

# HB336 INTRODUCED



1 HB336  
2 3F7LZEE-1  
3 By Representative Hassell  
4 RFD: Health  
5 First Read: 25-Feb-25



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SYNOPSIS:

This bill would adopt the Respiratory Care Interstate Compact, as a means of providing uniformity in licensing requirements and interstate practice throughout member states.

This bill would establish requirements and obligations for participation in this compact.

This bill would provide for disciplinary actions and joint investigation procedures.

This bill would establish and provide for the operation of the Respiratory Care Interstate Compact Commission.

This bill would also provide for the management, implementation, and enforcement of the compact among member states.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the practice of respiratory therapy; to adopt the Respiratory Care Interstate Compact as Article 2 of Chapter 27B of Title 34, Code of Alabama 1975; to allow licensed respiratory therapists to practice among compact



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29 states; to establish requirements and obligations for  
30 participation in the compact; to provide for disciplinary  
31 actions and joint investigation procedures; to establish and  
32 provide for the operation of the Respiratory Care Interstate  
33 Compact Commission; and to provide for the management,  
34 implementation, and enforcement of the compact among member  
35 states.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

37 Section 1. Sections 34-27B-1 through 34-27B-14, Code of  
38 Alabama 1975, are designated as Article 1 of Chapter 27B of  
39 Title 34, Code of Alabama 1975.

40 Section 2. Article 2, commencing with Section  
41 34-27B-50, is added to Chapter 27B of Title 34, Code of  
42 Alabama 1975, to read as follows:

43 Article 2. RESPIRATORY CARE INTERSTATE COMPACT  
44 §34-27B-50. Purpose.

45 (a) The purpose of this compact is to facilitate the  
46 interstate practice of respiratory therapy with the goal of  
47 improving public access to respiratory therapy services by  
48 providing respiratory therapists licensed in a member state  
49 the ability to practice in other member states. The compact  
50 preserves the regulatory authority of states to protect public  
51 health and safety through the current system of state  
52 licensure.

53 (b) This compact is designed to achieve the following  
54 objectives:

55 (1) Increase public access to respiratory therapy  
56 services by creating a responsible, streamlined pathway for



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57 licensees to practice in member states with the goal of  
58 improving outcomes for patients.

59 (2) Enhance states' ability to protect the public's  
60 health and safety.

61 (3) Promote the cooperation of member states in  
62 regulating the practice of respiratory therapy within those  
63 member states.

64 (4) Ease administrative burdens on states by  
65 encouraging the cooperation of member states in regulating  
66 multi-state respiratory therapy practice.

67 (5) Support relocating active military members and  
68 their spouses.

69 (6) Promote mobility and address workforce shortages.

70 §34-27B-51. Definitions.

71 As used in this compact, the following terms have the  
72 following meanings:

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

76 (2) ADVERSE ACTION. Any administrative, civil,  
77 equitable, or criminal action permitted by a state's laws  
78 which is imposed by any state authority with regulatory  
79 authority over respiratory therapists, such as license denial,  
80 censure, revocation, suspension, probation, monitoring of the  
81 licensee, or restriction on the licensee's practice, not  
82 including participation in an alternative program.

83 (3) ALTERNATIVE PROGRAM. A nondisciplinary monitoring  
84 or practice remediation process applicable to a respiratory



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85 therapist approved by any state authority with regulatory  
86 authority over respiratory therapists. This includes, but is  
87 not limited to, programs to which licensees with substance  
88 abuse or addiction issues are referred in lieu of adverse  
89 action.

90 (4) CHARTER MEMBER STATES. Those member states who were  
91 the first seven states to enact the compact into the laws of  
92 their state.

93 (5) COMMISSION or RESPIRATORY CARE INTERSTATE COMPACT  
94 COMMISSION. The government instrumentality and body politic  
95 whose membership consists of all member states that have  
96 enacted the compact.

97 (6) COMMISSIONER. The individual appointed by a member  
98 state to serve as the member of the commission for that member  
99 state.

100 (7) COMPACT. The Respiratory Care Interstate Compact.

101 (8) COMPACT PRIVILEGE. The authorization granted by a  
102 remote state to allow a licensee from another member state to  
103 practice as a respiratory therapist in the remote state under  
104 the remote state's laws and rules. The practice of respiratory  
105 therapy occurs in the member state where the patient is  
106 located at the time of the patient encounter.

107 (9) CRIMINAL BACKGROUND CHECK. The submission by the  
108 member state of fingerprints or other biometric-based  
109 information on license applicants at the time of initial  
110 licensing for the purpose of obtaining that applicant's  
111 criminal history record information, as defined in 28 C.F.R. §  
112 20.3(d) or successor provision, from the Federal Bureau of



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113 Investigation and the state's criminal history record  
114 repository, as defined in 28 C.F.R. § 20.3(f) or successor  
115 provision.

116 (10) DATA SYSTEM. The commission's repository of  
117 information about licensees as further set forth in Section  
118 34-27B-57.

119 (11) DOMICILE. The jurisdiction which is the licensee's  
120 principal home for legal purposes.

121 (12) ENCUMBERED LICENSE. A license that a state's  
122 respiratory therapy licensing authority has limited in any  
123 way.

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

127 (14) HOME STATE. Except as set forth in Section  
128 34-27B-54, the member state that is the licensee's primary  
129 domicile.

