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1 SB286
2 L5NRTAW-1
3 By Senators Kelley, Kitchens, Woods
4 RFD: Veterans, Military Affairs and Public Safety
5 First Read: 10-Feb-26



SYNOPSIS:

This bill would authorize the governing body that licenses massage therapists to enter into the Interstate Massage Compact as a means of providing uniformity in licensing requirements and interstate practice throughout member states.

A BILL
TO BE ENTITLED
AN ACT

Relating to the practice of massage therapy; to authorize the governing body that licenses massage therapists to enter into the Interstate Massage Compact by adding Article 2 to 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 of Chapter 43A of Title 34 is added to the Code of Alabama 1975, to read as follows:

Article 2. INTERSTATE MASSAGE COMPACT
§34-43A-40 Purpose.

(a) The purpose of this compact is to reduce the



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burdens on state governments and to facilitate the interstate practice and regulation of massage therapy with the goal of improving public access to, and the safety of, massage therapy services. Through this compact, the member states seek to establish a regulatory framework which provides for a new multistate licensing program. Through this additional licensing pathway, the member states seek to provide increased value and mobility to licensed massage therapists in the member states, while ensuring the provision of safe, competent, and reliable services to the public.

(b) This compact is designed to achieve the following objectives, and the member states hereby ratify the same intentions by subscribing hereto:

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

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

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

(4) Encourage the cooperation of member states in regulating the multistate practice of massage therapy;

(5) Support relocating military members and their spouses;

(6) Facilitate and enhance the exchange of licensure, investigative, and disciplinary information between the member states;

(7) Create an interstate commission that will exist to implement and administer the compact;



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(8) Allow a member state to hold a licensee accountable, even where that licensee holds a multistate license;

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

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

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

§34-43A-41 Definitions.

As used in this compact, except as otherwise provided and subject to clarification by the rules of the commission, the following terms have the following meanings:

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

(2) ADVERSE ACTION. Any administrative, civil, equitable, or criminal action permitted by a member state's laws which is imposed by a licensing authority or other regulatory body against a licensee, including actions against an individual's authorization to practice such as revocation, suspension, probation, surrender in lieu of discipline, monitoring of the licensee, limitation of the licensee's practice, or any other encumbrance on licensure affecting an individual's ability to practice massage therapy, including the issuance of a cease and desist order.



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

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

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

98 (6) CHARTER MEMBER STATES. Member states that have
99 enacted legislation to adopt this compact where such
100 legislation predates the effective date of this compact as
101 defined in Section 34-43A-51.

102 (7) COMMISSION. The government agency whose membership
103 consists of all states that have enacted this compact, which
104 is known as the Interstate Massage Compact Commission, as
105 defined in Section 34-43A-47, and which shall operate as an
106 instrumentality of the member states.

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

112 (9) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.



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Investigative information that a licensing authority, after an inquiry or investigation that complies with a member state's due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that state's laws regarding the practice of massage therapy.

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

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

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

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

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

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

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



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

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

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

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

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

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

(23) SINGLE-STATE LICENSE. A current, valid authorization issued by a member state's licensing authority allowing an individual to fully practice massage therapy, which is not a restricted, student, provisional, temporary, or inactive practice authorization and authorizes practice only within the issuing state.

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

§34-43A-42 Member State Requirements.



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

171 (1) License and regulate the practice of massage
172 therapy;

173 (2) Have a mechanism or entity in place to receive and
174 investigate complaints from the public, regulatory or law
175 enforcement agencies, or the commission about licensees
176 practicing in that state;

177 (3) Accept passage of a psychometrically valid national
178 examination as a criterion for massage therapy licensure in
179 that state. For purposes of this compact, the examination
180 shall not include a state-administered examination but shall
181 be inclusive of one of the following:

182 a. The Massage and Bodywork Licensure Examination;

183 b. The National Certification Board for Therapeutic
184 Massage and Bodywork prior to January 1, 2015; or

185 c. The substantial equivalent of the foregoing which
186 the commission may approve by rule;

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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background checks; receiving the results of the Federal Bureau of Investigation record search on background checks, and considering the results of such a background check in making licensure decisions;

(6) Have continuing competence requirements as a condition for license renewal;

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

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

(9) Comply with the rules of the commission; and

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

(b) Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state.

