

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 805 By: Pugh of the Senate
3 and
4 Osburn of the House
5

6 An Act relating to professions and occupations;
7 enacting the Dietitian Licensure Compact and
8 authorizing the Governor to enter into the Compact
9 with certain jurisdictions; setting forth form of the
10 Compact; providing for codification; and providing an
11 effective date.
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15 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
16 and insert:

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17 "An Act relating to professions and occupations;
18 enacting the Dietitian Licensure Compact and
19 authorizing the Governor to enter into the Compact
20 with certain jurisdictions; setting forth form of the
21 Compact; amending 59 O.S. 2021, Section 1727, which
22 relates to Licensed Dietitian Board, rules, and
23 duties; authorizing criminal background checks;
24 amending 59 O.S. 2021, Section 1730, which relates to
application for Dietitian License and qualifications;
adding fingerprint requirement for application;
providing for codification; and providing an
effective date.

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1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 1742.1 of Title 59, unless there
4 is created a duplication in numbering, reads as follows:

5 The Dietitian Licensure Compact is hereby enacted into law and
6 the Governor shall enter into the Compact on behalf of the State of
7 Oklahoma with any jurisdiction legally joined therein, in the form
8 substantially as set forth in this act.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1742.2 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

12 DIETITIAN LICENSURE COMPACT

13 SECTION 1: PURPOSE

14 The purpose of this Compact is to facilitate interstate Practice
15 of Dietetics with the goal of improving public access to dietetics
16 services. This Compact preserves the regulatory authority of States
17 to protect public health and safety through the current system of
18 State licensure, while also providing for licensure portability
19 through a Compact Privilege granted to qualifying professionals.

20 This Compact is designed to achieve the following objectives:

21 A. Increase public access to dietetics services.

22 B. Provide opportunities for interstate practice by Licensed
23 Dietitians who meet uniform requirements.

24 C. Eliminate the necessity for Licenses in multiple States.

1 D. Reduce administrative burden on Member States and Licensees.

2 E. Enhance the States' ability to protect the public's health
3 and safety.

4 F. Encourage the cooperation of Member States in regulating
5 multistate practice of Licensed Dietitians.

6 G. Support relocating Active Military Members and their
7 spouses.

8 H. Enhance the exchange of licensure, investigative, and
9 disciplinary information among Member States.

10 I. Vest all Member States with the authority to hold a Licensed
11 Dietitian accountable for meeting all State practice laws in the
12 State in which the patient is located at the time care is rendered.

13 SECTION 2: DEFINITIONS

14 A. "ACEND" means the Accreditation Council for Education in
15 Nutrition and Dietetics or its successor organization.

16 B. "Active Military Member" means any individual with full-time
17 duty status in the active armed forces of the United States,
18 including members of the National Guard and Reserve.

19 C. "Adverse Action" means any administrative, civil, equitable
20 or criminal action permitted by a State's laws which is imposed by a
21 Licensing Authority or other authority against a Licensee, including
22 actions against an individual's License or Compact Privilege such as
23 revocation, suspension, probation, monitoring of the Licensee,
24 limitation on the Licensee's practice, or any other Encumbrance on

1 licensure affecting a Licensee's authorization to practice,
2 including issuance of a cease and desist action.

3 D. "Alternative Program" means a non-disciplinary monitoring or
4 practice remediation process approved by a Licensing Authority.

5 E. "Charter Member State" means any Member State which enacted
6 this Compact by law before the Effective Date specified in Section
7 12.

8 F. "Continuing Education" means a requirement, as a condition
9 of License renewal, to provide evidence of participation in, and
10 completion of, educational and professional activities relevant to
11 practice or area of work.

12 G. "CDR" means the Commission on Dietetic Registration or its
13 successor organization.

14 H. "Compact Commission" means the government agency whose
15 membership consists of all States that have enacted this Compact,
16 which is known as the Dietitian Licensure Compact Commission, as
17 described in Section 8, and which shall operate as an
18 instrumentality of the Member States.

19 I. "Compact Privilege" means a legal authorization, which is
20 equivalent to a License, permitting the Practice of Dietetics in a
21 Remote State.

22 J. "Current Significant Investigative Information" means:

23 1. Investigative Information that a Licensing Authority, after
24 a preliminary inquiry that includes notification and an opportunity

1 for the subject Licensee to respond, if required by State law, has
2 reason to believe is not groundless and, if proved true, would
3 indicate more than a minor infraction; or

4 2. Investigative Information that indicates that the subject
5 Licensee represents an immediate threat to public health and safety
6 regardless of whether the subject Licensee has been notified and had
7 an opportunity to respond.

8 K. "Data System" means a repository of information about
9 Licensees, including, but not limited to, Continuing Education,
10 examination, licensure, investigative, Compact Privilege and Adverse
11 Action information.

12 L. "Encumbered License" means a License in which an Adverse
13 Action restricts a Licensee's ability to practice dietetics.

14 M. "Encumbrance" means a revocation or suspension of, or any
15 limitation on a Licensee's full and unrestricted Practice of
16 Dietetics by a Licensing Authority.

17 N. "Executive Committee" means a group of delegates elected or
18 appointed to act on behalf of, and within the powers granted to them
19 by, this Compact, and the Compact Commission.

20 O. "Home State" means the Member State that is the Licensee's
21 primary State of residence or that has been designated pursuant to
22 Section 6.

1 P. "Investigative Information" means information, records, and
2 documents received or generated by a Licensing Authority pursuant to
3 an investigation.

4 Q. "Jurisprudence Requirement" means an assessment of an
5 individual's knowledge of the State laws and regulations governing
6 the Practice of Dietetics in such State.

7 R. "License" means an authorization from a Member State to
8 either:

9 1. Engage in the Practice of Dietetics (including medical
10 nutrition therapy); or

11 2. Use the title "dietitian", "licensed dietitian", "licensed
12 dietitian nutritionist", "certified dietitian", or other title
13 describing a substantially similar practitioner as the Compact
14 Commission may further define by Rule.

15 S. "Licensee" or "Licensed Dietitian" means an individual who
16 currently holds a License and who meets all of the requirements
17 outlined in Section 4.

18 T. "Licensing Authority" means the board or agency of a State,
19 or equivalent, that is responsible for the licensing and regulation
20 of the Practice of Dietetics.

21 U. "Member State" means a State that has enacted the Compact.

22 V. "Practice of Dietetics" means the synthesis and application
23 of dietetics, primarily for the provision of nutrition care
24 services, including medical nutrition therapy, in person or via

1 telehealth, to prevent, manage, or treat diseases or medical
2 conditions and promote wellness.

3 W. "Registered Dietitian" means a person who:

4 1. Has completed applicable education, experience, examination,
5 and recertification requirements approved by CDR;

6 2. Is credentialed by CDR as a registered dietitian or a
7 registered dietitian nutritionist; and

8 3. Is legally authorized to use the title registered dietitian
9 or registered dietitian nutritionist and the corresponding
10 abbreviations "RD" or "RDN".

11 X. "Remote State" means a Member State other than the Home
12 State, where a Licensee is exercising or seeking to exercise a
13 Compact Privilege.

14 Y. "Rule" means a regulation promulgated by the Compact
15 Commission that has the force of law.

16 Z. "Single State License" means a License issued by a Member
17 State within the issuing State and does not include a Compact
18 Privilege in any other Member State.

19 AA. "State" means any state, commonwealth, district, or
20 territory of the United States of America.

21 BB. "Unencumbered License" means a License that authorizes a
22 Licensee to engage in the full and unrestricted Practice of
23 Dietetics.

24 SECTION 3: STATE PARTICIPATION IN THE COMPACT

1 A. To participate in the Compact, a State must currently:

2 1. License and regulate the Practice of Dietetics; and

3 2. Have a mechanism in place for receiving and investigating
4 complaints about Licensees.

5 B. A Member State shall:

6 1. Participate fully in the Compact Commission's Data System,
7 including using the unique identifier as defined in Rules;

8 2. Notify the Compact Commission, in compliance with the terms
9 of the Compact and Rules, of any Adverse Action or the availability
10 of Current Significant Investigative Information regarding a
11 Licensee;

12 3. Implement or utilize procedures for considering the criminal
13 history record information of applicants for an initial Compact
14 Privilege. These procedures shall include the submission of
15 fingerprints or other biometric-based information by applicants for
16 the purpose of obtaining an applicant's criminal history record
17 information from the Federal Bureau of Investigation and the agency
18 responsible for retaining that State's criminal records;

19 a. A Member State must fully implement a criminal history
20 record information requirement, within a time frame
21 established by Rule, which includes receiving the
22 results of the Federal Bureau of Investigation record
23 search and shall use those results in determining
24 Compact Privilege eligibility.

1 b. Communication between a Member State and the Compact
2 Commission or among Member States regarding the
3 verification of eligibility for a Compact Privilege
4 shall not include any information received from the
5 Federal Bureau of Investigation relating to a federal
6 criminal history record information check performed by
7 a Member State;

8 4. Comply with and enforce the Rules of the Compact Commission;

9 5. Require an applicant for a Compact Privilege to obtain or
10 retain a License in the Licensee's Home State and meet the Home
11 State's qualifications for licensure or renewal of licensure, as
12 well as all other applicable State laws; and

13 6. Recognize a Compact Privilege granted to a Licensee who
14 meets all of the requirements outlined in Section 4 in accordance
15 with the terms of the Compact and Rules.

16 C. Member States may set and collect a fee for granting a
17 Compact Privilege.

18 D. Individuals not residing in a Member State shall continue to
19 be able to apply for a Member State's Single State License as
20 provided under the laws of each Member State. However, the Single
21 State License granted to these individuals shall not be recognized
22 as granting a Compact Privilege to engage in the Practice of
23 Dietetics in any other Member State.

1 E. Nothing in this Compact shall affect the requirements
2 established by a Member State for the issuance of a Single State
3 License.

4 F. At no point shall the Compact Commission have the power to
5 define the requirements for the issuance of a Single State License
6 to practice dietetics. The Member States shall retain sole
7 jurisdiction over the provision of these requirements.

8 SECTION 4: COMPACT PRIVILEGE

9 A. To exercise the Compact Privilege under the terms and
10 provisions of the Compact, the Licensee shall:

11 1. Satisfy one of the following:

12 a. hold a valid current registration that gives the
13 applicant the right to use the term Registered
14 Dietitian, or

15 b. complete all of the following:

16 (1) an education program which is either:

17 (a) a master's degree or doctoral degree that is
18 programmatically accredited by:

19 (i) ACEND, or

20 (ii) a dietetics accrediting agency
21 recognized by the United States
22 Department of Education, which the
23 Compact Commission may by Rule
24 determine, and from a college or

1 university accredited at the time of
2 graduation by the appropriate regional
3 accrediting agency recognized by the
4 Council on Higher Education
5 Accreditation and the United States
6 Department of Education, or

7 (b) an academic degree from a college or
8 university in a foreign country equivalent
9 to the degree described in subdivision (a)
10 that is programmatically accredited by:

11 (i) ACEND, or

12 (ii) a dietetics accrediting agency
13 recognized by the United States
14 Department of Education, which the
15 Compact Commission may by Rule
16 determine,

17 (2) a planned, documented, supervised practice
18 experience in dietetics that is programmatically
19 accredited by:

20 (a) ACEND, or

21 (b) a dietetics accrediting agency recognized by
22 the United States Department of Education
23 which the Compact Commission may by Rule
24 determine and which involves at least one

thousand (1,000) hours of practice
experience under the supervision of a
Registered Dietitian or a Licensed
Dietitian, and

(3) successful completion of either:

(a) the Registration Examination for Dietitians
administered by CDR, or

(b) a national credentialing examination for
dietitians approved by the Compact

Commission by Rule; such completion being no
more than five (5) years prior to the date
of the Licensee's application for initial
licensure and accompanied by a period of
continuous licensure thereafter, all of
which may be further governed by the Rules
of the Compact Commission;

2. Hold an Unencumbered License in the Home State;

3. Notify the Compact Commission that the Licensee is seeking a
Compact Privilege within a Remote State(s);

4. Pay any applicable fees, including any State fee, for the
Compact Privilege;

5. Meet any Jurisprudence Requirements established by the
Remote State(s) in which the Licensee is seeking a Compact
Privilege; and

1 6. Report to the Compact Commission any Adverse Action,
2 Encumbrance, or restriction on a License taken by any non-Member
3 State within thirty (30) days from the date the action is taken.

