

**SB286 INTRODUCED**



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



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4     SYNOPSIS:

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

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12                 A BILL

13                 TO BE ENTITLED

14                 AN ACT

15

16                 Relating to the practice of massage therapy; to  
17     authorize the governing body that licenses massage therapists  
18     to enter into the Interstate Massage Compact by adding Article  
19     2 to Chapter 43A of Title 34, Code of Alabama 1975.

20     BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24                 Section 2. Article 2 of Chapter 43A of Title 34 is  
25     added to the Code of Alabama 1975, to read as follows:

26                 Article 2. INTERSTATE MASSAGE COMPACT  
27                 §34-43A-40 Purpose.

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

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

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

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

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

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

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

50 (5) Support relocating military members and their  
51 spouses;

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

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



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

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

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

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

72 (1) ACTIVE MILITARY MEMBER. Any person with full-time  
73 duty status in the Armed Forces of the United States,  
74 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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(3) ALTERNATIVE PROGRAM. A nondisciplinary monitoring or prosecutorial diversion program approved by a member state's licensing authority.

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

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

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

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

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

(9) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

(3) Accept passage of a psychometrically valid national examination as a criterion for massage therapy licensure in that state. 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. The National Certification Board for Therapeutic

Massage and Bodywork prior to January 1, 2015; or

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

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

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



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

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

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

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

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

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

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

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



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

228 §34-43A-43 Multistate License Requirements.

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

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

234 (2) Satisfy one of the following:

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

237                   b. Graduation from an educational program that meets  
238 the minimum qualifications for licensure in the home state and  
239 two years of continuous licensure with a single-state license  
240 in good standing in the home state, except as provided in

242 c. Satisfaction of the substantial equivalent of the  
243 foregoing which the commission may approve by rule:

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

248 a. The Massage and Bodywork Licensure Examination;

249                   b. A National Certification Board for Therapeutic  
250                   Massage & Bodywork licensure examination prior to January 1,  
251                   2015; or

252 c. The substantial equivalent of the foregoing which

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253 the commission may approve by rule;

254 (4) Submit to a background check;

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

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

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

274 a. Kidnapping.

275 b. Human trafficking.

276 c. Human smuggling.

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

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



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

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

287 (10) Pay all required fees.

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

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

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

299                   §34-43A-44 Authority of Interstate Massage Compact  
300                   Commission and Member State Licensing Authorities.

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

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

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

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

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

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

### 327 §34-43A-45 Adverse Actions.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

395 (i) Joint Investigations.

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

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

403 §34-43A-46 Active Military Members and Their Spouses.

404 Active military members, or their spouses, shall  
405 designate a home state where the individual has a current  
406 license to practice massage therapy in good standing. The  
407 individual may retain his or her home state designation during  
408 any period of service when that individual or spouse is on  
409 active-duty assignment. Further, active military members or  
410 their spouses shall satisfy the requirements of Section  
411 34-43A-43(a)(2) by successful graduation from an educational  
412 program that meets the minimum qualifications for licensure in  
413 the designated home state.

414 §34-43A-47 Establishment and Operation of Interstate  
415 Massage Compact Commission.

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

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

424 (b) Membership, Voting, and Meetings.

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

427 (2) The delegate shall be either:

428 a. A member of the state licensing authority; or  
429 b. The primary administrative officer of the state  
430 licensing authority or his or her designee.

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

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

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

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

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

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

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

447 (2) Establish code of conduct and conflict of interest  
448 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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477 supplies, materials, and services, and receive, utilize, and  
478 dispose of the same, provided that at all times the commission  
479 shall avoid any appearance of impropriety or conflict of  
480 interest.

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

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

487 (16) Establish a budget and make expenditures.

488 (17) Borrow money.

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

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

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

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

504 (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;



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

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

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

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

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

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

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

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

610 i. Investigative records compiled for law enforcement  
611 purposes;

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

616 k. Legal advice;

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

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

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

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

633           (g) Financing of the commission.

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

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

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

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

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

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

663 (h) Qualified Immunity, Defense, and Indemnification.

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



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

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

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

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

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

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

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

719 §34-43A-48 Data System.

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

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

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

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

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

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

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

743 (6) The existence of investigative information;

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

746 (8) 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 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 commission or an agent thereof, shall  
752 constitute the authenticated business records of the  
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) The existence of current significant investigative



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

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

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

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

775 §34-43A-49 Rulemaking.

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



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

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

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

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

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



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



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

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

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

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

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

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



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

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

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

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

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



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

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

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

996 §34-43A-51 Effective Date, Withdrawal, and Amendment.

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

1000 (1) On or after the effective date of the compact, the  
1001 commission shall convene and review the enactment of each of  
1002 the charter member states to determine if the statute enacted  
1003 by each charter member state is materially different than the  
1004 model compact statute.

1005 a. A charter member state whose enactment is found to  
1006 be materially different from the model compact statute shall  
1007 be entitled to the default process set forth in Section  
1008 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.



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.