

**Dietitian Licensing Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: Steve Eliason

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**LONG TITLE**

**General Description:**

This bill enacts the Dietitian Licensure Compact Act (compact).

**Highlighted Provisions:**

This bill:

- describes the purpose of the compact;
- defines terms;
- establishes member state requirements for the compact;
- describes requirements to receive a compact privilege license, which allows a licensee to practice in states that are members of the compact;
- describes requirements to change the state of an individual license;
- provides for an active military member and the spouse of an active military member to retain a license while the military member is on active duty;
- establishes what adverse action a home state and another member may take against an individual licensee;
- establishes the Dietitian Licensure Compact Commission (commission);
- directs for a coordinated data system;
- establishes rulemaking procedures for the commission;
- establishes oversight, dispute resolution, and enforcement under the compact;
- establishes when the compact comes into effect, how a state may withdraw, and how the compact is amended; and
- provides that the compact supersedes conflicting state law.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

31 **58-89-101**, Utah Code Annotated 1953  
 32 **58-89-102**, Utah Code Annotated 1953  
 33 **58-89-103**, Utah Code Annotated 1953  
 34 **58-89-104**, Utah Code Annotated 1953  
 35 **58-89-105**, Utah Code Annotated 1953  
 36 **58-89-106**, Utah Code Annotated 1953  
 37 **58-89-107**, Utah Code Annotated 1953  
 38 **58-89-108**, Utah Code Annotated 1953  
 39 **58-89-109**, Utah Code Annotated 1953  
 40 **58-89-110**, Utah Code Annotated 1953  
 41 **58-89-111**, Utah Code Annotated 1953  
 42 **58-89-112**, Utah Code Annotated 1953  
 43 **58-89-113**, Utah Code Annotated 1953  
 44 **58-89-114**, Utah Code Annotated 1953

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46 *Be it enacted by the Legislature of the state of Utah:*

47 Section 1. Section **58-89-101** is enacted to read:

48 **58-89-101 . Purpose.**

- 49 (1) The purpose of this Compact is to facilitate interstate Practice of Dietetics with the goal  
 50 of improving public access to dietetics services. This Compact preserves the regulatory  
 51 authority of States to protect public health and safety through the current system of State  
 52 licensure, while also providing for licensure portability through a Compact Privilege  
 53 granted to qualifying professionals.
- 54 (2) This Compact is designed to achieve the following objectives:
- 55 (a) Increase public access to dietetics services;
- 56 (b) Provide opportunities for interstate practice by Licensed Dietitians who meet  
 57 uniform requirements;
- 58 (c) Eliminate the necessity for Licenses in multiple States;
- 59 (d) Reduce administrative burden on Member States and Licensees;
- 60 (e) Enhance the States' ability to protect the public's health and safety;
- 61 (f) Encourage the cooperation of Member States in regulating multistate practice of  
 62 Licensed Dietitians;
- 63 (g) Support relocating Active Military Members and their spouses;
- 64 (h) Enhance the exchange of licensure, investigative, and disciplinary information

65 among Member States; and

66 (i) Vest all Member States with the authority to hold a Licensed Dietitian accountable  
67 for meeting all State practice laws in the State in which the patient is located at the  
68 time care is rendered.

69 Section 2. Section **58-89-102** is enacted to read:

70 **58-89-102 . Definitions.**

71 As used in this Compact, and except as otherwise provided, the following definitions  
72 shall apply:

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

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

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

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

86 (5) "Charter Member State" means any Member State which enacted this Compact by law  
87 before the Effective Date specified in Section 58-89-112.

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

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

92 (8) "Compact Commission" means the government agency whose membership consists of  
93 all States that have enacted this Compact, which is known as the Dietitian Licensure  
94 Compact Commission, as described in Section 58-89-108, and which shall operate as an  
95 instrumentality of the Member States.

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

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

- 99 (a) Investigative Information that a Licensing Authority, after a preliminary inquiry that  
100 includes notification and an opportunity for the subject Licensee to respond, if  
101 required by State law, has reason to believe is not groundless and, if proved true,  
102 would indicate more than a minor infraction; or
- 103 (b) Investigative Information that indicates that the subject Licensee represents an  
104 immediate threat to public health and safety regardless of whether the subject  
105 Licensee has been notified and had an opportunity to respond.
- 106 (11) "Data System" means a repository of information about Licensees, including, but not  
107 limited to, Continuing Education, examination, licensure, investigative, Compact  
108 Privilege and Adverse Action information.
- 109 (12) "Encumbered License" means a License in which an Adverse Action restricts a  
110 Licensee's ability to practice dietetics.
- 111 (13) "Encumbrance" means a revocation or suspension of, or any limitation on a Licensee's  
112 full and unrestricted Practice of Dietetics by a Licensing Authority.
- 113 (14) "Executive Committee" means a group of delegates elected or appointed to act on  
114 behalf of, and within the powers granted to them by, this Compact, and the Compact  
115 Commission.
- 116 (15) "Home State" means the Member State that is the Licensee's primary State of residence  
117 or that has been designated pursuant to Section 58-89-106.
- 118 (16) "Investigative Information" means information, records, and documents received or  
119 generated by a Licensing Authority pursuant to an investigation.
- 120 (17) "Jurisprudence Requirement" means an assessment of an individual's knowledge of the  
121 State laws and regulations governing the Practice of Dietetics in such State.
- 122 (18) "License" means an authorization from a Member State to either:
- 123 (a) Engage in the Practice of Dietetics (including medical nutrition therapy); or  
124 (b) Use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist,"  
125 "certified dietitian," or other title describing a substantially similar practitioner as the  
126 Compact Commission may further define by Rule.
- 127 (19) "Licensee" or "Licensed Dietitian" means an individual who currently holds a License  
128 and who meets all of the requirements outlined in Section 58-89-104.
- 129 (20) "Licensing Authority" means the board or agency of a State, or equivalent, that is  
130 responsible for the licensing and regulation of the Practice of Dietetics.
- 131 (21) "Member State" means a State that has enacted the Compact.
- 132 (22) "Practice of Dietetics" means the synthesis and application of dietetics as defined by

133 state law and regulations, primarily for the provision of nutrition care services, including  
134 medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat  
135 diseases or medical conditions and promote wellness.