However, the single-state license granted to those individuals shall not be recognized as granting a multistate license for massage therapy in any other member state.

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



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

§34-43A-43 Multistate License Requirements.

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

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

(2) Satisfy one of the following:

a. Completion of at least 625 clock hours of massage therapy education;

b. Graduation from an educational program that meets the minimum qualifications for licensure in the home state and two years of continuous licensure with a single-state license in good standing in the home state, except as provided in Section 34-43A-46; or

c. Satisfaction of the substantial equivalent of the foregoing which the commission may approve by rule;

(3) Successfully pass a psychometrically valid national examination for licensure. For purposes of this compact, the examination shall not include a state-administered examination but shall be inclusive of one of the following:

a. The Massage and Bodywork Licensure Examination;

b. A National Certification Board for Therapeutic Massage & Bodywork licensure examination prior to January 1, 2015; or

c. The substantial equivalent of the foregoing which



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the commission may approve by rule;

(4) Submit to a background check;

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

(6) Have not been convicted or found guilty, or have entered into an agreed disposition, of a misdemeanor offense related to the practice of massage therapy under applicable state or federal criminal law, within two years prior to the date of their application where such a time period shall not include any time served for the offense, and provided that the applicant has completed any and all requirements arising as a result of any such offense;

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

a. Kidnapping.

b. Human trafficking.

c. Human smuggling.

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

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



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(8) Have not previously held a massage therapy license that was revoked by, or surrendered in lieu of discipline to, an applicable licensing authority;

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

(10) Pay all required fees.

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

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

(d) The practice of massage therapy under a multistate license granted pursuant to this compact will subject the licensee to the jurisdiction of the licensing authority, the courts, and the laws of the member state in which the massage therapy services are provided.

§34-43A-44 Authority of Interstate Massage Compact Commission and Member State Licensing Authorities.

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

(b) Nothing in this compact, nor any rule of the commission, shall be construed to limit, restrict, or in any



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way reduce the ability of a member state to take adverse action against a licensee's single-state license to practice massage therapy in that state.

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

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

(e) Insofar as practical, a member state's licensing authority shall cooperate with the commission and with each entity exercising independent regulatory authority over the practice of massage therapy according to the provisions of this compact.

§34-43A-45 Adverse Actions.

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

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

(c) A home state shall retain authority to complete any pending investigations of a licensee practicing under a



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multistate license who changes their home state during the course of such an investigation. The licensing authority shall also be empowered to report the results of such an investigation to the commission through the data system as described herein.

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

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

(1) Take adverse actions against a licensee's authorization to practice;

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

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

(4) If otherwise permitted by state law, recover from



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the affected licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee; and

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

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

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

(h) Nothing in this compact shall override a member state's authority to accept a licensee's participation in an alternative program in lieu of adverse action. A licensee's



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multistate license shall be suspended for the duration of the licensee's participation in any alternative program.

(i) Joint Investigations.

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

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

§34-43A-46 Active Military Members and Their Spouses.

Active military members, or their spouses, shall designate a home state where the individual has a current license to practice massage therapy in good standing. The individual may retain his or her home state designation during any period of service when that individual or spouse is on active-duty assignment. Further, active military members or their spouses shall satisfy the requirements of Section 34-43A-43(a)(2) by successful graduation from an educational program that meets the minimum qualifications for licensure in the designated home state.

§34-43A-47 Establishment and Operation of Interstate Massage Compact Commission.

(a) The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the Interstate Massage Compact Commission. The commission is an instrumentality of the compact states acting jointly and



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not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in Section 34-43A-51.

(b) Membership, Voting, and Meetings.

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

(2) The delegate shall be either:

a. A member of the state licensing authority; or

b. The primary administrative officer of the state licensing authority or his or her designee.

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

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

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

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

(7) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, video conference, or other similar electronic means.

(c) The commission shall have the following powers:

(1) Establish the fiscal year of the commission.

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



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449 (3) Adopt rules and bylaws.

450 (4) Maintain its financial records in accordance with
451 the bylaws.

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

455 (6) Initiate and conclude legal proceedings or actions
456 in the name of the commission, provided that the standing of
457 any licensing authority to sue or be sued under applicable law
458 shall not be affected.

