

SB37 INTRODUCED



1 SB37
2 EA4GC22-1
3 By Senators Kelley, Jones, Kitchens, Beasley
4 RFD: Veterans and Military Affairs
5 First Read: 04-Feb-25



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SYNOPSIS:

This bill would allow the Alabama Board of Massage Therapy to enter into the Interstate Massage Compact by adopting Article 2 of Chapter 43A 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 Alabama Board of Massage Therapy; to enter into the Interstate Massage Compact by adopting Article 2 of Chapter 43A of Title 34, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-43A-1 through 34-43A-19, Code of Alabama 1975, are designated as Article 1 of Chapter 43A of Title 34, Code of Alabama 1975.

Section 2. Article 2, commencing with Section 34-43A-50, is added to Chapter 43A of Title 34, Code of Alabama 1975, to read as follows:

Article 2. INTERSTATE MESSAGE COMPACT
§34-43A-50. Purpose.



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29 The purpose of this compact is to reduce the burdens on
30 state governments and to facilitate the interstate practice
31 and regulation of massage therapy with the goal of improving
32 public access to, and the safety of, massage therapy services.
33 Through this compact, the member states seek to establish a
34 regulatory framework that provides for a new multistate
35 licensing program. Through this additional licensing pathway,
36 the member states seek to provide increased value and mobility
37 to licensed massage therapists in the member states, while
38 ensuring the provision of safe, competent, and reliable
39 services to the public.

40 This compact is designed to achieve the following
41 objectives, and the member states hereby ratify those
42 intentions by subscribing hereto:

43 (1) Increase public access to massage therapy services
44 by providing for a multistate licensing pathway.

45 (2) Enhance the member states' ability to protect the
46 public's health and safety.

47 (3) Enhance the member states' ability to prevent human
48 trafficking and licensure fraud.

49 (4) Encourage the cooperation of member states in
50 regulating the multistate practice of massage therapy.

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

53 (6) Facilitate and enhance the exchange of licensure,
54 investigative, and disciplinary information between the member
55 states.

56 (7) Create an interstate commission that will exist to



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57 implement and administer the compact.

58 (8) Allow a member state to hold a licensee
59 accountable, even where that licensee holds a multistate
60 license.

61 (9) Create a streamlined pathway for licensees to
62 practice in member states, thus increasing the mobility of
63 duly licensed massage therapists.

64 (10) Serve the needs of licensed massage therapists and
65 the public receiving their services.

66 (11) Nothing in this compact is intended to prevent a
67 state from enforcing its own laws regarding the practice of
68 massage therapy.

69 §34-43A-51. Definitions.

70 As used in this compact, except as otherwise provided
71 and subject to clarification by the rules of the commission,
72 the following definitions shall govern the terms herein:

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

76 (2) ADVERSE ACTION. Any administrative, civil,
77 equitable, or criminal action permitted by a member state's
78 laws which is imposed by a licensing authority or other
79 regulatory body against a licensee, including actions against
80 an individual's authorization to practice such as revocation,
81 suspension, probation, surrender in lieu of discipline,
82 monitoring of the licensee, imitation of the licensee's
83 practice, or any other encumbrance on licensure affecting an
84 individual's ability to practice massage therapy, including



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85 the issuance of a cease and desist order.

86 (3) ALTERNATIVE PROGRAM. A nondisciplinary monitoring
87 or prosecutorial diversion program approved by a member
88 state's licensing authority.

89 (4) AUTHORIZATION TO PRACTICE. A legal authorization by
90 a remote state pursuant to a multistate license permitting the
91 practice of massage therapy in that remote state, which shall
92 be subject to the enforcement jurisdiction of the licensing
93 authority in that remote state.

94 (5) BACKGROUND CHECK. The submission of an applicant's
95 criminal history record information, as further defined in 28
96 C.F.R. § 20.3(d), as amended, from the Federal Bureau of
97 Investigation and the agency responsible for retaining state
98 criminal records in the applicant's home state.

99 (6) CHARTER MEMBER STATES. Member states who have
100 enacted legislation to adopt this compact where such
101 legislation predates the effective date of this compact as
102 defined in Section 34-43A-61.

103 (7) COMMISSION. The governmental agency whose
104 membership consists of all states that have enacted this
105 compact, which is known as the Interstate Massage Compact
106 Commission and which shall operate as an instrumentality of
107 the member states.

108 (8) CONTINUING COMPETENCE. A requirement, as a
109 condition of license renewal, to provide evidence of
110 participation in, and completion of, educational or
111 professional activities that maintain, improve, or enhance
112 massage therapy fitness to practice.



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113 (9) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.
114 Investigative information that a licensing authority, after an
115 inquiry or investigation that complies with a member state's
116 due process requirements, has reason to believe is not
117 groundless and, if proved true, would indicate a violation of
118 that state's laws regarding the practice of massage therapy.

119 (10) DATA SYSTEM. A repository of information about
120 licensees who hold multistate licenses, which may include, but
121 is not limited to, license status, investigative information,
122 and adverse actions.

123 (11) DISQUALIFYING EVENT. Any event which shall
124 disqualify an individual from holding a multistate license
125 under this compact, which the commission may specify by rule.

126 (12) ENCUMBRANCE. A revocation or suspension of, or any
127 limitation or condition on, the full and unrestricted practice
128 of massage therapy by a licensing authority.

129 (13) EXECUTIVE COMMITTEE. A group of delegates elected
130 or appointed to act on behalf of, and within the powers
131 granted to them by, the commission.

132 (14) HOME STATE. The member state which is a licensee's
133 primary state of residence where the licensee holds an active
134 single-state license.

135 (15) INVESTIGATIVE INFORMATION. Information, records,
136 or documents received or generated by a licensing authority
137 pursuant to an investigation or other inquiry.