130 (15) HOME STATE LICENSE. An active license to practice  
131 respiratory therapy in a home state that is not an encumbered  
132 license.

133 (16) JURISPRUDENCE REQUIREMENT. An assessment of an  
134 individual's knowledge of the state rules governing the  
135 practice of respiratory therapy in such state.

136 (17) LICENSEE. An individual who currently holds an  
137 authorization from the state to practice as a respiratory  
138 therapist.

139 (18) MEMBER STATE. A state that has enacted the compact  
140 and been admitted to the commission in accordance with the



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141 provisions herein and commission rules.

142 (19) MODEL COMPACT. The model for the Respiratory Care  
143 Interstate Compact on file with The Council of State  
144 Governments or other entity as designated by the commission.

145 (20) REMOTE STATE. A member state where a licensee is  
146 exercising or seeking to exercise the compact privilege.

147 (21) RESPIRATORY THERAPIST or RESPIRATORY CARE  
148 PRACTITIONER. An individual who holds a credential issued by  
149 the National Board for Respiratory Care, or its successor, and  
150 who holds a license to practice respiratory therapy, and who  
151 meets all of the requirements outlined in Section 34-27B-3.  
152 For purposes of this compact, any other title or status  
153 adopted by a state to replace the term "respiratory therapist"  
154 or "respiratory care practitioner" shall be deemed synonymous  
155 with "respiratory therapist" and shall confer the same rights  
156 and responsibilities to the licensee under the provisions of  
157 this compact at the time of its enactment.

158 (22) RESPIRATORY THERAPY, RESPIRATORY THERAPY PRACTICE,  
159 RESPIRATORY CARE, THE PRACTICE OF RESPIRATORY CARE, or THE  
160 PRACTICE OF RESPIRATORY THERAPY. The care and services  
161 provided by or under the direction and supervision of a  
162 respiratory therapist or respiratory care practitioner as set  
163 forth in the member state's statutes and rules in the state  
164 where the services are being provided.

165 (23) RESPIRATORY THERAPY LICENSING AUTHORITY. The  
166 agency, board, or other body of a state that is responsible  
167 for licensing and regulation of respiratory therapists.

168 (24) RULE. A regulation adopted by an entity that has



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169 the force and effect of law.

170 (25) SCOPE OF PRACTICE. The procedures, actions, and  
171 processes a respiratory therapist licensed in a state or  
172 practicing under a compact privilege in a state is permitted  
173 to undertake in that state and the circumstances under which  
174 the respiratory therapist is permitted to undertake those  
175 procedures, actions, and processes. Such procedures, actions,  
176 and processes, and the circumstances under which they may be  
177 undertaken may be established through means, including, but  
178 not limited to, statute, rules, case law, and other processes  
179 available to the state respiratory therapy licensing authority  
180 or other government agency.

181 (26) SIGNIFICANT INVESTIGATIVE INFORMATION.  
182 Information, records, and documents received or generated by a  
183 state respiratory therapy licensing authority pursuant to an  
184 investigation for which a determination has been made that  
185 there is probable cause to believe that the licensee has  
186 violated a statute or rule that is considered more than a  
187 minor infraction for which the state respiratory therapy  
188 licensing authority could pursue adverse action against the  
189 licensee.

190 (27) STATE. Any state, commonwealth, district, or  
191 territory of the United States.

192 §34-27B-52. State Participation in the Compact.

193 (a) In order to participate in this compact and  
194 thereafter continue as a member state, a member state shall do  
195 all of the following:

196 (1) Enact a compact that is not materially different





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197 from the model compact.

198 (2) License respiratory therapists.

199 (3) Participate in the commission's data system.

200 (4) Have a mechanism in place for receiving and  
201 investigating complaints against licensees and compact  
202 privilege holders.

203 (5) Notify the commission, in compliance with the terms  
204 of this compact and commission rules, of any adverse action  
205 against a licensee, a compact privilege holder, or a license  
206 applicant.

207 (6) Notify the commission, in compliance with the terms  
208 of this compact and commission rules, of the existence of  
209 significant investigative information.

210 (7) Comply with the rules of the commission.

211 (8) Grant the compact privilege to a holder of an  
212 active home state license and otherwise meet the applicable  
213 requirements of Section 34-27B-53 in a member state.

214 (9) Complete a criminal background check for each new  
215 licensee at the time of initial licensure. Where expressly  
216 authorized or permitted by federal law, whether such federal  
217 law is in effect prior to, at, or after the time of a member  
218 state's enactment of this compact, a member state's enactment  
219 of this compact shall hereby authorize the member state's  
220 respiratory therapy licensing authority to perform criminal  
221 background checks as defined herein. The absence of such a  
222 federal law as described in this subsection shall not prevent  
223 or preclude such authorization where it may be derived or  
224 granted through means other than the enactment of this



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225 compact.

226 (b) Nothing in this compact prohibits a member state  
227 from charging a fee for granting and renewing the compact  
228 privilege.

229 §34-27B-53. Compact Privilege.

230 (a) To exercise the compact privilege under the terms  
231 and provisions of the compact, the licensee shall do all of  
232 the following:

233 (1) Hold and maintain an active home state license as a  
234 respiratory therapist.

235 (2) Hold and maintain an active credential from the  
236 National Board for Respiratory Care, or its successor, that  
237 would qualify them for licensure in the remote state in which  
238 they are seeking the privilege.

239 (3) Have not had any adverse action against a license  
240 within the previous two years.