459 (7) Maintain and certify records and information
460 provided to a member state as the authenticated business
461 records of the commission, and designate an agent to do so on
462 the commission's behalf.

463 (8) Purchase and maintain insurance and bonds.

464 (9) Borrow, accept, or contract for services of
465 personnel, including, but not limited to, employees of a
466 member state.

467 (10) Conduct an annual financial review.

468 (11) Hire employees, elect or appoint officers, fix
469 compensation, define duties, grant such individuals
470 appropriate authority to carry out the purposes of the
471 compact, and establish the commission's personnel policies and
472 programs relating to conflicts of interest, qualifications of
473 personnel, and other related personnel matters.

474 (12) Assess and collect fees.

475 (13) Accept any and all appropriate gifts, donations,
476 grants of money, other sources of revenue, equipment,



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supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.

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

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

(16) Establish a budget and make expenditures.

(17) Borrow money.

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

(19) The commission may elect up to two ex officio, nonvoting members of the commission as specified in the commission's bylaws.

(20) Accept and transmit complaints from the public, regulatory or law enforcement agencies, or the commission to the relevant member state or member states regarding potential misconduct of licensees.

(21) Elect a chair, vice chair, secretary, and treasurer and such other officers of the commission as provided in the commission's bylaws.

(22) Establish and elect an executive committee,



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505 including a chair and a vice chair.

506 (23) Adopt and provide to the member states an annual
507 report.

508 (24) 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 (25) Perform such other functions that may be necessary
512 or 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 commission according to the terms of this
516 compact. The powers, duties, and responsibilities of the
517 executive committee shall include:

518 a. Overseeing the day-to-day activities of the
519 administration of the compact including compliance with the
520 provisions of the compact, the commission's rules and bylaws,
521 and other such duties as deemed necessary;

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

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

528 d. Preparing and recommending the budget;

529 e. Maintaining financial records on behalf of the
530 commission;

531 f. Monitoring compact compliance of member states and
532 providing compliance reports to the commission;



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533 g. Establishing additional committees as necessary;

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

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

541 (2) The executive committee shall be composed of seven
542 voting members as follows:

543 a. The chair and vice chair of the commission and any
544 other members of the commission who serve on the executive
545 committee shall be voting members of the executive committee.

546 b. Other than the chair, vice chair, secretary, and
547 treasurer, the commission shall elect three voting members
548 from the current membership of the commission.

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

551 (4) The executive committee shall meet at least
552 annually.

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

557 b. The executive committee shall give five business
558 days' advance notice of its public meetings, posted on its
559 website and as determined to provide notice to persons with an
560 interest in the public matters the executive committee intends



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561 to address at those meetings.

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

564 a. Meet an imminent threat to public health, safety, or
565 welfare;

566 b. Prevent a loss of commission or participating state
567 funds; or

568 c. Protect public health and safety.

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

571 (f) Meetings of the commission.

572 (1) All meetings of the commission that are not closed
573 pursuant to this subsection shall be open to the public.

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

576 (2) Notwithstanding subdivision (1), the commission may
577 convene an emergency public meeting by providing at least 24
578 hours' prior notice on the commission's website, and any other
579 means as provided in the commission's rules, for any of the
580 reasons it may dispense with notice of proposed rulemaking
581 under Section 34-43A-49(1). The commission's legal counsel
582 shall certify the that one of the reasons justifying an
583 emergency public meeting has been met.

584 (3) Notice of all commission meetings shall provide the
585 time, date, and location of the meeting, and if the meeting is
586 to be held or accessible via telecommunication, video
587 conference, or other electronic means, the notice shall
588 include the mechanism for access to the meeting.



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

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

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

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

d. Current, threatened, or reasonably anticipated litigation;

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

f. Accusing any person of a crime or formally censuring any person;

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

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law enforcement purposes;

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

k. Legal advice;



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1. Matters specifically exempted from disclosure to the public by federal or member state law; or

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

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

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

(g) Financing of the commission.

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

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

(3) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount



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

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

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

(h) Qualified Immunity, Defense, and Indemnification.

(1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or



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responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

(2) The commission shall defend any member, officer, executive director, employee, and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis



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for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

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

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

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

§34-43A-48 Data System.