4 B. The Compact Privilege is valid until the expiration date of
5 the Home State License. To maintain a Compact Privilege, renewal of
6 the Compact Privilege shall be congruent with the renewal of the
7 Home State License as the Compact Commission may define by Rule.
8 The Licensee must comply with the requirements of Section 4(A) to
9 maintain the Compact Privilege in the Remote State(s).

10 C. A Licensee exercising a Compact Privilege shall adhere to
11 the laws and regulations of the Remote State. Licensees shall be
12 responsible for educating themselves on, and complying with, any and
13 all State laws relating to the Practice of Dietetics in such Remote
14 State.

15 D. Notwithstanding anything to the contrary provided in this
16 Compact or State law, a Licensee exercising a Compact Privilege
17 shall not be required to complete Continuing Education Requirements
18 required by a Remote State. A Licensee exercising a Compact
19 Privilege is only required to meet any Continuing Education
20 Requirements as required by the Home State.

21 SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A
22 COMPACT PRIVILEGE
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1 A. A Licensee may hold a Home State License, which allows for a
2 Compact Privilege in other Member States, in only one Member State
3 at a time.

4 B. If a Licensee changes Home State by moving between two
5 Member States:

6 1. The Licensee shall file an application for obtaining a new
7 Home State License based on a Compact Privilege, pay all applicable
8 fees, and notify the current and new Home State in accordance with
9 the Rules of the Compact Commission;

10 2. Upon receipt of an application for obtaining a new Home
11 State License by virtue of a Compact Privilege, the new Home State
12 shall verify that the Licensee meets the criteria in Section 4 via
13 the Data System, and require that the Licensee complete the
14 following:

15 a. Federal Bureau of Investigation fingerprint based
16 criminal history record information check,

17 b. any other criminal history record information required
18 by the new Home State, and

19 c. any Jurisprudence Requirements of the new Home State;

20 3. The former Home State shall convert the former Home State
21 License into a Compact Privilege once the new Home State has
22 activated the new Home State License in accordance with applicable
23 Rules adopted by the Compact Commission;

1 4. Notwithstanding any other provision of this Compact, if the
2 Licensee cannot meet the criteria in Section 4, the new Home State
3 may apply its requirements for issuing a new Single State License;
4 and

5 5. The Licensee shall pay all applicable fees to the new Home
6 State in order to be issued a new Home State License.

7 C. If a Licensee changes their State of residence by moving
8 from a Member State to a non-Member State, or from a non-Member
9 State to a Member State, the State criteria shall apply for issuance
10 of a Single State License in the new State.

11 D. Nothing in this Compact shall interfere with a Licensee's
12 ability to hold a Single State License in multiple States; however,
13 for the purposes of this Compact, a Licensee shall have only one
14 Home State License.

15 E. Nothing in this Compact shall affect the requirements
16 established by a Member State for the issuance of a Single State
17 License.

18 SECTION 6: ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

19 An Active Military Member, or their spouse, shall designate a
20 Home State where the individual has a current License in good
21 standing. The individual may retain the Home State designation
22 during the period the service member is on active duty.

23 SECTION 7: ADVERSE ACTIONS

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1 A. In addition to the other powers conferred by State law, a
2 Remote State shall have the authority, in accordance with existing
3 State due process law, to:

4 1. Take Adverse Action against a Licensee's Compact Privilege
5 within that Member State; and

6 2. Issue subpoenas for both hearings and investigations that
7 require the attendance and testimony of witnesses as well as the
8 production of evidence. Subpoenas issued by a Licensing Authority
9 in a Member State for the attendance and testimony of witnesses or
10 the production of evidence from another Member State shall be
11 enforced in the latter State by any court of competent jurisdiction,
12 according to the practice and procedure applicable to subpoenas
13 issued in proceedings pending before that court. The issuing
14 authority shall pay any witness fees, travel expenses, mileage, and
15 other fees required by the service statutes of the State in which
16 the witnesses or evidence is located.

17 B. Only the Home State shall have the power to take Adverse
18 Action against a Licensee's Home State License.

19 C. For purposes of taking Adverse Action, the Home State shall
20 give the same priority and effect to reported conduct received from
21 a Member State as it would if the conduct had occurred within the
22 Home State. In so doing, the Home State shall apply its own State
23 laws to determine appropriate action.

1 D. The Home State shall complete any pending investigations of
2 a Licensee who changes Home States during the course of the
3 investigations. The Home State shall also have authority to take
4 appropriate action(s) and shall promptly report the conclusions of
5 the investigations to the administrator of the Data System. The
6 administrator of the Data System shall promptly notify the new Home
7 State of any Adverse Actions.

8 E. A Member State, if otherwise permitted by State law, may
9 recover from the affected Licensee the costs of investigations and
10 dispositions of cases resulting from any Adverse Action taken
11 against that Licensee.

12 F. A Member State may take Adverse Action based on the factual
13 findings of another Remote State, provided that the Member State
14 follows its own procedures for taking the Adverse Action.

15 G. Joint Investigations.

16 1. In addition to the authority granted to a Member State by
17 its respective State law, any Member State may participate with
18 other Member States in joint investigations of Licensees.

19 2. Member States shall share any investigative, litigation, or
20 compliance materials in furtherance of any joint investigation
21 initiated under the Compact.

22 H. If Adverse Action is taken by the Home State against a
23 Licensee's Home State License resulting in an Encumbrance on the
24 Home State License, the Licensee's Compact Privilege(s) in all other

1 Member States shall be revoked until all Encumbrances have been
2 removed from the Home State License. All Home State disciplinary
3 orders that impose Adverse Action against a Licensee shall include a
4 statement that the Licensee's Compact Privileges are revoked in all
5 Member States during the pendency of the order.

6 I. Once an Encumbered License in the Home State is restored to
7 an Unencumbered License (as certified by the Home State's Licensing
8 Authority), the Licensee must meet the requirements of Section 4(A)
9 and follow the administrative requirements to reapply to obtain a
10 Compact Privilege in any Remote State.

11 J. If a Member State takes Adverse Action, it shall promptly
12 notify the administrator of the Data System. The administrator of
13 the Data System shall promptly notify the other Member States of any
14 Adverse Actions.

15 K. Nothing in this Compact shall override a Member State's
16 decision that participation in an Alternative Program may be used in
17 lieu of Adverse Action.

18 SECTION 8: ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT
19 COMMISSION

20 A. The Compact Member States hereby create and establish a
21 joint government agency whose membership consists of all Member
22 States that have enacted the Compact known as the Dietitian
23 Licensure Compact Commission. The Compact Commission is an
24 instrumentality of the Compact States acting jointly and not an

1 instrumentality of any one State. The Compact Commission shall come
2 into existence on or after the effective date of the Compact as set
3 forth in Section 12.

4 B. Membership, Voting, and Meetings.

5 1. Each Member State shall have and be limited to one (1)
6 delegate selected by that Member State's Licensing Authority.

7 2. The delegate shall be the primary administrator of the
8 Licensing Authority or their designee.

9 3. The Compact Commission shall by Rule or bylaw establish a
10 term of office for delegates and may by Rule or bylaw establish term
11 limits.

12 4. The Compact Commission may recommend removal or suspension
13 of any delegate from office.

14 5. A Member State's Licensing Authority shall fill any vacancy
15 of its delegate occurring on the Compact Commission within sixty
16 (60) days of the vacancy.

17 6. Each delegate shall be entitled to one vote on all matters
18 before the Compact Commission requiring a vote by the delegates.

19 7. Delegates shall meet and vote by such means as set forth in
20 the bylaws. The bylaws may provide for delegates to meet and vote
21 in person or by telecommunication, video conference, or other means
22 of communication.

23 8. The Compact Commission shall meet at least once during each
24 calendar year. Additional meetings may be held as set forth in the

1 bylaws. The Compact Commission may meet in person or by
2 telecommunication, video conference, or other means of
3 communication.

4 C. The Compact Commission shall have the following powers:

5 1. Establish the fiscal year of the Compact Commission;

6 2. Establish code of conduct and conflict of interest policies;

7 3. Establish and amend Rules and bylaws;

8 4. Maintain its financial records in accordance with the
9 bylaws;

10 5. Meet and take such actions as are consistent with the
11 provisions of this Compact, the Compact Commission's Rules, and the
12 bylaws;

13 6. Initiate and conclude legal proceedings or actions in the
14 name of the Compact Commission, provided that the standing of any
15 Licensing Authority to sue or be sued under applicable law shall not
16 be affected;

17 7. Maintain and certify records and information provided to a
18 Member State as the authenticated business records of the Compact
19 Commission, and designate an agent to do so on the Compact
20 Commission's behalf;

21 8. Purchase and maintain insurance and bonds;

22 9. Borrow, accept, or contract for services of personnel,
23 including, but not limited to, employees of a Member State;

24 10. Conduct an annual financial review;

1 11. Hire employees, elect or appoint officers, fix
2 compensation, define duties, grant such individuals appropriate
3 authority to carry out the purposes of the Compact, and establish
4 the Compact Commission's personnel policies and programs relating to
5 conflicts of interest, qualifications of personnel, and other
6 related personnel matters;

7 12. Assess and collect fees;

8 13. Accept any and all appropriate donations, grants of money,
9 other sources of revenue, equipment, supplies, materials, services,
10 and gifts, and receive, utilize, and dispose of the same; provided,
11 that at all times the Compact Commission shall avoid any actual or
12 appearance of impropriety or conflict of interest;

13 14. Lease, purchase, retain, own, hold, improve, or use any
14 property, real, personal, or mixed, or any undivided interest
15 therein;

16 15. Sell, convey, mortgage, pledge, lease, exchange, abandon,
17 or otherwise dispose of any property, real, personal, or mixed;

18 16. Establish a budget and make expenditures;

19 17. Borrow money;

20 18. Appoint committees, including standing committees, composed
21 of members, State regulators, State legislators or their
22 representatives, and consumer representatives, and such other
23 interested persons as may be designated in this Compact or the
24 bylaws;

1 19. Provide and receive information from, and cooperate with,
2 law enforcement agencies;

3 20. Establish and elect an Executive Committee, including a
4 chair and a vice chair;

5 21. Determine whether a State's adopted language is materially
6 different from the model compact language such that the State would
7 not qualify for participation in the Compact; and

8 22. Perform such other functions as may be necessary or
9 appropriate to achieve the purposes of this Compact.

10 D. The Executive Committee.

11 1. The Executive Committee shall have the power to act on
12 behalf of the Compact Commission according to the terms of this
13 Compact. The powers, duties, and responsibilities of the Executive
14 Committee shall include:

- 15 a. oversee the day-to-day activities of the
16 administration of the Compact including enforcement
17 and compliance with the provisions of the Compact, its
18 Rules and bylaws, and other such duties as deemed
19 necessary,
20 b. recommend to the Compact Commission changes to the
21 Rules or bylaws, changes to this Compact legislation,
22 fees charged to Compact Member States, fees charged to
23 Licensees, and other fees,

- c. ensure Compact administration services are appropriately provided, including by contract,
- d. prepare and recommend the budget,
- e. maintain financial records on behalf of the Compact Commission,
- f. monitor Compact compliance of Member States and provide compliance reports to the Compact Commission,
- g. establish additional committees as necessary,
- h. exercise the powers and duties of the Compact Commission during the interim between Compact Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Compact Commission by Rule or bylaw, and
- i. other duties as provided in the Rules or bylaws of the Compact Commission.

2. The Executive Committee shall be composed of nine (9) members:

- a. the chair and vice chair of the Compact Commission, who shall be voting members of the Executive Committee,
- b. five voting members from the current membership of the Compact Commission, elected by the Compact Commission,

- c. one ex officio, nonvoting member from a recognized professional association representing dietitians, and
- d. one ex officio, nonvoting member from a recognized national credentialing organization for dietitians.

3. The Compact Commission may remove any member of the Executive Committee as provided in the Compact Commission's bylaws.

4. The Executive Committee shall meet at least annually.

a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, nonpublic meeting as provided in subsection (F) (2) of this section.

b. The Executive Committee shall give thirty (30) days' notice of its meetings, posted on the website of the Compact Commission and as determined to provide notice to persons with an interest in the business of the Compact Commission.

c. The Executive Committee may hold a special meeting in accordance with subsection (F) (1) (b) of this section.

