from this compact by  
987 enacting a statute repealing the same.

988 (1) A member state's withdrawal shall not take effect  
989 until 180 days after enactment of the repealing statute.

990 (2) Withdrawal shall not affect the continuing  
991 requirement of the withdrawing state's respiratory therapy  
992 licensing authority to comply with the investigative and  
993 adverse action reporting requirements of this compact prior to  
994 the effective date of withdrawal.

995 (3) Upon the enactment of a statute withdrawing from  
996 this compact, a state shall immediately provide notice of such  
997 withdrawal to all licensees and compact privilege holders, of  
998 which the commission has a record, within that state.  
999 Notwithstanding any subsequent statutory enactment to the  
1000 contrary, such withdrawing state shall continue to recognize  
1001 all licenses granted pursuant to this compact for a minimum of  
1002 180 days after the date of such notice of withdrawal.

1003 (c) Nothing contained in this compact shall be  
1004 construed to invalidate or prevent any licensure agreement or  
1005 other cooperative arrangement between a member state and a  
1006 nonmember state that does not conflict with the provisions of  
1007 this compact.

1008 (d) This compact may be amended by the member states.



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1009 No amendment to this compact shall become effective and  
1010 binding upon any member state until it is enacted into the  
1011 laws of all member states.

1012 §34-27B-61. Construction and Severability.

1013 (a) This compact and the commission's rulemaking  
1014 authority shall be liberally construed so as to effectuate the  
1015 purposes and the implementation and administration of the  
1016 compact. Provisions of the compact expressly authorizing or  
1017 requiring the adoption of rules shall not be construed to  
1018 limit the commission's rulemaking authority solely for those  
1019 purposes.

1020 (b) The provisions of this compact shall be severable,  
1021 and if any phrase, clause, sentence, or provision of this  
1022 compact is held by a court of competent jurisdiction to be  
1023 contrary to the constitution of any member state, a state  
1024 seeking participation in the compact, or of the United States,  
1025 or the applicability thereof to any government, agency,  
1026 person, or circumstance is held to be unconstitutional by a  
1027 court of competent jurisdiction, the validity of the remainder  
1028 of this compact and the applicability thereof to any other  
1029 government, agency, person, or circumstance shall not be  
1030 affected thereby.

1031 (c) Notwithstanding subsection (b), the commission may  
1032 deny a state's participation in the compact or, in accordance  
1033 with the requirements of Section 34-27B-59, terminate a member  
1034 state's participation in the compact, if it determines that a  
1035 constitutional requirement of a member state is a material  
1036 departure from the compact. Otherwise, if this compact shall



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1037 be held to be contrary to the constitution of any member  
1038 state, the compact shall remain in full force and effect as to  
1039 the remaining member states and in full force and effect as to  
1040 the member state affected as to all severable matters.

1041 §34-27B-62. Consistent Effect and Conflict With Other  
1042 State Laws.

1043 (a) Nothing herein shall prevent or inhibit the  
1044 enforcement of any other law of a member state that is not  
1045 inconsistent with the compact.

1046 (b) Any laws, statutes, rules, or other legal  
1047 requirements in a member state in conflict with the compact  
1048 are superseded to the extent of the conflict, including any  
1049 subsequently enacted state laws.

1050 (c) All permissible agreements between the commission  
1051 and the member states are binding in accordance with their  
1052 terms.

1053 (d) Other than as expressly set forth herein, nothing  
1054 in this compact will impact initial licensure.

1055 (d) Nothing in this compact shall be interpreted to  
1056 modify, amend, repeal, or supersede any state criminal or  
1057 civil liability laws.

1058 (e) In the event the commission adopts rules to  
1059 coordinate the implementation or administration of this  
1060 compact which conflict with Alabama law, Alabama law shall  
1061 supersede those rules, and Alabama state courts shall retain  
1062 sole jurisdiction to determine any conflicts.

1063 (f) Alabama state courts shall retain sole jurisdiction  
1064 to determine whether provisions of this compact are in



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1065 conflict with state laws or the Constitution of Alabama of  
1066 2022.

1067 (g) Except as to judicial proceedings for the  
1068 enforcement of this compact among member states, individuals  
1069 may pursue judicial proceedings related to this compact in any  
1070 Alabama state or federal court that would otherwise have  
1071 competent jurisdiction.

1072 Section 3. This act shall become effective on October  
1073 1, 2025.





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1074  
1075  
1076 Senate

1077 Read for the first time and referred .....20-Feb-25  
1078 to the Senate committee on Veterans,  
1079 Military Affairs and Public Safety  
1080  
1081 Read for the second time and placed .....27-Feb-25  
1082 on the calendar:  
1083 1 amendment  
1084  
1085 Read for the third time and passed .....06-Mar-25  
1086 as amended  
1087 Yeas 28  
1088 Nays 0  
1089 Abstains 0  
1090

1091  
1092 Patrick Harris,  
1093 Secretary.  
1094