138 (16) LICENSING AUTHORITY. A state's regulatory body
139 responsible for issuing massage therapy licenses or otherwise
140 overseeing the practice of massage therapy in that state.



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141 (17) LICENSEE. An individual who currently holds a
142 license from a member state to fully practice massage therapy,
143 whose license is not student, provisional, temporary,
144 inactive, or other similar status.

145 (18) MASSAGE THERAPY, MASSAGE THERAPY SERVICES, and the
146 PRACTICE OF MASSAGE THERAPY. The care and services provided by
147 a licensee as set forth in the member state's statutes and
148 rules in the state where the services are being provided.

149 (19) MEMBER STATE. Any state that has adopted this
150 compact.

151 (20) MULTISTATE LICENSE. A license that consists of
152 authorizations to practice massage therapy in all remote
153 states pursuant to this compact, which shall be subject to the
154 enforcement jurisdiction of the licensing authority in a
155 licensee's home state.

156 (21) NATIONAL LICENSING EXAMINATION. A national
157 examination developed by a national association of massage
158 therapy regulatory boards, as defined by commission rule, that
159 is derived from a practice analysis and is consistent with
160 generally accepted psychometric principles of fairness,
161 validity, and reliability, and is administered under secure
162 and confidential examination protocols.

163 (22) REMOTE STATE. Any member state, other than the
164 licensee's home state.

165 (23) RULE. Any opinion or regulation adopted by the
166 commission under this compact, which shall have the force of
167 law.

168 (24) SINGLE-STATE LICENSE. A current, valid



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169 authorization that is issued by a member state's licensing
170 authority allowing an individual to fully practice massage
171 therapy, that is not a restricted, student, provisional,
172 temporary, or inactive practice authorization, and that
173 authorizes practice only within the issuing state.

174 (25) STATE. A state, territory, possession of the
175 United States, or the District of Columbia.

176 §34-43A-52. Member state requirements.

177 (a) To be eligible to join this compact, and to
178 maintain eligibility as a member state, a state must:

179 (1) License and regulate the practice of massage
180 therapy.

181 (2) Have a mechanism or entity in place to receive and
182 investigate complaints from the public, regulatory or law
183 enforcement agencies, or the commission about licensees
184 practicing in that state.

185 (3) Accept passage of a national licensing examination
186 as a criterion for massage therapy licensure in that state.

187 (4) Require that licensees satisfy educational
188 requirements prior to being licensed to provide massage
189 therapy services to the public in that state.

190 (5) Implement procedures for requiring the background
191 check of applicants for a multistate license, and for the
192 reporting of any disqualifying events, including, but not
193 limited to, obtaining and submitting, for each licensee
194 holding a multistate license and each applicant for a
195 multistate license, fingerprint or other biometric-based
196 information to the Federal Bureau of Investigation for



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197 background checks; receiving the results of the Federal Bureau
198 of Investigation record search on background checks and
199 considering the results of such a background check in making
200 licensure decisions.

201 (6) Have continuing competence requirements as a
202 condition for license renewal.

203 (7) Participate in the data system, including through
204 the use of unique identifying numbers as described herein.

205 (8) Notify the commission and other member states, in
206 compliance with the terms of the compact and rules of the
207 commission, of any disciplinary action taken by the state
208 against a licensee practicing under a multistate license in
209 that state, or of the existence of investigative information
210 or current significant investigative information regarding a
211 licensee practicing in that state pursuant to a multistate
212 license.

213 (9) Comply with the rules of the commission.

214 (10) Accept licensees with valid multistate licenses
215 from other member states as established herein.

216 (b) Individuals not residing in a member state shall
217 continue to be able to apply for a member state's single-state
218 license as provided under the laws of each member state.
219 However, the single-state license granted to those individuals
220 shall not be recognized as granting a multistate license for
221 massage therapy in any other member state.

222 (c) Nothing in this compact shall affect the
223 requirements established by a member state for the issuance of
224 a single-state license.



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225 (d) A multistate license issued to a licensee shall be
226 recognized by each remote state as an authorization to
227 practice massage therapy in each remote state.

228 §34-43A-53. Multistate license requirements.

229 (a) To qualify for a multistate license under this
230 compact, and to maintain eligibility for such a license, an
231 applicant must:

232 (1) Hold an active single-state license to practice
233 massage therapy in the applicant's home state.

234 (2) Have completed at least 625 clock hours of massage
235 therapy, education, or the substantial equivalent which the
236 commission may approve by rule.

237 (3) Have passed a national licensing examination or the
238 substantial equivalent which the commission may approve by
239 rule.

240 (4) Submit to a background check.

241 (5) Have not been convicted or found guilty, or have
242 entered into an agreed disposition, of a felony offense under
243 applicable state or federal criminal law, within five years
244 prior to the date of their application, where that time period
245 shall not include any time served for the offense, and
246 provided that the applicant has completed all requirements
247 arising as a result of any offense.

248 (6) Have not been convicted or found guilty, or have
249 entered into an agreed disposition, of a misdemeanor offense
250 related to the practice of massage therapy under applicable
251 state or federal criminal law, within two years prior to the
252 date of their application where such a time period shall not



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253 include any time served for the offense, and provided that the
254 applicant has completed all requirements arising as a result
255 of any offense.

256 (7) Have not been convicted or found guilty, or have
257 entered into an agreed disposition, of any offense, whether a
258 misdemeanor or a felony, under state or federal law, at any
259 time, relating to any of the following:

260 a. Kidnapping.

261 b. Human trafficking.

262 c. Human smuggling.

263 d. Sexual battery, sexual assault, or any related
264 offenses.

265 e. Any other category of offense which the commission
266 may by rule designate.

