

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

SENATE BILL NO. 233

INTRODUCED BY W. CURDY, D. ZOLNIKOV, E. BUTTREY, M. DUNWELL, J. MORIGEAU, S. WEBBER, J. WINDY BOY, K. ZOLNIKOV, B. CARTER, J. COHENOUR, D. HAYMAN, J. KARLEN

A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE INTERSTATE MASSAGE COMPACT; PROVIDING DEFINITIONS; PROVIDING FOR A MULTISTATE LICENSE FOR MASSAGE THERAPISTS; PROVIDING FOR CRIMINAL BACKGROUND CHECKS FOR MULTISTATE MASSAGE THERAPY LICENSURE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 37-33-502, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Enactment -- provisions. The interstate massage compact is enacted into law and entered into with all other jurisdictions joining the compact in the form substantially as follows:

ARTICLE 1

PURPOSE

The purpose of this compact is to reduce the burdens on state governments and to facilitate the interstate practice and regulation of massage therapy with the goal of improving public access to, and the safety of, massage therapy services. Through this compact, the member states seek to establish a regulatory framework that provides for a new multistate licensing program. Through this additional licensing pathway, the member states seek to provide increased value and mobility to licensed massage therapists in the member states, while ensuring the provision of safe, competent, and reliable services to the public.

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

(a) increase public access to massage therapy services by providing for a multistate licensing pathway;

(b) enhance the member states' ability to protect the public's health and safety;

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

- 1 (c) enhance the member states' ability to prevent human trafficking and licensure fraud;
- 2 (d) encourage the cooperation of member states in regulating the multistate practice of massage
- 3 therapy;
- 4 (e) support relocating military members and their spouses;
- 5 (f) facilitate and enhance the exchange of licensure, investigative, and disciplinary information
- 6 between the member states;
- 7 (g) create an interstate commission that will exist to implement and administer the compact;
- 8 (h) allow a member state to hold a licensee accountable, even where that licensee holds a
- 9 multistate license;
- 10 (i) create a streamlined pathway for licensees to practice in member states, thus increasing the
- 11 mobility of duly licensed massage therapists; and
- 12 (j) serve the needs of licensed massage therapists and the public receiving their services.
- 13 (2) Nothing in this compact is intended to prevent a state from enforcing its own laws regarding the
- 14 practice of massage therapy.

15 **ARTICLE 2**

16 **DEFINITIONS**

17 As used in this compact, except as otherwise provided and subject to clarification by the rules of the

18 commission, the following definitions govern the terms herein:

- 19 (1) "Active military member" means any person with full-time duty status in the armed forces of the
- 20 United States, including members of the national guard and reserve.
- 21 (2) "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a
- 22 member state's laws that is imposed by a licensing authority or other regulatory body against a licensee,
- 23 including actions against an individual's authorization to practice, such as revocation, suspension, probation,
- 24 surrender in lieu of discipline, monitoring of the licensee, limitation of the licensee's practice, or any other
- 25 encumbrance on licensure affecting an individual's ability to practice massage therapy, including the issuance
- 26 of a cease and desist order.
- 27 (3) "Alternative program" means a nondisciplinary monitoring or prosecutorial diversion program

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

1 approved by a member state's licensing authority.

2 (4) "Authorization to practice" means a legal authorization by a remote state pursuant to a
3 multistate license permitting the practice of massage therapy in that remote state, which must be subject to the
4 enforcement jurisdiction of the licensing authority in that remote state.

5 (5) "Background check" means the submission of an applicant's criminal history record
6 information, as further defined in 28 C.F.R. § 20.3(d), as amended from the federal bureau of investigation and
7 the agency responsible for retaining state criminal records in the applicant's home state.

8 (6) "Charter member states" means member states who have enacted legislation to adopt this
9 compact where such legislation predates the effective date of this compact as defined in article 12.

10 (7) "Commission" means the government agency whose membership consists of all states that
11 have enacted this compact, which is known as the interstate massage compact commission as defined in
12 article 8, that shall operate as an instrumentality of the member states.

13 (8) "Continuing competence" means a requirement, as a condition of license renewal, to provide
14 evidence of participation in, and completion of, educational or professional activities that maintain, improve, or
15 enhance massage therapy fitness to practice.

16 (9) "Current significant investigative information" means investigative information that a licensing
17 authority, after an inquiry or investigation that complies with a member state's due process requirements, has
18 reason to believe is not groundless and, if proved true, would indicate a violation of that state's laws regarding
19 the practice of massage therapy.