E. The Compact Commission shall adopt and provide to the Member States an annual report.

F. Meetings of the Compact Commission.

1. All meetings shall be open to the public, except that the Compact Commission may meet in a closed, nonpublic meeting as provided in subsection (F) (2) of this section.

1 a. Public notice for all meetings of the full Compact
2 Commission shall be given in the same manner as
3 required under the rulemaking provisions in Section
4 10, except that the Compact Commission may hold a
5 special meeting as provided in subsection (F)(1)(b) of
6 this section.

7 b. The Compact Commission may hold a special meeting when
8 it must meet to conduct emergency business by giving
9 twenty-four (24) hours' notice to all Member States,
10 on the Compact Commission's website, and other means
11 as provided in the Compact Commission's Rules. The
12 Compact Commission's legal counsel shall certify that
13 the Compact Commission's need to meet qualifies as an
14 emergency.

15 2. The Compact Commission or the Executive Committee or other
16 committees of the Compact Commission may convene in a closed,
17 nonpublic meeting for the Compact Commission or Executive Committee
18 or other committees of the Compact Commission to receive legal
19 advice or to discuss:

20 a. noncompliance of a Member State with its obligations
21 under the Compact,

22 b. the employment, compensation, discipline, or other
23 matters, practices, or procedures related to specific
24 employees,

- c. current or threatened discipline of a Licensee by the Compact 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 Compact Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact,
- k. matters specifically exempted from disclosure by federal or Member State law, or

1 1. other matters as specified in the Rules of the Compact
2 Commission.

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

7 4. The Compact Commission shall keep minutes that fully and
8 clearly describe all matters discussed in a meeting and shall
9 provide a full and accurate summary of actions taken, and the
10 reasons therefore, including a description of the views expressed.
11 All documents considered in connection with an action shall be
12 identified in such minutes. All minutes and documents of a closed
13 meeting shall remain under seal, subject to release only by a
14 majority vote of the Compact Commission or order of a court of
15 competent jurisdiction.

16 G. Financing of the Compact Commission.

17 1. The Compact Commission shall pay, or provide for the payment
18 of, the reasonable expenses of its establishment, organization, and
19 ongoing activities.

20 2. The Compact Commission may accept any and all appropriate
21 revenue sources as provided in subsection (C)(13) of this section.

22 3. The Compact Commission may levy on and collect an annual
23 assessment from each Member State and impose fees on Licensees of
24 Member States to whom it grants a Compact Privilege to cover the

1 cost of the operations and activities of the Compact Commission and
2 its staff, which must, in a total amount, be sufficient to cover its
3 annual budget as approved each year for which revenue is not
4 provided by other sources. The aggregate annual assessment amount
5 for Member States shall be allocated based upon a formula that the
6 Compact Commission shall promulgate by Rule.

7 4. The Compact Commission shall not incur obligations of any
8 kind prior to securing the funds adequate to meet the same; nor
9 shall the Compact Commission pledge the credit of any of the Member
10 States, except by and with the authority of the Member State.

11 5. The Compact Commission shall keep accurate accounts of all
12 receipts and disbursements. The receipts and disbursements of the
13 Compact Commission shall be subject to the financial review and
14 accounting procedures established under its bylaws. However, all
15 receipts and disbursements of funds handled by the Compact
16 Commission shall be subject to an annual financial review by a
17 certified or licensed public accountant, and the report of the
18 financial review shall be included in and become part of the annual
19 report of the Compact Commission.

20 H. Qualified Immunity, Defense, and Indemnification.

21 1. The members, officers, executive director, employees and
22 representatives of the Compact Commission shall be immune from suit
23 and liability, both personally and in their official capacity, for
24 any claim for damage to or loss of property or personal injury or

1 other civil liability caused by or arising out of any actual or
2 alleged act, error, or omission that occurred, or that the person
3 against whom the claim is made had a reasonable basis for believing
4 occurred within the scope of Compact Commission employment, duties,
5 or responsibilities; provided, that nothing in this paragraph shall
6 be construed to protect any such person from suit or liability for
7 any damage, loss, injury, or liability caused by the intentional or
8 willful or wanton misconduct of that person. The procurement of
9 insurance of any type by the Compact Commission shall not in any way
10 compromise or limit the immunity granted hereunder.

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

24

1 3. The Compact Commission shall indemnify and hold harmless any
2 member, officer, executive director, employee, and representative of
3 the Compact Commission for the amount of any settlement or judgment
4 obtained against that person arising out of any actual or alleged
5 act, error, or omission that occurred within the scope of Compact
6 Commission employment, duties, or responsibilities, or that such
7 person had a reasonable basis for believing occurred within the
8 scope of Compact Commission employment, duties, or responsibilities,
9 provided that the actual or alleged act, error, or omission did not
10 result from the intentional or willful or wanton misconduct of that
11 person.

12 4. Nothing herein shall be construed as a limitation on the
13 liability of any Licensee for professional malpractice or
14 misconduct, which shall be governed solely by any other applicable
15 State laws.

16 5. Nothing in this Compact shall be interpreted to waive or
17 otherwise abrogate a Member State's state action immunity or state
18 action affirmative defense with respect to antitrust claims under
19 the Sherman Act, Clayton Act, or any other State or federal
20 antitrust or anticompetitive law or regulation.

21 6. Nothing in this Compact shall be construed to be a waiver of
22 sovereign immunity by the Member States or by the Compact
23 Commission.

24 SECTION 9: DATA SYSTEM

1 A. The Compact Commission shall provide for the development,
2 maintenance, operation, and utilization of a coordinated Data
3 System.

4 B. The Compact Commission shall assign each applicant for a
5 Compact Privilege a unique identifier, as determined by the Rules.

6 C. Notwithstanding any other provision of State law to the
7 contrary, a Member State shall submit a uniform data set to the Data
8 System on all individuals to whom this Compact is applicable as
9 required by the Rules of the Compact Commission, including:

10 1. Identifying information;

11 2. Licensure data;

12 3. Adverse Actions against a License or Compact Privilege and
13 information related thereto;

14 4. Nonconfidential information related to Alternative Program
15 participation, the beginning and ending dates of such participation,
16 and other information related to such participation not made
17 confidential under Member State law;

18 5. Any denial of application for licensure, and the reason(s)
19 for such denial;

20 6. The presence of Current Significant Investigative
21 Information; and

22 7. Other information that may facilitate the administration of
23 this Compact or the protection of the public, as determined by the
24 Rules of the Compact Commission.

1 D. The records and information provided to a Member State
2 pursuant to this Compact or through the Data System, when certified
3 by the Compact Commission or an agent thereof, shall constitute the
4 authenticated business records of the Compact Commission, and shall
5 be entitled to any associated hearsay exception in any relevant
6 judicial, quasi-judicial, or administrative proceedings in a Member
7 State.

8 E. Current Significant Investigative Information pertaining to
9 a Licensee in any Member State will only be available to other
10 Member States.

11 F. It is the responsibility of the Member States to report any
12 Adverse Action against a Licensee and to monitor the Data System to
13 determine whether any Adverse Action has been taken against a
14 Licensee. Adverse Action information pertaining to a Licensee in
15 any Member State will be available to any other Member State.

16 G. Member States contributing information to the Data System
17 may designate information that may not be shared with the public
18 without the express permission of the contributing State.

19 H. Any information submitted to the Data System that is
20 subsequently expunged pursuant to federal law or the laws of the
21 Member State contributing the information shall be removed from the
22 Data System.

23 SECTION 10: RULEMAKING
24

1 A. The Compact Commission shall promulgate reasonable Rules in
2 order to effectively and efficiently implement and administer the
3 purposes and provisions of the Compact. A Rule shall be invalid and
4 have no force or effect only if a court of competent jurisdiction
5 holds that the Rule is invalid because the Compact Commission
6 exercised its rulemaking authority in a manner that is beyond the
7 scope and purposes of the Compact, or the powers granted hereunder,
8 or based upon another applicable standard of review.

9 B. The Rules of the Compact Commission shall have the force of
10 law in each Member State; provided, however, that where the Rules
11 conflict with the laws or regulations of a Member State that relate
12 to the procedures, actions, and processes a Licensed Dietitian is
13 permitted to undertake in that State and the circumstances under
14 which they may do so, as held by a court of competent jurisdiction,
15 the Rules of the Compact Commission shall be ineffective in that
16 State to the extent of the conflict.

17 C. The Compact Commission shall exercise its rulemaking powers
18 pursuant to the criteria set forth in this section and the Rules
19 adopted thereunder. Rules shall become binding on the day following
20 adoption or as of the date specified in the Rule or amendment,
21 whichever is later.

22 D. If a majority of the legislatures of the Member States
23 rejects a Rule or portion of a Rule, by enactment of a statute or
24 resolution in the same manner used to adopt the Compact within four

1 (4) years of the date of adoption of the Rule, then such Rule shall
2 have no further force and effect in any Member State.

3 E. Rules shall be adopted at a regular or special meeting of
4 the Compact Commission.

5 F. Prior to adoption of a proposed Rule, the Compact Commission
6 shall hold a public hearing and allow persons to provide oral and
7 written comments, data, facts, opinions, and arguments.

8 G. Prior to adoption of a proposed Rule by the Compact
9 Commission, and at least thirty (30) days in advance of the meeting
10 at which the Compact Commission will hold a public hearing on the
11 proposed Rule, the Compact Commission shall provide a Notice of
12 Proposed rulemaking:

13 1. On the website of the Compact Commission or other publicly
14 accessible platform;

15 2. To persons who have requested notice of the Compact
16 Commission's notices of proposed rulemaking; and

17 3. In such other way(s) as the Compact Commission may by Rule
18 specify.

19 H. The Notice of Proposed rulemaking shall include:

20 1. The time, date, and location of the public hearing at which
21 the Compact Commission will hear public comments on the proposed
22 Rule and, if different, the time, date, and location of the meeting
23 where the Compact Commission will consider and vote on the proposed
24 Rule;

1 2. If the hearing is held via telecommunication, video
2 conference, or other means of communication, the Compact Commission
3 shall include the mechanism for access to the hearing in the Notice
4 of Proposed rulemaking;

5 3. The text of the proposed Rule and the reason therefore;

6 4. A request for comments on the proposed Rule from any
7 interested person; and

8 5. The manner in which interested persons may submit written
9 comments.

10 I. All hearings will be recorded. A copy of the recording and
11 all written comments and documents received by the Compact
12 Commission in response to the proposed Rule shall be available to
13 the public.

14 J. Nothing in this section shall be construed as requiring a
15 separate hearing on each Rule. Rules may be grouped for the
16 convenience of the Compact Commission at hearings required by this
17 section.

18 K. The Compact Commission shall, by majority vote of all
19 members, take final action on the proposed Rule based on the
20 rulemaking record and the full text of the Rule.

21 1. The Compact Commission may adopt changes to the proposed
22 Rule provided the changes do not enlarge the original purpose of the
23 proposed Rule.

1 2. The Compact Commission shall provide an explanation of the
2 reasons for substantive changes made to the proposed Rule as well as
3 reasons for substantive changes not made that were recommended by
4 commenters.

5 3. The Compact Commission shall determine a reasonable
6 effective date for the Rule. Except for an emergency as provided in
7 Section 10(L), the effective date of the Rule shall be no sooner
8 than thirty (30) days after issuing the notice that it adopted or
9 amended the Rule.

10 L. Upon determination that an emergency exists, the Compact
11 Commission may consider and adopt an emergency Rule with twenty-four
12 (24) hours' notice, with opportunity to comment, provided that the
13 usual rulemaking procedures provided in the Compact and in this
14 section shall be retroactively applied to the Rule as soon as
15 reasonably possible, in no event later than ninety (90) days after
16 the effective date of the Rule. For the purposes of this provision,
17 an emergency Rule is one that must be adopted immediately in order
18 to:

19 1. Meet an imminent threat to public health, safety, or
20 welfare;

21 2. Prevent a loss of Compact Commission or Member State funds;

22 3. Meet a deadline for the promulgation of a Rule that is
23 established by federal law or rule; or

24 4. Protect public health and safety.

