

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 150, Page 18,
2 Section 324.009, Line 95, by inserting after all of said section and line the following:

3
4 "324.214. 1. For purposes of this section, the following terms mean:

5 (1) "License", a license, certificate, registration, permit, accreditation, or military
6 occupational specialty that enables a person to legally practice an occupation or profession in a
7 particular jurisdiction;

8 (2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast
9 Guard, Marine Corps, Navy, Space Force, National Guard, and any other military branch that is
10 designated by Congress as part of the Armed Forces of the United States, and all reserve
11 components and auxiliaries. The term "military" also includes the military reserves and militia of
12 any United States territory or state;

13 (3) "Nonresident military spouse", a nonresident spouse of an active-duty member of the
14 Armed Forces of the United States who has been transferred or is scheduled to be transferred to the
15 state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state
16 and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a
17 permanent change-of-station basis;

18 (4) "Oversight body", any board, department, agency, or office of a jurisdiction that issues
19 licenses;

20 (5) "Resident military spouse", a spouse of an active-duty member of the Armed Forces of
21 the United States who has been transferred or is scheduled to be transferred to the state of Missouri
22 or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the
23 state of Missouri, or who has Missouri as his or her home of record.

24 2. Any person who holds a valid current dietitian license issued by another state, a branch or
25 unit of the military, a territory of the United States, or the District of Columbia, and who has been
26 licensed for at least one year in such other jurisdiction, may submit to the committee an application
27 for a dietitian license in Missouri along with proof of current licensure and proof of licensure for at
28 least one year in the other jurisdiction.

29 3. The committee shall:

Action Taken _____ Date _____

1 (1) Within six months of receiving an application described in subsection 2 of this section,
2 waive any examination, educational, or experience requirements for licensure in this state for the
3 applicant if it determines that there were minimum education requirements and, if applicable, work
4 experience and clinical supervision requirements in effect and the other jurisdiction verifies that the
5 person met those requirements in order to be licensed or certified in that jurisdiction. The
6 committee may require an applicant to take and pass an examination specific to the laws of this
7 state; or

8 (2) Within thirty days of receiving an application described in subsection 2 of this section
9 from a nonresident military spouse or a resident military spouse, waive any examination,
10 educational, or experience requirements for licensure in this state for the applicant and issue such
11 applicant a license under this section if such applicant otherwise meets the requirements of this
12 section.

13 4. (1) The committee shall not waive any examination, educational, or experience
14 requirements for any applicant who has had his or her license revoked by an oversight body outside
15 the state; who is currently under investigation, who has a complaint pending, or who is currently
16 under disciplinary action, except as provided in subdivision (2) of this subsection, with an oversight
17 body outside the state; who does not hold a license in good standing with an oversight body outside
18 the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or
19 who does not hold a valid current license in the other jurisdiction on the date the committee receives
20 his or her application under this section.

21 (2) If another jurisdiction has taken disciplinary action against an applicant, the committee
22 shall determine if the cause for the action was corrected and the matter resolved. If the matter has
23 not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.

24 5. Nothing in this section shall prohibit the committee from denying a license to an
25 applicant under this section for any reason described in section 324.217.

26 6. Any person who is licensed under the provisions of this section shall be subject to the
27 committee's jurisdiction and all rules and regulations pertaining to the practice as a dietitian in this
28 state.

29 7. This section shall not be construed to waive any requirement for an applicant to pay any
30 fees.

31 324.218. 1. An applicant who has not previously taken or passed an examination
32 recognized by the committee and who meets the qualifications of subsection 2 of section 324.210
33 may obtain without examination a nonrenewable temporary license by paying a temporary-license
34 fee and submitting to the committee an agreement-to-supervise form that is signed by a licensed
35 dietitian who has agreed to supervise the applicant. Such temporary licensee may practice dietetics,
36 but any such practice shall be under the supervision of a dietitian licensed in this state.

37 2. (1) Any dietitian who has agreed to supervise a temporary licensee shall hold an
38 unencumbered license to practice dietetics in this state and shall provide the committee proof of

1 active dietetics practice in this state for a minimum of one year before supervising the temporary
2 licensee.

3 (2) The supervising dietitian shall not be an immediate family member of the temporary
4 licensee. The committee shall define the term "immediate family member" for purposes of this
5 subdivision and the scope of such supervision by rule.

6 3. (1) The dietitian who has agreed to supervise the applicant for a temporary license shall
7 submit to the committee a signed and notarized form prescribed by the committee attesting that the
8 applicant for a temporary license shall begin employment at a location in this state within seven
9 days of issuance of the temporary license.

10 (2) If the temporary licensee's employment described in subdivision (1) of this subsection
11 ceases, the supervising dietitian shall notify the committee within three days of such cessation.

