

HB317 INTRODUCED



1 HB317

2 AKMKQ7S-1

3 By Representatives *Gidley, Paschal, Oliver, Robertson, Starnes*

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5 RFD: Boards, Agencies and Commissions

6 First Read: 19-Mar-24



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SYNOPSIS:

This bill would allow the Alabama Board of Examiners for Dietetics/Nutrition Practice to enter into the Dietitian Licensure Compact 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 Examiners for Dietetics/Nutrition Practice; to enter into the Dietician Licensure Compact by adopting Chapter 34B of Title 34, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Chapter 34B, commencing with Section 34-34B-1, is added to Title 34, Code of Alabama 1975, to read as follows:

CHAPTER 34B. DIETITIAN LICENSURE COMPACT

§34-34B-1. Purpose.

(a) The purpose of this compact is to facilitate interstate practice of dietetics with the goal of improving public access to dietetics services. This compact preserves



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29 the regulatory authority of states to protect public health
30 and safety through the current system of state licensure,
31 while also providing for licensure portability through a
32 compact privilege granted to qualifying professionals.

33 (b) This compact is designed to achieve the following
34 objectives:

35 (1) Increase public access to dietetics services.

36 (2) Provide opportunities for interstate practice by
37 licensed dietitians who meet uniform requirements.

38 (3) Eliminate the necessity for licenses in multiple
39 states.

40 (4) Reduce the administrative burden on member states
41 and licensees.

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

44 (6) Encourage the cooperation of member states in
45 regulating multistate practice of licensed dietitians.

46 (7) Support relocating active military members and
47 their spouses.

48 (8) Enhance the exchange of licensure, investigative,
49 and disciplinary information among member states.

50 (9) Vest all member states with the authority to hold a
51 licensed dietitian accountable for meeting all state practice
52 laws in the state in which the patient is located at the time
53 care is rendered.

54 §34-34B-2. Definitions.

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



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57 (1) ACEND. The Accreditation Council for Education in
58 Nutrition and Dietetics or its successor organization.

59 (2) ACTIVE MILITARY MEMBER. Any individual with
60 full-time duty status in the active armed forces of the United
61 States, including members of the National Guard and Reserve.

62 (3) ADVERSE ACTION. Any administrative, civil,
63 equitable, or criminal action permitted by a state's laws
64 which is imposed by a licensing authority or other authority
65 against a licensee, including actions against an individual's
66 license or compact privilege such as revocation, suspension,
67 probation, monitoring of the licensee, limitation on the
68 licensee's practice, or any other encumbrance on a licensure
69 affecting a licensee's authorization to practice, including
70 issuance of a cease and desist action.

71 (4) ALTERNATIVE PROGRAM. A nondisciplinary monitoring
72 or practice remediation process approved by a licensing
73 authority.

74 (5) CDR. The Commission on Dietetic Registration or its
75 successor organization.

76 (6) CHARTER MEMBER STATE. Any member state which
77 enacted this compact by law before the effective date
78 specified in Section 34-34B-12.

79 (7) COMPACT COMMISSION. The governmental agency whose
80 membership consists of all states that have enacted this
81 compact, which is known as the Dietitian Licensure Compact
82 Commission, as described in Section 34-34B-8, and which shall
83 operate as an instrumentality of the member states.

84 (8) COMPACT PRIVILEGE. A legal authorization, which is



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85 equivalent to a license, permitting the practice of dietetics
86 in a remote state.

87 (9) CONTINUING EDUCATION. A requirement, as a condition
88 of license renewal, to provide evidence of participation in,
89 and completion of, educational and professional activities
90 relevant to practice or area of work.

91 (10) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.

92 a. Investigative information that a licensing
93 authority, after a preliminary inquiry that includes
94 notification and an opportunity for the subject licensee to
95 respond, if required by state law, has reason to believe is
96 not groundless and, if proved true, would indicate more than a
97 minor infraction.

98 b. Investigative information that indicates that the
99 subject licensee represents an immediate threat to public
100 health and safety regardless of whether he or she has been
101 notified and had an opportunity to respond.

102 (11) DATA SYSTEM. A repository of information about
103 licensees, including, but not limited to, continuing
104 education, examination, licensure, investigative, compact
105 privilege, and adverse action information.

106 (12) ENCUMBERED LICENSE. A license in which an adverse
107 action restricts a licensee's ability to practice dietetics.

108 (13) ENCUMBRANCE. A revocation or suspension of, or any
109 limitation on a licensee's full and unrestricted practice of
110 dietetics by a licensing authority.

111 (14) EXECUTIVE COMMITTEE. A group of delegates elected
112 or appointed to act on behalf of, and within the powers



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113 granted to them by, this compact and the compact commission.

114 (15) HOME STATE. The member state that is the
115 licensee's primary state of residence or that has been
116 designated pursuant to Section 34-34B-6.

117 (16) INVESTIGATIVE INFORMATION. Information, records,
118 and documents received or generated by a licensing authority
119 pursuant to an investigation.

120 (17) JURISPRUDENCE REQUIREMENT. An assessment of an
121 individual's knowledge of the state laws and rules governing
122 the practice of dietetics in such state.

123 (18) LICENSE. An authorization from a member state to
124 do one of the following:

125 a. Engage in the practice of dietetics, including
126 medical nutrition therapy.

127 b. Use the title "dietitian," "licensed dietitian,"
128 "licensed dietitian nutritionist," "certified dietitian," or
129 other title describing a substantially similar practitioner as
130 the compact commission may further define by rule.

131 (19) LICENSEE or LICENSED DIETITIAN. An individual who
132 currently holds a license and who meets all of the
133 requirements outlined in Section 34-34B-4.

134 (20) LICENSING AUTHORITY. The board or agency of a
135 state, or equivalent, that is responsible for the licensing
136 and regulation of the practice of dietetics.

137 (21) MEMBER STATE. A state that has enacted the
138 compact.