20 (10) "Data system" means a repository of information about licensees who hold multistate licenses,
21 which may include but is not limited to license status, investigative information, and adverse actions.

22 (11) "Disqualifying event" means any event that must disqualify an individual from holding a
23 multistate license under this compact, which the commission may by rule specify.

24 (12) "Encumbrance" means a revocation or suspension of, or any limitation or condition on, the full
25 and unrestricted practice of massage therapy by a licensing authority.

26 (13) "Executive committee" means a group of delegates elected or appointed to act on behalf of,
27 and within the powers granted to them by, the commission.

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

(14) "Home state" means the member state that is a licensee's primary state of residence where the licensee holds an active single-state license.

(15) "Investigative information" means information, records, or documents received or generated by a licensing authority pursuant to an investigation or other inquiry.

(16) "Licensee" means an individual who currently holds a license from a member state to fully practice massage therapy, whose license is not a student, provisional, temporary, inactive, or other similar status.

(17) "Licensing authority" means a state's regulatory body responsible for issuing massage therapy licenses or otherwise overseeing the practice of massage therapy in that state.

(18) "Massage therapy", "massage therapy services", and the "practice of massage therapy" means the care and services provided by a licensee as set forth in the member state's statutes and regulations in the state where the services are being provided.

(19) "Member state" means any state that has adopted this compact.

(20) "Multistate license" means a license that consists of authorizations to practice massage therapy in all remote states pursuant to this compact, which must be subject to the enforcement jurisdiction of the licensing authority in a licensee's home state.

(21) "National licensing examination" means a national examination developed by a national association of massage therapy regulatory boards, as defined by commission rule, that is derived from a practice analysis and is consistent with generally accepted psychometric principles of fairness, validity, and reliability, and is administered under secure and confidential examination protocols.

(22) "Remote state" means any member state other than the licensee's home state.

(23) "Rule" means any opinion or regulation promulgated by the commission under this compact, which must have the force of law.

(24) "Single-state license" means a current, valid authorization issued by a member state's licensing authority allowing an individual to fully practice massage therapy that is not a restricted, student, provisional, temporary, or inactive practice authorization and authorizes practice only within the issuing state.

(25) "State" means a state, territory, possession of the United States, or the District of Columbia.

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

- 1 ARTICLE 3
- 2 MEMBER STATE REQUIREMENTS
- 3 (1) To be eligible to join this compact and to maintain eligibility as a member state, a state shall:
- 4 (a) license and regulate the practice of massage therapy;
- 5 (b) have a mechanism or entity in place to receive and investigate complaints from the public,
- 6 regulatory or law enforcement agencies, or the commission about licensees practicing in that state;
- 7 (c) accept passage of a national licensing examination as a criterion for massage therapy
- 8 licensure in that state;
- 9 (d) require that licensees satisfy educational requirements prior to being licensed to provide
- 10 massage therapy services to the public in that state;
- 11 (e) implement procedures for requiring the background check of applicants for a multistate license
- 12 and for the reporting of any disqualifying events, including but not limited to:
- 13 (i) obtaining and submitting, for each licensee holding a multistate license and each applicant for
- 14 a multistate license, fingerprint or other biometric-based information to the federal bureau of investigation for
- 15 background checks;
- 16 (ii) receiving the results of the federal bureau of investigation record search on background checks
- 17 and
- 18 (iii) considering the results of such a background check in making licensure decisions;
- 19 (f) have continuing competence requirements as a condition for license renewal;
- 20 (g) participate in the data system, including through the use of unique identifying numbers as
- 21 described in article 9;
- 22 (h) notify the commission and other member states, in compliance with the terms of the compact
- 23 and rules of the commission, of any disciplinary action taken by the state against a licensee practicing under a
- 24 multistate license in that state, or of the existence of investigative information or current significant investigative
- 25 information regarding a licensee practicing in that state pursuant to a multistate license;
- 26 (i) comply with the rules of the commission; and
- 27 (j) accept licensees with valid multistate licenses from other member states as established by this

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

1 compact.

2 (2) Individuals not residing in a member state may continue to be able to apply for a member
3 state's single-state license as provided under the laws of each member state. However, the single-state license
4 granted to those individuals may not be recognized as granting a multistate license for massage therapy in any
5 other member state.

6 (3) Nothing in this compact may affect the requirements established by a member state for the
7 issuance of a single-state license.

8 (4) A multistate license issued to a licensee must be recognized by each remote state as an
9 authorization to practice massage therapy in each remote state.