12 4. A licensed dietitian shall not supervise more than one temporary licensee at a time.

13 5. The temporary license obtained by an applicant under this section shall expire the date the
14 committee is notified by the supervising dietitian that the temporary licensee's employment has
15 ceased or within one hundred eighty days of its issuance, whichever occurs first.

16 324.1800. 1. Sections 324.1800 to 324.1865 shall be known and may be cited as the
17 "Dietitian Licensure Compact".

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

22 3. This Compact is designed to achieve the following objectives:

23 (1) Increase public access to dietetics services;

24 (2) Provide opportunities for interstate practice by Licensed Dietitians who meet uniform
25 requirements;

26 (3) Eliminate the necessity for Licenses in multiple States;

27 (4) Reduce administrative burden on Member States and Licensees;

28 (5) Enhance the States' ability to protect the public's health and safety;

29 (6) Encourage the cooperation of Member States in regulating multistate practice of
30 Licensed Dietitians;

31 (7) Support relocating Active Military Members and their spouses;

32 (8) Enhance the exchange of licensure, investigative, and disciplinary information among
33 Member States; and

34 (9) Vest all Member States with the authority to hold a Licensed Dietitian accountable for
35 meeting all State practice laws in the State in which the patient is located at the time care is
36 rendered.

37 324.1805. As used in this Compact, and except as otherwise provided, the following
38 definitions shall apply:

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

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

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

11 (4) "Alternative Program" means a non-disciplinary monitoring or practice remediation
12 process approved by a Licensing Authority.

13 (5) "Charter Member State" means any Member State which enacted this Compact by law
14 before the Effective Date specified in section 324.1855.

15 (6) "Continuing Education" means a requirement, as a condition of License renewal, to
16 provide evidence of participation in, and completion of, educational and professional activities
17 relevant to practice or area of work.

18 (7) "CDR" means the Commission on Dietetic Registration or its successor organization.

19 (8) "Compact Commission" means the government agency whose membership consists of
20 all States that have enacted this Compact, which is known as the Dietitian Licensure Compact
21 Commission, as described in section 324.1835, and which shall operate as an instrumentality of the
22 Member States.

23 (9) "Compact Privilege" means a legal authorization, which is equivalent to a License,
24 permitting the Practice of Dietetics in a Remote State.

25 (10) "Current Significant Investigative Information" means:

26 (a) Investigative Information that a Licensing Authority, after a preliminary inquiry that
27 includes notification and an opportunity for the subject Licensee to respond, if required by State law,
28 has reason to believe is not groundless and, if proved true, would indicate more than a minor
29 infraction; or

30 (b) Investigative Information that indicates that the subject Licensee represents an
31 immediate threat to public health and safety regardless of whether the subject Licensee has been
32 notified and had an opportunity to respond.

33 (11) "Data System" means a repository of information about Licensees, including, but not
34 limited to, Continuing Education, examination, licensure, investigative, Compact Privilege and
35 Adverse Action information.

36 (12) "Encumbered License" means a License in which an Adverse Action restricts a
37 Licensee's ability to practice dietetics.

38 (13) "Encumbrance" means a revocation or suspension of, or any limitation on a Licensee's
39 full and unrestricted Practice of Dietetics by a Licensing Authority.

1 (14) "Executive Committee" means a group of delegates elected or appointed to act on
2 behalf of, and within the powers granted to them by, this Compact, and the Compact Commission.

3 (15) "Home State" means the Member State that is the Licensee's primary State of residence
4 or that has been designated pursuant to section 324.1825.

5 (16) "Investigative Information" means information, records, and documents received or
6 generated by a Licensing Authority pursuant to an investigation.

7 (17) "Jurisprudence Requirement" means an assessment of an individual's knowledge of the
8 State laws and regulations governing the Practice of Dietetics in such State.

9 (18) "License" means an authorization from a Member State to either:

10 (a) Engage in the Practice of Dietetics (including medical nutrition therapy); or

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

14 (19) "Licensee" or "Licensed Dietitian" means an individual who currently holds a License
15 and who meets all of the requirements outlined in section 324.1815.

16 (20) "Licensing Authority" means the board or agency of a State, or equivalent, that is
17 responsible for the licensing and regulation of the Practice of Dietetics.

18 (21) "Member State" means a State that has enacted the Compact.

19 (22) "Practice of Dietetics" means the synthesis and application of dietetics as defined by
20 state law and regulations, primarily for the provision of nutrition care services, including medical
21 nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical
22 conditions and promote wellness.

23 (23) "Registered Dietitian" means a person who:

24 (a) Has completed applicable education, experience, examination, and recertification
25 requirements approved by CDR;

26 (b) Is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and

27 (c) Is legally authorized to use the title registered dietitian or registered dietitian nutritionist
28 and the corresponding abbreviations "RD" or "RDN."