139 (22) PRACTICE OF DIETETICS. The synthesis and
140 application of dietetics, primarily for the provision of



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141 nutrition care services, including medical nutrition therapy,
142 in person or via telehealth, to prevent, manage, or treat
143 diseases or medical conditions and promote wellness.

144 (23) REGISTERED DIETITIAN. A person who meets all of
145 the following requirements:

146 a. Has completed applicable education, experience,
147 examination, and recertification requirements approved by CDR.

148 b. Is credentialed by CDR as a registered dietitian or
149 a registered dietitian nutritionist.

150 c. Is legally authorized to use the title registered
151 dietitian or registered dietitian nutritionist and the
152 corresponding abbreviations "RD" or "RDN."

153 (24) REMOTE STATE. A member state other than the home
154 state, where a licensee is exercising or seeking to exercise a
155 compact privilege.

156 (25) RULE. A regulation adopted by the compact
157 commission that has the force of law.

158 (26) SINGLE-STATE LICENSE. A license issued by a member
159 state within the issuing state. The term does not include a
160 compact privilege in any other member state.

161 (27) STATE. Any state, commonwealth, district, or
162 territory of the United States of America.

163 (28) UNENCUMBERED LICENSE. A license that authorizes a
164 licensee to engage in the full and unrestricted practice of
165 dietetics.

166 §34-34B-3. State Participation in the Compact.

167 (a) To participate in the compact, a state must
168 currently license and regulate the practice of dietetics and



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169 have a mechanism in place for receiving and investigating
170 complaints about licensees.

171 (b) A member state shall do all of the following:

172 (1) Participate fully in the compact commission's data
173 system, including using the unique identifier as defined in
174 rules.

175 (2) Notify the compact commission, in compliance with
176 the terms of the compact and rules, of any adverse action or
177 the availability of current significant investigative
178 information regarding a licensee.

179 (3) Implement or utilize procedures for considering the
180 criminal history record information of applicants for an
181 initial compact privilege. These procedures shall include the
182 submission of fingerprints or other biometric-based
183 information by applicants for the purpose of obtaining an
184 applicant's criminal history record information from the
185 Federal Bureau of Investigation and the agency responsible for
186 retaining that state's criminal records.

187 a. A member state must fully implement a criminal
188 history record information requirement, within a timeframe
189 established by rule, which includes receiving the results of
190 the Federal Bureau of Investigation record search and shall
191 use those results in determining compact privilege
192 eligibility.

193 b. Communication between a member state and the compact
194 commission or among member states regarding the verification
195 of eligibility for a compact privilege shall not include any
196 information received from the Federal Bureau of Investigation



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197 relating to a federal criminal history record information
198 check performed by a member state.

199 (4) Comply with and enforce the rules of the compact
200 commission.

201 (5) Require an applicant for a compact privilege to
202 obtain or retain a license in the licensee's home state and
203 meet the home state's qualifications for licensure or renewal
204 of licensure, as well as all other applicable state laws.

205 (6) Recognize a compact privilege granted to a licensee
206 who meets all of the requirements outlined in Section 34-34B-4
207 in accordance with the terms of the compact and rules.

208 (c) Member states may set and collect a fee for
209 granting a compact privilege.

210 (d) Individuals not residing in a member state shall
211 continue to be able to apply for a member state's single state
212 license as provided under the laws of each member state.
213 However, the single state license granted to these individuals
214 shall not be recognized as granting a compact privilege to
215 engage in the practice of dietetics in any other member state.

216 (e) Nothing in this compact shall affect the
217 requirements established by a member state for the issuance of
218 a single state license.

219 (f) At no point shall the compact commission have the
220 power to define the requirements for the issuance of a single
221 state license to practice dietetics. The member states shall
222 retain sole jurisdiction over the provision of these
223 requirements.

224 §34-34B-4. Compact Privilege.



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225 (a) To exercise the compact privilege under the terms
226 and provisions of the compact, the licensee shall do all of
227 the following:

228 (1) The licensee must do one of the following:

229 a. Hold a valid current registration that gives the
230 applicant the right to use the term "registered dietitian."

231 b. Complete all of the following:

232 1. An education program which is either:

233 (i) A master's degree or doctoral degree that is
234 programatically accredited by ACEND or any other dietetics
235 accrediting agency recognized by the United States Department
236 of Education, which the compact commission may determine by
237 rule, and from a college or university accredited at the time
238 of graduation by the appropriate regional accrediting agency
239 recognized by the Council on Higher Education Accreditation
240 and the United States Department of Education.

241 (ii) An academic degree from a college or university in
242 a foreign country equivalent to the degree described in Item
243 (i) that is programmatically accredited by ACEND or any other
244 dietetics accrediting agency recognized by the United States
245 Department of Education, which the compact commission may
246 determine by rule.

247 2. A planned, documented, and supervised practice
248 experience in dietetics that is programmatically accredited by
249 ACEND or any other dietetics accrediting agency recognized by
250 the United States Department of Education which the compact
251 commission may determine by rule and which involves at least
252 1000 hours of practice experience under the supervision of a



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253 registered dietitian or a licensed dietitian.

254 3. Successful completion of either the Registration
255 Examination for Dietitians administered by CDR or a national
256 credentialing examination for dietitians approved by the
257 compact commission by rule; provided, the completion must be
258 no more than five years prior to the date of the licensee's
259 application for initial licensure and accompanied by a period
260 of continuous licensure thereafter, all of which may be
261 further governed by the rules of the compact commission.

262 (2) Hold an unencumbered license in the home state.

263 (3) Notify the compact commission that the licensee is
264 seeking a compact privilege within one or more remote states.

265 (4) Pay any applicable fees, including any state fee,
266 for the compact privilege.

267 (5) Meet any jurisprudence requirements established by
268 the remote state in which the licensee is seeking a compact
269 privilege.

270 (6) Report to the compact commission any adverse
271 action, encumbrance, or restriction on a license taken by any
272 non-member state within 30 days from the date the action is
273 taken.