1 M. The Compact Commission or an authorized committee of the
2 Compact Commission may direct revision to a previously adopted Rule
3 for purposes of correcting typographical errors, errors in format,
4 errors in consistency, or grammatical errors. Public notice of any
5 revision shall be posted on the website of the Compact Commission.
6 The revision shall be subject to challenge by any person for a
7 period of thirty (30) days after posting. The revision may be
8 challenged only on grounds that the revision results in a material
9 change to a Rule. A challenge shall be made in writing and
10 delivered to the Compact Commission prior to the end of the notice
11 period. If no challenge is made, the revision will take effect
12 without further action. If the revision is challenged, the revision
13 may not take effect without the approval of the Compact Commission.

14 N. No Member State's rulemaking requirements shall apply under
15 this Compact.

16 SECTION 11: OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

17 A. Oversight.

18 1. The executive and judicial branches of State government in
19 each Member State shall enforce this Compact and take all actions
20 necessary and appropriate to implement this Compact.

21 2. Except as otherwise provided in this Compact, venue is
22 proper and judicial proceedings by or against the Compact Commission
23 shall be brought solely and exclusively in a court of competent
24 jurisdiction where the principal office of the Compact Commission is

1 located. The Compact Commission may waive venue and jurisdictional
2 defenses to the extent it adopts or consents to participate in
3 alternative dispute resolution proceedings. Nothing herein shall
4 affect or limit the selection or propriety of venue in any action
5 against a Licensee for professional malpractice, misconduct, or any
6 such similar matter.

7 3. The Compact Commission shall be entitled to receive service
8 of process in any proceeding regarding the enforcement or
9 interpretation of the Compact and shall have standing to intervene
10 in such a proceeding for all purposes. Failure to provide the
11 Compact Commission service of process shall render a judgment or
12 order void as to the Compact Commission, this Compact, or
13 promulgated Rules.

14 B. Default, Technical Assistance, and Termination.

15 1. If the Compact Commission determines that a Member State has
16 defaulted in the performance of its obligations or responsibilities
17 under this Compact or the promulgated Rules, the Compact Commission
18 shall provide written notice to the defaulting State. The notice of
19 default shall describe the default, the proposed means of curing the
20 default, and any other action that the Compact Commission may take
21 and shall offer training and specific technical assistance regarding
22 the default.

23 2. The Compact Commission shall provide a copy of the notice of
24 default to the other Member States.

1 C. If a State in default fails to cure the default, the
2 defaulting State may be terminated from the Compact upon an
3 affirmative vote of a majority of the delegates of the Member
4 States, and all rights, privileges, and benefits conferred on that
5 State by this Compact may be terminated on the effective date of
6 termination. A cure of the default does not relieve the offending
7 State of obligations or liabilities incurred during the period of
8 default.

9 D. Termination of membership in the Compact shall be imposed
10 only after all other means of securing compliance have been
11 exhausted. Notice of intent to suspend or terminate shall be given
12 by the Compact Commission to the governor, the majority and minority
13 leaders of the defaulting State's legislature, the defaulting
14 State's Licensing Authority, and each of the Member States'
15 Licensing Authorities.

16 E. A State that has been terminated is responsible for all
17 assessments, obligations, and liabilities incurred through the
18 effective date of termination, including obligations that extend
19 beyond the effective date of termination.

20 F. Upon the termination of a State's membership from this
21 Compact, that State shall immediately provide notice to all
22 Licensees within that State of such termination. The terminated
23 State shall continue to recognize all Compact Privileges granted
24

1 pursuant to this Compact for a minimum of six (6) months after the
2 date of said notice of termination.

3 G. The Compact Commission shall not bear any costs related to a
4 State that is found to be in default or that has been terminated
5 from the Compact, unless agreed upon in writing between the Compact
6 Commission and the defaulting State.

7 H. The defaulting State may appeal the action of the Compact
8 Commission by petitioning the United States District Court for the
9 District of Columbia or the federal district where the Compact
10 Commission has its principal offices. The prevailing party shall be
11 awarded all costs of such litigation, including reasonable
12 attorney's fees.

13 I. Dispute Resolution.

14 1. Upon request by a Member State, the Compact Commission shall
15 attempt to resolve disputes related to the Compact that arise among
16 Member States and between Member and non-Member States.

17 2. The Compact Commission shall promulgate a Rule providing for
18 both mediation and binding dispute resolution for disputes as
19 appropriate.

20 J. Enforcement.

21 1. By supermajority vote, the Compact Commission may initiate
22 legal action against a Member State in default in the United States
23 District Court for the District of Columbia or the federal district
24 where the Compact Commission has its principal offices to enforce

1 compliance with the provisions of the Compact and its promulgated
2 Rules. The relief sought may include both injunctive relief and
3 damages. In the event judicial enforcement is necessary, the
4 prevailing party shall be awarded all costs of such litigation,
5 including reasonable attorney's fees. The remedies herein shall not
6 be the exclusive remedies of the Compact Commission. The Compact
7 Commission may pursue any other remedies available under federal or
8 the defaulting Member State's law.

9 2. A Member State may initiate legal action against the Compact
10 Commission in the United States District Court for the District of
11 Columbia or the federal district where the Compact Commission has
12 its principal offices to enforce compliance with the provisions of
13 the Compact and its promulgated Rules. The relief sought may
14 include both injunctive relief and damages. In the event judicial
15 enforcement is necessary, the prevailing party shall be awarded all
16 costs of such litigation, including reasonable attorney's fees.

17 3. No party other than a Member State shall enforce this
18 Compact against the Compact Commission.

19 SECTION 12: EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

20 A. The Compact shall come into effect on the date on which the
21 Compact statute is enacted into law in the seventh Member State.

22 1. On or after the effective date of the Compact, the Compact
23 Commission shall convene and review the enactment of each of the
24 first seven Member States ("Charter Member States") to determine if

1 the statute enacted by each such Charter Member State is materially
2 different than the model Compact statute.

3 a. A Charter Member State whose enactment is found to be
4 materially different from the model Compact statute
5 shall be entitled to the default process set forth in
6 Section 11.

7 b. If any Member State is later found to be in default,
8 or is terminated, or withdraws from the Compact, the
9 Compact Commission shall remain in existence and the
10 Compact shall remain in effect even if the number of
11 Member States should be less than seven.

12 2. Member States enacting the Compact subsequent to the seven
13 initial Charter Member States shall be subject to the process set
14 forth in Section 8(C) (21) to determine if their enactments are
15 materially different from the model Compact statute and whether they
16 qualify for participation in the Compact.

17 3. All actions taken for the benefit of the Compact Commission
18 or in furtherance of the purposes of the administration of the
19 Compact prior to the effective date of the Compact or the Compact
20 Commission coming into existence shall be considered to be actions
21 of the Compact Commission unless specifically repudiated by the
22 Compact Commission.

23 4. Any State that joins the Compact subsequent to the Compact
24 Commission's initial adoption of the Rules and bylaws shall be

1 subject to the Rules and bylaws as they exist on the date on which
2 the Compact becomes law in that State. Any Rule that has been
3 previously adopted by the Compact Commission shall have the full
4 force and effect of law on the day the Compact becomes law in that
5 State.

6 B. Any Member State may withdraw from this Compact by enacting
7 a statute repealing the same.

8 1. A Member State's withdrawal shall not take effect until one
9 hundred eighty (180) days after enactment of the repealing statute.

10 2. Withdrawal shall not affect the continuing requirement of
11 the withdrawing State's Licensing Authority to comply with the
12 investigative and Adverse Action reporting requirements of this
13 Compact prior to the effective date of withdrawal.

14 3. Upon the enactment of a statute withdrawing from this
15 Compact, a State shall immediately provide notice of such withdrawal
16 to all Licensees within that State. Notwithstanding any subsequent
17 statutory enactment to the contrary, such withdrawing State shall
18 continue to recognize all Compact Privileges granted pursuant to
19 this Compact for a minimum of one hundred eighty (180) days after
20 the date of such notice of withdrawal.

21 C. Nothing contained in this Compact shall be construed to
22 invalidate or prevent any licensure agreement or other cooperative
23 arrangement between a Member State and a non-Member State that does
24 not conflict with the provisions of this Compact.

1 D. This Compact may be amended by the Member States. No
2 amendment to this Compact shall become effective and binding upon
3 any Member State until it is enacted into the laws of all Member
4 States.

5 SECTION 13: CONSTRUCTION AND SEVERABILITY

6 A. This Compact and the Compact Commission's rulemaking
7 authority shall be liberally construed so as to effectuate the
8 purposes and the implementation and administration of the Compact.
9 Provisions of the Compact expressly authorizing or requiring the
10 promulgation of Rules shall not be construed to limit the Compact
11 Commission's rulemaking authority solely for those purposes.

12 B. The provisions of this Compact shall be severable and if any
13 phrase, clause, sentence, or provision of this Compact is held by a
14 court of competent jurisdiction to be contrary to the constitution
15 of any Member State, a State seeking participation in the Compact,
16 or of the United States, or the applicability thereof to any
17 government, agency, person, or circumstance is held to be
18 unconstitutional by a court of competent jurisdiction, the validity
19 of the remainder of this Compact and the applicability thereof to
20 any other government, agency, person, or circumstance shall not be
21 affected thereby.

22 C. Notwithstanding Section 13(B), the Compact Commission may
23 deny a State's participation in the Compact or, in accordance with
24 the requirements of Section 11(B), terminate a Member State's

1 participation in the Compact, if it determines that a constitutional
2 requirement of a Member State is a material departure from the
3 Compact. Otherwise, if this Compact shall be held to be contrary to
4 the constitution of any Member State, the Compact shall remain in
5 full force and effect as to the remaining Member States and in full
6 force and effect as to the Member State affected as to all severable
7 matters.

8 SECTION 14: CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE
9 LAWS

10 A. Nothing herein shall prevent or inhibit the enforcement of
11 any other law of a Member State that is not inconsistent with the
12 Compact.

13 B. Any laws, statutes, regulations, or other legal requirements
14 in a Member State in conflict with the Compact are superseded to the
15 extent of the conflict.

16 C. All permissible agreements between the Compact Commission
17 and the Member States are binding in accordance with their terms.

18 SECTION 3. AMENDATORY 59 O.S. 2021, Section 1727, is
19 amended to read as follows:

20 A. The Board may adopt rules which may be necessary for the
21 performance of its duties pursuant to the provisions of the Licensed
22 Dietitian Act.

23 B. It shall be the duty of the Board, aided by the Committee,
24 to pass upon the qualifications of applicants for licensure, to

1 conduct all examinations and to determine which applicants
2 successfully pass such examinations.

3 C. The Board shall:

4 1. adopt an official seal;

5 2. establish the qualifications and fitness of applicants for
6 licenses, renewal of licenses, and reciprocal licenses;

7 3. revoke, suspend, or deny a license, probate a license
8 suspension, or reprimand a licensee for a violation of the Licensed
9 Dietitian Act, or the rules of the Board;

10 4. spend funds necessary for the proper administration of its
11 assigned duties;

12 5. establish reasonable and necessary fees for the
13 administration and implementation of the Licensed Dietitian Act;

14 6. maintain a record listing the name of every licensed
15 dietitian in this state, his or her last-known place of business and
16 last-known place of residence, and the date and number of his or her
17 license. The Board shall compile a list of dietitians licensed to
18 practice in this state and such list shall be available to any
19 person upon application to the Board and the payment of such charge
20 as may be fixed by the Board for such list;

21 7. comply with the Oklahoma Open Meeting Law.

22 D. The Board shall not adopt rules restricting competitive
23 bidding or advertising by a person regulated by the Board except to
24 prohibit false, misleading, or deceptive practices. The Board shall

not include in its rules to prohibit false, misleading, or deceptive practices by a person regulated by the Board a rule that:

1. restricts the person's use of any medium for advertising; or
2. restricts the person's personal appearance or use of his or her personal voice in an advertisement; or
3. relates to the size or duration of any advertisement by the person; or
4. restricts the person's advertisement under a trade name.

E. The State Board of Medical Licensure is authorized to obtain a national criminal history background check as a condition of eligibility for individuals applying to become a Licensed Dietitian.

1. Applicants shall be fingerprinted for the national criminal history background check. Applicant fingerprints shall be submitted to the Oklahoma State Bureau of Investigation and the national criminal history background check shall be conducted in accordance with Section 150.9 of Title 74 of the Oklahoma Statutes. The Bureau shall return national criminal history results to the Board.