29 (24) "Remote State" means a Member State other than the Home State, where a Licensee is
30 exercising or seeking to exercise a Compact Privilege.

31 (25) "Rule" means a regulation promulgated by the Compact Commission that has the force
32 of law.

33 (26) "Single State License" means a License issued by a Member State within the issuing
34 State and does not include a Compact Privilege in any other Member State.

35 (27) "State" means any state, commonwealth, district, or territory of the United States of
36 America.

37 (28) "Unencumbered License" means a License that authorizes a Licensee to engage in the
38 full and unrestricted Practice of Dietetics.

39 324.1810. 1. To participate in the Compact, a State must currently:

1 (1) License and regulate the Practice of Dietetics; and

2 (2) Have a mechanism in place for receiving and investigating complaints about Licensees.

3 2. A Member State shall:

4 (1) Participate fully in the Compact Commission's Data System, including using the unique
5 identifier as defined in Rules;

6 (2) Notify the Compact Commission, in compliance with the terms of the Compact and
7 Rules, of any Adverse Action or the availability of Current Significant Investigative Information
8 regarding a Licensee;

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

14 (a) A Member State must fully implement a criminal history record information
15 requirement, within a time frame established by Rule, which includes receiving the results of the
16 Federal Bureau of Investigation record search and shall use those results in determining Compact
17 Privilege eligibility.

18 (b) Communication between a Member State and the Compact Commission or among
19 Member States regarding the verification of eligibility for a Compact Privilege shall not include any
20 information received from the Federal Bureau of Investigation relating to a federal criminal history
21 record information check performed by a Member State;

22 (4) Comply with and enforce the Rules of the Compact Commission;

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

26 (6) Recognize a Compact Privilege granted to a Licensee who meets all of the requirements
27 outlined in section 324.1815 in accordance with the terms of the Compact and Rules.

28 3. Member States may set and collect a fee for granting a Compact Privilege.

29 4. Individuals not residing in a Member State shall continue to be able to apply for a
30 Member State's Single State License as provided under the laws of each Member State. However,
31 the Single State License granted to these individuals shall not be recognized as granting a Compact
32 Privilege to engage in the Practice of Dietetics in any other Member State.

33 5. Nothing in this Compact shall affect the requirements established by a Member State for
34 the issuance of a Single State License.

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

38 324.1815. 1. To exercise the Compact Privilege under the terms and provisions of the
39 Compact, the Licensee shall:

- 1 (1) Satisfy one of the following:
- 2 (a) Hold a valid current registration that gives the applicant the right to use the term
- 3 Registered Dietitian; or
- 4 (b) Complete all of the following:
- 5 a. An education program which is either:
- 6 (i) A master's degree or doctoral degree that is programmatically accredited by:
- 7 i. ACEND; or
- 8 ii. A dietetics accrediting agency recognized by the United States Department of Education,
- 9 which the Compact Commission may by Rule determine, and from a college or university
- 10 accredited at the time of graduation by the appropriate regional accrediting agency recognized by
- 11 the Council on Higher Education Accreditation and the United States Department of Education.
- 12 (ii) An academic degree from a college or university in a foreign country equivalent to the
- 13 degree described in item (i) that is programmatically accredited by:
- 14 i. ACEND; or
- 15 ii. A dietetics accrediting agency recognized by the United States Department of Education,
- 16 which the Compact Commission may by Rule determine.
- 17 b. A planned, documented, supervised practice experience in dietetics that is
- 18 programmatically accredited by:
- 19 (i) ACEND; or
- 20 (ii) A dietetics accrediting agency recognized by the United States Department of Education
- 21 which the Compact Commission may by Rule determine and which involves at least 1000 hours of
- 22 practice experience under the supervision of a Registered Dietitian or a Licensed Dietitian.
- 23 c. Successful completion of either:
- 24 (i) The Registration Examination for Dietitians administered by CDR; or
- 25 (ii) A national credentialing examination for dietitians approved by the Compact
- 26 Commission by Rule; such completion being no more than five years prior to the date of the
- 27 Licensee's application for initial licensure and accompanied by a period of continuous licensure
- 28 thereafter, all of which may be further governed by the Rules of the Compact Commission;
- 29 (2) Hold an Unencumbered License in the Home State;
- 30 (3) Notify the Compact Commission that the Licensee is seeking a Compact Privilege
- 31 within a Remote State or States;
- 32 (4) Pay any applicable fees, including any State fee, for the Compact Privilege;
- 33 (5) Meet any Jurisprudence Requirements established by the Remote State or States in
- 34 which the Licensee is seeking a Compact Privilege; and
- 35 (6) Report to the Compact Commission any Adverse Action, Encumbrance, or restriction on
- 36 a License taken by any non-Member State within 30 days from the date the action is taken.
- 37 2. The Compact Privilege is valid until the expiration date of the Home State License. To
- 38 maintain a Compact Privilege, renewal of the Compact Privilege shall be congruent with the
- 39 renewal of the Home State License as the Compact Commission may define by Rule. The Licensee

1 must comply with the requirements of subsection 1 of this section to maintain the Compact Privilege
2 in the Remote State or States.