267 (8) Have not previously held a massage therapy license
268 which was revoked by, or surrendered in lieu of discipline to,
269 an applicable licensing authority.

270 (9) Have no history of any adverse action on any
271 occupational or professional license within two years prior to
272 the date of their application.

273 (10) Pay all required fees.

274 (b) A multistate license granted pursuant to this
275 compact may be effective for a definite period of time
276 concurrent with the renewal of the home state license.

277 (c) A licensee practicing in a member state is subject
278 to all scope of practice laws governing massage therapy
279 services in that state.

280 (d) The practice of massage therapy under a multistate



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281 license granted pursuant to this compact will subject the
282 licensee to the jurisdiction of the licensing authority, the
283 courts, and the laws of the member state in which the massage
284 therapy services are provided.

285 §34-43A-54. Authority of Interstate Massage Compact
286 Commission and member state licensing authorities.

287 (a) Nothing in this compact, nor any rule of the
288 commission, shall be construed to limit, restrict, or reduce
289 the ability of a member state to enact and enforce laws or
290 rules related to the practice of massage therapy in that
291 state, where those laws or rules are not inconsistent with the
292 provisions of this compact.

293 (b) Nothing in this compact, nor any rule of the
294 commission, shall be construed to limit, restrict, or reduce
295 the ability of a member state to take adverse action against a
296 licensee's single-state license to practice massage therapy in
297 that state.

298 (c) Nothing in this compact, nor any rule of the
299 commission, shall be construed to limit or reduce the ability
300 of a remote state to take adverse action against a licensee's
301 authorization to practice in that state.

302 (d) Nothing in this compact, nor any rule of the
303 commission, shall be construed to limit, restrict, or reduce
304 the ability of a licensee's home state to take adverse action
305 against a licensee's multistate license based upon information
306 provided by a remote state.

307 (e) Insofar as practical, a member state's licensing
308 authority shall cooperate with the commission and with each



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309 entity exercising independent regulatory authority over the
310 practice of massage therapy according to the provisions of
311 this compact.

312 §34-43A-55. Adverse actions.

313 (a) A licensee's home state shall have exclusive power
314 to impose an adverse action against a licensee's multistate
315 license issued by the home state.

316 (b) A home state may take adverse action on a
317 multistate license based on the investigative information,
318 current significant investigative information, or adverse
319 action of a remote state.

320 (c) A home state shall retain authority to complete any
321 pending investigations of a licensee practicing under a
322 multistate license who changes their home state during the
323 course of such an investigation. The licensing authority shall
324 also be empowered to report the results of an investigation to
325 the commission through the data system.

326 (d) Any member state may investigate actual or alleged
327 violations of the scope of practice laws in any other member
328 state for a massage therapist who holds a multistate license.

329 (e) A remote state shall have the authority to:

330 (1) Take adverse actions against a licensee's
331 authorization to practice.

332 (2) Issue cease and desist orders or impose an
333 encumbrance on a licensee's authorization to practice in that
334 state.

335 (3) Issue subpoenas for both hearings and
336 investigations that require the attendance and testimony of



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337 witnesses, as well as the production of evidence. Subpoenas
338 issued by a licensing authority in a member state for the
339 attendance and testimony of witnesses or the production of
340 evidence from another member state shall be enforced in the
341 latter state by any court of competent jurisdiction, according
342 to the practice and procedure of that court applicable to
343 subpoenas issued in proceedings before it. The issuing
344 licensing authority shall pay any witness fees, travel
345 expenses, mileage, and other fees required by the service
346 statutes of the state in which the witnesses or evidence are
347 located.

348 (4) If otherwise permitted by state law, recover from
349 the affected licensee the costs of investigations and
350 disposition of cases resulting from any adverse action taken
351 against that licensee.

352 (5) Take adverse action against the licensee's
353 authorization to practice in that state based on the factual
354 findings of another member state.

355 (f) If an adverse action is taken by the home state
356 against a licensee's multistate license or single-state
357 license to practice in the home state, the licensee's
358 authorization to practice in all other member states shall be
359 deactivated until all encumbrances have been removed from such
360 license. All home state disciplinary orders that impose an
361 adverse action against a licensee shall include a statement
362 that the massage therapist's authorization to practice is
363 deactivated in all member states during the pendency of the
364 order.



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365 (g) If adverse action is taken by a remote state
366 against a licensee's authorization to practice, that adverse
367 action applies to all authorizations to practice in all remote
368 states. A licensee whose authorization to practice in a remote
369 state is removed for a specified period of time is not
370 eligible to apply for a new multistate license in any other
371 state until the specific time for removal of the authorization
372 to practice has passed and all encumbrance requirements are
373 satisfied.

374 (h) Nothing in this compact shall override a member
375 state's authority to accept a licensee's participation in an
376 alternative program in lieu of an adverse action. A licensee's
377 multistate license shall be suspended for the duration of the
378 licensee's participation in any alternative program.

379 (i) Joint investigations.

380 (1) In addition to the authority granted to a member
381 state by its respective scope of practice laws or other
382 applicable state law, a member state may participate with
383 other member states in joint investigations of licensees.

384 (2) Member states shall share any investigative,
385 litigation, or compliance materials in furtherance of any
386 joint or individual investigation initiated under the compact.

387 §34-43A-56. Active military members and their spouses.

388 Active military members, or their spouses, shall
389 designate a home state where the individual has a current
390 license to practice massage therapy in good standing. The
391 individual may retain his or her home state designation during
392 any period of service when that individual or his or her



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393 spouse is on active duty assignment.

394 §34-43A-57. Establishment and operation of Interstate
395 Massage Compact Commission.