10 ARTICLE 4

11 MULTISTATE LICENSE REQUIREMENTS

12 (1) To qualify for a multistate license under this compact and to maintain eligibility for such a
13 license, an applicant:

14 (a) must hold an active single-state license to practice massage therapy in the applicant's home
15 state;

16 (b) must have completed at least 625 clock hours of massage therapy education or the substantial
17 equivalent, which the commission may approve by rule;

18 (c) must have passed a national licensing examination or the substantial equivalent, which the
19 commission may approve by rule;

20 (d) shall submit to a background check;

21 (e) may not have been convicted or found guilty, or have entered into an agreed disposition, of a
22 felony offense under applicable state or federal criminal law, within 5 years prior to the date of their application,
23 where such a time period may not include any time served for the offense, and provided that the applicant has
24 completed any and all requirements arising as a result of any such offense;

25 (f) may not have been convicted or found guilty, or have entered into an agreed disposition, of a
26 misdemeanor offense related to the practice of massage therapy under applicable state or federal criminal law,
27 within 2 years prior to the date of their application where such a time period may not include any time served for

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

1 the offense, and provided that the applicant has completed any and all requirements arising as a result of any
2 such offense;

3 (g) may not have been convicted or found guilty, or have entered into an agreed disposition, of any
4 offense, whether a misdemeanor or a felony, under state or federal law, at any time, relating to any of the
5 following:

6 (i) kidnapping;

7 (ii) human trafficking;

8 (iii) human smuggling;

9 (iv) sexual battery, sexual assault, or any related offenses; or

10 (v) any other category of offense that the commission may by rule designate.

11 (h) may not have previously held a massage therapy license that was revoked by, or surrendered
12 in lieu of, discipline to an applicable licensing authority;

13 (i) may not have a history of any adverse action on any occupational or professional license within
14 2 years prior to the date of their application; and

15 (j) shall pay all required fees.

16 (2) A multistate license granted pursuant to this compact may be effective for a definite period of
17 time concurrent with the renewal of the home state license.

18 (3) A licensee practicing in a member state is subject to all scope of practice laws governing
19 massage therapy services in that state.

20 (4) The practice of massage therapy under a multistate license granted pursuant to this compact
21 will subject the licensee to the jurisdiction of the licensing authority, the courts, and the laws of the member
22 state in which the massage therapy services are provided.

23 ARTICLE 5

24 AUTHORITY OF INTERSTATE MASSAGE COMPACT COMMISSION

25 AND MEMBER STATE LICENSING AUTHORITIES

26 (1) Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict, or
27 in any way reduce the ability of a member state to enact and enforce laws, regulations, or other rules related to

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

1 the practice of massage therapy in that state, where those laws, regulations, or other rules are not inconsistent
2 with the provisions of this compact.

3 (2) Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict, or
4 in any way reduce the ability of a member state to take adverse action against a licensee's single-state license
5 to practice massage therapy in that state.

6 (3) Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict, or
7 in any way reduce the ability of a remote state to take adverse action against a licensee's authorization to
8 practice in that state.

9 (4) Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict, or
10 in any way reduce the ability of a licensee's home state to take adverse action against a licensee's multistate
11 license based upon information provided by a remote state.

12 (5) Insofar as practical, a member state's licensing authority shall cooperate with the commission
13 and with each entity exercising independent regulatory authority over the practice of massage therapy
14 according to the provisions of this compact.

15 ARTICLE 6

16 ADVERSE ACTIONS

17 (1) A licensee's home state must have exclusive power to impose an adverse action against a
18 licensee's multistate license issued by the home state.

19 (2) A home state may take adverse action on a multistate license based on the investigative
20 information, current significant investigative information, or adverse action of a remote state.

21 (3) A home state shall retain authority to complete any pending investigations of a licensee
22 practicing under a multistate license who changes their home state during the course of such an investigation.
23 The licensing authority must also be empowered to report the results of such an investigation to the
24 commission through the data system as described herein.

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

27 (5) A remote state must have the authority to:

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

(a) take adverse actions against a licensee's authorization to practice;

(b) issue cease and desist orders or impose an encumbrance on a licensee's authorization to practice in that state;

(c) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing licensing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(d) if otherwise permitted by state law, recover from the affected licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee; and

(e) take adverse action against the licensee's authorization to practice in that state based on the factual findings of another member state.

(6) If an adverse action is taken by the home state against a licensee's multistate license or single-state license to practice in the home state, the licensee's authorization to practice in all other member states must be deactivated until all encumbrances have been removed from such license. All home state disciplinary orders that impose an adverse action against a licensee must include a statement that the massage therapist's authorization to practice is deactivated in all member states during the pendency of the order.