3 3. A Licensee exercising a Compact Privilege shall adhere to the laws and regulations of the
4 Remote State. Licensees shall be responsible for educating themselves on, and complying with, any
5 and all State laws relating to the Practice of Dietetics in such Remote State.

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

10 324.1820. 1. A Licensee may hold a Home State License, which allows for a Compact
11 Privilege in other Member States, in only one Member State at a time.

12 2. If a Licensee changes Home State by moving between two Member States:

13 (1) The Licensee shall file an application for obtaining a new Home State License based on
14 a Compact Privilege, pay all applicable fees, and notify the current and new Home State in
15 accordance with the Rules of the Compact Commission.

16 (2) Upon receipt of an application for obtaining a new Home State License by virtue of a
17 Compact Privilege, the new Home State shall verify that the Licensee meets the criteria in section
18 324.1815 via the Data System, and require that the Licensee complete the following:

19 (a) Federal Bureau of Investigation fingerprint based criminal history record information
20 check;

21 (b) Any other criminal history record information required by the new Home State; and

22 (c) Any Jurisprudence Requirements of the new Home State.

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

26 (4) Notwithstanding any other provision of this Compact, if the Licensee cannot meet the
27 criteria in section 324.1815, the new Home State may apply its requirements for issuing a new
28 Single State License.

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

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

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

37 5. Nothing in this Compact shall affect the requirements established by a Member State for
38 the issuance of a Single State License.

1 324.1825. An Active Military Member, or their spouse, shall designate a Home State where
2 the individual has a current License in good standing. The individual may retain the Home State
3 designation during the period the service member is on active duty.

4 324.1830. 1. In addition to the other powers conferred by State law, a Remote State shall
5 have the authority, in accordance with existing State due process law, to:

6 (1) Take Adverse Action against a Licensee's Compact Privilege within that Member State;
7 and

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

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

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

22 4. The Home State shall complete any pending investigations of a Licensee who changes
23 Home States during the course of the investigations. The Home State shall also have authority to
24 take appropriate action or actions and shall promptly report the conclusions of the investigations to
25 the administrator of the Data System. The administrator of the Data System shall promptly notify
26 the new Home State of any Adverse Actions.

27 5. A Member State, if otherwise permitted by State law, may recover from the affected
28 Licensee the costs of investigations and dispositions of cases resulting from any Adverse Action
29 taken against that Licensee.

30 6. A Member State may take Adverse Action based on the factual findings of another
31 Remote State, provided that the Member State follows its own procedures for taking the Adverse
32 Action.

33 7. (1) In addition to the authority granted to a Member State by its respective State law, any
34 Member State may participate with other Member States in joint investigations of Licensees.

35 (2) Member States shall share any investigative, litigation, or compliance materials in
36 furtherance of any joint investigation initiated under the Compact.

37 8. If Adverse Action is taken by the Home State against a Licensee's Home State License
38 resulting in an Encumbrance on the Home State License, the Licensee's Compact Privilege or
39 Privileges in all other Member States shall be revoked until all Encumbrances have been removed

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

4 9. Once an Encumbered License in the Home State is restored to an Unencumbered License
5 (as certified by the Home State's Licensing Authority), the Licensee must meet the requirements of
6 subsection 1 of section 324.1815 and follow the administrative requirements to reapply to obtain a
7 Compact Privilege in any Remote State.

8 10. If a Member State takes Adverse Action, it shall promptly notify the administrator of the
9 Data System. The administrator of the Data System shall promptly notify the other Member States
10 of any Adverse Actions.

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

13 324.1835. 1. The Compact Member States hereby create and establish a joint government
14 agency whose membership consists of all Member States that have enacted the Compact known as
15 the Dietitian Licensure Compact Commission. The Compact Commission is an instrumentality of
16 the Compact States acting jointly and not an instrumentality of any one State. The Compact
17 Commission shall come into existence on or after the effective date of the Compact as set forth in
18 section 324.1855.

19 2. (1) Each Member State shall have and be limited to one (1) delegate selected by that
20 Member State's Licensing Authority.

21 (2) The delegate shall be the primary administrator of the Licensing Authority or their
22 designee.

23 (3) The Compact Commission shall by Rule or bylaw establish a term of office for delegates
24 and may by Rule or bylaw establish term limits.

25 (4) The Compact Commission may recommend removal or suspension of any delegate from
26 office.