241 (4) Notify the commission that the licensee is seeking  
242 the compact privilege within a remote state or states.

243 (5) Pay any applicable fees, including any state and  
244 commission fees and renewal fees, for the compact privilege.

245 (6) Meet any jurisprudence requirements established by  
246 the remote state in which the licensee is seeking a compact  
247 privilege.

248 (7) Report to the commission any adverse action taken  
249 by any non-member state within 30 days from the date the  
250 adverse action is taken.

251 (8) Report to the commission, when applying for a  
252 compact privilege, the address of the licensee's domicile and



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253 thereafter promptly report to the commission any change in the  
254 address of the licensee's domicile within 30 days of the  
255 effective date of the change in address.

256 (9) Consent to accept service of process by U.S. mail  
257 at the licensee's domicile on record with the commission with  
258 respect to any action brought against the licensee by the  
259 commission or a member state, and consent to accept service of  
260 a subpoena by U.S. mail at the licensee's domicile on record  
261 with the commission with respect to any action brought or  
262 investigation conducted by the commission or a member state.

263 (b) The compact privilege is valid until the expiration  
264 date or revocation of the home state license unless terminated  
265 pursuant to adverse action. The licensee must comply with all  
266 of the requirements of subsection (a) to maintain the compact  
267 privilege in a remote state. If those requirements are met, no  
268 adverse actions are taken, and the licensee has paid any  
269 applicable compact privilege renewal fees, then the licensee  
270 will maintain the licensee's compact privilege.

271 (c) A licensee providing respiratory therapy in a  
272 remote state under the compact privilege shall function within  
273 the scope of practice authorized by the remote state for the  
274 type of respiratory therapist license the licensee holds. Such  
275 procedures, actions, processes, and the circumstances under  
276 which they may be undertaken may be established through means,  
277 including, but not limited to, statute, rules, case law, and  
278 other processes available to the state respiratory therapy  
279 licensing authority or other government agency.

280 (d) If a licensee's compact privilege in a remote state



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281 is removed by the remote state, the individual shall lose or  
282 be ineligible for the compact privilege in that remote state  
283 until the compact privilege is no longer limited or restricted  
284 by that state.

285 (e) If a home state license is encumbered, the licensee  
286 shall lose the compact privilege in all remote states until  
287 both of the following occur:

288 (1) The home state license is no longer encumbered.

289 (2) Two years have elapsed from the date on which the  
290 license is no longer encumbered due to the adverse action.

291 (f) Once a licensee with a restricted or limited  
292 license meets the requirements of subsection (e), the licensee  
293 must also meet the requirements of subsection (a) to obtain a  
294 compact privilege in a remote state.

295 §34-27B-54. Active Military Member or Their Spouse.

296 (a) An active military member or their spouse shall  
297 designate a home state where the individual has a current  
298 license in good standing. The individual may retain the home  
299 state designation during the period the service member is on  
300 active duty.

301 (b) An active military member and their spouse shall  
302 not be required to pay to the commission for a compact  
303 privilege any fee that may otherwise be charged by the  
304 commission. If a remote state chooses to charge a fee for a  
305 compact privilege, it may choose to charge a reduced fee or no  
306 fee to an active military member and their spouse for a  
307 compact privilege.

308 §34-27B-55. Adverse Actions.



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309 (a) A member state in which a licensee is licensed  
310 shall have authority to impose adverse action against the  
311 license issued by that member state.

312 (b) A member state may take adverse action based on  
313 significant investigative information of a remote state or the  
314 home state, so long as the member state follows its own  
315 procedures for imposing adverse action.

316 (c) Nothing in this compact shall override a member  
317 state's decision that participation in an alternative program  
318 may be used in lieu of adverse action and that such  
319 participation shall remain nonpublic if required by the member  
320 state's laws.

321 (d) A remote state shall have the authority to:

322 (1) Take adverse actions as set forth herein against a  
323 licensee's compact privilege in that state.

324 (2) Issue subpoenas for both hearings and  
325 investigations that require the attendance and testimony of  
326 witnesses, and the production of evidence.

327 a. Subpoenas may be issued by a respiratory therapy  
328 licensing authority in a member state for the attendance and  
329 testimony of witnesses and the production of evidence.

330 b. Subpoenas issued by a respiratory therapy licensing  
331 authority in a member state for the attendance and testimony  
332 of witnesses shall be enforced in the latter state by any  
333 court of competent jurisdiction in the latter state, according  
334 to the practice and procedure of that court applicable to  
335 subpoenas issued in proceedings pending before it.

336 c. Subpoenas issued by a respiratory therapy licensing



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337 authority in a member state for production of evidence from  
338 another member state shall be enforced in the latter state,  
339 according to the practice and procedure of that court  
340 applicable to subpoenas issued in the proceedings pending  
341 before it.

342 d. The issuing authority shall pay any witness fees,  
343 travel expenses, mileage, and other fees required by the  
344 service statutes of the state where the witnesses or evidence  
345 are located.

346 (3) Unless otherwise prohibited by state law, recover  
347 from the licensee the costs of investigations and disposition  
348 of cases resulting from any adverse action taken against that  
349 licensee.

350 (4) Notwithstanding subdivision (d)(2), a member state  
351 may not issue a subpoena to gather evidence of conduct in  
352 another member state that is lawful in such other member state  
353 for the purpose of taking adverse action against a licensee's  
354 compact privilege or application for a compact privilege in  
355 that member state.