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

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

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

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

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

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

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

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

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

153 Section 3. Section **58-89-103** is enacted to read:

154 **58-89-103 . State participation in the compact.**

155 (1) To participate in the Compact, a State must currently:

156 (a) License and regulate the Practice of Dietetics; and

157 (b) Have a mechanism in place for receiving and investigating complaints about  
158 Licensees.

159 (2) A Member State shall:

160 (a) Participate fully in the Compact Commission's Data System, including using the  
161 unique identifier as defined in Rules;

162 (b) Notify the Compact Commission, in compliance with the terms of the Compact and  
163 Rules, of any Adverse Action or the availability of Current Significant Investigative  
164 Information regarding a Licensee;

165 (c) Implement or utilize procedures for considering the criminal history record  
166 information of applicants for an initial Compact Privilege. These procedures shall

- 167 include the submission of fingerprints or other biometric-based information by  
168 applicants for the purpose of obtaining an applicant's criminal history record  
169 information from the Federal Bureau of Investigation and the agency responsible for  
170 retaining that State's criminal records;
- 171 (i) A Member State must fully implement a criminal history record information  
172 requirement, within a time frame established by Rule, which includes receiving  
173 the results of the Federal Bureau of Investigation record search and shall use those  
174 results in determining Compact Privilege eligibility.
- 175 (ii) Communication between a Member State and the Compact Commission or  
176 among Member States regarding the verification of eligibility for a Compact  
177 Privilege shall not include any information received from the Federal Bureau of  
178 Investigation relating to a federal criminal history record information check  
179 performed by a Member State.
- 180 (d) Comply with and enforce the Rules of the Compact Commission;
- 181 (e) Require an applicant for a Compact Privilege to obtain or retain a License in the  
182 Licensee's Home State and meet the Home State's qualifications for licensure or  
183 renewal of licensure, as well as all other applicable State laws; and
- 184 (f) Recognize a Compact Privilege granted to a Licensee who meets all of the  
185 requirements outlined in Section 58-89-104 in accordance with the terms of the  
186 Compact and Rules.
- 187 (3) Member States may set and collect a fee for granting a Compact Privilege.
- 188 (4) Individuals not residing in a Member State shall continue to be able to apply for a  
189 Member State's Single State License as provided under the laws of each Member State.  
190 However, the Single State License granted to these individuals shall not be recognized  
191 as granting a Compact Privilege to engage in the Practice of Dietetics in any other  
192 Member State.
- 193 (5) Nothing in this Compact shall affect the requirements established by a Member State for  
194 the issuance of a Single State License.
- 195 (6) At no point shall the Compact Commission have the power to define the requirements  
196 for the issuance of a Single State License to practice dietetics. The Member States shall  
197 retain sole jurisdiction over the provision of these requirements.
- 198 Section 4. Section **58-89-104** is enacted to read:
- 199 **58-89-104 . Compact privilege.**
- 200 (1) To exercise the Compact Privilege under the terms and provisions of the Compact, the

201 Licensee shall:

202 (a) Satisfy one of the following:

203 (i) Hold a valid current registration that gives the applicant the right to use the term  
204 Registered Dietitian; or

205 (ii) Complete all of the following:

206 (A) An education program which is either:

207 (I) A master's degree or doctoral degree that is programmatically accredited by  
208 (i) ACEND; or (ii) a dietetics accrediting agency recognized by the United  
209 States Department of Education, which the Compact Commission may by  
210 Rule determine, and from a college or university accredited at the time of  
211 graduation by the appropriate regional accrediting agency recognized by the  
212 Council on Higher Education Accreditation and the United States  
213 Department of Education.

214 (II) An academic degree from a college or university in a foreign country  
215 equivalent to the degree described in Subsection (1)(a)(ii)(A)(I) that is  
216 programmatically accredited by (i) ACEND; or (ii) a dietetics accrediting  
217 agency recognized by the United States Department of Education, which the  
218 Compact Commission may by Rule determine.

219 (B) A planned, documented, supervised practice experience in dietetics that is  
220 programmatically accredited by (i) ACEND, or (ii) a dietetics accrediting  
221 agency recognized by the United States Department of Education which the  
222 Compact Commission may by Rule determine and which involves at least 1000  
223 hours of practice experience under the supervision of a Registered Dietitian or  
224 a Licensed Dietitian.

225 (C) Successful completion of either: (i) the Registration Examination for  
226 Dietitians administered by CDR, or (ii) a national credentialing examination  
227 for dietitians approved by the Compact Commission by Rule; such completion  
228 being no more than five years prior to the date of the Licensee's application for  
229 initial licensure and accompanied by a period of continuous licensure  
230 thereafter, all of which may be further governed by the Rules of the Compact  
231 Commission.

232 (b) Hold an Unencumbered License in the Home State;

233 (c) Notify the Compact Commission that the Licensee is seeking a Compact Privilege  
234 within a Remote State(s);

- 235 (d) Pay any applicable fees, including any State fee, for the Compact Privilege;  
236 (e) Meet any Jurisprudence Requirements established by the Remote State(s) in which  
237 the Licensee is seeking a Compact Privilege; and  
238 (f) Report to the Compact Commission any Adverse Action, Encumbrance, or restriction  
239 on a License taken by any non-Member State within 30 days from the date the action  
240 is taken.
- 241 (2) The Compact Privilege is valid until the expiration date of the Home State License. To  
242 maintain a Compact Privilege, renewal of the Compact Privilege shall be congruent with  
243 the renewal of the Home State License as the Compact Commission may define by Rule.  
244 The Licensee must comply with the requirements of Subsection (1) to maintain the  
245 Compact Privilege in the Remote State(s).
- 246 (3) A Licensee exercising a Compact Privilege shall adhere to the laws and regulations of  
247 the Remote State. Licensees shall be responsible for educating themselves on, and  
248 complying with, any and all State laws relating to the Practice of Dietetics in such  
249 Remote State.
- 250 (4) Notwithstanding anything to the contrary provided in this Compact or State law, a  
251 Licensee exercising a Compact Privilege shall not be required to complete Continuing  
252 Education Requirements required by a Remote State. A Licensee exercising a Compact  
253 Privilege is only required to meet any Continuing Education Requirements as required  
254 by the Home State.