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

29 (6) Each delegate shall be entitled to one vote on all matters before the Compact
30 Commission requiring a vote by the delegates.

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

34 (8) The Compact Commission shall meet at least once during each calendar year.
35 Additional meetings may be held as set forth in the bylaws. The Compact Commission may meet in
36 person or by telecommunication, video conference, or other means of communication.

37 3. The Compact Commission shall have the following powers:

38 (1) Establish the fiscal year of the Compact Commission;

39 (2) Establish code of conduct and conflict of interest policies;

- 1 (3) Establish and amend Rules and bylaws;
- 2 (4) Maintain its financial records in accordance with the bylaws;
- 3 (5) Meet and take such actions as are consistent with the provisions of this Compact, the
4 Compact Commission's Rules, and the bylaws;
- 5 (6) Initiate and conclude legal proceedings or actions in the name of the Compact
6 Commission, provided that the standing of any Licensing Authority to sue or be sued under
7 applicable law shall not be affected;
- 8 (7) Maintain and certify records and information provided to a Member State as the
9 authenticated business records of the Compact Commission, and designate an agent to do so on the
10 Compact Commission's behalf;
- 11 (8) Purchase and maintain insurance and bonds;
- 12 (9) Borrow, accept, or contract for services of personnel, including, but not limited to,
13 employees of a Member State;
- 14 (10) Conduct an annual financial review;
- 15 (11) Hire employees, elect or appoint officers, fix compensation, define duties, grant such
16 individuals appropriate authority to carry out the purposes of the Compact, and establish the
17 Compact Commission's personnel policies and programs relating to conflicts of interest,
18 qualifications of personnel, and other related personnel matters;
- 19 (12) Assess and collect fees;
- 20 (13) Accept any and all appropriate donations, grants of money, other sources of revenue,
21 equipment, supplies, materials, services, and gifts, and receive, utilize, and dispose of the same;
22 provided that at all times the Compact Commission shall avoid any actual or appearance of
23 impropriety or conflict of interest;
- 24 (14) Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or
25 mixed, or any undivided interest therein;
- 26 (15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
27 property real, personal, or mixed;
- 28 (16) Establish a budget and make expenditures;
- 29 (17) Borrow money;
- 30 (18) Appoint committees, including standing committees, composed of members, State
31 regulators, State legislators or their representatives, and consumer representatives, and such other
32 interested persons as may be designated in this Compact or the bylaws;
- 33 (19) Provide and receive information from, and cooperate with, law enforcement agencies;
- 34 (20) Establish and elect an Executive Committee, including a chair and a vice chair;
- 35 (21) Determine whether a State's adopted language is materially different from the model
36 compact language such that the State would not qualify for participation in the Compact; and
37 (22) Perform such other functions as may be necessary or appropriate to achieve the
38 purposes of this Compact.

1 4. (1) The Executive Committee shall have the power to act on behalf of the Compact
2 Commission according to the terms of this Compact. The powers, duties, and responsibilities of the
3 Executive Committee shall include:

4 (a) Oversee the day-to-day activities of the administration of the Compact including
5 enforcement and compliance with the provisions of the Compact, its Rules and bylaws, and other
6 such duties as deemed necessary;

7 (b) Recommend to the Compact Commission changes to the Rules or bylaws, changes to
8 this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and
9 other fees;

10 (c) Ensure Compact administration services are appropriately provided, including by
11 contract;

12 (d) Prepare and recommend the budget;

13 (e) Maintain financial records on behalf of the Compact Commission;

14 (f) Monitor Compact compliance of Member States and provide compliance reports to the
15 Compact Commission;

16 (g) Establish additional committees as necessary;

17 (h) Exercise the powers and duties of the Compact Commission during the interim between
18 Compact Commission meetings, except for adopting or amending Rules, adopting or amending
19 bylaws, and exercising any other powers and duties expressly reserved to the Compact Commission
20 by Rule or bylaw; and

21 (i) Other duties as provided in the Rules or bylaws of the Compact Commission.

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

23 (a) The chair and vice chair of the Compact Commission shall be voting members of the
24 Executive Committee;

25 (b) Five voting members from the current membership of the Compact Commission, elected
26 by the Compact Commission;

27 (c) One ex-officio, nonvoting member from a recognized professional association
28 representing dietitians; and

29 (d) One ex-officio, nonvoting member from a recognized national credentialing organization
30 for dietitians.

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

33 (4) (a) The Executive Committee shall meet at least annually.

34 (b) Executive Committee meetings shall be open to the public, except that the Executive
35 Committee may meet in a closed, non-public meeting as provided in subdivision (2) of subsection 6
36 of this section.

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

1 (d) The Executive Committee may hold a special meeting in accordance with paragraph (c)
 2 of subdivision (1) of subsection 6 of this section.