396 (a) The compact member states hereby create and
397 establish a joint governmental agency whose membership
398 consists of all member states that have enacted the compact
399 known as the Interstate Massage Compact Commission. The
400 commission is an instrumentality of the compact states acting
401 jointly and not an instrumentality of any one state. The
402 commission shall come into existence on or after the effective
403 date of the compact as set forth in Section 34-43A-61.

404 (b) Membership, voting, and meetings.

405 (1) Each member state shall have and be limited to one
406 delegate selected by that member state's licensing authority.

407 (2) The delegate shall be the primary administrative
408 officer of the state licensing authority or their designee.

409 (3) The commission shall by rule or bylaw establish a
410 term of office for delegates and may by rule or bylaw
411 establish term limits.

412 (4) The commission may recommend removal or suspension
413 of any delegate from office.

414 (5) A member state's licensing authority shall fill any
415 vacancy of its delegate occurring on the commission within 60
416 days of the vacancy.

417 (6) Each delegate shall be entitled to one vote on all
418 matters that are voted on by the commission.

419 (7) The commission shall meet at least once during each
420 calendar year. Additional meetings may be held as set forth in



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421 the bylaws. The commission may meet via telecommunication,
422 video conference, or other similar electronic means.

423 (c) The commission shall have the following powers:

424 (1) To establish the fiscal year of the commission.

425 (2) To establish code of conduct and conflict of
426 interest policies.

427 (3) To adopt rules and bylaws.

428 (4) To maintain its financial records in accordance
429 with the bylaws.

430 (5) To meet and take such actions as are consistent
431 with the provisions of this compact, the commission's rules,
432 and the bylaws.

433 (6) To initiate and conclude legal proceedings or
434 actions in the name of the commission, provided that the
435 standing of any state licensing authority to sue or be sued
436 under applicable law shall not be affected.

437 (7) To maintain and certify records and information
438 provided to a member state as the authenticated business
439 records of the commission, and designate an agent to do so on
440 the commission's behalf.

441 (8) To purchase and maintain insurance and bonds.

442 (9) To borrow, accept, or contract for services of
443 personnel, including, but not limited to, employees of a
444 member state.

445 (10) To conduct an annual financial review.

446 (11) To hire employees, elect or appoint officers, fix
447 compensation, define duties, grant such individuals
448 appropriate authority to carry out the purposes of the



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449 compact, and establish the commission's personnel policies and
450 programs relating to conflicts of interest, qualifications of
451 personnel, and other related personnel matters.

452 (12) To assess and collect fees.

453 (13) To accept, receive, utilize, dispose of all
454 appropriate gifts, donations, grants of money, other sources
455 of revenue, equipment, supplies, materials, and services;
456 provided, that at all times the commission shall avoid any
457 appearance of impropriety or conflict of interest.

458 (14) To lease, purchase, retain, own, hold, improve, or
459 use any property, real, personal, or mixed, or any undivided
460 interest in property.

461 (15) To sell, convey, mortgage, pledge, lease,
462 exchange, abandon, or otherwise dispose of any property, real,
463 personal, or mixed.

464 (16) To establish a budget and make expenditures.

465 (17) To borrow money.

466 (18) To appoint committees, including standing
467 committees, composed of members, state regulators, state
468 legislators, or their representatives, and consumer
469 representatives, and other interested persons as may be
470 designated in this compact and the bylaws.

471 (19) To accept and transmit complaints from the public,
472 regulatory or law enforcement agencies, or the commission, to
473 the relevant member state or states regarding potential
474 misconduct of licensees.

475 (20) To elect a chair, vice chair, secretary,
476 treasurer, and other officers of the commission as provided in



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477 the commission's bylaws.

478 (21) To establish and elect an executive committee,
479 including a chair and a vice chair.

480 (22) To adopt and provide to the member states an
481 annual report.

482 (23) To determine whether a state's adopted language is
483 materially different from the model compact language such that
484 the state would not qualify for participation in the compact.

485 (24) To perform other functions as may be necessary or
486 appropriate to achieve the purposes of this compact.

487 (d) The executive committee.

488 (1) The executive committee shall have the power to act
489 on behalf of the commission according to the terms of this
490 compact. The powers, duties, and responsibilities of the
491 executive committee shall include:

492 a. Overseeing the day-to-day activities of the
493 administration of the compact, including compliance with the
494 provisions of the compact, the commission's rules and bylaws,
495 and other duties as deemed necessary.

496 b. Recommending to the commission changes to the rules
497 or bylaws, changes to this compact legislation, fees charged
498 to compact member states, fees charged to licensees, and other
499 fees.

500 c. Ensuring compact administration services are
501 appropriately provided, including by contract.

502 d. Preparing and recommending the budget.

503 e. Maintaining financial records on behalf of the
504 commission.



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505 f. Monitoring compact compliance of member states and
506 providing compliance reports to the commission.

507 g. Establishing additional committees as necessary.

508 h. Exercising the powers and duties of the commission
509 during the interim between commission meetings, except for
510 adopting or amending rules, adopting or amending bylaws, and
511 exercising any other powers and duties expressly reserved to
512 the commission by rule or bylaw.

513 i. Other duties as provided in the rules or bylaws of
514 the commission.

515 (2) The executive committee shall be composed of seven
516 voting members and up to two ex officio members as follows:

517 a. The chair and vice chair of the commission and any
518 other members of the commission who serve on the executive
519 committee shall be voting members of the executive committee.

520 b. Other than the chair, vice chair, secretary, and
521 treasurer, the commission shall elect three voting members
522 from the current membership of the commission.

523 c. The commission may elect ex officio, nonvoting
524 members as necessary as follows:

525 1. One ex officio member who is a representative of the
526 Federation of State Massage Therapy Boards.