274 (b) The compact privilege is valid until the expiration
275 date of the home state license. To maintain a compact
276 privilege, renewal of the compact privilege shall be congruent
277 with the renewal of the home state license as the compact
278 commission may define by rule. The licensee must comply with
279 the requirements of subsection (a) to maintain the compact
280 privilege in the remote state.



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281 (c) A licensee exercising a compact privilege shall
282 adhere to the laws and rules of the remote state. Licensees
283 shall be responsible for educating themselves on, and
284 complying with, any and all state laws relating to the
285 practice of dietetics in the remote state.

286 (d) Notwithstanding anything to the contrary provided
287 in this compact or state law, a licensee exercising a compact
288 privilege shall not be required to complete continuing
289 education requirements required by a remote state. A licensee
290 exercising a compact privilege is only required to meet any
291 continuing education requirements as required by the home
292 state.

293 §34-34B-5. Obtaining a New Home State License Based on
294 a Compact Privilege.

295 (a) A licensee may hold a home state license, which
296 allows for a compact privilege in other member states, in only
297 one member state at a time.

298 (b) If a licensee changes his or her home state by
299 moving between two member states:

300 (1) The licensee shall file an application for
301 obtaining a new home state license based on a compact
302 privilege, pay all applicable fees, and notify the current and
303 new home state in accordance with the rules of the compact
304 commission.

305 (2) Upon receipt of an application for obtaining a new
306 home state license by virtue of a compact privilege, the new
307 home state shall verify that the licensee meets the criteria
308 in Section 34-34B-4 via the data system and require that the



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309 licensee complete all of the following:

310 a. Federal Bureau of Investigation fingerprint-based
311 criminal history record information check.

312 b. Any other criminal history record information
313 required by the new home state.

314 c. Any jurisprudence requirements of the new home
315 state.

316 (3) The former home state shall convert the former home
317 state license into a compact privilege once the new home state
318 has activated the new home state license in accordance with
319 applicable rules adopted by the compact commission.

320 (4) Notwithstanding any other provision of this
321 compact, if the licensee cannot meet the criteria in Section
322 34-34B-4, the new home state may apply its requirements for
323 issuing a new single-state license.

324 (5) The licensee shall pay all applicable fees to the
325 new home state in order to be issued a new home state license.

326 (c) If a licensee changes his or her state of residence
327 by moving from a member state to a non-member state, or from a
328 non-member state to a member state, the state criteria shall
329 apply for issuance of a single state license in the new state.

330 (d) Nothing in this compact shall interfere with a
331 licensee's ability to hold a single-state license in multiple
332 states; however, for the purposes of this compact, a licensee
333 shall have only one home state license.

334 (e) Nothing in this compact shall affect the
335 requirements established by a member state for the issuance of
336 a single-state license.



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337 §34-34B-6. Active Military Members or Their Spouses.

338 An active military member, or his or her spouse, shall
339 designate a home state where the individual has a current
340 license in good standing. The individual may retain the home
341 state designation during the period the service member is on
342 active duty.

343 §34-34B-7. Adverse Actions.

344 (a) In addition to the other powers conferred by state
345 law, a remote state shall have the authority, in accordance
346 with existing state due process law, to do both of the
347 following:

348 (1) Take adverse action against a licensee's compact
349 privilege within that member state.

350 (2) Issue subpoenas for both hearings and
351 investigations that require the attendance and testimony of
352 witnesses, as well as the production of evidence. Subpoenas
353 issued by a licensing authority in a member state for the
354 attendance and testimony of witnesses or the production of
355 evidence from another member state shall be enforced in the
356 latter state by any court of competent jurisdiction, according
357 to the practice and procedure applicable to subpoenas issued
358 in proceedings pending before that court. The issuing
359 authority shall pay any witness fees, travel expenses,
360 mileage, and other fees required by the service statutes of
361 the state in which the witnesses or evidence are located.

362 (b) Only the home state shall have the power to take
363 adverse action against a licensee's home state license.

364 (c) For purposes of taking adverse action, the home



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365 state shall give the same priority and effect to reported
366 conduct received from a member state as it would if the
367 conduct had occurred within the home state. In so doing, the
368 home state shall apply its own state laws to determine
369 appropriate action.

370 (d) The home state shall complete any pending
371 investigations of a licensee who changes home states during
372 the course of the investigations. The home state shall also
373 have authority to take appropriate action and shall promptly
374 report the conclusions of the investigations to the
375 administrator of the data system. The administrator of the
376 data system shall promptly notify the new home state of any
377 adverse actions.

378 (e) A member state, if otherwise permitted by state
379 law, may recover from the affected licensee the costs of
380 investigations and dispositions of cases resulting from any
381 adverse action taken against that licensee.

382 (f) A member state may take adverse action based on the
383 factual findings of another remote state, provided that the
384 member state follows its own procedures for taking the adverse
385 action.

386 (g) Joint investigations.

387 (1) In addition to the authority granted to a member
388 state by its respective state law, any member state may
389 participate with other member states in joint investigations
390 of licensees.

391 (2) Member states shall share any investigative,
392 litigation, or compliance materials in furtherance of any



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393 joint investigation initiated under the compact.

394 (h) If adverse action is taken by the home state
395 against a licensee's home state license resulting in an
396 encumbrance on the home state license, the licensee's compact
397 privilege in all other member states shall be revoked until
398 all encumbrances have been removed from the home state
399 license. All home state disciplinary orders that impose
400 adverse action against a licensee shall include a statement
401 that the licensee's compact privileges are revoked in all
402 member states during the pendency of the order.

403 (i) Once an encumbered license in the home state is
404 restored to an unencumbered license, as certified by the home
405 state's licensing authority, the licensee must meet the
406 requirements of Section 34-34B-4(a) and follow the
407 administrative requirements to reapply to obtain a compact
408 privilege in any remote state.

409 (j) If a member state takes adverse action, it shall
410 promptly notify the administrator of the data system. The
411 administrator of the data system shall promptly notify the
412 other member states of any adverse actions.