3 5. The Compact Commission shall adopt and provide to the Member States an annual
 4 report.

5 6. (1) (a) All meetings shall be open to the public, except that the Compact Commission
 6 may meet in a closed, non-public meeting as provided in subdivision (2) of this subsection.

7 (b) Public notice for all meetings of the full Compact Commission shall be given in the
 8 same manner as required under the rulemaking provisions in section 324.1845, except that the
 9 Compact Commission may hold a special meeting as provided in paragraph (c) of this subdivision.

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

15 (2) The Compact Commission or the Executive Committee or other committees of the
 16 Compact Commission may convene in a closed, non-public meeting for the Compact Commission
 17 or Executive Committee or other committees of the Compact Commission to receive legal advice or
 18 to discuss:

19 (a) Non-compliance of a Member State with its obligations under the Compact;

20 (b) The employment, compensation, discipline, or other matters, practices, or procedures
 21 related to specific employees;

22 (c) Current or threatened discipline of a Licensee by the Compact Commission or by a
 23 Member State's Licensing Authority;

24 (d) Current, threatened, or reasonably anticipated litigation;

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

26 (f) Accusing any person of a crime or formally censuring any person;

27 (g) Trade secrets or commercial or financial information that is privileged or confidential;

28 (h) Information of a personal nature where disclosure would constitute a clearly
 29 unwarranted invasion of personal privacy;

30 (i) Investigative records compiled for law enforcement purposes;

31 (j) Information related to any investigative reports prepared by or on behalf of or for use of
 32 the Compact Commission or other committee charged with responsibility of investigation or
 33 determination of compliance issues pursuant to the Compact;

34 (k) Matters specifically exempted from disclosure by federal or Member State law; or

35 (l) Other matters as specified in the Rules of the Compact Commission.

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

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

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

9 (2) The Compact Commission may accept any and all appropriate revenue sources as
10 provided in subdivision (13) of subsection 3 of this section.

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

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

21 (5) The Compact Commission shall keep accurate accounts of all receipts and
22 disbursements. The receipts and disbursements of the Compact Commission shall be subject to the
23 financial review and accounting procedures established under its bylaws. However, all receipts and
24 disbursements of funds handled by the Compact Commission shall be subject to an annual financial
25 review by a certified or licensed public accountant, and the report of the financial review shall be
26 included in and become part of the annual report of the Compact Commission.

27 8. (1) The members, officers, executive director, employees and representatives of the
28 Compact Commission shall be immune from suit and liability, both personally and in their official
29 capacity, for any claim for damage to or loss of property or personal injury or other civil liability
30 caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the
31 person against whom the claim is made had a reasonable basis for believing occurred within the
32 scope of Compact Commission employment, duties, or responsibilities; provided that nothing in this
33 subdivision shall be construed to protect any such person from suit or liability for any damage, loss,
34 injury, or liability caused by the intentional or willful or wanton misconduct of that person. The
35 procurement of insurance of any type by the Compact Commission shall not in any way
36 compromise or limit the immunity granted hereunder.

37 (2) The Compact Commission shall defend any member, officer, executive director,
38 employee, and representative of the Compact Commission in any civil action seeking to impose
39 liability arising out of any actual or alleged act, error, or omission that occurred within the scope of

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

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

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

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

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

24 324.1840. 1. The Compact Commission shall provide for the development, maintenance,
25 operation, and utilization of a coordinated Data System.

26 2. The Compact Commission shall assign each applicant for a Compact Privilege a unique
27 identifier, as determined by the Rules.

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

31 (1) Identifying information;

32 (2) Licensure data;

33 (3) Adverse Actions against a License or Compact Privilege and information related thereto;

34 (4) Non-confidential information related to Alternative Program participation, the beginning
35 and ending dates of such participation, and other information related to such participation not made
36 confidential under Member State law;

37 (5) Any denial of application for licensure, and the reason or reasons for such denial;

38 (6) The presence of Current Significant Investigative Information; and

1 (7) Other information that may facilitate the administration of this Compact or the
2 protection of the public, as determined by the Rules of the Compact Commission.

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

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

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

14 7. Member States contributing information to the Data System may designate information
15 that may not be shared with the public without the express permission of the contributing State.

16 8. Any information submitted to the Data System that is subsequently expunged pursuant to
17 federal law or the laws of the Member State contributing the information shall be removed from the
18 Data System.

19 324.1845. 1. The Compact Commission shall promulgate reasonable Rules in order to
20 effectively and efficiently implement and administer the purposes and provisions of the Compact. A
21 Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that
22 the Rule is invalid because the Compact Commission exercised its rulemaking authority in a manner
23 that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based
24 upon another applicable standard of review.