255 Section 5. Section **58-89-105** is enacted to read:

256 **58-89-105 . Obtaining a new home state license based on a compact privilege.**

- 257 (1) A Licensee may hold a Home State License, which allows for a Compact Privilege in  
258 other Member States, in only one Member State at a time.
- 259 (2) If a Licensee changes Home State by moving between two Member States:
- 260 (a) The Licensee shall file an application for obtaining a new Home State License based  
261 on a Compact Privilege, pay all applicable fees, and notify the current and new Home  
262 State in accordance with the Rules of the Compact Commission.
- 263 (b) Upon receipt of an application for obtaining a new Home State License by virtue of a  
264 Compact Privilege, the new Home State shall verify that the Licensee meets the  
265 criteria in Section 58-89-104 via the Data System, and require that the Licensee  
266 complete the following:
- 267 (i) Federal Bureau of Investigation fingerprint based criminal history record  
268 information check;



- 269           (ii) Any other criminal history record information required by the new Home State;  
 270           and  
 271           (iii) Any Jurisprudence Requirements of the new Home State.
- 272           (c) The former Home State shall convert the former Home State License into a Compact  
 273           Privilege once the new Home State has activated the new Home State License in  
 274           accordance with applicable Rules adopted by the Compact Commission.
- 275           (d) Notwithstanding any other provision of this Compact, if the Licensee cannot meet  
 276           the criteria in Section 58-89-104, the new Home State may apply its requirements for  
 277           issuing a new Single State License.
- 278           (e) The Licensee shall pay all applicable fees to the new Home State in order to be  
 279           issued a new Home State License.
- 280           (3) If a Licensee changes their State of residence by moving from a Member State to a  
 281           non-Member State, or from a non-Member State to a Member State, the State criteria  
 282           shall apply for issuance of a Single State License in the new State.
- 283           (4) Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State  
 284           License in multiple States; however, for the purposes of this Compact, a Licensee shall  
 285           have only one Home State License.
- 286           (5) Nothing in this Compact shall affect the requirements established by a Member State for  
 287           the issuance of a Single State License.

288           Section 6. Section **58-89-106** is enacted to read:

289           **58-89-106 . Active military members or their spouses.**

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

293           Section 7. Section **58-89-107** is enacted to read:

294           **58-89-107 . Adverse actions.**

- 295           (1) In addition to the other powers conferred by State law, a Remote State shall have the  
 296           authority, in accordance with existing State due process law, to:
- 297           (a) Take Adverse Action against a Licensee's Compact Privilege within that Member  
 298           State; and
- 299           (b) Issue subpoenas for both hearings and investigations that require the attendance and  
 300           testimony of witnesses as well as the production of evidence. Subpoenas issued by a  
 301           Licensing Authority in a Member State for the attendance and testimony of witnesses  
 302           or the production of evidence from another Member State shall be enforced in the

303 latter State by any court of competent jurisdiction, according to the practice and  
304 procedure applicable to subpoenas issued in proceedings pending before that court.  
305 The issuing authority shall pay any witness fees, travel expenses, mileage, and other  
306 fees required by the service statutes of the State in which the witnesses or evidence  
307 are located.

308 (2) Only the Home State shall have the power to take Adverse Action against a Licensee's  
309 Home State License.

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

314 (4) The Home State shall complete any pending investigations of a Licensee who changes  
315 Home States during the course of the investigations. The Home State shall also have  
316 authority to take appropriate action(s) and shall promptly report the conclusions of the  
317 investigations to the administrator of the Data System. The administrator of the Data  
318 System shall promptly notify the new Home State of any Adverse Actions.

319 (5) A Member State, if otherwise permitted by State law, may recover from the affected  
320 Licensee the costs of investigations and dispositions of cases resulting from any Adverse  
321 Action taken against that Licensee.

322 (6) A Member State may take Adverse Action based on the factual findings of another  
323 Remote State, provided that the Member State follows its own procedures for taking the  
324 Adverse Action.

325 (7) Joint Investigations:

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

329 (b) Member States shall share any investigative, litigation, or compliance materials in  
330 furtherance of any joint investigation initiated under the Compact.

331 (8) If Adverse Action is taken by the Home State against a Licensee's Home State License  
332 resulting in an Encumbrance on the Home State License, the Licensee's Compact  
333 Privilege(s) in all other Member States shall be revoked until all Encumbrances have  
334 been removed from the Home State License. All Home State disciplinary orders that  
335 impose Adverse Action against a Licensee shall include a statement that the Licensee's  
336 Compact Privileges are revoked in all Member States during the pendency of the order.

337 (9) Once an Encumbered License in the Home State is restored to an Unencumbered  
338 License (as certified by the Home State's Licensing Authority), the Licensee must meet  
339 the requirements of Subsection 58-89-104(1) and follow the administrative requirements  
340 to reapply to obtain a Compact Privilege in any Remote State.

341 (10) If a Member State takes Adverse Action, it shall promptly notify the administrator of  
342 the Data System. The administrator of the Data System shall promptly notify the other  
343 Member States State of any Adverse Actions.