413 (k) Nothing in this compact shall override a member
414 state's decision that participation in an alternative program
415 may be used in lieu of adverse action.

416 §34-34B-8. Establishment of the Dietitian Licensure
417 Compact Commission.

418 (a) The compact member states hereby create and
419 establish a joint governmental agency whose membership
420 consists of all member states that have enacted the compact



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421 known as the Dietitian Licensure Compact Commission. The
422 compact commission is an instrumentality of the compact states
423 acting jointly and not an instrumentality of any one state.
424 The compact commission shall come into existence on or after
425 the effective date of the compact as set forth in Section
426 34-34B-12.

427 (b) Membership, voting, and meetings.

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

430 (2) The delegate shall be the primary administrator of
431 the licensing authority or his or her designee.

432 (3) The compact commission shall by rule or bylaw
433 establish a term of office for delegates and may by rule or
434 bylaw establish term limits.

435 (4) The compact commission may recommend removal or
436 suspension of any delegate from office.

437 (5) A member state's licensing authority shall fill any
438 vacancy of its delegate occurring on the compact commission
439 within 60 days of the vacancy.

440 (6) Each delegate shall be entitled to one vote on all
441 matters before the compact commission requiring a vote by the
442 delegates.

443 (7) Delegates shall meet and vote by such means as set
444 forth in the bylaws. The bylaws may provide for delegates to
445 meet and vote in-person or by telecommunication, video
446 conference, or other means of communication.

447 (8) The compact commission shall meet at least once
448 during each calendar year. Additional meetings may be held as



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449 set forth in the bylaws. The compact commission may meet in
450 person or by telecommunication, video conference, or other
451 means of communication.

452 (c) The compact commission shall have all of the
453 following powers:

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

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

458 (3) Establish and amend rules and bylaws.

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

461 (5) Meet and take action consistent with the provisions
462 of this compact, the compact commission's rules, and the
463 bylaws.

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

468 (7) Maintain and certify records and information
469 provided to a member state as the authenticated business
470 records of the compact commission, and designate an agent to
471 do so on behalf of the compact commission.

472 (8) Purchase and maintain insurance and bonds.

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

476 (10) Conduct an annual financial review.



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477 (11) Hire employees, elect or appoint officers, fix
478 compensation, define duties, grant those individuals
479 appropriate authority to carry out the purposes of the
480 compact, and establish the compact commission's personnel
481 policies and programs relating to conflicts of interest,
482 qualifications of personnel, and other related personnel
483 matters.

484 (12) Assess and collect fees.

485 (13) Accept any and all appropriate donations, grants
486 of money, other sources of revenue, equipment, supplies,
487 materials, services, and gifts, and receive, utilize, and
488 dispose of the same; provided, that at all times the compact
489 commission shall avoid any actual or appearance of impropriety
490 or conflict of interest.

491 (14) Lease, purchase, retain, own, hold, improve, or
492 use any property, real, personal, or mixed, or any undivided
493 interest in property.

494 (15) Sell, convey, mortgage, pledge, lease, exchange,
495 abandon, or otherwise dispose of any property real, personal,
496 or mixed.

497 (16) Establish a budget and make expenditures.

498 (17) Borrow money.

499 (18) Appoint committees, including standing committees,
500 composed of members, state regulators, state legislators or
501 his or her representatives, consumer representatives, and
502 other interested persons as may be designated in this compact
503 or the bylaws.

504 (19) Provide and receive information from, and



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505 cooperate with, law enforcement agencies.

506 (20) Establish and elect an executive committee,
507 including a chair and a vice chair.

508 (21) Determine whether a state's adopted language is
509 materially different from the model compact language such that
510 the state would not qualify for participation in the compact.

511 (22) Perform other functions as may be necessary or
512 appropriate to achieve the purposes of this compact.

513 (d) The Executive Committee.

514 (1) The executive committee shall have the power to act
515 on behalf of the compact commission according to the terms of
516 this compact. The powers, duties, and responsibilities of the
517 executive committee shall include all of the following:

518 a. Oversee the day-to-day activities of the
519 administration of the compact, including enforcement and
520 compliance with the provisions of the compact, its rules and
521 bylaws, and other duties as deemed necessary.

522 b. Recommend to the compact commission changes to the
523 rules or bylaws, changes to this compact legislation, fees
524 charged to compact member states, fees charged to licensees,
525 and other fees.

526 c. Ensure compact administration services are
527 appropriately provided, including by contract.

528 d. Prepare and recommend the budget.

529 e. Maintain financial records on behalf of the compact
530 commission.

531 f. Monitor compact compliance of member states and
532 provide compliance reports to the compact commission.



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533 g. Establish additional committees as necessary.

534 h. Exercise the powers and duties of the compact
535 commission during the interim between compact commission
536 meetings, except for adopting or amending rules, adopting or
537 amending bylaws, and exercising any other powers and duties
538 expressly reserved to the compact commission by rule or bylaw.

539 i. Other duties as provided in the rules or bylaws of
540 the compact commission.

541 (2) The executive committee shall be composed of nine
542 members:

543 a. The chair and vice chair of the compact commission
544 shall be voting members of the executive committee.

545 b. Five voting members from the current membership of
546 the compact commission, elected by the compact commission.

547 c. One ex officio, nonvoting member from a recognized
548 professional association representing dietitians.

549 d. One ex officio, nonvoting member from a recognized
550 national credentialing organization for dietitians.

551 (3) The compact commission may remove any member of the
552 executive committee as provided in the compact commission's
553 bylaws.

554 (4) The executive committee shall meet at least
555 annually.

556 a. Executive committee meetings shall be open to the
557 public, except that the executive committee may meet in a
558 closed, nonpublic meeting as provided in subdivision (f)(2).

559 b. The executive committee shall give 30-days' notice
560 of its meetings, posted on the website of the compact



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561 commission and as determined to provide notice to persons with
562 an interest in the business of the compact commission.