2. Results obtained from the national criminal history background check shall be used solely for the screening of applicants and shall be retained by the Board. The Board shall not disseminate criminal history record information resulting from the background check.

SECTION 4. AMENDATORY 59 O.S. 2021, Section 1730, is amended to read as follows:

1 Section 1730. A. An applicant for a dietitian license shall
2 submit a sworn application, accompanied by the application fee.

3 B. The Committee shall prescribe the form of the application
4 and may by rule establish dates by which applications and fees shall
5 be received. These rules shall not be inconsistent with rules of
6 the Board related to application dates of other licenses.

7 C. To qualify for the licensing examination the applicant
8 shall:

9 1. possess a baccalaureate or post baccalaureate degree with a
10 major course of study in human nutrition, food and nutrition,
11 dietetics, or food systems management or an equivalent major course
12 of study approved by the Committee; ~~and~~

13 2. have completed an internship or preplanned professional
14 experience program approved by the Committee; and

15 3. submit to a national, fingerprint-based background check as
16 described in Section 1727 of this title.

17 D. Not later than the 45th day after the receipt of a properly
18 submitted and timely application and not later than the 30th day
19 before the next examination date, the Board shall notify an
20 applicant in writing that his or her application and any other
21 relevant evidence pertaining to applicant qualifications established
22 by the Board by rule has been received and investigated. The notice
23 shall state whether the application and other evidence submitted
24 have qualified the applicant for examination. If the applicant has

1 not qualified for examination, the notice shall state the reasons
2 for the lack of qualifications.

3 SECTION 5. This act shall become effective November 1, 2025."

4 Passed the House of Representatives the 30th day of April, 2025.

5
6
7 Presiding Officer of the House of
8 Representatives

9 Passed the Senate the ____ day of _____, 2025.

10
11
12 Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 805

By: Pugh of the Senate

3 and

4 Osburn of the House

5
6 An Act relating to professions and occupations;
7 enacting the Dietitian Licensure Compact and
8 authorizing the Governor to enter into the Compact
9 with certain jurisdictions; setting forth form of the
10 Compact; providing for codification; and providing an
11 effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 6. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1742.1 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 The Dietitian Licensure Compact is hereby enacted into law and
17 the Governor shall enter into the Compact on behalf of the State of
18 Oklahoma with any jurisdiction legally joined therein, in the form
19 substantially as set forth in this act.

20 SECTION 7. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1742.2 of Title 59, unless there
22 is created a duplication in numbering, reads as follows:

23 DIETITIAN LICENSURE COMPACT

24 SECTION 1: PURPOSE

1 The purpose of this Compact is to facilitate interstate Practice
2 of Dietetics with the goal of improving public access to dietetics
3 services. This Compact preserves the regulatory authority of States
4 to protect public health and safety through the current system of
5 State licensure, while also providing for licensure portability
6 through a Compact Privilege granted to qualifying professionals.

7 This Compact is designed to achieve the following objectives:

8 A. Increase public access to dietetics services.

9 B. Provide opportunities for interstate practice by Licensed
10 Dietitians who meet uniform requirements.

11 C. Eliminate the necessity for Licenses in multiple States.

12 D. Reduce administrative burden on Member States and Licensees.

13 E. Enhance the States' ability to protect the public's health
14 and safety.

15 F. Encourage the cooperation of Member States in regulating
16 multistate practice of Licensed Dietitians.

17 G. Support relocating Active Military Members and their
18 spouses.

19 H. Enhance the exchange of licensure, investigative, and
20 disciplinary information among Member States.

21 I. Vest all Member States with the authority to hold a Licensed
22 Dietitian accountable for meeting all State practice laws in the
23 State in which the patient is located at the time care is rendered.

24 SECTION 2: DEFINITIONS

1 A. "ACEND" means the Accreditation Council for Education in
2 Nutrition and Dietetics or its successor organization.

3 B. "Active Military Member" means any individual with full-time
4 duty status in the active armed forces of the United States,
5 including members of the National Guard and Reserve.

6 C. "Adverse Action" means any administrative, civil, equitable
7 or criminal action permitted by a State's laws which is imposed by a
8 Licensing Authority or other authority against a Licensee, including
9 actions against an individual's License or Compact Privilege such as
10 revocation, suspension, probation, monitoring of the Licensee,
11 limitation on the Licensee's practice, or any other Encumbrance on
12 licensure affecting a Licensee's authorization to practice,
13 including issuance of a cease and desist action.

14 D. "Alternative Program" means a non-disciplinary monitoring or
15 practice remediation process approved by a Licensing Authority.

16 E. "Charter Member State" means any Member State which enacted
17 this Compact by law before the Effective Date specified in Section
18 12.

19 F. "Continuing Education" means a requirement, as a condition
20 of License renewal, to provide evidence of participation in, and
21 completion of, educational and professional activities relevant to
22 practice or area of work.

23 G. "CDR" means the Commission on Dietetic Registration or its
24 successor organization.

1 H. "Compact Commission" means the government agency whose
2 membership consists of all States that have enacted this Compact,
3 which is known as the Dietitian Licensure Compact Commission, as
4 described in Section 8, and which shall operate as an
5 instrumentality of the Member States.

6 I. "Compact Privilege" means a legal authorization, which is
7 equivalent to a License, permitting the Practice of Dietetics in a
8 Remote State.

9 J. "Current Significant Investigative Information" means:

10 1. Investigative Information that a Licensing Authority, after
11 a preliminary inquiry that includes notification and an opportunity
12 for the subject Licensee to respond, if required by State law, has
13 reason to believe is not groundless and, if proved true, would
14 indicate more than a minor infraction; or

15 2. Investigative Information that indicates that the subject
16 Licensee represents an immediate threat to public health and safety
17 regardless of whether the subject Licensee has been notified and had
18 an opportunity to respond.

19 K. "Data System" means a repository of information about
20 Licensees, including, but not limited to, Continuing Education,
21 examination, licensure, investigative, Compact Privilege and Adverse
22 Action information.

23 L. "Encumbered License" means a License in which an Adverse
24 Action restricts a Licensee's ability to practice dietetics.

1 M. "Encumbrance" means a revocation or suspension of, or any
2 limitation on a Licensee's full and unrestricted Practice of
3 Dietetics by a Licensing Authority.

4 N. "Executive Committee" means a group of delegates elected or
5 appointed to act on behalf of, and within the powers granted to them
6 by, this Compact, and the Compact Commission.

7 O. "Home State" means the Member State that is the Licensee's
8 primary State of residence or that has been designated pursuant to
9 Section 6.

10 P. "Investigative Information" means information, records, and
11 documents received or generated by a Licensing Authority pursuant to
12 an investigation.

13 Q. "Jurisprudence Requirement" means an assessment of an
14 individual's knowledge of the State laws and regulations governing
15 the Practice of Dietetics in such State.

16 R. "License" means an authorization from a Member State to
17 either:

18 1. Engage in the Practice of Dietetics (including medical
19 nutrition therapy); or

20 2. Use the title "dietitian," "licensed dietitian," "licensed
21 dietitian nutritionist," "certified dietitian," or other title
22 describing a substantially similar practitioner as the Compact
23 Commission may further define by Rule.

1 S. "Licensee" or "Licensed Dietitian" means an individual who
2 currently holds a License and who meets all of the requirements
3 outlined in Section 4.

4 T. "Licensing Authority" means the board or agency of a State,
5 or equivalent, that is responsible for the licensing and regulation
6 of the Practice of Dietetics.

7 U. "Member State" means a State that has enacted the Compact.

8 V. "Practice of Dietetics" means the synthesis and application
9 of dietetics, primarily for the provision of nutrition care
10 services, including medical nutrition therapy, in person or via
11 telehealth, to prevent, manage, or treat diseases or medical
12 conditions and promote wellness.

13 W. "Registered Dietitian" means a person who:

14 1. Has completed applicable education, experience, examination,
15 and recertification requirements approved by CDR;

16 2. Is credentialed by CDR as a registered dietitian or a
17 registered dietitian nutritionist; and

18 3. Is legally authorized to use the title registered dietitian
19 or registered dietitian nutritionist and the corresponding
20 abbreviations "RD" or "RDN".

21 X. "Remote State" means a Member State other than the Home
22 State, where a Licensee is exercising or seeking to exercise a
23 Compact Privilege.

24

1 Y. "Rule" means a regulation promulgated by the Compact
2 Commission that has the force of law.

3 Z. "Single State License" means a License issued by a Member
4 State within the issuing State and does not include a Compact
5 Privilege in any other Member State.

6 AA. "State" means any state, commonwealth, district, or
7 territory of the United States of America.

8 BB. "Unencumbered License" means a License that authorizes a
9 Licensee to engage in the full and unrestricted Practice of
10 Dietetics.

11 SECTION 3: STATE PARTICIPATION IN THE COMPACT

12 A. To participate in the Compact, a State must currently:

- 13 1. License and regulate the Practice of Dietetics; and
14 2. Have a mechanism in place for receiving and investigating
15 complaints about Licensees.

16 B. A Member State shall:

17 1. Participate fully in the Compact Commission's Data System,
18 including using the unique identifier as defined in Rules;

19 2. Notify the Compact Commission, in compliance with the terms
20 of the Compact and Rules, of any Adverse Action or the availability
21 of Current Significant Investigative Information regarding a
22 Licensee;

23 3. Implement or utilize procedures for considering the criminal
24 history record information of applicants for an initial Compact

1 Privilege. These procedures shall include the submission of
2 fingerprints or other biometric-based information by applicants for
3 the purpose of obtaining an applicant's criminal history record
4 information from the Federal Bureau of Investigation and the agency
5 responsible for retaining that State's criminal records;

6 a. A Member State must fully implement a criminal history
7 record information requirement, within a time frame
8 established by Rule, which includes receiving the
9 results of the Federal Bureau of Investigation record
10 search and shall use those results in determining
11 Compact Privilege eligibility.

12 b. Communication between a Member State and the Compact
13 Commission or among Member States regarding the
14 verification of eligibility for a Compact Privilege
15 shall not include any information received from the
16 Federal Bureau of Investigation relating to a federal
17 criminal history record information check performed by
18 a Member State;

19 4. Comply with and enforce the Rules of the Compact Commission;

20 5. Require an applicant for a Compact Privilege to obtain or
21 retain a License in the Licensee's Home State and meet the Home
22 State's qualifications for licensure or renewal of licensure, as
23 well as all other applicable State laws; and
24

1 6. Recognize a Compact Privilege granted to a Licensee who
2 meets all of the requirements outlined in Section 4 in accordance
3 with the terms of the Compact and Rules.

4 C. Member States may set and collect a fee for granting a
5 Compact Privilege.

6 D. Individuals not residing in a Member State shall continue to
7 be able to apply for a Member State's Single State License as
8 provided under the laws of each Member State. However, the Single
9 State License granted to these individuals shall not be recognized
10 as granting a Compact Privilege to engage in the Practice of
11 Dietetics in any other Member State.

12 E. Nothing in this Compact shall affect the requirements
13 established by a Member State for the issuance of a Single State
14 License.

15 F. At no point shall the Compact Commission have the power to
16 define the requirements for the issuance of a Single State License
17 to practice dietetics. The Member States shall retain sole
18 jurisdiction over the provision of these requirements.