356 (5) Nothing in this compact authorizes a member state  
357 to impose discipline against a respiratory therapist's compact  
358 privilege in that member state for the individual's otherwise  
359 lawful practice in another state.

360 (e) Joint investigations.

361 (1) In addition to the authority granted to a member  
362 state by its respective Respiratory Therapy Practice Act or  
363 other applicable state law, a member state may participate  
364 with other member states in joint investigations of licensees,



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365 provided, however, that a member state receiving such a  
366 request has no obligation to respond to any subpoena issued  
367 regarding an investigation of conduct or practice that was  
368 lawful in a member state at the time it was undertaken.

369 (2) Member states shall share any significant  
370 investigative information, litigation, or compliance materials  
371 in furtherance of any joint or individual investigation  
372 initiated under the compact. In sharing such information  
373 between member state respiratory therapy licensing  
374 authorities, all information obtained shall be kept  
375 confidential, except as otherwise mutually agreed upon by the  
376 sharing and receiving member state or states.

377 (f) Nothing in this compact permits a member state to  
378 take any adverse action against a licensee or holder of a  
379 compact privilege for conduct or practice that was legal in  
380 the member state at the time it was undertaken.

381 (g) Nothing in this compact permits a member state to  
382 take disciplinary action against a licensee or holder of a  
383 compact privilege for conduct or practice that was legal in  
384 the member state at the time it was undertaken.

385 §34-27B-56. Establishment of the Respiratory Care  
386 Interstate Compact Commission.

387 (a) The compact member states hereby create and  
388 establish a joint government agency whose membership consists  
389 of all member states that have enacted the compact known as  
390 the Respiratory Care Interstate Compact Commission. The  
391 commission is an instrumentality of the compact member states  
392 acting jointly and not an instrumentality of any one state.



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393 The commission shall come into existence on or after the  
394 effective date of the compact, as set forth in Section  
395 34-27B-60.

396 (b) Membership, voting, and meetings.

397 (1) Each member state shall have and be limited to one  
398 commissioner selected by that member state's respiratory  
399 therapy licensing authority.

400 (2) The commissioner shall be an administrator or their  
401 designated staff member of the member state's respiratory  
402 therapy licensing authority.

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

406 (4) The commission may recommend to a member state the  
407 removal or suspension of any commissioner from office.

408 (5) A member state's respiratory therapy licensing  
409 authority shall fill any vacancy of its commissioner occurring  
410 on the commission within 60 days of the vacancy.

411 (6) Each commissioner shall be entitled to one vote on  
412 all matters before the commission requiring a vote by  
413 commissioners.

414 (7) A commissioner shall vote in person or by such  
415 other means as provided in the bylaws. The bylaws may provide  
416 for commissioners to meet by telecommunication, video  
417 conference, or other means of communication.

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





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421 (c) The commission shall have all of the following  
422 powers:

423 (1) Establish and amend the fiscal year of the  
424 commission.

425 (2) Establish and amend bylaws and policies, including,  
426 but not limited to, a code of conduct and conflict of  
427 interest.

428 (3) Establish and amend rules, which shall be binding  
429 in all member states.

430 (4) Maintain its financial records in accordance with  
431 the bylaws.

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

435 (6) Initiate and conduct legal proceedings or actions  
436 in the name of the commission; provided, that the standing of  
437 any respiratory therapy licensing authority to sue or be sued  
438 under applicable law shall not be affected.

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

443 (8) Purchase and maintain insurance and bonds.

444 (9) Accept or contract for services of personnel,  
445 including, but not limited to, employees of a member state.

446 (10) Conduct an annual financial review.

447 (11) Hire employees, elect or appoint officers, fix  
448 compensation, define duties, grant such individuals



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

453 (12) Assess and collect fees.

454 (13) Accept any and all appropriate gifts, donations,  
455 grants of money, other sources of revenue, equipment,  
456 supplies, materials, and services, and receive, utilize, and  
457 dispose of the same, provided that at all times:

458 a. The commission shall avoid any appearance of  
459 impropriety.

460 b. The commission shall avoid any appearance of  
461 conflict of interest.

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

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

468 (16) Establish a budget and make expenditures.

469 (17) Borrow money in a fiscally responsible manner.

470 (18) Appoint committees, including standing committees,  
471 composed of commissioners, state regulators, state legislators  
472 or their representatives, consumer representatives, and such  
473 other interested persons as may be designated in this compact  
474 and the bylaws.

475 (19) Provide and receive information from, and  
476 cooperate with, law enforcement agencies.



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477 (20) Establish and elect an executive committee,  
478 including a chair, vice chair, secretary, treasurer, and such  
479 other offices as the commission shall establish by rule or  
480 bylaw.

481 (21) Enter into contracts or arrangements for the  
482 management of the affairs of the commission.

483 (22) Determine whether a state's adopted language is  
484 materially different from the model compact language such that  
485 the state would not qualify for participation in the compact.

486 (23) Perform such other functions as may be necessary  
487 or appropriate to achieve the purposes of this compact.

488 (d) The Executive Committee.

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

493 a. Overseeing the day-to-day activities of the  
494 administration of the compact, including enforcement and  
495 compliance with the provisions of the compact, its rules and  
496 bylaws, and other such duties as deemed necessary.

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

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

503 d. Preparing and recommending the budget.