25 2. The Rules of the Compact Commission shall have the force of law in each Member State,
26 provided however that where the Rules conflict with the laws or regulations of a Member State that
27 relate to the procedures, actions, and processes a Licensed Dietitian is permitted to undertake in that
28 State and the circumstances under which they may do so, as held by a court of competent
29 jurisdiction, the Rules of the Compact Commission shall be ineffective in that State to the extent of
30 the conflict.

31 3. The Compact Commission shall exercise its rulemaking powers pursuant to the criteria
32 set forth in this Section and the Rules adopted thereunder. Rules shall become binding on the day
33 following adoption or as of the date specified in the Rule or amendment, whichever is later.

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

38 5. Rules shall be adopted at a regular or special meeting of the Compact Commission.

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

4 7. Prior to adoption of a proposed Rule by the Compact Commission, and at least thirty (30)
5 days in advance of the meeting at which the Compact Commission will hold a public hearing on the
6 proposed Rule, the Compact Commission shall provide a Notice of Proposed rulemaking:

7 (1) On the website of the Compact Commission or other publicly accessible platform;

8 (2) To persons who have requested notice of the Compact Commission's notices of proposed
9 rulemaking; and

10 (3) In such other way or ways as the Compact Commission may by Rule specify.

11 8. The Notice of Proposed rulemaking shall include:

12 (1) The time, date, and location of the public hearing at which the Compact Commission
13 will hear public comments on the proposed Rule and, if different, the time, date, and location of the
14 meeting where the Compact Commission will consider and vote on the proposed Rule;

15 (2) If the hearing is held via telecommunication, video conference, or other means of
16 communication, the Compact Commission shall include the mechanism for access to the hearing in
17 the Notice of Proposed rulemaking;

18 (3) The text of the proposed Rule and the reason therefor;

19 (4) A request for comments on the proposed Rule from any interested person; and

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

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

24 10. Nothing in this Section shall be construed as requiring a separate hearing on each Rule.
25 Rules may be grouped for the convenience of the Compact Commission at hearings required by this
26 Section.

27 11. (1) The Compact Commission shall, by majority vote of all members, take final action
28 on the proposed Rule based on the rulemaking record and the full text of the Rule.

29 (2) The Compact Commission may adopt changes to the proposed Rule provided the
30 changes do not enlarge the original purpose of the proposed Rule.

31 (3) The Compact Commission shall provide an explanation of the reasons for substantive
32 changes made to the proposed Rule as well as reasons for substantive changes not made that were
33 recommended by commenters.

34 (4) The Compact Commission shall determine a reasonable effective date for the Rule.
35 Except for an emergency as provided in subsection 12 of this section, the effective date of the Rule
36 shall be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.

37 12. Upon determination that an emergency exists, the Compact Commission may consider
38 and adopt an emergency Rule with 24 hours' notice, with opportunity to comment, provided that the
39 usual rulemaking procedures provided in the Compact and in this Section shall be retroactively

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

- 4 (1) Meet an imminent threat to public health, safety, or welfare;
- 5 (2) Prevent a loss of Compact Commission or Member State funds;
- 6 (3) Meet a deadline for the promulgation of a Rule that is established by federal law or rule;

7 or

- 8 (4) Protect public health and safety.

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

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

19 324.1850. 1. (1) The executive and judicial branches of State government in each Member
 20 State shall enforce this Compact and take all actions necessary and appropriate to implement this
 21 Compact.

22 (2) Except as otherwise provided in this Compact, venue is proper and judicial proceedings
 23 by or against the Compact Commission shall be brought solely and exclusively in a court of
 24 competent jurisdiction where the principal office of the Compact Commission is located. The
 25 Compact Commission may waive venue and jurisdictional defenses to the extent it adopts or
 26 consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or
 27 limit the selection or propriety of venue in any action against a Licensee for professional
 28 malpractice, misconduct, or any such similar matter.

29 (3) The Compact Commission shall be entitled to receive service of process in any
 30 proceeding regarding the enforcement or interpretation of the Compact and shall have standing to
 31 intervene in such a proceeding for all purposes. Failure to provide the Compact Commission
 32 service of process shall render a judgment or order void as to the Compact Commission, this
 33 Compact, or promulgated Rules.

34 2. (1) If the Compact Commission determines that a Member State has defaulted in the
 35 performance of its obligations or responsibilities under this Compact or the promulgated Rules, the
 36 Compact Commission shall provide written notice to the defaulting State. The notice of default
 37 shall describe the default, the proposed means of curing the default, and any other action that the
 38 Compact Commission may take and shall offer training and specific technical assistance regarding
 39 the default.

1 (2) The Compact Commission shall provide a copy of the notice of default to the other
2 Member States.

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

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

13 5. A State that has been terminated is responsible for all assessments, obligations, and
14 liabilities incurred through the effective date of termination, including obligations that extend
15 beyond the effective date of termination.