19 SECTION 4: COMPACT PRIVILEGE

20 A. To exercise the Compact Privilege under the terms and
21 provisions of the Compact, the Licensee shall:

22 1. Satisfy one of the following:
23
24

- 1 a. hold a valid current registration that gives the
2 applicant the right to use the term Registered
3 Dietitian, or
- 4 b. complete all of the following:
- 5 (1) an education program which is either:
- 6 (a) a master's degree or doctoral degree that is
7 programmatically accredited by:
- 8 (i) ACEND, or
- 9 (ii) a dietetics accrediting agency
10 recognized by the United States
11 Department of Education, which the
12 Compact Commission may by Rule
13 determine, and from a college or
14 university accredited at the time of
15 graduation by the appropriate regional
16 accrediting agency recognized by the
17 Council on Higher Education
18 Accreditation and the United States
19 Department of Education, or
- 20 (b) an academic degree from a college or
21 university in a foreign country equivalent
22 to the degree described in subdivision (a)
23 that is programmatically accredited by:
- 24 (i) ACEND, or

(ii) a dietetics accrediting agency
recognized by the United States
Department of Education, which the
Compact Commission may by Rule
determine,

(2) a planned, documented, supervised practice
experience in dietetics that is programmatically
accredited by:

(a) ACEND, or

(b) a dietetics accrediting agency recognized by
the United States Department of Education
which the Compact Commission may by Rule
determine and which involves at least one
thousand (1000) hours of practice experience
under the supervision of a Registered
Dietitian or a Licensed Dietitian, and

(3) successful completion of either:

(a) the Registration Examination for Dietitians
administered by CDR, or

(b) a national credentialing examination for
dietitians approved by the Compact
Commission by Rule; such completion being no
more than five (5) years prior to the date
of the Licensee's application for initial

1 licensure and accompanied by a period of
2 continuous licensure thereafter, all of
3 which may be further governed by the Rules
4 of the Compact Commission;

5 2. Hold an Unencumbered License in the Home State;

6 3. Notify the Compact Commission that the Licensee is seeking a
7 Compact Privilege within a Remote State(s);

8 4. Pay any applicable fees, including any State fee, for the
9 Compact Privilege;

10 5. Meet any Jurisprudence Requirements established by the
11 Remote State(s) in which the Licensee is seeking a Compact
12 Privilege; and

13 6. Report to the Compact Commission any Adverse Action,
14 Encumbrance, or restriction on a License taken by any non-Member
15 State within thirty (30) days from the date the action is taken.

16 B. The Compact Privilege is valid until the expiration date of
17 the Home State License. To maintain a Compact Privilege, renewal of
18 the Compact Privilege shall be congruent with the renewal of the
19 Home State License as the Compact Commission may define by Rule.
20 The Licensee must comply with the requirements of Section 4(A) to
21 maintain the Compact Privilege in the Remote State(s).

22 C. A Licensee exercising a Compact Privilege shall adhere to
23 the laws and regulations of the Remote State. Licensees shall be
24 responsible for educating themselves on, and complying with, any and

1 all State laws relating to the Practice of Dietetics in such Remote
2 State.

3 D. Notwithstanding anything to the contrary provided in this
4 Compact or State law, a Licensee exercising a Compact Privilege
5 shall not be required to complete Continuing Education Requirements
6 required by a Remote State. A Licensee exercising a Compact
7 Privilege is only required to meet any Continuing Education
8 Requirements as required by the Home State.

9 SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A
10 COMPACT PRIVILEGE

11 A. A Licensee may hold a Home State License, which allows for a
12 Compact Privilege in other Member States, in only one Member State
13 at a time.

14 B. If a Licensee changes Home State by moving between two
15 Member States:

16 1. The Licensee shall file an application for obtaining a new
17 Home State License based on a Compact Privilege, pay all applicable
18 fees, and notify the current and new Home State in accordance with
19 the Rules of the Compact Commission;

20 2. Upon receipt of an application for obtaining a new Home
21 State License by virtue of a Compact Privilege, the new Home State
22 shall verify that the Licensee meets the criteria in Section 4 via
23 the Data System, and require that the Licensee complete the
24 following:

- a. Federal Bureau of Investigation fingerprint based criminal history record information check,
- b. any other criminal history record information required by the new Home State, and
- c. any Jurisprudence Requirements of the new Home State;

3. The former Home State shall convert the former Home State License into a Compact Privilege once the new Home State has activated the new Home State License in accordance with applicable Rules adopted by the Compact Commission;

4. Notwithstanding any other provision of this Compact, if the Licensee cannot meet the criteria in Section 4, the new Home State may apply its requirements for issuing a new Single State License; and

5. The Licensee shall pay all applicable fees to the new Home State in order to be issued a new Home State License.

C. If a Licensee changes their State of residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single State License in the new State.

D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States; however, for the purposes of this Compact, a Licensee shall have only one Home State License.

1 E. Nothing in this Compact shall affect the requirements
2 established by a Member State for the issuance of a Single State
3 License.

4 SECTION 6: ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

5 An Active Military Member, or their spouse, shall designate a
6 Home State where the individual has a current License in good
7 standing. The individual may retain the Home State designation
8 during the period the service member is on active duty.

9 SECTION 7: ADVERSE ACTIONS

10 A. In addition to the other powers conferred by State law, a
11 Remote State shall have the authority, in accordance with existing
12 State due process law, to:

13 1. Take Adverse Action against a Licensee's Compact Privilege
14 within that Member State; and

15 2. Issue subpoenas for both hearings and investigations that
16 require the attendance and testimony of witnesses as well as the
17 production of evidence. Subpoenas issued by a Licensing Authority
18 in a Member State for the attendance and testimony of witnesses or
19 the production of evidence from another Member State shall be
20 enforced in the latter State by any court of competent jurisdiction,
21 according to the practice and procedure applicable to subpoenas
22 issued in proceedings pending before that court. The issuing
23 authority shall pay any witness fees, travel expenses, mileage, and
24

1 other fees required by the service statutes of the State in which
2 the witnesses or evidence is located.

3 B. Only the Home State shall have the power to take Adverse
4 Action against a Licensee's Home State License.

5 C. For purposes of taking Adverse Action, the Home State shall
6 give the same priority and effect to reported conduct received from
7 a Member State as it would if the conduct had occurred within the
8 Home State. In so doing, the Home State shall apply its own State
9 laws to determine appropriate action.

10 D. The Home State shall complete any pending investigations of
11 a Licensee who changes Home States during the course of the
12 investigations. The Home State shall also have authority to take
13 appropriate action(s) and shall promptly report the conclusions of
14 the investigations to the administrator of the Data System. The
15 administrator of the Data System shall promptly notify the new Home
16 State of any Adverse Actions.

17 E. A Member State, if otherwise permitted by State law, may
18 recover from the affected Licensee the costs of investigations and
19 dispositions of cases resulting from any Adverse Action taken
20 against that Licensee.

21 F. A Member State may take Adverse Action based on the factual
22 findings of another Remote State, provided that the Member State
23 follows its own procedures for taking the Adverse Action.

24 G. Joint Investigations.

1 1. In addition to the authority granted to a Member State by
2 its respective State law, any Member State may participate with
3 other Member States in joint investigations of Licensees.

4 2. Member States shall share any investigative, litigation, or
5 compliance materials in furtherance of any joint investigation
6 initiated under the Compact.

7 H. If Adverse Action is taken by the Home State against a
8 Licensee's Home State License resulting in an Encumbrance on the
9 Home State License, the Licensee's Compact Privilege(s) in all other
10 Member States shall be revoked until all Encumbrances have been
11 removed from the Home State License. All Home State disciplinary
12 orders that impose Adverse Action against a Licensee shall include a
13 statement that the Licensee's Compact Privileges are revoked in all
14 Member States during the pendency of the order.

15 I. Once an Encumbered License in the Home State is restored to
16 an Unencumbered License (as certified by the Home State's Licensing
17 Authority), the Licensee must meet the requirements of Section 4(A)
18 and follow the administrative requirements to reapply to obtain a
19 Compact Privilege in any Remote State.

20 J. If a Member State takes Adverse Action, it shall promptly
21 notify the administrator of the Data System. The administrator of
22 the Data System shall promptly notify the other Member States of any
23 Adverse Actions.

1 K. Nothing in this Compact shall override a Member State's
2 decision that participation in an Alternative Program may be used in
3 lieu of Adverse Action.

4 SECTION 8: ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT
5 COMMISSION

6 A. The Compact Member States hereby create and establish a
7 joint government agency whose membership consists of all Member
8 States that have enacted the Compact known as the Dietitian
9 Licensure Compact Commission. The Compact Commission is an
10 instrumentality of the Compact States acting jointly and not an
11 instrumentality of any one State. The Compact Commission shall come
12 into existence on or after the effective date of the Compact as set
13 forth in Section 12.

14 B. Membership, Voting, and Meetings.

15 1. Each Member State shall have and be limited to one (1)
16 delegate selected by that Member State's Licensing Authority.

17 2. The delegate shall be the primary administrator of the
18 Licensing Authority or their designee.

19 3. The Compact Commission shall by Rule or bylaw establish a
20 term of office for delegates and may by Rule or bylaw establish term
21 limits.

22 4. The Compact Commission may recommend removal or suspension
23 of any delegate from office.
24

1 5. A Member State's Licensing Authority shall fill any vacancy
2 of its delegate occurring on the Compact Commission within sixty
3 (60) days of the vacancy.

4 6. Each delegate shall be entitled to one vote on all matters
5 before the Compact Commission requiring a vote by the delegates.

6 7. Delegates shall meet and vote by such means as set forth in
7 the bylaws. The bylaws may provide for delegates to meet and vote
8 in person or by telecommunication, video conference, or other means
9 of communication.

10 8. The Compact Commission shall meet at least once during each
11 calendar year. Additional meetings may be held as set forth in the
12 bylaws. The Compact Commission may meet in person or by
13 telecommunication, video conference, or other means of
14 communication.

15 C. The Compact Commission shall have the following powers:

16 1. Establish the fiscal year of the Compact Commission;

17 2. Establish code of conduct and conflict of interest policies;

18 3. Establish and amend Rules and bylaws;

19 4. Maintain its financial records in accordance with the
20 bylaws;

21 5. Meet and take such actions as are consistent with the
22 provisions of this Compact, the Compact Commission's Rules, and the
23 bylaws;

1 6. Initiate and conclude legal proceedings or actions in the
2 name of the Compact Commission, provided that the standing of any
3 Licensing Authority to sue or be sued under applicable law shall not
4 be affected;

5 7. Maintain and certify records and information provided to a
6 Member State as the authenticated business records of the Compact
7 Commission, and designate an agent to do so on the Compact
8 Commission's behalf;

9 8. Purchase and maintain insurance and bonds;

10 9. Borrow, accept, or contract for services of personnel,
11 including, but not limited to, employees of a Member State;

12 10. Conduct an annual financial review;

13 11. Hire employees, elect or appoint officers, fix
14 compensation, define duties, grant such individuals appropriate
15 authority to carry out the purposes of the Compact, and establish
16 the Compact Commission's personnel policies and programs relating to
17 conflicts of interest, qualifications of personnel, and other
18 related personnel matters;

19 12. Assess and collect fees;

20 13. Accept any and all appropriate donations, grants of money,
21 other sources of revenue, equipment, supplies, materials, services,
22 and gifts, and receive, utilize, and dispose of the same; provided,
23 that at all times the Compact Commission shall avoid any actual or
24 appearance of impropriety or conflict of interest;

1 14. Lease, purchase, retain, own, hold, improve, or use any
2 property, real, personal, or mixed, or any undivided interest
3 therein;

4 15. Sell, convey, mortgage, pledge, lease, exchange, abandon,
5 or otherwise dispose of any property, real, personal, or mixed;

6 16. Establish a budget and make expenditures;

7 17. Borrow money;

8 18. Appoint committees, including standing committees, composed
9 of members, State regulators, State legislators or their
10 representatives, and consumer representatives, and such other
11 interested persons as may be designated in this Compact or the
12 bylaws;

13 19. Provide and receive information from, and cooperate with,
14 law enforcement agencies;

15 20. Establish and elect an Executive Committee, including a
16 chair and a vice chair;

17 21. Determine whether a State's adopted language is materially
18 different from the model compact language such that the State would
19 not qualify for participation in the Compact; and

20 22. Perform such other functions as may be necessary or
21 appropriate to achieve the purposes of this Compact.

22 D. The Executive Committee.

23 1. The Executive Committee shall have the power to act on
24 behalf of the Compact Commission according to the terms of this

1 Compact. The powers, duties, and responsibilities of the Executive
2 Committee shall include:

- 3 a. oversee the day-to-day activities of the
4 administration of the Compact including enforcement
5 and compliance with the provisions of the Compact, its
6 Rules and bylaws, and other such duties as deemed
7 necessary,
- 8 b. recommend to the Compact Commission changes to the
9 Rules or bylaws, changes to this Compact legislation,
10 fees charged to Compact Member States, fees charged to
11 Licensees, and other fees,
- 12 c. ensure Compact administration services are
13 appropriately provided, including by contract,
- 14 d. prepare and recommend the budget,
- 15 e. maintain financial records on behalf of the Compact
16 Commission,
- 17 f. monitor Compact compliance of Member States and
18 provide compliance reports to the Compact Commission,
- 19 g. establish additional committees as necessary,
- 20 h. exercise the powers and duties of the Compact
21 Commission during the interim between Compact
22 Commission meetings, except for adopting or amending
23 Rules, adopting or amending bylaws, and exercising any
24

1 other powers and duties expressly reserved to the
2 Compact Commission by Rule or bylaw, and

- 3 i. other duties as provided in the Rules or bylaws of the
4 Compact Commission.