504 e. Maintaining financial records on behalf of the



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505 commission.

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

508 g. Establishing additional committees as necessary.

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

514 i. Performing other duties as provided in the rules or  
515 bylaws of the commission.

516 (2) The executive committee shall be composed of up to  
517 nine members, as further set forth in the bylaws of the  
518 commission:

519 a. Seven voting members who are elected by the  
520 commission from the current membership of the commission; and

521 b. Two ex officio, nonvoting members.

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

524 (4) The executive committee shall meet at least  
525 annually.

526 a. Executive committee meetings shall be open to the  
527 public, except that the executive committee may meet in a  
528 closed, nonpublic meeting as provided in subdivision (f)(4).

529 b. The executive committee shall give advance notice of  
530 its meetings, posted on its website and as determined to  
531 provide notice to persons with an interest in the business of  
532 the commission.



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533 c. The executive committee may hold a special meeting  
534 in accordance with subdivision (f) (2).

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

537 (f) Meetings of the commission.

538 (1) All meetings of the commission that are not closed  
539 pursuant to subdivision (4) shall be open to the public.

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

542 (2) Notwithstanding subdivision (1), the commission may  
543 convene an emergency public meeting by providing at least  
544 24-hours' prior notice on the commission's website, and any  
545 other means as provided in the commission's rules, for any of  
546 the reasons it may dispense with notice of proposed rulemaking  
547 under Section 34-27B-58(g). The commission's legal counsel  
548 shall certify that one of the reasons justifying an emergency  
549 public meeting has been met.

550 (3) Notice of all commission meetings shall provide the  
551 time, date, and location of the meeting, and if the meeting is  
552 to be held or accessible via telecommunication, video  
553 conference, or other electronic means, the notice shall  
554 include the mechanism for access to the meeting.

555 (4) The commission or the executive committee may  
556 convene in a closed, nonpublic meeting for the commission or  
557 executive committee to receive or solicit legal advice or to  
558 discuss any of the following:

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



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561           b. The employment, compensation, discipline, or other  
562 matters, practices, or procedures related to specific  
563 employees.

564           c. Current or threatened discipline of a licensee or  
565 compact privilege holder by the commission or by a member  
566 state's respiratory therapy licensing authority.

567           d. Current, threatened, or reasonably anticipated  
568 litigation.

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

571           f. Accusing any person of a crime or formally censuring  
572 any person.

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

575           h. Information of a personal nature where disclosure  
576 would constitute a clearly unwarranted invasion of personal  
577 privacy.

578           i. Investigative records compiled for law enforcement  
579 purposes.

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

584           k. Legal advice.

585           l. Matters specifically exempted from disclosure by  
586 federal or member state law.

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

588           (5) If a meeting, or portion of a meeting, is closed,



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589 the presiding officer shall state that the meeting will be  
590 closed and reference each relevant exempting provision, and  
591 such reference shall be recorded in the minutes.

592 (6) The commission shall keep minutes in accordance  
593 with commission rules and bylaws. All documents considered in  
594 connection with an action shall be identified in such minutes.  
595 All minutes and documents of a closed meeting shall remain  
596 under seal, subject to release only by a majority vote of the  
597 commission or order of a court of competent jurisdiction.

598 (g) Financing of the commission.

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

602 (2) The commission may accept any and all appropriate  
603 revenue sources as provided herein.

604 (3) The commission may levy on and collect an annual  
605 assessment from each member state and impose fees on licensees  
606 of member states to whom it grants a compact privilege to  
607 cover the cost of the operations and activities of the  
608 commission and its staff. The aggregate annual assessment  
609 amount for member states, if any, shall be allocated based  
610 upon a formula that the commission shall adopt by rule.

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

616 (5) The commission shall keep accurate accounts of all



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617 receipts and disbursements. The receipts and disbursements of  
618 the commission shall be subject to the financial review and  
619 accounting procedures established under its bylaws. However,  
620 all receipts and disbursements of funds handled by the  
621 commission shall be subject to an annual financial review by a  
622 certified or licensed public accountant, and the report of the  
623 financial review shall be included in and become part of the  
624 annual report of the commission.

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

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

630 (2) The member states, commissioners, officers,  
631 executive directors, employees, and agents of the commission  
632 shall be immune from suit and liability, both personally and  
633 in their official capacity, for any claim for damage to or  
634 loss of property or personal injury or other civil liability  
635 caused by or arising out of any actual or alleged act, error,  
636 or omission that occurred, or that the person against whom the  
637 claim is made had a reasonable basis for believing occurred  
638 within the scope of commission employment, duties, or  
639 responsibilities; provided, that nothing in this subsection  
640 shall be construed to protect any such person from suit or  
641 liability for any damage, loss, injury, or liability caused by  
642 the intentional, willful, or wanton misconduct of that person.  
643 The procurement of insurance of any type by the commission  
644 shall not in any way compromise or limit the immunity granted





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645 hereunder.

646 (3) The commission shall defend any commissioner,  
647 officer, executive director, employee, and agent of the  
648 commission in any civil action seeking to impose liability  
649 arising out of any actual or alleged act, error, or omission  
650 that occurred within the scope of commission employment,  
651 duties, or responsibilities, or as determined by the  
652 commission that the person against whom the claim is made had  
653 a reasonable basis for believing occurred within the scope of  
654 commission employment, duties, or responsibilities; provided,  
655 that nothing herein shall be construed to prohibit that person  
656 from retaining their own counsel at their own expense; and  
657 provided further, that the actual or alleged act, error, or  
658 omission did not result from that person's intentional,  
659 willful, or wanton misconduct.