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

346 Section 8. Section **58-89-108** is enacted to read:

347 **58-89-108 . Establishment of the dietitian licensure compact commission.**

348 (1) The Compact Member States hereby create and establish a joint government agency  
349 whose membership consists of all Member States that have enacted the Compact known  
350 as the Dietitian Licensure Compact Commission. The Compact Commission is an  
351 instrumentality of the Compact States acting jointly and not an instrumentality of any  
352 one State. The Compact Commission shall come into existence on or after the effective  
353 date of the Compact as set forth in Section 58-89-112.

354 (2) Membership, Voting, and Meetings

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

357 (b) The delegate shall be the primary administrator of the Licensing Authority or their  
358 designee.

359 (c) The Compact Commission shall by Rule or bylaw establish a term of office for  
360 delegates and may by Rule or bylaw establish term limits.

361 (d) The Compact Commission may recommend removal or suspension of any delegate  
362 from office.

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

365 (f) Each delegate shall be entitled to one vote on all matters before the Compact  
366 Commission requiring a vote by the delegates.

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

370 (h) The Compact Commission shall meet at least once during each calendar year.

- 371 Additional meetings may be held as set forth in the bylaws. The Compact  
372 Commission may meet in person or by telecommunication, video conference, or  
373 other means of communication.
- 374 (3) The Compact Commission shall have the following powers:
- 375 (a) Establish the fiscal year of the Compact Commission;  
376 (b) Establish code of conduct and conflict of interest policies;  
377 (c) Establish and amend Rules and bylaws;  
378 (d) Maintain its financial records in accordance with the bylaws;  
379 (e) Meet and take such actions as are consistent with the provisions of this Compact, the  
380 Compact Commission's Rules, and the bylaws;  
381 (f) Initiate and conclude legal proceedings or actions in the name of the Compact  
382 Commission, provided that the standing of any Licensing Authority to sue or be sued  
383 under applicable law shall not be affected;  
384 (g) Maintain and certify records and information provided to a Member State as the  
385 authenticated business records of the Compact Commission, and designate an agent  
386 to do so on the Compact Commission's behalf;  
387 (h) Purchase and maintain insurance and bonds;  
388 (i) Borrow, accept, or contract for services of personnel, including, but not limited to,  
389 employees of a Member State;  
390 (j) Conduct an annual financial review;  
391 (k) Hire employees, elect or appoint officers, fix compensation, define duties, grant such  
392 individuals appropriate authority to carry out the purposes of the Compact, and  
393 establish the Compact Commission's personnel policies and programs relating to  
394 conflicts of interest, qualifications of personnel, and other related personnel matters;  
395 (l) Assess and collect fees;  
396 (m) Accept any and all appropriate donations, grants of money, other sources of  
397 revenue, equipment, supplies, materials, services, and gifts, and receive, utilize, and  
398 dispose of the same; provided that at all times the Compact Commission shall avoid  
399 any actual or appearance of impropriety or conflict of interest;  
400 (n) Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or  
401 mixed, or any undivided interest therein;  
402 (o) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
403 any property real, personal, or mixed;  
404 (p) Establish a budget and make expenditures;

- 405 (q) Borrow money;
- 406 (r) Appoint committees, including standing committees, composed of members, State  
407 regulators, State legislators or their representatives, and consumer representatives,  
408 and such other interested persons as may be designated in this Compact or the bylaws;
- 409 (s) Provide and receive information from, and cooperate with, law enforcement agencies;
- 410 (t) Establish and elect an Executive Committee, including a chair and a vice chair;
- 411 (u) Determine whether a State's adopted language is materially different from the model  
412 compact language such that the State would not qualify for participation in the  
413 Compact; and
- 414 (v) Perform such other functions as may be necessary or appropriate to achieve the  
415 purposes of this Compact.
- 416 (4) The Executive Committee
- 417 (a) The Executive Committee shall have the power to act on behalf of the Compact  
418 Commission according to the terms of this Compact. The powers, duties, and  
419 responsibilities of the Executive Committee shall include:
- 420 (i) Oversee the day-to-day activities of the administration of the Compact including  
421 enforcement and compliance with the provisions of the Compact, its Rules and  
422 bylaws, and other such duties as deemed necessary;
- 423 (ii) Recommend to the Compact Commission changes to the Rules or bylaws,  
424 changes to this Compact legislation, fees charged to Compact Member States, fees  
425 charged to Licensees, and other fees;
- 426 (iii) Ensure Compact administration services are appropriately provided, including by  
427 contract;
- 428 (iv) Prepare and recommend the budget;
- 429 (v) Maintain financial records on behalf of the Compact Commission;
- 430 (vi) Monitor Compact compliance of Member States and provide compliance reports  
431 to the Compact Commission;
- 432 (vii) Establish additional committees as necessary;
- 433 (viii) Exercise the powers and duties of the Compact Commission during the interim  
434 between Compact Commission meetings, except for adopting or amending Rules,  
435 adopting or amending bylaws, and exercising any other powers and duties  
436 expressly reserved to the Compact Commission by Rule or bylaw; and
- 437 (ix) Other duties as provided in the Rules or bylaws of the Compact Commission.
- 438 (b) The Executive Committee shall be composed of nine members;