(a) The commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system.

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

(c) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is



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applicable as required by the rules of the commission,
including:

(1) Identifying information;
(2) Licensure data;
(3) Adverse actions against a licensee and information
related thereto;

(4) Nonconfidential information related to alternative
program participation, the beginning and ending dates of the
participation, and other information related to the
participation;

(5) Any denial of application for licensure, and the
reason or reasons for the denial, excluding the reporting of
any criminal history record information where prohibited by
law;

(6) The existence of investigative information;

(7) The existence of current significant investigative
information; and

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

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

(e) The existence of current significant investigative



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information and the existence of investigative information pertaining to a licensee in any member state will only be available to other member states.

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

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

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

§34-43A-49 Rulemaking.

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



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

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

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

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

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

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



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813 proposed rulemaking:

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

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

818 (3) In other ways that the commission, by rule, may
819 specify.

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

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

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

830 (3) The text of the proposed rule and the reason
831 therefor;

832 (4) A request for comments on the proposed rule from
833 any interested person; and

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

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

840 (j) Nothing in this section shall be construed as



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841 requiring a separate hearing on each rule. Rules may be
842 grouped for the convenience of the commission at hearings
843 required by this section.

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

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

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

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

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

867 (1) Meet an imminent threat to public health, safety,
868 or welfare;



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

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

872 (4) Protect public health and safety.

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

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

889 §34-43A-50 Oversight, Dispute Resolution, and
890 Enforcement.

891 (a) Oversight.

892 (1) The executive and judicial branches of state
893 government in each member state shall enforce this compact and
894 take all actions necessary and appropriate to implement the
895 compact.

896 (2) Venue is proper and judicial proceedings by or



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897 against the commission shall be brought solely and exclusively
898 in a court of competent jurisdiction where the principal
899 office of the commission is located. The commission may waive
900 venue and jurisdictional defenses to the extent it adopts or
901 consents to participate in alternative dispute resolution
902 proceedings. Nothing herein shall affect or limit the
903 selection or propriety of venue in any action against a
904 licensee for professional malpractice, misconduct, or any such
905 similar matter.

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

913 (b) Default, Technical Assistance, and Termination.

914 (1) If the commission determines that a member state
915 has defaulted in the performance of its obligations or
916 responsibilities under this compact or the adopted rules, the
917 commission shall provide written notice to the defaulting
918 state. The notice of default shall describe the default, the
919 proposed means of curing the default, and any other action
920 that the commission may take, and shall offer training and
921 specific technical assistance regarding the default.

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

924 (c) If a state in default fails to cure the default,



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the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

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

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

(f) Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all licensees who hold a multistate license within that state of the termination. The terminated state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of the notice of termination.

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



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953 between the commission and the defaulting state.

954 (h) The defaulting state may appeal the action of the
955 commission by petitioning the U.S. District Court for the
956 District of Columbia or the federal district where the
957 commission has its principal offices. The prevailing party
958 shall be awarded all costs of the litigation, including
959 reasonable attorney fees.

960 (i) Dispute Resolution.

961 (1) Upon request by a member state, the commission
962 shall attempt to resolve disputes related to the compact that
963 arise among member states and between member and nonmember
964 states.

965 (2) The commission shall adopt a rule providing for
966 both mediation and binding dispute resolution for disputes as
967 appropriate.

968 (j) Enforcement.

969 (1) The commission, in the reasonable exercise of its
970 discretion, shall enforce the provisions of this compact and
971 the commission's rules.

972 (2) By majority vote as provided by commission rule,
973 the commission may initiate legal action against a member
974 state in default in the U.S. District Court for the District
975 of Columbia or the federal district where the commission has
976 its principal offices to enforce compliance with the
977 provisions of the compact and its adopted rules. The relief
978 sought may include both injunctive relief and damages. In the
979 event judicial enforcement is necessary, the prevailing party
980 shall be awarded all costs of the litigation, including



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reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.

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

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

§34-43A-51 Effective Date, Withdrawal, and Amendment.

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

(1) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the charter member states to determine if the statute enacted by each charter member state is materially different than the model compact statute.

a. A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in Section 34-43A-50.