563 c. The executive committee may hold a special meeting
564 in accordance with paragraph (f)(1)b.

565 (e) The compact commission shall adopt and provide to
566 the member states an annual report.

567 (f) Meetings of the Compact Commission.

568 (1) All meetings shall be open to the public, except
569 that the compact commission may meet in a closed, non-public
570 meeting as provided in subdivision (2).

571 a. Public notice for all meetings of the full compact
572 commission shall be given in the same manner as required under
573 the rulemaking provisions in Section 34-34B-10, except that
574 the compact commission may hold a special meeting as provided
575 in paragraph (f)(1)b.

576 b. The compact commission may hold a special meeting
577 when it must meet to conduct emergency business by giving 24-
578 hours' notice to all member states, on the compact
579 commission's website, and other means as provided in the
580 compact commission's rules. The compact commission's legal
581 counsel shall certify that the compact commission's need to
582 meet qualifies as an emergency.

583 (2) The compact commission, the executive committee, or
584 other committees of the compact commission may convene in a
585 closed, nonpublic meeting for the compact commission,
586 executive committee, or other committees of the compact
587 commission to receive legal advice or to discuss the
588 following:



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589 a. Noncompliance of a member state with its obligations
590 under the compact.

591 b. The employment, compensation, discipline, or other
592 matters, practices, or procedures related to specific
593 employees.

594 c. Current or threatened discipline of a licensee by
595 the compact commission or by a member state's licensing
596 authority.

597 d. Current, threatened, or reasonably anticipated
598 litigation.

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

601 f. Accusing any individual of a crime or formally
602 censuring any individual.

603 g. Trade secrets or commercial or financial information
604 that is privileged or confidential.

605 h. Information of a personal nature where disclosure
606 would constitute a clearly unwarranted invasion of personal
607 privacy.

608 i. Investigative records compiled for law enforcement
609 purposes.

610 j. Information related to any investigative reports
611 prepared by or on behalf of or for use of the compact
612 commission or other committee charged with responsibility of
613 investigation or determination of compliance issues pursuant
614 to the compact.

615 k. Matters specifically exempted from disclosure by
616 federal or member state law.



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617 1. Other matters as specified in the rules of the
618 compact commission.

619 (3) If a meeting, or portion of a meeting, is closed,
620 the presiding officer shall state that the meeting will be
621 closed and reference each relevant exempting provision, and
622 such reference shall be recorded in the minutes.

623 (4) The compact commission shall keep minutes that
624 fully and clearly describe all matters discussed in a meeting
625 and shall provide a full and accurate summary of actions
626 taken, and the reasons therefore, including a description of
627 the views expressed. All documents considered in connection
628 with an action shall be identified in such minutes. All
629 minutes and documents of a closed meeting shall remain under
630 seal, subject to release only by a majority vote of the
631 compact commission or order of a court of competent
632 jurisdiction.

633 (g) Financing of the compact commission.

634 (1) The compact commission shall pay, or provide for
635 the payment of, the reasonable expenses of its establishment,
636 organization, and ongoing activities.

637 (2) The compact commission may accept any and all
638 appropriate revenue sources as provided in subdivision
639 (c) (13).

640 (3) The compact commission may levy on and collect an
641 annual assessment from each member state and impose fees on
642 licensees of member states to whom it grants a compact
643 privilege to cover the cost of the operations and activities
644 of the compact commission and its staff, which must, in a



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645 total amount, be sufficient to cover its annual budget as
646 approved each year for which revenue is not provided by other
647 sources. The aggregate annual assessment amount for member
648 states shall be allocated based upon a formula that the
649 compact commission shall adopt by rule.

650 (4) The compact commission shall not incur obligations
651 of any kind prior to securing the funds adequate to meet those
652 obligations; nor shall the compact commission pledge the
653 credit of any of the member states, except by and with the
654 authority of the member state.

655 (5) The compact commission shall keep accurate accounts
656 of all receipts and disbursements. The receipts and
657 disbursements of the compact commission shall be subject to
658 the financial review and accounting procedures established
659 under its bylaws. However, all receipts and disbursements of
660 funds handled by the compact commission shall be subject to an
661 annual financial review by a certified or licensed public
662 accountant, and the report of the financial review shall be
663 included in and become part of the annual report of the
664 compact commission.

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

666 (1) The members, officers, executive director,
667 employees, and representatives of the compact commission shall
668 be immune from suit and liability, both personally and in
669 their official capacities, for any claim for damage to or loss
670 of property or personal injury or other civil liability caused
671 by or arising out of any actual or alleged act, error, or
672 omission that occurred, or that the individual against whom



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673 the claim is made had a reasonable basis for believing
674 occurred within the scope of compact commission employment,
675 duties, or responsibilities; provided, that nothing in this
676 subdivision shall be construed to protect any individual from
677 suit or liability for any damage, loss, injury, or liability
678 caused by the intentional, willful, or wanton misconduct of
679 that individual. The procurement of insurance of any type by
680 the compact commission shall not in any way compromise or
681 limit the immunity granted under this subsection.

682 (2) The compact commission shall defend any member,
683 officer, executive director, employee, and representative of
684 the compact commission in any civil action seeking to impose
685 liability arising out of any actual or alleged act, error, or
686 omission that occurred within the scope of compact commission
687 employment, duties, or responsibilities, or as determined by
688 the compact commission that the person against whom the claim
689 is made had a reasonable basis for believing occurred within
690 the scope of compact commission employment, duties, or
691 responsibilities; provided, that nothing in this subdivision
692 shall be construed to prohibit that individual from retaining
693 his or her own counsel at his or her own expense; and provided
694 further, that the actual or alleged act, error, or omission
695 did not result from that individual's intentional, willful, or
696 wanton misconduct.