660 (4) The commission shall indemnify and hold harmless  
661 any commissioner, member, officer, executive director,  
662 employee, and agent of the commission for the amount of any  
663 settlement or judgment obtained against that person arising  
664 out of any actual or alleged act, error, or omission that  
665 occurred within the scope of commission employment, duties, or  
666 responsibilities, or that such person had a reasonable basis  
667 for believing occurred within the scope of commission  
668 employment, duties, or responsibilities; provided, that the  
669 actual or alleged act, error, or omission did not result from  
670 the intentional, willful, or wanton misconduct of that person.

671 (5) Nothing in this compact shall be interpreted to  
672 waive or otherwise abrogate a member state's state action



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673 immunity or state action affirmative defense with respect to  
674 antitrust claims under the Sherman Act, Clayton Act, or any  
675 other state or federal antitrust or anticompetitive law or  
676 rule.

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

680 §34-27B-57. Data System.

681 (a) The commission shall provide for the development,  
682 maintenance, operation, and utilization of a coordinated  
683 database and reporting system containing licensure, adverse  
684 action, and the presence of significant investigative  
685 information.

686 (b) Notwithstanding any other provision of state law to  
687 the contrary, a member state shall submit a uniform data set  
688 to the data system as required by the rules of the commission,  
689 including, but not limited to, all of the following:

690 (1) Identifying information.

691 (2) Licensure data.

692 (3) Adverse actions against a licensee, license  
693 applicant, or compact privilege holder and information related  
694 thereto.

695 (4) Nonconfidential information related to alternative  
696 program participation, the beginning and ending dates of such  
697 participation, and other information related to such  
698 participation not made confidential under member state law.

699 (5) Any denial of application for licensure, and the  
700 reason or reasons for such denial.



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701           (6) The presence of current significant investigative  
702 information.

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

706           (c) No member state shall submit any information which  
707 constitutes criminal history record information, as defined by  
708 applicable federal law, to the data system established  
709 hereunder.

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

717           (e) Significant investigative information pertaining to  
718 a licensee in any member state will only be available to other  
719 member states.

720           (f) It is the responsibility of the member states to  
721 report any adverse action against a licensee and to monitor  
722 the database to determine whether adverse action has been  
723 taken against a licensee. Adverse action information  
724 pertaining to a licensee in any member state will be available  
725 to any other member state.

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



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729 state.

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

734 §34-27B-58. Rulemaking.

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

744 (b) For purposes of the compact, the rules of the  
745 commission shall have the force of law in each member state.

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

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

756 (e) Rules shall be adopted at a regular or special



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757 meeting of the commission.

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

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

767 (1) On the website of the commission or other publicly  
768 accessible platform;

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

771 (3) In such other way or ways as the commission may by  
772 rule specify.

773 (h) The notice of proposed rulemaking shall include all  
774 of the following:

775 (1) The time, date, and location of the public hearing  
776 at which the commission will hear public comments on the  
777 proposed rule and, if different, the time, date, and location  
778 of the meeting where the commission will consider and vote on  
779 the proposed rule.

780 (2) If the hearing is held via telecommunication, video  
781 conference, or other electronic means, the commission shall  
782 include the mechanism for access to the hearing in the notice  
783 of proposed rulemaking.

784 (3) The text of the proposed rule and the reason



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785 therefore.

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

788 (5) The manner in which interested persons may submit  
789 written comments.

790 (i) All hearings will be recorded. A copy of the  
791 recording and all written comments and documents received by  
792 the commission in response to the proposed rule shall be  
793 available to the public.

794 (j) Nothing in this section shall be construed as  
795 requiring a separate hearing on each rule. Rules may be  
796 grouped for the convenience of the commission at hearings  
797 required by this section.

798 (k) The commission shall, by majority vote of all  
799 commissioners, take final action on the proposed rule based on  
800 the rulemaking record and the full text of the rule.

801 (1) The commission may adopt changes to the proposed  
802 rule provided the changes are consistent with the original  
803 purpose of the proposed rule.

804 (2) The commission shall provide an explanation of the  
805 reasons for substantive changes made to the proposed rule as  
806 well as reasons for substantive changes not made that were  
807 recommended by commenters.

808 (3) The commission shall determine a reasonable  
809 effective date for the rule. Except for an emergency as  
810 provided in subsection (1), the effective date of the rule  
811 shall be no sooner than 30 days after issuing the notice that  
812 it adopted or amended the rule.



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813 (1) Upon determination that an emergency exists, the  
814 commission may consider and adopt an emergency rule with 24  
815 hours' notice, and with opportunity to comment; provided, that  
816 the usual rulemaking procedures provided in the compact and in  
817 this section shall be retroactively applied to the rule as  
818 soon as reasonably possible, in no event later than 90 days  
819 after the effective date of the rule. For the purposes of this  
820 provision, an emergency rule is one that must be adopted  
821 immediately in order to:

822 (1) Meet an imminent threat to public health, safety,  
823 or welfare;

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

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

827 (4) Protect public health and safety.