5 2. The Executive Committee shall be composed of nine (9)
6 members:

7 a. the chair and vice chair of the Compact Commission,
8 who shall be voting members of the Executive
9 Committee,

10 b. five voting members from the current membership of the
11 Compact Commission, elected by the Compact Commission,

12 c. one ex officio, nonvoting member from a recognized
13 professional association representing dietitians, and

14 d. one ex officio, nonvoting member from a recognized
15 national credentialing organization for dietitians.

16 3. The Compact Commission may remove any member of the
17 Executive Committee as provided in the Compact Commission's bylaws.

18 4. The Executive Committee shall meet at least annually.

19 a. Executive Committee meetings shall be open to the
20 public, except that the Executive Committee may meet
21 in a closed, nonpublic meeting as provided in
22 subsection (F) (2) of this section.

23 b. The Executive Committee shall give thirty (30) days'
24 notice of its meetings, posted on the website of the

1 Compact Commission and as determined to provide notice
2 to persons with an interest in the business of the
3 Compact Commission.

4 c. The Executive Committee may hold a special meeting in
5 accordance with subsection (F) (1) (b) of this section.

6 E. The Compact Commission shall adopt and provide to the Member
7 States an annual report.

8 F. Meetings of the Compact Commission.

9 1. All meetings shall be open to the public, except that the
10 Compact Commission may meet in a closed, nonpublic meeting as
11 provided in subsection (F) (2) of this section.

12 a. Public notice for all meetings of the full Compact
13 Commission shall be given in the same manner as
14 required under the rulemaking provisions in Section
15 10, except that the Compact Commission may hold a
16 special meeting as provided in subsection (F) (1) (b) of
17 this section.

18 b. The Compact Commission may hold a special meeting when
19 it must meet to conduct emergency business by giving
20 twenty-four (24) hours' notice to all Member States,
21 on the Compact Commission's website, and other means
22 as provided in the Compact Commission's Rules. The
23 Compact Commission's legal counsel shall certify that
24

1 the Compact Commission's need to meet qualifies as an
2 emergency.

3 2. The Compact Commission or the Executive Committee or other
4 committees of the Compact Commission may convene in a closed,
5 nonpublic meeting for the Compact Commission or Executive Committee
6 or other committees of the Compact Commission to receive legal
7 advice or to discuss:

8 a. noncompliance of a Member State with its obligations
9 under the Compact,

10 b. the employment, compensation, discipline, or other
11 matters, practices, or procedures related to specific
12 employees,

13 c. current or threatened discipline of a Licensee by the
14 Compact Commission or by a Member State's Licensing
15 Authority,

16 d. current, threatened, or reasonably anticipated
17 litigation,

18 e. negotiation of contracts for the purchase, lease, or
19 sale of goods, services, or real estate,

20 f. accusing any person of a crime or formally censuring
21 any person,

22 g. trade secrets or commercial or financial information
23 that is privileged or confidential,
24

- 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 Compact Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact,
- k. matters specifically exempted from disclosure by federal or Member State law, or
- l. other matters as specified in the Rules of the Compact Commission.

3. 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 such reference shall be recorded in the minutes.

4. The Compact 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 such minutes. All minutes and documents of a closed

1 meeting shall remain under seal, subject to release only by a
2 majority vote of the Compact Commission or order of a court of
3 competent jurisdiction.

4 G. Financing of the Compact Commission.

5 1. The Compact Commission shall pay, or provide for the payment
6 of, the reasonable expenses of its establishment, organization, and
7 ongoing activities.

8 2. The Compact Commission may accept any and all appropriate
9 revenue sources as provided in subsection (C) (13) of this section.

10 3. The Compact Commission may levy on and collect an annual
11 assessment from each Member State and impose fees on Licensees of
12 Member States to whom it grants a Compact Privilege to cover the
13 cost of the operations and activities of the Compact Commission and
14 its staff, which must, in a total amount, be sufficient to cover its
15 annual budget as approved each year for which revenue is not
16 provided by other sources. The aggregate annual assessment amount
17 for Member States shall be allocated based upon a formula that the
18 Compact Commission shall promulgate by Rule.

19 4. The Compact Commission shall not incur obligations of any
20 kind prior to securing the funds adequate to meet the same; nor
21 shall the Compact Commission pledge the credit of any of the Member
22 States, except by and with the authority of the Member State.

23 5. The Compact Commission shall keep accurate accounts of all
24 receipts and disbursements. The receipts and disbursements of the

1 Compact Commission shall be subject to the financial review and
2 accounting procedures established under its bylaws. However, all
3 receipts and disbursements of funds handled by the Compact
4 Commission shall be subject to an annual financial review by a
5 certified or licensed public accountant, and the report of the
6 financial review shall be included in and become part of the annual
7 report of the Compact Commission.

8 H. Qualified Immunity, Defense, and Indemnification.

9 1. The members, officers, executive director, employees and
10 representatives of the Compact Commission shall be immune from suit
11 and liability, both personally and in their official capacity, for
12 any claim for damage to or loss of property or personal injury or
13 other civil liability caused by or arising out of any actual or
14 alleged act, error, or omission that occurred, or that the person
15 against whom the claim is made had a reasonable basis for believing
16 occurred within the scope of Compact Commission employment, duties,
17 or responsibilities; provided, that nothing in this paragraph shall
18 be construed to protect any such person from suit or liability for
19 any damage, loss, injury, or liability caused by the intentional or
20 willful or wanton misconduct of that person. The procurement of
21 insurance of any type by the Compact Commission shall not in any way
22 compromise or limit the immunity granted hereunder.

23 2. The Compact Commission shall defend any member, officer,
24 executive director, employee, and representative of the Compact

1 Commission in any civil action seeking to impose liability arising
2 out of any actual or alleged act, error, or omission that occurred
3 within the scope of Compact Commission employment, duties, or
4 responsibilities, or as determined by the Compact Commission that
5 the person against whom the claim is made had a reasonable basis for
6 believing occurred within the scope of Compact Commission
7 employment, duties, or responsibilities; provided that nothing
8 herein shall be construed to prohibit that person from retaining
9 their own counsel at their own expense; and provided further, that
10 the actual or alleged act, error, or omission did not result from
11 that person's intentional or willful or wanton misconduct.

12 3. The Compact Commission shall indemnify and hold harmless any
13 member, officer, executive director, employee, and representative of
14 the Compact Commission for the amount of any settlement or judgment
15 obtained against that person arising out of any actual or alleged
16 act, error, or omission that occurred within the scope of Compact
17 Commission employment, duties, or responsibilities, or that such
18 person had a reasonable basis for believing occurred within the
19 scope of Compact Commission employment, duties, or responsibilities,
20 provided that the actual or alleged act, error, or omission did not
21 result from the intentional or willful or wanton misconduct of that
22 person.

23 4. Nothing herein shall be construed as a limitation on the
24 liability of any Licensee for professional malpractice or

1 misconduct, which shall be governed solely by any other applicable
2 State laws.

3 5. Nothing in this Compact shall be interpreted to waive or
4 otherwise abrogate a Member State's state action immunity or state
5 action affirmative defense with respect to antitrust claims under
6 the Sherman Act, Clayton Act, or any other State or federal
7 antitrust or anticompetitive law or regulation.

8 6. Nothing in this Compact shall be construed to be a waiver of
9 sovereign immunity by the Member States or by the Compact
10 Commission.

11 SECTION 9: DATA SYSTEM

12 A. The Compact Commission shall provide for the development,
13 maintenance, operation, and utilization of a coordinated Data
14 System.

15 B. The Compact Commission shall assign each applicant for a
16 Compact Privilege a unique identifier, as determined by the Rules.

17 C. Notwithstanding any other provision of State law to the
18 contrary, a Member State shall submit a uniform data set to the Data
19 System on all individuals to whom this Compact is applicable as
20 required by the Rules of the Compact Commission, including:

21 1. Identifying information;

22 2. Licensure data;

23 3. Adverse Actions against a License or Compact Privilege and
24 information related thereto;

1 4. Nonconfidential information related to Alternative Program
2 participation, the beginning and ending dates of such participation,
3 and other information related to such participation not made
4 confidential under Member State law;

5 5. Any denial of application for licensure, and the reason(s)
6 for such denial;

7 6. The presence of Current Significant Investigative
8 Information; and

9 7. Other information that may facilitate the administration of
10 this Compact or the protection of the public, as determined by the
11 Rules of the Compact Commission.

12 D. The records and information provided to a Member State
13 pursuant to this Compact or through the Data System, when certified
14 by the Compact Commission or an agent thereof, shall constitute the
15 authenticated business records of the Compact Commission, and shall
16 be entitled to any associated hearsay exception in any relevant
17 judicial, quasi-judicial, or administrative proceedings in a Member
18 State.

19 E. Current Significant Investigative Information pertaining to
20 a Licensee in any Member State will only be available to other
21 Member States.

22 F. It is the responsibility of the Member States to report any
23 Adverse Action against a Licensee and to monitor the Data System to
24 determine whether any Adverse Action has been taken against a

1 Licensee. Adverse Action information pertaining to a Licensee in
2 any Member State will be available to any other Member State.

3 G. Member States contributing information to the Data System
4 may designate information that may not be shared with the public
5 without the express permission of the contributing State.

6 H. Any information submitted to the Data System that is
7 subsequently expunged pursuant to federal law or the laws of the
8 Member State contributing the information shall be removed from the
9 Data System.

10 SECTION 10: RULEMAKING

11 A. The Compact Commission shall promulgate reasonable Rules in
12 order to effectively and efficiently implement and administer the
13 purposes and provisions of the Compact. A Rule shall be invalid and
14 have no force or effect only if a court of competent jurisdiction
15 holds that the Rule is invalid because the Compact Commission
16 exercised its rulemaking authority in a manner that is beyond the
17 scope and purposes of the Compact, or the powers granted hereunder,
18 or based upon another applicable standard of review.

19 B. The Rules of the Compact Commission shall have the force of
20 law in each Member State; provided, however, that where the Rules
21 conflict with the laws or regulations of a Member State that relate
22 to the procedures, actions, and processes a Licensed Dietitian is
23 permitted to undertake in that State and the circumstances under
24 which they may do so, as held by a court of competent jurisdiction,

1 the Rules of the Compact Commission shall be ineffective in that
2 State to the extent of the conflict.

3 C. The Compact Commission shall exercise its rulemaking powers
4 pursuant to the criteria set forth in this section and the Rules
5 adopted thereunder. Rules shall become binding on the day following
6 adoption or as of the date specified in the Rule or amendment,
7 whichever is later.

8 D. If a majority of the legislatures of the Member States
9 rejects a Rule or portion of a Rule, by enactment of a statute or
10 resolution in the same manner used to adopt the Compact within four
11 (4) years of the date of adoption of the Rule, then such Rule shall
12 have no further force and effect in any Member State.

13 E. Rules shall be adopted at a regular or special meeting of
14 the Compact Commission.

15 F. Prior to adoption of a proposed Rule, the Compact Commission
16 shall hold a public hearing and allow persons to provide oral and
17 written comments, data, facts, opinions, and arguments.

18 G. Prior to adoption of a proposed Rule by the Compact
19 Commission, and at least thirty (30) days in advance of the meeting
20 at which the Compact Commission will hold a public hearing on the
21 proposed Rule, the Compact Commission shall provide a Notice of
22 Proposed rulemaking:

23 1. On the website of the Compact Commission or other publicly
24 accessible platform;

1 2. To persons who have requested notice of the Compact
2 Commission's notices of proposed rulemaking; and

3 3. In such other way(s) as the Compact Commission may by Rule
4 specify.