697 (3) The compact commission shall indemnify and hold
698 harmless any member, officer, executive director, employee,
699 and representative of the compact commission for the amount of
700 any settlement or judgment obtained against that individual



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701 arising out of any actual or alleged act, error, or omission
702 that occurred within the scope of compact commission
703 employment, duties, or responsibilities, or that such
704 individual had a reasonable basis for believing occurred
705 within the scope of compact commission employment, duties, or
706 responsibilities; provided, that the actual or alleged act,
707 error, or omission did not result from the intentional,
708 willful, or wanton misconduct of that individual.

709 (4) Nothing in this subsection shall be construed as a
710 limitation on the liability of any licensee for professional
711 malpractice or misconduct, which shall be governed solely by
712 any other applicable state laws.

713 (5) Nothing in this compact shall be interpreted to
714 waive or otherwise abrogate a member state's state action
715 immunity or state action affirmative defense with respect to
716 antitrust claims under the Sherman Act, Clayton Act, or any
717 other state or federal antitrust or anticompetitive law or
718 rule.

719 (6) Nothing in this compact shall be construed to be a
720 waiver of sovereign immunity by the member states or by the
721 compact commission.

722 §34-34B-9. Data System.

723 (a) The compact commission shall provide for the
724 development, maintenance, operation, and utilization of a
725 coordinated data system.

726 (b) The compact commission shall assign each applicant
727 for a compact privilege a unique identifier, as determined by
728 the rules.



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729 (c) Notwithstanding any other provision of state law to
730 the contrary, a member state shall submit a uniform data set
731 to the data system on all individuals to whom this compact is
732 applicable as required by the rules of the compact commission,
733 including all of the following:

734 (1) Identifying information.

735 (2) Licensure data.

736 (3) Adverse actions against a license or compact
737 privilege and information related thereto.

738 (4) Nonconfidential information related to alternative
739 program participation, the beginning and ending dates of
740 participation, and other information related to participation
741 not made confidential under member state law.

742 (5) Any denial of application for licensure, and the
743 reason or reasons for the denial.

744 (6) The presence of current significant investigative
745 information.

746 (7) Other information that may facilitate the
747 administration of this compact or the protection of the
748 public, as determined by the rules of the compact commission.

749 (d) The records and information provided to a member
750 state pursuant to this compact or through the data system,
751 when certified by the compact commission or its agent, shall
752 constitute the authenticated business records of the compact
753 commission, and shall be entitled to any associated hearsay
754 exception in any relevant judicial, quasi-judicial, or
755 administrative proceedings in a member state.

756 (e) Current significant investigative information



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757 pertaining to a licensee in any member state will only be
758 available to other member states.

759 (f) It is the responsibility of the member states to
760 report any adverse action against a licensee and to monitor
761 the data system to determine whether any adverse action has
762 been taken against a licensee. Adverse action information
763 pertaining to a licensee in any member state will be available
764 to any other member state.

765 (g) Member states contributing information to the data
766 system may designate information that may not be shared with
767 the public without the express permission of the contributing
768 state.

769 (h) Any information submitted to the data system that
770 is subsequently expunged pursuant to federal law or the laws
771 of the member state contributing the information shall be
772 removed from the data system.

773 §34-34B-10. Rulemaking.

774 (a) The compact commission shall adopt reasonable rules
775 in order to effectively and efficiently implement and
776 administer the purposes and provisions of this compact. A rule
777 shall be invalid and have no force or effect only if a court
778 of competent jurisdiction holds that the rule is invalid
779 because the compact commission exercised its rulemaking
780 authority in a manner that is beyond the scope and purposes of
781 the compact, or the powers granted under the contract, or
782 based upon another applicable standard of review.

783 (b) The rules of the compact commission shall have the
784 force of law in each member state; provided, however, that



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785 where the rules conflict with the laws or rules of a member
786 state that relate to the procedures, actions, and processes a
787 licensed dietitian is permitted to undertake in that state and
788 the circumstances under which he or she may do so, as held by
789 a court of competent jurisdiction, the rules of the compact
790 commission shall be ineffective in that state to the extent of
791 the conflict.

792 (c) The compact commission shall exercise its
793 rulemaking powers pursuant to the criteria set forth in this
794 section and the rules adopted thereunder. Rules shall become
795 binding on the day following adoption or as of the date
796 specified in the rule or amendment, whichever is later.

797 (d) If a majority of the legislatures of the member
798 states rejects a rule or portion of a rule, by enactment of a
799 statute or resolution in the same manner used to adopt the
800 compact within four years of the date of adoption of the rule,
801 then the rule shall have no further force and effect in any
802 member state.

803 (e) Rules shall be adopted at a regular or special
804 meeting of the compact commission.

805 (f) Prior to adoption of a proposed rule, the compact
806 commission shall hold a public hearing and allow persons to
807 provide oral and written comments, data, facts, opinions, and
808 arguments.

809 (g) Prior to adoption of a proposed rule by the compact
810 commission, and at least 30 days in advance of the meeting at
811 which the compact commission will hold a public hearing on the
812 proposed rule, the compact commission shall provide a notice



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813 of proposed rulemaking:

814 (1) On the website of the compact commission or other
815 publicly accessible platform.

816 (2) To individuals who have requested notice of the
817 compact commission's notices of proposed rulemaking.

818 (3) In such other ways as the compact commission may
819 specify by rule.

820 (h) The notice of proposed rulemaking shall include all
821 of the following:

822 (1) The time, date, and location of the public hearing
823 at which the compact commission will hear public comments on
824 the proposed rule and, if different, the time, date, and
825 location of the meeting where the compact commission will
826 consider and vote on the proposed rule.

827 (2) If the hearing is held via telecommunication, video
828 conference, or other means of communication, the compact
829 commission shall include the mechanism for access to the
830 hearing in the notice of proposed rulemaking.

831 (3) The text of the proposed rule and the reason
832 supporting it.

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

835 (5) The manner in which interested persons may submit
836 written comments.

837 (i) All hearings shall be recorded. A copy of the
838 recording and all written comments and documents received by
839 the compact commission in response to the proposed rule shall
840 be available to the public.