828 (m) The commission or an authorized committee of the  
829 commission may direct revisions to a previously adopted rule  
830 for purposes of correcting typographical errors, errors in  
831 format, errors in consistency, or grammatical errors. Public  
832 notice of any revisions shall be posted on the website of the  
833 commission. The revision shall be subject to challenge by any  
834 person for a period of 30 days after posting. The revision may  
835 be challenged only on grounds that the revision results in a  
836 material change to a rule. A challenge shall be made in  
837 writing and delivered to the commission prior to the end of  
838 the notice period. If no challenge is made, the revision will  
839 take effect without further action. If the revision is  
840 challenged, the revision may not take effect without the



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841 approval of the commission.

842 (n) (1) No member state's rulemaking process or  
843 procedural requirements shall apply to the commission.

844 (2) The commission shall have no authority over any  
845 member state's rulemaking process or procedural requirements  
846 that do not pertain to the compact.

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

854 §34-27B-59. Oversight, Dispute Resolution, and  
855 Enforcement.

856 (a) Oversight.

857 (1) The executive and judicial branches of state  
858 government in each member state shall enforce this compact and  
859 take all actions necessary and appropriate to implement the  
860 compact.

861 (2) Venue is proper and judicial proceedings by or  
862 against the commission shall be brought solely and exclusively  
863 in a court of competent jurisdiction where the principal  
864 office of the commission is located. The commission may waive  
865 venue and jurisdictional defenses to the extent it adopts or  
866 consents to participate in alternative dispute resolution  
867 proceedings. Nothing herein shall affect or limit the  
868 selection or propriety of venue in any action against a





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869 licensee for professional malpractice, misconduct, or any such  
870 similar matter.

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

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

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

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

889 (c) If a state in default fails to cure the default,  
890 the defaulting state may be terminated from the compact upon  
891 an affirmative vote of a majority of the commissioners of the  
892 member states, and all rights, privileges, and benefits  
893 conferred on that state by this compact may be terminated on  
894 the effective date of termination. A cure of the default does  
895 not relieve the offending state of obligations or liabilities  
896 incurred during the period of default.



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897 (d) Termination of membership in the compact shall be  
898 imposed only after all other means of securing compliance have  
899 been exhausted. Notice of intent to suspend or terminate shall  
900 be given by the commission to the governor, the majority and  
901 minority leaders of the defaulting state's legislature, the  
902 defaulting state's respiratory therapy licensing authority,  
903 and each of the member states' respiratory therapy licensing  
904 authorities.

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

909 (f) Upon the termination of a state's membership from  
910 this compact, that state shall immediately provide notice to  
911 all licensees and compact privilege holders, of which the  
912 commission has a record, within that state of such  
913 termination. The terminated state shall continue to recognize  
914 all licenses granted pursuant to this compact for a minimum of  
915 180 days after the date of the notice of termination.

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

920 (h) The defaulting state may appeal the action of the  
921 commission by petitioning the U.S. District Court for the  
922 District of Columbia or the federal district where the  
923 commission has its principal offices. The prevailing party  
924 shall be awarded all costs of such litigation, including



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925 reasonable attorney fees.

926 (i) Dispute resolution.

927 (1) Upon request by a member state, the commission  
928 shall attempt to resolve disputes related to the compact that  
929 arise among member states and between member and nonmember  
930 states.

931 (2) The commission shall adopt a rule providing for  
932 both mediation and binding dispute resolution for disputes, as  
933 appropriate.

934 (j) Enforcement.

935 (1) By majority vote, as may be further provided by  
936 rule, the commission may initiate legal action against a  
937 member state in default in the United States District Court  
938 for the District of Columbia or the federal district where the  
939 commission has its principal offices to enforce compliance  
940 with the provisions of the compact and its adopted rules. A  
941 member state by enactment of this compact consents to venue  
942 and jurisdiction in such court for the purposes set forth  
943 herein. The relief sought may include both injunctive relief  
944 and damages. In the event judicial enforcement is necessary,  
945 the prevailing party shall be awarded all costs of such  
946 litigation, including reasonable attorney fees. The remedies  
947 herein shall not be the exclusive remedies of the commission.  
948 The commission may pursue any other remedies available under  
949 federal or the defaulting member state's law.

950 (2) A member state may initiate legal action against  
951 the commission in the U.S. District Court for the District of  
952 Columbia or the federal district where the commission has its



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953 principal offices to enforce compliance with the provisions of  
954 the compact and its adopted rules. The relief sought may  
955 include both injunctive relief and damages. In the event  
956 judicial enforcement is necessary, the prevailing party shall  
957 be awarded all costs of such litigation, including reasonable  
958 attorney fees.

959 (3) No person other than a member state shall enforce  
960 this compact against the commission.

961 §34-27B-60. Effective Date, Withdrawal, and Amendment.

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

965 (1) On or after the effective date of the compact, the  
966 commission shall convene and review the enactment of each of  
967 the first seven member states referred to as "charter member  
968 states," to determine if the statute enacted by each charter  
969 member state is materially different than the model compact.

970 a. A charter member state whose enactment is found to  
971 be materially different from the model compact shall be  
972 entitled to the default process set forth in Section  
973 34-27B-59.

974 b. If any member state is later found to be in default,  
975 or is terminated or withdraws from the compact, the commission  
976 shall remain in existence and the compact shall remain in  
977 effect even if the number of member states should be less than  
978 seven.

979 (2) Member states enacting the compact subsequent to  
980 the seven initial charter member states shall be subject to



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981 the process set forth herein and commission rule to determine  
982 if their enactments are materially different from the model  
983 compact and whether they qualify for participation in the  
984 compact.