- 439           (i) The chair and vice chair of the Compact Commission shall be voting members of  
440           the Executive Committee;
- 441           (ii) Five voting members from the current membership of the Compact Commission,  
442           elected by the Compact Commission;
- 443           (iii) One ex-officio, nonvoting member from a recognized professional association  
444           representing dietitians; and
- 445           (iv) One ex-officio, nonvoting member from a recognized national credentialing  
446           organization for dietitians.
- 447           (c) The Compact Commission may remove any member of the Executive Committee as  
448           provided in the Compact Commission's bylaws.
- 449           (d) The Executive Committee shall meet at least annually.
- 450           (i) Executive Committee meetings shall be open to the public, except that the  
451           Executive Committee may meet in a closed, non-public meeting as provided in  
452           Subsection (6)(b).
- 453           (ii) The Executive Committee shall give 30 days' notice of its meetings, posted on the  
454           website of the Compact Commission and as determined to provide notice to  
455           persons with an interest in the business of the Compact Commission.
- 456           (iii) The Executive Committee may hold a special meeting in accordance with  
457           Subsection (6)(a)(ii).
- 458           (5) The Compact Commission shall adopt and provide to the Member States an annual  
459           report.
- 460           (6) Meetings of the Compact Commission
- 461           (a) All meetings shall be open to the public, except that the Compact Commission may  
462           meet in a closed, non-public meeting as provided in Subsection (6)(b).
- 463           (i) Public notice for all meetings of the full Compact Commission shall be given in  
464           the same manner as required under the rulemaking provisions in Section 58-89-110,  
465           except that the Compact Commission may hold a special meeting as provided in  
466           Subsection (6)(a)(ii).
- 467           (ii) The Compact Commission may hold a special meeting when it must meet to  
468           conduct emergency business by giving 24 hours' notice to all Member States, on  
469           the Compact Commission's website, and other means as provided in the Compact  
470           Commission's Rules. The Compact Commission's legal counsel shall certify that  
471           the Compact Commission's need to meet qualifies as an emergency.
- 472           (b) The Compact Commission or the Executive Committee or other committees of the

- 473 Compact Commission may convene in a closed, non-public meeting for the Compact  
474 Commission or Executive Committee or other committees of the Compact  
475 Commission to receive legal advice or to discuss:
- 476 (i) Non-compliance of a Member State with its obligations under the Compact;
  - 477 (ii) The employment, compensation, discipline, or other matters, practices, or  
478 procedures related to specific employees;
  - 479 (iii) Current or threatened discipline of a Licensee by the Compact Commission or by  
480 a Member State's Licensing Authority;
  - 481 (iv) Current, threatened, or reasonably anticipated litigation;
  - 482 (v) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
483 estate;
  - 484 (vi) Accusing any person of a crime or formally censuring any person;
  - 485 (vii) Trade secrets or commercial or financial information that is privileged or  
486 confidential;
  - 487 (viii) Information of a personal nature where disclosure would constitute a clearly  
488 unwarranted invasion of personal privacy;
  - 489 (ix) Investigative records compiled for law enforcement purposes;
  - 490 (x) Information related to any investigative reports prepared by or on behalf of or for  
491 use of the Compact Commission or other committee charged with responsibility  
492 of investigation or determination of compliance issues pursuant to the Compact;
  - 493 (xi) Matters specifically exempted from disclosure by federal or Member State law; or  
494 (xii) Other matters as specified in the Rules of the Compact Commission.
- 495 (c) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that  
496 the meeting will be closed and reference each relevant exempting provision, and such  
497 reference shall be recorded in the minutes.
- 498 (d) The Compact Commission shall keep minutes that fully and clearly describe all  
499 matters discussed in a meeting and shall provide a full and accurate summary of  
500 actions taken, and the reasons therefore, including a description of the views  
501 expressed. All documents considered in connection with an action shall be identified  
502 in such minutes. All minutes and documents of a closed meeting shall remain under  
503 seal, subject to release only by a majority vote of the Compact Commission or order  
504 of a court of competent jurisdiction.
- 505 (7) Financing of the Compact Commission
- 506 (a) The Compact Commission shall pay, or provide for the payment of, the reasonable

- 507 expenses of its establishment, organization, and ongoing activities.
- 508 (b) The Compact Commission may accept any and all appropriate revenue sources as  
509 provided in Subsection (3)(m).
- 510 (c) The Compact Commission may levy on and collect an annual assessment from each  
511 Member State and impose fees on Licensees of Member States to whom it grants a  
512 Compact Privilege to cover the cost of the operations and activities of the Compact  
513 Commission and its staff, which must, in a total amount, be sufficient to cover its  
514 annual budget as approved each year for which revenue is not provided by other  
515 sources. The aggregate annual assessment amount for Member States shall be  
516 allocated based upon a formula that the Compact Commission shall promulgate by  
517 Rule.
- 518 (d) The Compact Commission shall not incur obligations of any kind prior to securing  
519 the funds adequate to meet the same; nor shall the Compact Commission pledge the  
520 credit of any of the Member States, except by and with the authority of the Member  
521 State.
- 522 (e) The Compact Commission shall keep accurate accounts of all receipts and  
523 disbursements. The receipts and disbursements of the Compact Commission shall be  
524 subject to the financial review and accounting procedures established under its  
525 bylaws. However, all receipts and disbursements of funds handled by the Compact  
526 Commission shall be subject to an annual financial review by a certified or licensed  
527 public accountant, and the report of the financial review shall be included in and  
528 become part of the annual report of the Compact Commission.
- 529 (8) Qualified Immunity, Defense, and Indemnification
- 530 (a) The members, officers, executive director, employees and representatives of the  
531 Compact Commission shall be immune from suit and liability, both personally and in  
532 their official capacity, for any claim for damage to or loss of property or personal  
533 injury or other civil liability caused by or arising out of any actual or alleged act,  
534 error, or omission that occurred, or that the person against whom the claim is made  
535 had a reasonable basis for believing occurred within the scope of Compact  
536 Commission employment, duties, or responsibilities; provided that nothing in this  
537 paragraph shall be construed to protect any such person from suit or liability for any  
538 damage, loss, injury, or liability caused by the intentional or willful or wanton  
539 misconduct of that person. The procurement of insurance of any type by the Compact  
540 Commission shall not in any way compromise or limit the immunity granted