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841 (j) Nothing in this section shall be construed as
842 requiring a separate hearing on each rule. Rules may be
843 grouped for the convenience of the compact commission at
844 hearings required by this section.

845 (k) The compact commission, by majority vote of all
846 members, shall take final action on the proposed rule based on
847 the rulemaking record and the full text of the rule.

848 (1) The compact commission may adopt changes to the
849 proposed rule provided the changes do not enlarge the original
850 purpose of the proposed rule.

851 (2) The compact commission shall provide an explanation
852 of the reasons for substantive changes made to the proposed
853 rule, as well as reasons for substantive changes not made that
854 were recommended by commenters.

855 (3) The compact commission shall determine a reasonable
856 effective date for the rule. Except for an emergency as
857 provided in subsection (1), the effective date of the rule
858 shall be no sooner than 30 days after issuing the notice that
859 it adopted or amended the rule.

860 (1) Upon determination that an emergency exists, the
861 compact commission may consider and adopt an emergency rule
862 with 24-hours' notice, with opportunity to comment; provided,
863 that the usual rulemaking procedures provided in the compact
864 and in this section shall be retroactively applied to the rule
865 as soon as reasonably possible, in no event later than 90
866 days after the effective date of the rule. For the purposes of
867 this provision, an emergency rule is one that must be adopted
868 immediately in order to do all of the following:



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869 (1) Meet an imminent threat to public health, safety,
870 or welfare.

871 (2) Prevent a loss of compact commission or member
872 state funds.

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

875 (4) Protect public health and safety.

876 (m) The compact commission or an authorized committee
877 of the compact commission may direct revision to a previously
878 adopted rule for purposes of correcting typographical errors,
879 errors in format, errors in consistency, or grammatical
880 errors. Public notice of any revision shall be posted on the
881 website of the compact commission. The revision shall be
882 subject to challenge by any person for a period of 30 days
883 after posting. The revision may be challenged only on grounds
884 that the revision results in a material change to a rule. A
885 challenge shall be made in writing and delivered to the
886 compact commission prior to the end of the notice period. If
887 no challenge is made, the revision will take effect without
888 further action. If the revision is challenged, the revision
889 may not take effect without the approval of the compact
890 commission.

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

893 §34-34B-11 Oversight, Dispute Resolution, and
894 Enforcement.

895 (a) Oversight.

896 (1) The executive and judicial branches of state



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897 government in each member state shall enforce this compact and
898 take all actions necessary and appropriate to implement this
899 compact.

900 (2) Except as otherwise provided in this compact, venue
901 is proper and judicial proceedings by or against the compact
902 commission shall be brought solely and exclusively in a court
903 of competent jurisdiction where the principal office of the
904 compact commission is located. The compact commission may
905 waive venue and jurisdictional defenses to the extent it
906 adopts or consents to participate in alternative dispute
907 resolution proceedings. Nothing in this section shall affect
908 or limit the selection or propriety of venue in any action
909 against a licensee for professional malpractice, misconduct,
910 or any similar matter.

911 (3) The compact commission shall be entitled to receive
912 service of process in any proceeding regarding the enforcement
913 or interpretation of the compact and shall have standing to
914 intervene in such a proceeding for all purposes. Failure to
915 provide the compact commission service of process shall render
916 a judgment or order void as to the compact commission, this
917 compact, or adopted rules.

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

919 (1) If the compact commission determines that a member
920 state has defaulted in the performance of its obligations or
921 responsibilities under this compact or the adopted rules, the
922 compact commission shall provide written notice to the
923 defaulting state. The notice of default shall describe the
924 default, the proposed means of curing the default, any other



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925 action that the compact commission may take, and shall offer
926 training and specific technical assistance regarding the
927 default.

928 (2) The compact commission shall provide a copy of the
929 notice of default to the other member states.

930 (c) If a state in default fails to cure the default,
931 the defaulting state may be terminated from the compact upon
932 an affirmative vote of a majority of the delegates of the
933 member states, and all rights, privileges, and benefits
934 conferred on that state by this compact may be terminated on
935 the effective date of termination. A cure of the default does
936 not relieve the offending state of obligations or liabilities
937 incurred during the period of default.

938 (d) Termination of membership in the compact shall be
939 imposed only after all other means of securing compliance have
940 been exhausted. Notice of intent to suspend or terminate shall
941 be given by the compact commission to the governor, the
942 majority and minority leaders of the defaulting state's
943 legislature, the defaulting state's licensing authority, and
944 each of the member states' licensing authority.

945 (e) A state that has been terminated is responsible for
946 all assessments, obligations, and liabilities incurred through
947 the effective date of termination, including obligations that
948 extend beyond the effective date of termination.

949 (f) Upon the termination of a state's membership from
950 this compact, that state shall immediately provide notice to
951 all licensees within that state of such termination. The
952 terminated state shall continue to recognize all compact



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953 privileges granted pursuant to this compact for a minimum of
954 six months after the date of the notice of termination.

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

960 (h) The defaulting state may appeal the action of the
961 compact commission by petitioning the United States District
962 Court for the District of Columbia or the federal district
963 where the compact commission has its principal offices. The
964 prevailing party shall be awarded all costs of litigation,
965 including reasonable attorney fees.

966 (i) Dispute resolution.

967 (1) Upon request by a member state, the compact
968 commission shall attempt to resolve disputes related to the
969 compact that arise among member states and between member and
970 non-member states.

971 (2) The compact commission shall adopt a rule providing
972 for both mediation and binding dispute resolution for disputes
973 as appropriate.

974 (j) Enforcement.

975 (1) By super majority vote, the compact commission may
976 initiate legal action against a member state in default in the
977 United States District Court for the District of Columbia or
978 the federal district where the compact commission has its
979 principal offices to enforce compliance with the provisions of
980 the compact and its adopted rules. The relief sought may



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981 include both injunctive relief and damages. In the event
982 judicial enforcement is necessary, the prevailing party shall
983 be awarded all costs of litigation, including reasonable
984 attorney fees. The remedies herein shall not be the exclusive
985 remedies of the compact commission. The compact commission may
986 pursue any other remedies available under federal or the
987 defaulting member state's law.