527 2. One ex officio member as specified in the
528 commission's bylaws.

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

531 (4) The executive committee shall meet at least
532 annually.



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533 a. Executive committee meetings shall be open to the
534 public, except that the executive committee may meet in a
535 closed, nonpublic session of a public meeting when dealing
536 with any of the matters covered under subdivision (f)(4).

537 b. The executive committee shall give five business
538 days' advance notice of its public meetings, posted on its
539 website and as determined to provide notice to persons with an
540 interest in the public matters the executive committee intends
541 to address at those meetings.

542 (5) The executive committee may hold an emergency
543 meeting when acting for the commission to:

544 a. Meet an imminent threat to public health, safety, or
545 welfare.

546 b. Prevent a loss of commission or participating state
547 funds.

548 c. Protect public health and safety.

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

551 (f) Meetings of the commission.

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

556 (2) Notwithstanding subdivision (1), the commission may
557 convene an emergency public meeting by providing at least 24
558 hours' prior notice on the commission's website, and any other
559 means as provided in the commission's rules, for any of the
560 reasons it may dispense with notice of proposed rulemaking



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561 under Section 34-43A-59(1). The commission's legal counsel
562 shall certify that one of the reasons justifying an emergency
563 public meeting has been met.

564 (3) Notice of all commission meetings shall provide the
565 time, date, and location of the meeting, and, if the meeting
566 is to be held or accessible via telecommunication, video
567 conference, or other electronic means, the notice shall
568 include the mechanism for access to the meeting.

569 (4) The commission may convene in a closed, nonpublic
570 meeting for the commission to discuss:

571 a. Noncompliance of a member state with its obligations
572 under the compact.

573 b. The employment, compensation, discipline, or other
574 matters, practices, or procedures related to specific
575 employees, or other matters related to the commission's
576 internal personnel practices and procedures.

577 c. Current or threatened discipline of a licensee by
578 the commission or by a member state's licensing authority.

579 d. Current, threatened, or reasonably anticipated
580 litigation.

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

583 f. Accusing any person of a crime or formally censuring
584 any person.

585 g. Trade secrets or commercial or financial information
586 that is privileged or confidential.

587 h. Information of a personal nature where disclosure
588 would constitute a clearly unwarranted invasion of personal



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589 privacy.

590 i. Investigative records compiled for law enforcement
591 purposes.

592 j. Information related to any investigative reports
593 prepared by, or on behalf of, or for use of the commission or
594 other committee charged with responsibility of investigation
595 or determination of compliance issues pursuant to the compact.

596 k. Legal advice.

597 l. Matters specifically exempted from disclosure to the
598 public by federal or member state law.

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

600 (5) If a meeting, or portion of a meeting, is closed,
601 the presiding officer shall state that the meeting will be
602 closed and reference each relevant exempting provision, and
603 each reference shall be recorded in the minutes.

604 (6) The commission shall keep minutes that fully and
605 clearly describe all matters discussed in a meeting and shall
606 provide a full and accurate summary of actions taken, and the
607 reasons for those actions, including a description of the
608 views expressed. All documents considered in connection with
609 an action shall be identified in the minutes. All minutes and
610 documents of a closed meeting shall remain under seal, subject
611 to release only by a majority vote of the commission or order
612 of a court of competent jurisdiction.

613 (g) Financing of the commission.

614 (1) The commission shall pay, or provide for the
615 payment of, the reasonable expenses of its establishment,
616 organization, and ongoing activities.



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617 (2) The commission may accept any and all appropriate
618 sources of revenue, donations, and grants of money, equipment,
619 supplies, materials, and services.

620 (3) The commission may levy on and collect an annual
621 assessment from each member state and impose fees on licensees
622 of member states to whom it grants a multistate license to
623 cover the cost of the operations and activities of the
624 commission and its staff, which must be in a total amount
625 sufficient to cover its annual budget as approved each year
626 for which revenue is not provided by other sources. The
627 aggregate annual assessment amount for member states shall be
628 allocated based upon a formula that the commission shall adopt
629 by rule.

630 (4) The commission shall not incur obligations of any
631 kind prior to securing the funds adequate to meet them, nor
632 shall the commission pledge the credit of any member states,
633 except by and with the authority of the member state.

634 (5) The commission shall keep accurate accounts of all
635 receipts and disbursements. The receipts and disbursements of
636 the commission shall be subject to the financial review and
637 accounting procedures established under its bylaws. All
638 receipts and disbursements of funds handled by the commission
639 shall be subject to an annual financial review by a certified
640 or licensed public accountant, and the report of the financial
641 review shall be included in and become part of the annual
642 report of the commission.

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

644 (1) The members, officers, executive director,



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645 employees, and representatives of the commission shall be
646 immune from suit and liability, both personally and in their
647 official capacity, for any claim for damage to or loss of
648 property or personal injury or other civil liability caused by
649 or arising out of any actual or alleged act, error, or
650 omission that occurred, or that the individual against whom
651 the claim is made had a reasonable basis for believing
652 occurred within the scope of commission employment, duties, or
653 responsibilities; provided, that nothing in this subdivision
654 shall be construed to protect any individual from suit or
655 liability for any damage, loss, injury, or liability caused by
656 the intentional, willful, or wanton misconduct of that
657 individual. The procurement of insurance of any type by the
658 commission shall not in any way compromise or limit the
659 immunity granted hereunder.

660 (2) The commission shall defend any member, officer,
661 executive director, employee, and representative of the
662 commission in any civil action seeking to impose liability
663 arising out of any actual or alleged act, error, or omission
664 that occurred within the scope of commission employment,
665 duties, or responsibilities, or as determined by the
666 commission that the individual against whom the claim is made
667 had a reasonable basis for believing occurred within the scope
668 of commission employment, duties, or responsibilities;
669 provided, that nothing herein shall be construed to prohibit
670 that individual from retaining their own counsel at their own
671 expense; and provided further, that the actual or alleged act,
672 error, or omission did not result from that individual's



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673 intentional, willful, or wanton misconduct.