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1009 b. If any member state is later found to be in default,
1010 or is terminated or withdraws from the compact, the commission
1011 shall remain in existence and the compact shall remain in
1012 effect even if the number of member states should be less than
1013 seven.

1014 (2) Member states enacting the compact subsequent to
1015 the charter member states shall be subject to the process set
1016 forth in Section 34-43A-47(c)(24) to determine if their
1017 enactments are materially different from the model compact
1018 statute and whether they qualify for participation in the
1019 compact.

1020 (3) All actions taken for the benefit of the commission
1021 or in furtherance of the purposes of the administration of the
1022 compact prior to the effective date of the compact or the
1023 commission coming into existence shall be considered to be
1024 actions of the commission unless specifically repudiated by
1025 the commission.

1026 (4) Any state that joins the compact shall be subject
1027 to the commission's rules and bylaws as they exist on the date
1028 on which the compact becomes law in that state. Any rule that
1029 has been previously adopted by the commission shall have the
1030 full force and effect of law on the day the compact becomes
1031 law in that state.

1032 (b) Any member state may withdraw from this compact by
1033 enacting a statute repealing that state's enactment of the
1034 compact.

1035 (1) A member state's withdrawal shall not take effect
1036 until 180 days after enactment of the repealing statute.



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1037 (2) Withdrawal shall not affect the continuing
1038 requirement of the withdrawing state's licensing authority to
1039 comply with the investigative and adverse action reporting
1040 requirements of this compact prior to the effective date of
1041 withdrawal.

1042 (3) Upon the enactment of a statute withdrawing from
1043 this compact, a state shall immediately provide notice of the
1044 withdrawal to all licensees within that state. Notwithstanding
1045 any subsequent statutory enactment to the contrary, the
1046 withdrawing state shall continue to recognize all licenses
1047 granted pursuant to this compact for a minimum of 180 days
1048 after the date of the notice of withdrawal.

1049 (c) Nothing contained in this compact shall be
1050 construed to invalidate or prevent any licensure agreement or
1051 other cooperative arrangement between a member state and a
1052 non-member state that does not conflict with the provisions of
1053 this compact.

1054 (d) This compact may be amended by the member states.
1055 No amendment to this compact shall become effective and
1056 binding upon any member state until it is enacted into the
1057 laws of all member states.

1058 §34-43A-52 Construction and Severability.

1059 (a) This compact and the commission's rulemaking
1060 authority shall be liberally construed so as to effectuate the
1061 purposes, and the implementation and administration of the
1062 compact. Provisions of the compact expressly authorizing or
1063 requiring the adoption of rules shall not be construed to
1064 limit the commission's rulemaking authority solely for those



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1065 purposes.

1066 (b) The provisions of this compact shall be severable,
1067 and if any phrase, clause, sentence, or provision of this
1068 compact is held by a court of competent jurisdiction to be
1069 contrary to the constitution of any member state, a state
1070 seeking participation in the compact, or of the United States,
1071 or the applicability thereof to any government, agency,
1072 person, or circumstance, is held to be unconstitutional by a
1073 court of competent jurisdiction, the validity of the remainder
1074 of this compact and the applicability thereof to any other
1075 government, agency, person, or circumstance shall not be
1076 affected thereby.

1077 (c) Notwithstanding subsection (b), the commission may
1078 deny a state's participation in the compact or, in accordance
1079 with the requirements of Section 34-43A-50(b), terminate a
1080 member state's participation in the compact, if it determines
1081 that a constitutional requirement of a member state is a
1082 material departure from the compact. Otherwise, if this
1083 compact shall be held to be contrary to the constitution of
1084 any member state, the compact shall remain in full force and
1085 effect as to the remaining member states and in full force and
1086 effect as to the member state affected as to all severable
1087 matters.

1088 §34-43A-53 Consistent Effect and Conflict With Other
1089 State Laws.

1090 (a) Nothing herein shall prevent or inhibit the
1091 enforcement of any other law of a member state that is not
1092 inconsistent with the compact.



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1093 (b) Any laws, statutes, rules, or other legal
1094 requirements in a member state in conflict with the compact
1095 are superseded to the extent of the conflict.

1096 (c) All permissible agreements between the commission
1097 and the member states are binding in accordance with their
1098 terms.

1099 Section 3. This act shall become effective on October
1100 1, 2026.