16 6. Upon the termination of a State's membership from this Compact, that State shall
17 immediately provide notice to all Licensees within that State of such termination. The terminated
18 State shall continue to recognize all Compact Privileges granted pursuant to this Compact for a
19 minimum of six months after the date of said notice of termination.

20 7. The Compact Commission shall not bear any costs related to a State that is found to be in
21 default or that has been terminated from the Compact, unless agreed upon in writing between the
22 Compact Commission and the defaulting State.

23 8. The defaulting State may appeal the action of the Compact Commission by petitioning
24 the U.S. District Court for the District of Columbia or the federal district where the Compact
25 Commission has its principal offices. The prevailing party shall be awarded all costs of such
26 litigation, including reasonable attorney's fees.

27 9. (1) Upon request by a Member State, the Compact Commission shall attempt to resolve
28 disputes related to the Compact that arise among Member States and between Member and non-
29 Member States.

30 (2) The Compact Commission shall promulgate a Rule providing for both mediation and
31 binding dispute resolution for disputes as appropriate.

32 10. (1) By supermajority vote, the Compact Commission may initiate legal action against a
33 Member State in default in the United States District Court for the District of Columbia or the
34 federal district where the Compact Commission has its principal offices to enforce compliance with
35 the provisions of the Compact and its promulgated Rules. The relief sought may include both
36 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party
37 shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies
38 herein shall not be the exclusive remedies of the Compact Commission. The Compact Commission
39 may pursue any other remedies available under federal or the defaulting Member State's law.

1 (2) A Member State may initiate legal action against the Compact Commission in the U.S.
2 District Court for the District of Columbia or the federal district where the Compact Commission
3 has its principal offices to enforce compliance with the provisions of the Compact and its
4 promulgated Rules. The relief sought may include both injunctive relief and damages. In the event
5 judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation,
6 including reasonable attorney's fees.

7 (3) No party other than a Member State shall enforce this Compact against the Compact
8 Commission.

9 324.1855. 1. (1) The Compact shall come into effect on the date on which the Compact
10 statute is enacted into law in the seventh Member State.

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

15 (b) A Charter Member State whose enactment is found to be materially different from the
16 model Compact statute shall be entitled to the default process set forth in section 324.1850.

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

20 (3) Member States enacting the Compact subsequent to the seven initial Charter Member
21 States shall be subject to the process set forth in subdivision (21) of subsection 3 of section
22 324.1835 to determine if their enactments are materially different from the model Compact statute
23 and whether they qualify for participation in the Compact.

24 (4) All actions taken for the benefit of the Compact Commission or in furtherance of the
25 purposes of the administration of the Compact prior to the effective date of the Compact or the
26 Compact Commission coming into existence shall be considered to be actions of the Compact
27 Commission unless specifically repudiated by the Compact Commission.

28 (5) Any State that joins the Compact subsequent to the Compact Commission's initial
29 adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date
30 on which the Compact becomes law in that State. Any Rule that has been previously adopted by the
31 Compact Commission shall have the full force and effect of law on the day the Compact becomes
32 law in that State.

33 2. (1) Any Member State may withdraw from this Compact by enacting a statute repealing
34 the same.

35 (2) A Member State's withdrawal shall not take effect until 180 days after enactment of the
36 repealing statute.

37 (3) Withdrawal shall not affect the continuing requirement of the withdrawing State's
38 Licensing Authority to comply with the investigative and Adverse Action reporting requirements of
39 this Compact prior to the effective date of withdrawal.

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

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

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

12 324.1860. 1. This Compact and the Compact Commission's rulemaking authority shall be
 13 liberally construed so as to effectuate the purposes and the implementation and administration of the
 14 Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules
 15 shall not be construed to limit the Compact Commission's rulemaking authority solely for those
 16 purposes.

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

24 3. Notwithstanding subsection 2 of this section, the Compact Commission may deny a
 25 State's participation in the Compact or, in accordance with the requirements of subsection 2 of
 26 section 324.1850, terminate a Member State's participation in the Compact, if it determines that a
 27 constitutional requirement of a Member State is a material departure from the Compact. Otherwise,
 28 if this Compact shall be held to be contrary to the constitution of any Member State, the Compact
 29 shall remain in full force and effect as to the remaining Member States and in full force and effect as
 30 to the Member State affected as to all severable matters.

31 324.1865. 1. Nothing herein shall prevent or inhibit the enforcement of any other law of a
 32 Member State that is not inconsistent with the Compact.

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

35 3. All permissible agreements between the Compact Commission and the Member States
 36 are binding in accordance with their terms."; and

37
 38 Further amend said bill by amending the title, enacting clause, and intersectional references
 39 accordingly.