674 (3) The commission shall indemnify and hold harmless
675 any member, officer, executive director, employee, or
676 representative of the commission for the amount of any
677 settlement or judgment obtained against that individual
678 arising out of any actual or alleged act, error, or omission
679 that occurred within the scope of commission employment,
680 duties, or responsibilities, or that such individual had a
681 reasonable basis for believing occurred within the scope of
682 commission employment, duties, or responsibilities; provided,
683 that the actual or alleged act, error, or omission did not
684 result from the intentional, willful, or wanton misconduct of
685 that individual.

686 (4) Nothing herein shall be construed as a limitation
687 on the liability of any licensee for professional malpractice
688 or misconduct, which shall be governed solely by any other
689 applicable state laws.

690 (5) Nothing in this compact shall be interpreted to
691 waive or otherwise abrogate a member state's immunity or
692 affirmative defense with respect to antitrust claims under the
693 Sherman Act, Clayton Act, or any other state or federal
694 antitrust or anticompetitive law or rule.

695 (6) Nothing in this compact shall be construed to be a
696 waiver of sovereign immunity by the member states or by the
697 commission.

698 §34-43A-58. Data system.

699 (a) The commission shall provide for the development,
700 maintenance, operation, and utilization of a coordinated



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701 database and reporting system.

702 (b) The commission shall assign each applicant for a
703 multistate license a unique identifier, as determined by the
704 rules of the commission.

705 (c) Notwithstanding any other provision of state law to
706 the contrary, a member state shall submit a uniform data set
707 to the data system on all individuals to whom this compact is
708 applicable as required by the rules of the commission,
709 including:

710 (1) Identifying information.

711 (2) Licensure data.

712 (3) Adverse actions against a license and information
713 related those actions.

714 (4) Nonconfidential information related to alternative
715 program participation, the beginning and ending dates of
716 participation, and other information related to participation.

717 (5) Any denial of application for licensure, and the
718 reasons for denial, excluding the reporting of any criminal
719 history record information where prohibited by law.

720 (6) The existence of investigative information.

721 (7) The existence or presence of current significant
722 investigative information.

723 (8) Other information that may facilitate the
724 administration of this compact, or the protection of the
725 public, as determined by the rules of the commission.

726 (d) The records and information provided to a member
727 state pursuant to this compact or through the data system,
728 when certified by the commission or its agent, shall



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729 constitute the authenticated business records of the
730 commission and shall be entitled to any associated hearsay
731 exception in any relevant judicial, quasi-judicial, or
732 administrative proceedings in a member state.

733 (e) The existence of current significant investigative
734 information and the existence of investigative information
735 pertaining to a licensee in any member state will only be
736 available to other member states.

737 (f) It is the responsibility of the member states to
738 report any adverse action against a licensee who holds a
739 multistate license and to monitor the database to determine
740 whether adverse action has been taken against such a licensee
741 or license applicant. Adverse action information pertaining to
742 a licensee or license applicant in any member state will be
743 available to any other member state.

744 (g) Member states contributing information to the data
745 system may designate information that may not be shared with
746 the public without the express permission of the contributing
747 state.

748 (h) Any information submitted to the data system that
749 is subsequently expunged pursuant to federal law or the laws
750 of the member state contributing the information shall be
751 removed from the data system.

752 §34-43A-59. Rulemaking.

753 (a) The commission shall adopt reasonable rules in
754 order to effectively and efficiently implement and administer
755 the purposes and provisions of the compact. A rule shall be
756 invalid and have no force or effect only if a court of



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757 competent jurisdiction holds that the rule is invalid because
758 the commission exercised its rulemaking authority in a manner
759 that is beyond the scope and purposes of the compact, or the
760 powers granted hereunder, or based upon another applicable
761 standard of review.

762 (b) The rules of the commission shall have the force of
763 law in each member state; provided, however, that where the
764 rules of the commission conflict with the laws of the member
765 state that establish the member state's scope of practice as
766 held by a court of competent jurisdiction, the rules of the
767 commission shall be ineffective in that state to the extent of
768 the conflict.

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

773 (d) If a majority of the legislatures of the member
774 states rejects a rule, or portion of a rule, by enactment of a
775 statute or resolution in the same manner used to adopt the
776 compact within four years of the date of adoption of the rule,
777 then that rule shall have no further force and effect in any
778 member state or in any state applying to participate in the
779 compact.

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

782 (f) Prior to adoption of a proposed rule, the
783 commission shall hold a public hearing and allow individuals
784 to provide oral and written comments, data, facts, opinions,



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785 and arguments.

786 (g) Prior to adoption of a proposed rule by the
787 commission, and at least 30 days in advance of the meeting at
788 which the commission will hold a public hearing on the
789 proposed rule, the commission shall provide a notice of
790 proposed rulemaking:

791 (1) On the website of the commission or other publicly
792 accessible platform.

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

795 (3) In such other ways as the commission may specify by
796 rule.

797 (h) The notice of proposed rulemaking shall include:

798 (1) The time, date, and location of the public hearing
799 at which the commission will hear public comments on the
800 proposed rule and, if different, the time, date, and location
801 of the meeting where the commission will consider and vote on
802 the proposed rule.

803 (2) If the hearing is held via telecommunication, video
804 conference, or other electronic means, the commission shall
805 include the mechanism for access to the hearing in the notice
806 of proposed rulemaking.

807 (3) The text of the proposed rule and the reason
808 therefor.