5 H. The Notice of Proposed rulemaking shall include:

6 1. The time, date, and location of the public hearing at which
7 the Compact Commission will hear public comments on the proposed
8 Rule and, if different, the time, date, and location of the meeting
9 where the Compact Commission will consider and vote on the proposed
10 Rule;

11 2. If the hearing is held via telecommunication, video
12 conference, or other means of communication, the Compact Commission
13 shall include the mechanism for access to the hearing in the Notice
14 of Proposed rulemaking;

15 3. The text of the proposed Rule and the reason therefore;

16 4. A request for comments on the proposed Rule from any
17 interested person; and

18 5. The manner in which interested persons may submit written
19 comments.

20 I. All hearings will be recorded. A copy of the recording and
21 all written comments and documents received by the Compact
22 Commission in response to the proposed Rule shall be available to
23 the public.
24

1 J. Nothing in this section shall be construed as requiring a
2 separate hearing on each Rule. Rules may be grouped for the
3 convenience of the Compact Commission at hearings required by this
4 section.

5 K. The Compact Commission shall, by majority vote of all
6 members, take final action on the proposed Rule based on the
7 rulemaking record and the full text of the Rule.

8 1. The Compact Commission may adopt changes to the proposed
9 Rule provided the changes do not enlarge the original purpose of the
10 proposed Rule.

11 2. The Compact Commission shall provide an explanation of the
12 reasons for substantive changes made to the proposed Rule as well as
13 reasons for substantive changes not made that were recommended by
14 commenters.

15 3. The Compact Commission shall determine a reasonable
16 effective date for the Rule. Except for an emergency as provided in
17 Section 10(L), the effective date of the Rule shall be no sooner
18 than thirty (30) days after issuing the notice that it adopted or
19 amended the Rule.

20 L. Upon determination that an emergency exists, the Compact
21 Commission may consider and adopt an emergency Rule with twenty-four
22 (24) hours' notice, with opportunity to comment, provided that the
23 usual rulemaking procedures provided in the Compact and in this
24 section shall be retroactively applied to the Rule as soon as

1 reasonably possible, in no event later than ninety (90) days after
2 the effective date of the Rule. For the purposes of this provision,
3 an emergency Rule is one that must be adopted immediately in order
4 to:

5 1. Meet an imminent threat to public health, safety, or
6 welfare;

7 2. Prevent a loss of Compact Commission or Member State funds;

8 3. Meet a deadline for the promulgation of a Rule that is
9 established by federal law or rule; or

10 4. Protect public health and safety.

11 M. The Compact Commission or an authorized committee of the
12 Compact Commission may direct revision to a previously adopted Rule
13 for purposes of correcting typographical errors, errors in format,
14 errors in consistency, or grammatical errors. Public notice of any
15 revision shall be posted on the website of the Compact Commission.
16 The revision shall be subject to challenge by any person for a
17 period of thirty (30) days after posting. The revision may be
18 challenged only on grounds that the revision results in a material
19 change to a Rule. A challenge shall be made in writing and
20 delivered to the Compact Commission prior to the end of the notice
21 period. If no challenge is made, the revision will take effect
22 without further action. If the revision is challenged, the revision
23 may not take effect without the approval of the Compact Commission.

1 N. No Member State's rulemaking requirements shall apply under
2 this Compact.

3 SECTION 11: OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

4 A. Oversight.

5 1. The executive and judicial branches of State government in
6 each Member State shall enforce this Compact and take all actions
7 necessary and appropriate to implement this Compact.

8 2. Except as otherwise provided in this Compact, venue is
9 proper and judicial proceedings by or against the Compact Commission
10 shall be brought solely and exclusively in a court of competent
11 jurisdiction where the principal office of the Compact Commission is
12 located. The Compact Commission may waive venue and jurisdictional
13 defenses to the extent it adopts or consents to participate in
14 alternative dispute resolution proceedings. Nothing herein shall
15 affect or limit the selection or propriety of venue in any action
16 against a Licensee for professional malpractice, misconduct, or any
17 such similar matter.

18 3. The Compact Commission shall be entitled to receive service
19 of process in any proceeding regarding the enforcement or
20 interpretation of the Compact and shall have standing to intervene
21 in such a proceeding for all purposes. Failure to provide the
22 Compact Commission service of process shall render a judgment or
23 order void as to the Compact Commission, this Compact, or
24 promulgated Rules.

1 B. Default, Technical Assistance, and Termination.

2 1. If the Compact Commission determines that a Member State has
3 defaulted in the performance of its obligations or responsibilities
4 under this Compact or the promulgated Rules, the Compact Commission
5 shall provide written notice to the defaulting State. The notice of
6 default shall describe the default, the proposed means of curing the
7 default, and any other action that the Compact Commission may take
8 and shall offer training and specific technical assistance regarding
9 the default.

10 2. The Compact Commission shall provide a copy of the notice of
11 default to the other Member States.

12 C. If a State in default fails to cure the default, the
13 defaulting State may be terminated from the Compact upon an
14 affirmative vote of a majority of the delegates of the Member
15 States, and all rights, privileges, and benefits conferred on that
16 State by this Compact may be terminated on the effective date of
17 termination. A cure of the default does not relieve the offending
18 State of obligations or liabilities incurred during the period of
19 default.

20 D. Termination of membership in the Compact shall be imposed
21 only after all other means of securing compliance have been
22 exhausted. Notice of intent to suspend or terminate shall be given
23 by the Compact Commission to the governor, the majority and minority
24 leaders of the defaulting State's legislature, the defaulting

1 State's Licensing Authority, and each of the Member States'
2 Licensing Authorities.

3 E. A State that has been terminated is responsible for all
4 assessments, obligations, and liabilities incurred through the
5 effective date of termination, including obligations that extend
6 beyond the effective date of termination.

7 F. Upon the termination of a State's membership from this
8 Compact, that State shall immediately provide notice to all
9 Licensees within that State of such termination. The terminated
10 State shall continue to recognize all Compact Privileges granted
11 pursuant to this Compact for a minimum of six (6) months after the
12 date of said notice of termination.

13 G. The Compact Commission shall not bear any costs related to a
14 State that is found to be in default or that has been terminated
15 from the Compact, unless agreed upon in writing between the Compact
16 Commission and the defaulting State.

17 H. The defaulting State may appeal the action of the Compact
18 Commission by petitioning the United States District Court for the
19 District of Columbia or the federal district where the Compact
20 Commission has its principal offices. The prevailing party shall be
21 awarded all costs of such litigation, including reasonable
22 attorney's fees.

23 I. Dispute Resolution.
24

1 1. Upon request by a Member State, the Compact Commission shall
2 attempt to resolve disputes related to the Compact that arise among
3 Member States and between Member and non-Member States.

4 2. The Compact Commission shall promulgate a Rule providing for
5 both mediation and binding dispute resolution for disputes as
6 appropriate.

7 J. Enforcement.

8 1. By supermajority vote, the Compact Commission may initiate
9 legal action against a Member State in default in the United States
10 District Court for the District of Columbia or the federal district
11 where the Compact Commission has its principal offices to enforce
12 compliance with the provisions of the Compact and its promulgated
13 Rules. The relief sought may include both injunctive relief and
14 damages. In the event judicial enforcement is necessary, the
15 prevailing party shall be awarded all costs of such litigation,
16 including reasonable attorney's fees. The remedies herein shall not
17 be the exclusive remedies of the Compact Commission. The Compact
18 Commission may pursue any other remedies available under federal or
19 the defaulting Member State's law.

20 2. A Member State may initiate legal action against the Compact
21 Commission in the United States District Court for the District of
22 Columbia or the federal district where the Compact Commission has
23 its principal offices to enforce compliance with the provisions of
24 the Compact and its promulgated Rules. The relief sought may

1 include both injunctive relief and damages. In the event judicial
2 enforcement is necessary, the prevailing party shall be awarded all
3 costs of such litigation, including reasonable attorney's fees.

4 3. No party other than a Member State shall enforce this
5 Compact against the Compact Commission.

6 SECTION 12: EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

7 A. The Compact shall come into effect on the date on which the
8 Compact statute is enacted into law in the seventh Member State.

9 1. On or after the effective date of the Compact, the Compact
10 Commission shall convene and review the enactment of each of the
11 first seven Member States ("Charter Member States") to determine if
12 the statute enacted by each such Charter Member State is materially
13 different than the model Compact statute.

14 a. A Charter Member State whose enactment is found to be
15 materially different from the model Compact statute
16 shall be entitled to the default process set forth in
17 Section 11.

18 b. If any Member State is later found to be in default,
19 or is terminated, or withdraws from the Compact, the
20 Compact Commission shall remain in existence and the
21 Compact shall remain in effect even if the number of
22 Member States should be less than seven.

23 2. Member States enacting the Compact subsequent to the seven
24 initial Charter Member States shall be subject to the process set

1 forth in Section 8(C) (21) to determine if their enactments are
2 materially different from the model Compact statute and whether they
3 qualify for participation in the Compact.

4 3. All actions taken for the benefit of the Compact Commission
5 or in furtherance of the purposes of the administration of the
6 Compact prior to the effective date of the Compact or the Compact
7 Commission coming into existence shall be considered to be actions
8 of the Compact Commission unless specifically repudiated by the
9 Compact Commission.

10 4. Any State that joins the Compact subsequent to the Compact
11 Commission's initial adoption of the Rules and bylaws shall be
12 subject to the Rules and bylaws as they exist on the date on which
13 the Compact becomes law in that State. Any Rule that has been
14 previously adopted by the Compact Commission shall have the full
15 force and effect of law on the day the Compact becomes law in that
16 State.

17 B. Any Member State may withdraw from this Compact by enacting
18 a statute repealing the same.

19 1. A Member State's withdrawal shall not take effect until one
20 hundred eighty (180) days after enactment of the repealing statute.

21 2. Withdrawal shall not affect the continuing requirement of
22 the withdrawing State's Licensing Authority to comply with the
23 investigative and Adverse Action reporting requirements of this
24 Compact prior to the effective date of withdrawal.

1 3. Upon the enactment of a statute withdrawing from this
2 Compact, a State shall immediately provide notice of such withdrawal
3 to all Licensees within that State. Notwithstanding any subsequent
4 statutory enactment to the contrary, such withdrawing State shall
5 continue to recognize all Compact Privileges granted pursuant to
6 this Compact for a minimum of one hundred eighty (180) days after
7 the date of such notice of withdrawal.

8 C. Nothing contained in this Compact shall be construed to
9 invalidate or prevent any licensure agreement or other cooperative
10 arrangement between a Member State and a non-Member State that does
11 not conflict with the provisions of this Compact.

12 D. This Compact may be amended by the Member States. No
13 amendment to this Compact shall become effective and binding upon
14 any Member State until it is enacted into the laws of all Member
15 States.

16 SECTION 13: CONSTRUCTION AND SEVERABILITY

17 A. This Compact and the Compact Commission's rulemaking
18 authority shall be liberally construed so as to effectuate the
19 purposes and the implementation and administration of the Compact.
20 Provisions of the Compact expressly authorizing or requiring the
21 promulgation of Rules shall not be construed to limit the Compact
22 Commission's rulemaking authority solely for those purposes.

23 B. The provisions of this Compact shall be severable and if any
24 phrase, clause, sentence, or provision of this Compact is held by a

1 court of competent jurisdiction to be contrary to the constitution
2 of any Member State, a State seeking participation in the Compact,
3 or of the United States, or the applicability thereof to any
4 government, agency, person, or circumstance is held to be
5 unconstitutional by a court of competent jurisdiction, the validity
6 of the remainder of this Compact and the applicability thereof to
7 any other government, agency, person, or circumstance shall not be
8 affected thereby.

9 C. Notwithstanding Section 13(B), the Compact Commission may
10 deny a State's participation in the Compact or, in accordance with
11 the requirements of Section 11(B), terminate a Member State's
12 participation in the Compact, if it determines that a constitutional
13 requirement of a Member State is a material departure from the
14 Compact. Otherwise, if this Compact shall be held to be contrary to
15 the constitution of any Member State, the Compact shall remain in
16 full force and effect as to the remaining Member States and in full
17 force and effect as to the Member State affected as to all severable
18 matters.

19 SECTION 14: CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE
20 LAWS

21 A. Nothing herein shall prevent or inhibit the enforcement of
22 any other law of a Member State that is not inconsistent with the
23 Compact.
24

B. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

C. All permissible agreements between the Compact Commission and the Member States are binding in accordance with their terms.

SECTION 8. This act shall become effective November 1, 2025.

Passed the Senate the 12th day of March, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2025.

Presiding Officer of the House
of Representatives