- 541           hereunder.
- 542           **(b)** The Compact Commission shall defend any member, officer, executive director,  
543           employee, and representative of the Compact Commission in any civil action  
544           seeking to impose liability arising out of any actual or alleged act, error, or omission  
545           that occurred within the scope of Compact Commission employment, duties, or  
546           responsibilities, or as determined by the Compact Commission that the person against  
547           whom the claim is made had a reasonable basis for believing occurred within the  
548           scope of Compact Commission employment, duties, or responsibilities; provided that  
549           nothing herein shall be construed to prohibit that person from retaining their own  
550           counsel at their own expense; and provided further, that the actual or alleged act,  
551           error, or omission did not result from that persons intentional or willful or wanton  
552           misconduct.
- 553           **(c)** The Compact Commission shall indemnify and hold harmless any member, officer,  
554           executive director, employee, and representative of the Compact Commission for the  
555           amount of any settlement or judgment obtained against that person arising out of any  
556           actual or alleged act, error, or omission that occurred within the scope of Compact  
557           Commission employment, duties, or responsibilities, or that such person had a  
558           reasonable basis for believing occurred within the scope of Compact Commission  
559           employment, duties, or responsibilities, provided that the actual or alleged act, error,  
560           or omission did not result from the intentional or willful or wanton misconduct of  
561           that person.
- 562           **(d)** Nothing herein shall be construed as a limitation on the liability of any Licensee for  
563           professional malpractice or misconduct, which shall be governed solely by any other  
564           applicable State laws.
- 565           **(e)** Nothing in this Compact shall be interpreted to waive or otherwise abrogate a  
566           Member State's state action immunity or state action affirmative defense with respect  
567           to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal  
568           antitrust or anticompetitive law or regulation.
- 569           **(f)** Nothing in this Compact shall be construed to be a waiver of sovereign immunity by  
570           the Member States or by the Compact Commission.

571           Section 9. Section **58-89-109** is enacted to read:

572           **58-89-109 . Data system.**

- 573           **(1)** The Compact Commission shall provide for the development, maintenance, operation,  
574           and utilization of a coordinated Data System.

- 575 (2) The Compact Commission shall assign each applicant for a Compact Privilege a unique  
576 identifier, as determined by the Rules.
- 577 (3) Notwithstanding any other provision of State law to the contrary, a Member State shall  
578 submit a uniform data set to the Data System on all individuals to whom this Compact is  
579 applicable as required by the Rules of the Compact Commission, including:
- 580 (a) Identifying information;  
581 (b) Licensure data;  
582 (c) Adverse Actions against a License or Compact Privilege and information related  
583 thereto;  
584 (d) Non-confidential information related to Alternative Program participation, the  
585 beginning and ending dates of such participation, and other information related to  
586 such participation not made confidential under Member State law;  
587 (e) Any denial of application for licensure, and the reason(s) for such denial;  
588 (f) The presence of Current Significant Investigative Information; and  
589 (g) Other information that may facilitate the administration of this Compact or the  
590 protection of the public, as determined by the Rules of the Compact Commission.
- 591 (4) The records and information provided to a Member State pursuant to this Compact or  
592 through the Data System, when certified by the Compact Commission or an agent  
593 thereof, shall constitute the authenticated business records of the Compact Commission,  
594 and shall be entitled to any associated hearsay exception in any relevant judicial,  
595 quasi-judicial, or administrative proceedings in a Member State.
- 596 (5) Current Significant Investigative Information pertaining to a Licensee in any Member  
597 State will only be available to other Member States.
- 598 (6) It is the responsibility of the Member States to report any Adverse Action against a  
599 Licensee and to monitor the Data System to determine whether any Adverse Action has  
600 been taken against a Licensee. Adverse Action information pertaining to a Licensee in  
601 any Member State will be available to any other Member State.
- 602 (7) Member States contributing information to the Data System may designate information  
603 that may not be shared with the public without the express permission of the  
604 contributing State.
- 605 (8) Any information submitted to the Data System that is subsequently expunged pursuant  
606 to federal law or the laws of the Member State contributing the information shall be  
607 removed from the Data System.

608 Section 10. Section **58-89-110** is enacted to read:

609 **58-89-110 . Rulemaking.**

- 610 (1) The Compact Commission shall promulgate reasonable Rules in order to effectively and  
611 efficiently implement and administer the purposes and provisions of the Compact. A  
612 Rule shall be invalid and have no force or effect only if a court of competent jurisdiction  
613 holds that the Rule is invalid because the Compact Commission exercised its rulemaking  
614 authority in a manner that is beyond the scope and purposes of the Compact, or the  
615 powers granted hereunder, or based upon another applicable standard of review.
- 616 (2) The Rules of the Compact Commission shall have the force of law in each Member  
617 State, provided however that where the Rules conflict with the laws or regulations of a  
618 Member State that relate to the procedures, actions, and processes a Licensed Dietitian is  
619 permitted to undertake in that State and the circumstances under which they may do so,  
620 as held by a court of competent jurisdiction, the Rules of the Compact Commission shall  
621 be ineffective in that State to the extent of the conflict.
- 622 (3) The Compact Commission shall exercise its rulemaking powers pursuant to the criteria  
623 set forth in this Section and the Rules adopted thereunder. Rules shall become binding  
624 on the day following adoption or as of the date specified in the Rule or amendment,  
625 whichever is later.
- 626 (4) If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule,  
627 by enactment of a statute or resolution in the same manner used to adopt the Compact  
628 within four (4) years of the date of adoption of the Rule, then such Rule shall have no  
629 further force and effect in any Member State.
- 630 (5) Rules shall be adopted at a regular or special meeting of the Compact Commission.
- 631 (6) Prior to adoption of a proposed Rule, the Compact Commission shall hold a public  
632 hearing and allow persons to provide oral and written comments, data, facts, opinions,  
633 and arguments.
- 634 (7) Prior to adoption of a proposed Rule by the Compact Commission, and at least thirty  
635 (30) days in advance of the meeting at which the Compact Commission will hold a  
636 public hearing on the proposed Rule, the Compact Commission shall provide a Notice of  
637 Proposed rulemaking:
- 638 (a) On the website of the Compact Commission or other publicly accessible platform;  
639 (b) To persons who have requested notice of the Compact Commission's notices of  
640 proposed rulemaking; and  
641 (c) In such other way(s) as the Compact Commission may by Rule specify.
- 642 (8) The Notice of Proposed rulemaking shall include:

- 643 (a) The time, date, and location of the public hearing at which the Compact Commission  
644 will hear public comments on the proposed Rule and, if different, the time, date, and  
645 location of the meeting where the Compact Commission will consider and vote on  
646 the proposed Rule;
- 647 (b) If the hearing is held via telecommunication, video conference, or other means of  
648 communication, the Compact Commission shall include the mechanism for access to  
649 the hearing in the Notice of Proposed rulemaking;
- 650 (c) The text of the proposed Rule and the reason therefore;
- 651 (d) A request for comments on the proposed Rule from any interested person; and
- 652 (e) The manner in which interested persons may submit written comments.
- 653 (9) All hearings will be recorded. A copy of the recording and all written comments and  
654 documents received by the Compact Commission in response to the proposed Rule shall  
655 be available to the public.
- 656 (10) Nothing in this Section shall be construed as requiring a separate hearing on each Rule.  
657 Rules may be grouped for the convenience of the Compact Commission at hearings  
658 required by this Section.
- 659 (11) The Compact Commission shall, by majority vote of all members, take final action on  
660 the proposed Rule based on the rulemaking record and the full text of the Rule.
- 661 (a) The Compact Commission may adopt changes to the proposed Rule provided the  
662 changes do not enlarge the original purpose of the proposed Rule.
- 663 (b) The Compact Commission shall provide an explanation of the reasons for  
664 substantive changes made to the proposed Rule as well as reasons for substantive  
665 changes not made that were recommended by commenters.
- 666 (c) The Compact Commission shall determine a reasonable effective date for the Rule.  
667 Except for an emergency as provided in Subsection (12), the effective date of the  
668 Rule shall be no sooner than 30 days after issuing the notice that it adopted or  
669 amended the Rule.
- 670 (12) Upon determination that an emergency exists, the Compact Commission may consider  
671 and adopt an emergency Rule with 24 hours' notice, with opportunity to comment,  
672 provided that the usual rulemaking procedures provided in the Compact and in this  
673 Section shall be retroactively applied to the Rule as soon as reasonably possible, in no  
674 event later than ninety (90) days after the effective date of the Rule. For the purposes of  
675 this provision, an emergency Rule is one that must be adopted immediately in order to:
- 676 (a) Meet an imminent threat to public health, safety, or welfare;

- 677 (b) Prevent a loss of Compact Commission or Member State funds;  
678 (c) Meet a deadline for the promulgation of a Rule that is established by federal law or  
679 rule; or  
680 (d) Protect public health and safety.

681 (13) The Compact Commission or an authorized committee of the Compact Commission  
682 may direct revision to a previously adopted Rule for purposes of correcting  
683 typographical errors, errors in format, errors in consistency, or grammatical errors.  
684 Public notice of any revision shall be posted on the website of the Compact  
685 Commission. The revision shall be subject to challenge by any person for a period of  
686 thirty (30) days after posting. The revision may be challenged only on grounds that the  
687 revision results in a material change to a Rule. A challenge shall be made in writing and  
688 delivered to the Compact Commission prior to the end of the notice period. If no  
689 challenge is made, the revision will take effect without further action. If the revision is  
690 challenged, the revision may not take effect without the approval of the Compact  
691 Commission.

692 (14) No Member State's rulemaking requirements shall apply under this Compact.

693 Section 11. Section **58-89-111** is enacted to read:

694 **58-89-111 . Oversight, dispute resolution, and enforcement.**

695 (1) Oversight

696 (a) The executive and judicial branches of State government in each Member State shall  
697 enforce this Compact and take all actions necessary and appropriate to implement  
698 this Compact.

699 (b) Except as otherwise provided in this Compact, venue is proper and judicial  
700 proceedings by or against the Compact Commission shall be brought solely and  
701 exclusively in a court of competent jurisdiction where the principal office of the  
702 Compact Commission is located. The Compact Commission may waive venue and  
703 jurisdictional defenses to the extent it adopts or consents to participate in alternative  
704 dispute resolution proceedings. Nothing herein shall affect or limit the selection or  
705 propriety of venue in any action against a Licensee for professional malpractice,  
706 misconduct, or any such similar matter.

707 (c) The Compact Commission shall be entitled to receive service of process in any  
708 proceeding regarding the enforcement or interpretation of the Compact and shall have  
709 standing to intervene in such a proceeding for all purposes. Failure to provide the  
710 Compact Commission service of process shall render a judgment or order void as to

- 711 the Compact Commission, this Compact, or promulgated Rules.
- 712 (2) Default, Technical Assistance, and Termination
- 713 (a) If the Compact Commission determines that a Member State has defaulted in the  
714 performance of its obligations or responsibilities under this Compact or the  
715 promulgated Rules, the Compact Commission shall provide written notice to the  
716 defaulting State. The notice of default shall describe the default, the proposed means  
717 of curing the default, and any other action that the Compact Commission may take  
718 and shall offer training and specific technical assistance regarding the default.
- 719 (b) The Compact Commission shall provide a copy of the notice of default to the other  
720 Member States.
- 721 (3) If a State in default fails to cure the default, the defaulting State may be terminated from  
722 the Compact upon an affirmative vote of a majority of the delegates of the Member  
723 States, and all rights, privileges, and benefits conferred on that State by this Compact  
724 may be terminated on the effective date of termination. A cure of the default does not  
725 relieve the offending State of obligations or liabilities incurred during the period of  
726 default.
- 727 (4) Termination of membership in the Compact shall be imposed only after all other means  
728 of securing compliance have been exhausted. Notice of intent to suspend or terminate  
729 shall be given by the Compact Commission to the governor, the majority and minority  
730 leaders of the defaulting States' legislature, the defaulting State's Licensing Authority,  
731 and each of the Member States' Licensing Authority.
- 732 (5) A State that has been terminated is responsible for all assessments, obligations, and  
733 liabilities incurred through the effective date of termination, including obligations that  
734 extend beyond the effective date of termination.
- 735 (6) Upon the termination of a State's membership from this Compact, that State shall  
736 immediately provide notice to all Licensees within that State of such termination. The  
737 terminated State shall continue to recognize all Compact Privileges granted pursuant to  
738 this Compact for a minimum of six months after the date of said notice of termination.
- 739 (7) The Compact Commission shall not bear any costs related to a State that is found to be  
740 in default or that has been terminated from the Compact, unless agreed upon in writing  
741 between the Compact Commission and the defaulting State.
- 742 (8) The defaulting State may appeal the action of the Compact Commission by petitioning  
743 the U.S. District Court for the District of Columbia or the federal district where the  
744 Compact Commission has its principal offices. The prevailing party shall be awarded all

745 costs of such litigation, including reasonable attorney's fees.