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

811 (5) The manner in which interested persons may submit
812 written comments.



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813 (i) All hearings shall be recorded. A copy of the
814 recording and all written comments and documents received by
815 the commission in response to the proposed rule shall be
816 available to the public.

817 (j) Nothing in this section shall be construed as
818 requiring a separate hearing on each rule. Rules may be
819 grouped for the convenience of the commission at hearings
820 required by this section.

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

824 (1) The commission may adopt changes to the proposed
825 rule provided the changes do not enlarge the original purpose
826 of the proposed rule.

827 (2) The commission shall provide an explanation of the
828 reasons for substantive changes made to the proposed rule as
829 well as reasons for substantive changes not made that were
830 recommended by commenters.

831 (3) The commission shall determine a reasonable
832 effective date for the rule. Except for an emergency as
833 provided in subsection (1), the effective date of the rule
834 shall be no sooner than 30 days after the commission issues
835 the notice that it adopted or amended the rule.

836 (1) Upon determination that an emergency exists, the
837 commission may consider and adopt an emergency rule with
838 24-hours' notice, provided that the usual rulemaking
839 procedures provided in the compact and in this section shall
840 be retroactively applied to the rule as soon as reasonably



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841 possible, in no event later than 90 days after the effective
842 date of the rule. For the purposes of this provision, an
843 emergency rule is one that must be adopted immediately to do
844 any of the following:

845 (1) Meet an imminent threat to public health, safety,
846 or welfare.

847 (2) Prevent a loss of commission or member state funds.

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

850 (4) Protect public health and safety.

851 (m) The commission or an authorized committee of the
852 commission may direct revisions to a previously adopted rule
853 for purposes of correcting typographical errors, errors in
854 format, errors in consistency, or grammatical errors. Public
855 notice of any revisions shall be posted on the website of the
856 commission. The revision shall be subject to challenge by any
857 person for a period of 30 days after posting. The revision may
858 be challenged only on grounds that the revision results in a
859 material change to a rule. A challenge shall be made in
860 writing and delivered to the commission prior to the end of
861 the notice period. If no challenge is made, the revision shall
862 take effect without further action. If the revision is
863 challenged, the revision may not take effect without the
864 approval of the commission.

865 (n) No member state's rulemaking requirements shall
866 apply under this compact.

867 §34-43A-60. Oversight, dispute resolution, and
868 enforcement.



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869 (a) Oversight.

870 (1) The executive and judicial branches of state
871 government in each member state shall enforce this compact and
872 take all actions necessary and appropriate to implement the
873 compact.

874 (2) Venue is proper and judicial proceedings by or
875 against the commission shall be brought solely and exclusively
876 in a court of competent jurisdiction where the principal
877 office of the commission is located. The commission may waive
878 venue and jurisdictional defenses to the extent it adopts or
879 consents to participate in alternative dispute resolution
880 proceedings. Nothing herein shall affect or limit the
881 selection or propriety of venue in any action against a
882 licensee for professional malpractice, misconduct, or any
883 similar matter.

884 (3) The commission shall be entitled to receive service
885 of process in any proceeding regarding the enforcement or
886 interpretation of the compact and shall have standing to
887 intervene in such a proceeding for all purposes. Failure to
888 provide the commission service of process shall render a
889 judgment or order void as to the commission, this compact, or
890 adopted rules.

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

892 (1) If the commission determines that a member state
893 has defaulted in the performance of its obligations or
894 responsibilities under this compact or the adopted rules, the
895 commission shall provide written notice to the defaulting
896 state. The notice of default shall describe the default, the



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897 proposed means of curing the default, and any other action
898 that the commission may take and shall offer training and
899 specific technical assistance regarding the default.

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

902 (c) If a state in default fails to cure the default,
903 the defaulting state may be terminated from the compact upon
904 an affirmative vote of a majority of the delegates of the
905 member states, and all rights, privileges, and benefits
906 conferred on that state by this compact may be terminated on
907 the effective date of termination. A cure of the default does
908 not relieve the offending state of obligations or liabilities
909 incurred during the period of default.

910 (d) Termination of membership in the compact shall be
911 imposed only after all other means of securing compliance have
912 been exhausted. Notice of intent to suspend or terminate shall
913 be given by the commission to the governor, the majority and
914 minority leaders of the defaulting state's legislature, the
915 defaulting state's licensing authority, and each of the member
916 states' licensing authority.

917 (e) A state that has been terminated is responsible for
918 all assessments, obligations, and liabilities incurred through
919 the effective date of termination, including obligations that
920 extend beyond the effective date of termination.

921 (f) Upon the termination of a state's membership from
922 this compact, that state shall immediately provide notice to
923 all licensees who hold a multistate license within that state
924 of such termination. The terminated state shall continue to



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925 recognize all licenses granted pursuant to this compact for a
926 minimum of 180 days after the date of the notice of
927 termination.

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

932 (h) The defaulting state may appeal the action of the
933 commission by petitioning the United States District Court for
934 the District of Columbia or the federal district where the
935 commission has its principal offices. The prevailing party
936 shall be awarded all costs of such litigation, including
937 reasonable attorney fees.

938 (i) Dispute resolution.

939 (1) Upon request by a member state, the commission
940 shall attempt to resolve disputes related to the compact that
941 arise among member states and between member and non-member
942 states.

943 (2) The commission shall adopt a rule providing for
944 both mediation and binding dispute resolution for disputes as
945 appropriate.

946 (j) Enforcement.

947 (1) The commission, in the reasonable exercise of its
948 discretion, shall enforce the provisions of this compact and
949 the commission's rules.