988 (2) A member state may initiate legal action against
989 the compact commission in the United States District Court for
990 the District of Columbia or the federal district where the
991 compact commission has its principal offices to enforce
992 compliance with the provisions of the compact and its adopted
993 rules. The relief sought may include both injunctive relief
994 and damages. In the event judicial enforcement is necessary,
995 the prevailing party shall be awarded all costs of such
996 litigation, including reasonable attorney fees.

997 (3) No party other than a member state shall enforce
998 this compact against the compact commission.

999 §34-34B-12. Effective Date, Withdrawal, and Amendment.

1000 (a) The compact shall come into effect on the date on
1001 which the compact statute is enacted into law in the seventh
1002 member state.

1003 (1) On or after the effective date of the compact, the
1004 compact commission shall convene and review the enactment of
1005 each of the first seven member states referred to as "charter
1006 member states", to determine if the statute enacted by each
1007 such charter member state is materially different than the
1008 model compact statute.



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1009 a. A charter member state whose enactment is found to
1010 be materially different from the model compact statute shall
1011 be entitled to the default process set forth in Section
1012 34-34B-11.

1013 b. If any member state is later found to be in default,
1014 is terminated, or withdraws from the compact, the compact
1015 commission shall remain in existence and the compact shall
1016 remain in effect even if the number of member states should be
1017 less than seven.

1018 (2) Member states enacting the compact subsequent to
1019 the seven initial charter member states shall be subject to
1020 the process set forth in Section 34-34B-8(c)(21) to determine
1021 if their enactments are materially different from the model
1022 compact statute and whether they qualify for participation in
1023 the compact.

1024 (3) All actions taken for the benefit of the compact
1025 commission or in furtherance of the purposes of the
1026 administration of the compact prior to the effective date of
1027 the compact or the compact commission coming into existence
1028 shall be considered to be actions of the compact commission
1029 unless specifically repudiated by the compact commission.

1030 (4) Any state that joins the compact subsequent to the
1031 compact commission's initial adoption of the rules and bylaws
1032 shall be subject to the rules and bylaws as they exist on the
1033 date on which the compact becomes law in that state. Any rule
1034 that has been previously adopted by the compact commission
1035 shall have the full force and effect of law on the day the
1036 compact becomes law in that state.



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1037 (b) Any member state may withdraw from this compact by
1038 enacting a statute to repeal it.

1039 (1) A member state's withdrawal shall not take effect
1040 until 180 days after enactment of the repealing statute.

1041 (2) Withdrawal shall not affect the continuing
1042 requirement of the withdrawing state's licensing authority to
1043 comply with the investigative and adverse action reporting
1044 requirements of this compact prior to the effective date of
1045 withdrawal.

1046 (3) Upon the enactment of a state withdrawing from this
1047 compact, a state shall immediately provide notice of the
1048 withdrawal to all licensees within that state. Notwithstanding
1049 any subsequent statutory enactment to the contrary, the
1050 withdrawing state shall continue to recognize all compact
1051 privileges granted pursuant to this compact for a minimum of
1052 180 days after the date of such notice of withdrawal.

1053 (c) Nothing contained in this compact shall be
1054 construed to invalidate or prevent any licensure agreement or
1055 other cooperative arrangement between a member state and a
1056 non-member state that does not conflict with the provisions of
1057 this compact.

1058 (d) This compact may be amended by the member states.
1059 No amendment to this compact shall become effective and
1060 binding upon any member state until it is enacted into the
1061 laws of all member states.

1062 §34-34B-13. Construction and Severability.

1063 (a) This compact and the compact commission's
1064 rulemaking authority shall be liberally construed so as to



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1065 effectuate the purposes, implementation, and administration of
1066 the compact. Provisions of the compact expressly authorizing
1067 or requiring the adoption of rules shall not be construed to
1068 limit the compact commission's rulemaking authority solely for
1069 those purposes.

1070 (b) The provisions of this compact shall be severable
1071 and if any phrase, clause, sentence, or provision of this
1072 compact is held by a court of competent jurisdiction to be
1073 contrary to the constitution of any member state, a state
1074 seeking participation in the compact, or of the United States,
1075 or the applicability to any government, agency, person, or
1076 circumstance is held to be unconstitutional by a court of
1077 competent jurisdiction, the validity of the remainder of this
1078 compact and the applicability to any other government, agency,
1079 person, or circumstance shall not be affected.

1080 (c) Notwithstanding subsection (b), the compact
1081 commission may deny a state's participation in the compact or,
1082 in accordance with the requirements of Section 34-34B-11(b),
1083 terminate a member state's participation in the compact, if it
1084 determines that a constitutional requirement of a member state
1085 is a material departure from the compact. Otherwise, if this
1086 compact shall be held to be contrary to the constitution of
1087 any member state, the compact shall remain in full force and
1088 effect as to the remaining member states and in full force and
1089 effect as to the member state affected as to all severable
1090 matters.

1091 §34-34B-14. Consistent Effect and Conflict With Other
1092 State Laws.



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1093 (a) Nothing in this compact shall prevent or inhibit
1094 the enforcement of any other law of a member state that is not
1095 inconsistent with the compact.

1096 (b) Any laws, statutes, rules, or other legal
1097 requirements in a member state in conflict with the compact
1098 are superseded to the extent of the conflict.

1099 (c) All permissible agreements between the compact
1100 commission and the member states are binding in accordance
1101 with their terms.

1102 §34-34B-15. Judicial Proceedings by Individuals.

1103 Except as to judicial proceedings for the enforcement
1104 of this compact among member states, individuals may pursue
1105 judicial proceedings related to this compact in any Alabama
1106 state or federal court that would otherwise have competent
1107 jurisdiction.

1108 Section 2. This act shall become effective on October
1109 1, 2024.