746 (9) Dispute Resolution

747 (a) Upon request by a Member State, the Compact Commission shall attempt to resolve  
748 disputes related to the Compact that arise among Member States and between  
749 Member and non-Member States.

750 (b) The Compact Commission shall promulgate a Rule providing for both mediation and  
751 binding dispute resolution for disputes as appropriate.

752 (10) Enforcement

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

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

770 (c) No party other than a Member State shall enforce this Compact against the Compact  
771 Commission.

772 Section 12. Section **58-89-112** is enacted to read:

773 **58-89-112 . Effective date, withdrawal, and amendment.**

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

776 (a) On or after the effective date of the Compact, the Compact Commission shall  
777 convene and review the enactment of each of the first seven Member States ("Charter  
778 Member States") to determine if the statute enacted by each such Charter Member

- 779 State is materially different than the model Compact statute.
- 780 (i) A Charter Member State whose enactment is found to be materially different from  
781 the model Compact statute shall be entitled to the default process set forth in  
782 Section 58-89-111.
- 783 (ii) If any Member State is later found to be in default, or is terminated, or withdraws  
784 from the Compact, the Compact Commission shall remain in existence and the  
785 Compact shall remain in effect even if the number of Member States should be  
786 less than seven.
- 787 (b) Member States enacting the Compact subsequent to the seven initial Charter Member  
788 States shall be subject to the process set forth in Subsection 58-89-108(3)(u) to  
789 determine if their enactments are materially different from the model Compact statute  
790 and whether they qualify for participation in the Compact.
- 791 (c) All actions taken for the benefit of the Compact Commission or in furtherance of the  
792 purposes of the administration of the Compact prior to the effective date of the  
793 Compact or the Compact Commission coming into existence shall be considered to  
794 be actions of the Compact Commission unless specifically repudiated by the  
795 Compact Commission.
- 796 (d) Any State that joins the Compact subsequent to the Compact Commission's initial  
797 adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they  
798 exist on the date on which the Compact becomes law in that State. Any Rule that has  
799 been previously adopted by the Compact Commission shall have the full force and  
800 effect of law on the day the Compact becomes law in that State.
- 801 (2) Any Member State may withdraw from this Compact by enacting a statute repealing the  
802 same.
- 803 (a) A Member State's withdrawal shall not take effect until 180 days after enactment of  
804 the repealing statute.
- 805 (b) Withdrawal shall not affect the continuing requirement of the withdrawing States  
806 Licensing Authority to comply with the investigative and Adverse Action reporting  
807 requirements of this Compact prior to the effective date of withdrawal.
- 808 (c) Upon the enactment of a statute withdrawing from this Compact, a State shall  
809 immediately provide notice of such withdrawal to all Licensees within that State.  
810 Notwithstanding any subsequent statutory enactment to the contrary, such  
811 withdrawing State shall continue to recognize all Compact Privileges granted  
812 pursuant to this Compact for a minimum of 180 days after the date of such notice of



813 withdrawal.

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

817 (4) This Compact may be amended by the Member States. No amendment to this Compact  
818 shall become effective and binding upon any Member State until it is enacted into the  
819 laws of all Member States.

820 Section 13. Section **58-89-113** is enacted to read:

821 **58-89-113 . Construction and severability.**

822 (1) This Compact and the Compact Commission's rulemaking authority shall be liberally  
823 construed so as to effectuate the purposes and the implementation and administration of  
824 the Compact. Provisions of the Compact expressly authorizing or requiring the  
825 promulgation of Rules shall not be construed to limit the Compact Commission's  
826 rulemaking authority solely for those purposes.

827 (2) The provisions of this Compact shall be severable and if any phrase, clause, sentence, or  
828 provision of this Compact is held by a court of competent jurisdiction to be contrary to  
829 the constitution of any Member State, a State seeking participation in the Compact, or of  
830 the United States, or the applicability thereof to any government, agency, person, or  
831 circumstance is held to be unconstitutional by a court of competent jurisdiction, the  
832 validity of the remainder of this Compact and the applicability thereof to any other  
833 government, agency, person, or circumstance shall not be affected thereby.

834 (3) Notwithstanding Subsection (2), the Compact Commission may deny a State's  
835 participation in the Compact or, in accordance with the requirements of Subsection  
836 58-89-111(2), terminate a Member States participation in the Compact, if it determines  
837 that a constitutional requirement of a Member State is a material departure from the  
838 Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of  
839 any Member State, the Compact shall remain in full force and effect as to the remaining  
840 Member States and in full force and effect as to the Member State affected as to all  
841 severable matters.

842 Section 14. Section **58-89-114** is enacted to read:

843 **58-89-114 . Consistent effect and conflict with other state laws.**

844 (1) Nothing herein shall prevent or inhibit the enforcement of any other law of a Member  
845 State that is not inconsistent with the Compact.

846 (2) Any laws, statutes, regulations, or other legal requirements in a Member State in

847 conflict with the Compact are superseded to the extent of the conflict.  
848 (3) All permissible agreements between the Compact Commission and the Member States  
849 are binding in accordance with their terms.  
850 Section 15. **Effective Date.**  
851 This bill takes effect on May 7, 2025.