950 (2) By majority vote as provided by commission rule,
951 the commission may initiate legal action against a member
952 state in default in the United States District Court for the



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953 District of Columbia or the federal district where the
954 commission has its principal offices to enforce compliance
955 with the provisions of the compact and its adopted rules. The
956 relief sought may include both injunctive relief and damages.
957 In the event judicial enforcement is necessary, the prevailing
958 party shall be awarded all costs of litigation, including
959 reasonable attorney fees. The remedies herein shall not be the
960 exclusive remedies of the commission. The commission may
961 pursue any other remedies available under federal or the
962 defaulting member state's law.

963 (3) A member state may initiate legal action against
964 the commission in the United States District Court for the
965 District of Columbia or the federal district where the
966 commission has its principal offices to enforce compliance
967 with the provisions of the compact and its adopted rules. The
968 relief sought may include both injunctive relief and damages.
969 In the event judicial enforcement is necessary, the prevailing
970 party shall be awarded all costs of litigation, including
971 reasonable attorney fees.

972 (4) No individual or entity other than a member state
973 may enforce this compact against the commission.

974 §34-43A-61. Effective date, withdrawal, and amendment.

975 (a) The compact shall come into effect on the date on
976 which the compact statute is enacted into law in the seventh
977 member state.

978 (1) On or after the effective date of the compact, the
979 commission shall convene and review the enactment of each of
980 the charter member states to determine if the statute enacted



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981 by each such charter member state is materially different than
982 the model compact statute.

983 a. A charter member state whose enactment is found to
984 be materially different from the model compact statute shall
985 be entitled to the default process set forth in Section
986 34-43A-60(b).

987 b. If any member state is later found to be in default,
988 or is terminated or withdraws from the compact, the commission
989 shall remain in existence and the compact shall remain in
990 effect even if the number of member states should be less than
991 seven.

992 (2) Member states enacting the compact subsequent to
993 the charter member states shall be subject to the process set
994 forth in Section 34-43A-57(c)(23) to determine if their
995 enactments are materially different from the model compact
996 statute and whether they qualify for participation in the
997 compact.

998 (3) All actions taken for the benefit of the commission
999 or in furtherance of the purposes of the administration of the
1000 compact prior to the effective date of the compact or the
1001 commission coming into existence shall be considered to be
1002 actions of the commission unless specifically repudiated by
1003 the commission.

1004 (4) Any state that joins the compact shall be subject
1005 to the commission's rules and bylaws as they exist on the date
1006 on which the compact becomes law in that state. Any rule that
1007 has been previously adopted by the commission shall have the
1008 full force and effect of law on the day the compact becomes



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1009 law in that state.

1010 (b) Any member state may withdraw from this compact by
1011 enacting a statute repealing that state's enactment of the
1012 compact.

1013 (1) A member state's withdrawal shall not take effect
1014 until 180 days after enactment of the repealing statute.

1015 (2) Withdrawal shall not affect the continuing
1016 requirement of the withdrawing state's licensing authority to
1017 comply with the investigative and adverse action reporting
1018 requirements of this compact prior to the effective date of
1019 withdrawal.

1020 (3) Upon the enactment of a statute in withdrawing from
1021 this compact, a state shall immediately provide notice of such
1022 withdrawal to all licensees within that state. Notwithstanding
1023 any subsequent statutory enactment to the contrary, such
1024 withdrawing state shall continue to recognize all licenses
1025 granted pursuant to this compact for a minimum of 180 days
1026 after the date of such notice of withdrawal.

1027 (c) Nothing contained in this compact shall be
1028 construed to invalidate or prevent any licensure agreement or
1029 other cooperative arrangement between a member state and a
1030 non-member state that does not conflict with the provisions of
1031 this compact.

1032 (d) This compact may be amended by the member states.
1033 No amendment to this compact shall become effective and
1034 binding upon any member state until it is enacted into the
1035 laws of all member states.

1036 §34-43A-62. Construction and severability.



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1037 (a) This compact and the commission's rulemaking
1038 authority shall be liberally construed so as to effectuate the
1039 purposes, the implementation, and the administration of the
1040 compact. Provisions of the compact expressly authorizing or
1041 requiring the adoption of rules shall not be construed to
1042 limit the commission's rulemaking authority solely for those
1043 purposes.

1044 (b) This compact shall be severable and if any phrase,
1045 clause, sentence, or provision of this compact is held by a
1046 court of competent jurisdiction to be contrary to the
1047 constitution of any member state, a state seeking
1048 participation in the compact, or of the United States, or the
1049 applicability thereof to any government, agency, individual,
1050 or circumstance is held to be unconstitutional by a court of
1051 competent jurisdiction, the validity of the remainder of this
1052 compact and its applicability to any other government, agency,
1053 individual, or circumstance shall not be affected thereby.

1054 (c) Notwithstanding subsection (b), the commission may
1055 deny a state's participation in the compact or, in accordance
1056 with the requirements of Section 34-43-60(b), terminate a
1057 member state's participation in the compact, if it determines
1058 that a constitutional requirement of a member state is a
1059 material departure from the compact. Otherwise, if this
1060 compact shall be held to be contrary to the constitution of
1061 any member state, the compact shall remain in full force and
1062 effect as to the remaining member states and in full force and
1063 effect as to the member state affected as to all severable
1064 matters.



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1065 §34-43A-63. Consistent effect and conflict with other
1066 state laws.

1067 (a) Nothing herein shall prevent or inhibit the
1068 enforcement of any other law of a member state that is not
1069 inconsistent with the compact.

1070 (b) Any laws, statutes, rules, or other legal
1071 requirements in a member state in conflict with the compact
1072 are superseded to the extent of the conflict.

1073 (c) All permissible agreements between the commission
1074 and the member states are binding in accordance with their
1075 terms.

1076 Section 3. This act shall become effective on October
1077 1, 2025.