985 (3) All actions taken for the benefit of the commission  
986 or in furtherance of the purposes of the administration of the  
987 compact prior to the effective date of the compact or the  
988 commission coming into existence shall be considered to be  
989 actions of the commission unless specifically repudiated by  
990 the commission. The commission shall own and have all rights  
991 to any intellectual property developed on behalf or in  
992 furtherance of the commission by individuals or entities  
993 involved in organizing or establishing the commission, as may  
994 be further set forth in rules of the commission.

995 (4) Any state that joins the compact subsequent to the  
996 commission's initial adoption of the rules and bylaws shall be  
997 subject to the rules and bylaws as they exist on the date on  
998 which the compact becomes law in that state. Any rule that has  
999 been previously adopted by the commission shall have the full  
1000 force and effect of law on the date the compact becomes law in  
1001 that state.

1002 (b) Any member state may withdraw from this compact by  
1003 enacting a statute repealing the same.

1004 (1) A member state's withdrawal shall not take effect  
1005 until 180 days after enactment of the repealing statute.

1006 (2) Withdrawal shall not affect the continuing  
1007 requirement of the withdrawing state's respiratory therapy  
1008 licensing authority to comply with the investigative and



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1009 adverse action reporting requirements of this compact prior to  
1010 the effective date of withdrawal.

1011 (3) Upon the enactment of a statute withdrawing from  
1012 this compact, a state shall immediately provide notice of such  
1013 withdrawal to all licensees and compact privilege holders, of  
1014 which the commission has a record, within that state.  
1015 Notwithstanding any subsequent statutory enactment to the  
1016 contrary, such withdrawing state shall continue to recognize  
1017 all licenses granted pursuant to this compact for a minimum of  
1018 180 days after the date of such notice of withdrawal.

1019 (c) Nothing contained in this compact shall be  
1020 construed to invalidate or prevent any licensure agreement or  
1021 other cooperative arrangement between a member state and a  
1022 nonmember state that does not conflict with the provisions of  
1023 this compact.

1024 (d) This compact may be amended by the member states.  
1025 No amendment to this compact shall become effective and  
1026 binding upon any member state until it is enacted into the  
1027 laws of all member states.

1028 §34-27B-61. Construction and Severability.

1029 (a) This compact and the commission's rulemaking  
1030 authority shall be liberally construed so as to effectuate the  
1031 purposes and the implementation and administration of the  
1032 compact. Provisions of the compact expressly authorizing or  
1033 requiring the adoption of rules shall not be construed to  
1034 limit the commission's rulemaking authority solely for those  
1035 purposes.

1036 (b) The provisions of this compact shall be severable,



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1037 and if any phrase, clause, sentence, or provision of this  
1038 compact is held by a court of competent jurisdiction to be  
1039 contrary to the constitution of any member state, a state  
1040 seeking participation in the compact, or of the United States,  
1041 or the applicability thereof to any government, agency,  
1042 person, or circumstance is held to be unconstitutional by a  
1043 court of competent jurisdiction, the validity of the remainder  
1044 of this compact and the applicability thereof to any other  
1045 government, agency, person, or circumstance shall not be  
1046 affected thereby.

1047 (c) Notwithstanding subsection (b), the commission may  
1048 deny a state's participation in the compact or, in accordance  
1049 with the requirements of Section 34-27B-59, terminate a member  
1050 state's participation in the compact, if it determines that a  
1051 constitutional requirement of a member state is a material  
1052 departure from the compact. Otherwise, if this compact shall  
1053 be held to be contrary to the constitution of any member  
1054 state, the compact shall remain in full force and effect as to  
1055 the remaining member states and in full force and effect as to  
1056 the member state affected as to all severable matters.

1057 §34-27B-62. Consistent Effect and Conflict With Other  
1058 State Laws.

1059 (a) Nothing herein shall prevent or inhibit the  
1060 enforcement of any other law of a member state that is not  
1061 inconsistent with the compact.

1062 (b) Any laws, statutes, rules, or other legal  
1063 requirements in a member state in conflict with the compact  
1064 are superseded to the extent of the conflict, including any



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1065 subsequently enacted state laws.

1066 (c) All permissible agreements between the commission  
1067 and the member states are binding in accordance with their  
1068 terms.

1069 (d) Other than as expressly set forth herein, nothing  
1070 in this compact will impact initial licensure.

1071 (d) Nothing in this compact shall be interpreted to  
1072 modify, amend, repeal, or supersede any state criminal or  
1073 civil liability laws.

1074 (e) In the event the commission adopts rules to  
1075 coordinate the implementation or administration of this  
1076 compact which conflict with Alabama law, Alabama law shall  
1077 supersede those rules, and Alabama state courts shall retain  
1078 sole jurisdiction to determine any conflicts.

1079 (f) Alabama state courts shall retain sole jurisdiction  
1080 to determine whether provisions of this compact are in  
1081 conflict with state laws or the Constitution of Alabama of  
1082 2022.

1083 (g) Except as to judicial proceedings for the  
1084 enforcement of this compact among member states, individuals  
1085 may pursue judicial proceedings related to this compact in any  
1086 Alabama state or federal court that would otherwise have  
1087 competent jurisdiction.

1088 Section 3. This act shall become effective on October  
1089 1, 2025.