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

(8) Nothing in this compact may override a member state's authority to accept a licensee's participation in an alternative program in lieu of adverse action. A licensee's multistate license must be suspended for the duration of the licensee's participation in any alternative program.

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

(9) Joint investigations:

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

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

ARTICLE 7

ACTIVE MILITARY MEMBERS

AND THEIR SPOUSES

Active military members or their spouses shall designate a home state where the individual has a current license to practice massage therapy in good standing. The individual may retain their home state designation during any period of service when that individual or their spouse is on active duty assignment.

ARTICLE 8

ESTABLISHMENT AND OPERATION OF

INTERSTATE MASSAGE COMPACT COMMISSION

(1) The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the interstate massage compact commission. The commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in article 12.

(2) Membership, voting, and meetings:

(a) Each member state must have and be limited to one delegate selected by that member state's state licensing authority.

(b) The delegate must be the primary administrative officer of the state licensing authority or their designee.

(c) The commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

(d) The commission may recommend removal or suspension of any delegate from office.

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

(f) Each delegate must be entitled to one vote on all matters that are voted on by the commission.

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

(3) The commission must have the following powers:

(a) establish the fiscal year of the commission;

(b) establish code of conduct and conflict of interest policies;

(c) adopt rules and bylaws;

(d) maintain its financial records in accordance with the bylaws;

(e) meet and take such actions as are consistent with the provisions of this compact, the commission's rules, and the bylaws;

(f) initiate and conclude legal proceedings or actions in the name of the commission, provided that the standing of any state licensing authority to sue or be sued under applicable law may not be affected;

(g) maintain and certify records and information provided to a member state as the authenticated business records of the commission, and designate an agent to do so on the commission's behalf;

(h) purchase and maintain insurance and bonds;

(i) borrow, accept, or contract for services of personnel, including but not limited to employees of a member state;

(j) conduct an annual financial review;

(k) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(l) assess and collect fees;

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

- (m) accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;
- (n) lease, purchase, retain, own, hold, improve, or use any property real, personal, or mixed, or any undivided interest therein;
- (o) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;
- (p) establish a budget and make expenditures;
- (q) borrow money;
- (r) appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;
- (s) accept and transmit complaints from the public, regulatory or law enforcement agencies, or the commission to the relevant member state(s) regarding potential misconduct of licensees;
- (t) elect a chair, vice chair, secretary, and treasurer and such other officers of the commission as provided in the commission's bylaws;
- (u) establish and elect an executive committee, including a chair and a vice chair;
- (v) adopt and provide to the member states an annual report;
- (w) determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and
- (x) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.
- (4) The executive committee:
- (a) The executive committee must have the power to act on behalf of the commission according to the terms of this compact. The powers, duties, and responsibilities of the executive committee must include:
- (i) overseeing the day-to-day activities of the administration of the compact, including compliance with the provisions of the compact, the commission's rules and bylaws, and other such duties as deemed

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

- 1 necessary;
- 2 (ii) recommending to the commission changes to the rules or bylaws, changes to this compact
- 3 legislation, fees charged to compact member states, fees charged to licensees, and other fees;
- 4 (iii) ensuring compact administration services are appropriately provided, including by contract;
- 5 (iv) preparing and recommending the budget;
- 6 (v) maintaining financial records on behalf of the commission;
- 7 (vi) monitoring compact compliance of member states and providing compliance reports to the
- 8 commission;
- 9 (vii) establishing additional committees as necessary;
- 10 (viii) exercising the powers and duties of the commission during the interim between commission
- 11 meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other
- 12 powers and duties expressly reserved to the commission by rule or bylaw; and
- 13 (ix) other duties as provided in the rules or bylaws of the commission.
- 14 (b) (i) The executive committee must be composed of seven voting members and up to two ex-
- 15 officio members as follows:
- 16 (A) the chair and vice chair of the commission and any other members of the commission who
- 17 serve on the executive committee must be voting members of the executive committee; and
- 18 (B) other than the chair, vice-chair, secretary, and treasurer, the commission shall elect three
- 19 voting members from the current membership of the commission.
- 20 (ii) The commission may elect ex-officio, nonvoting members as necessary as follows:
- 21 (A) one ex-officio member who is a representative of the national association of state massage
- 22 therapy regulatory boards; and
- 23 (B) one ex-officio member as specified in the commission's bylaws.
- 24 (c) The commission may remove any member of the executive committee as provided in the
- 25 commission's bylaws.
- 26 (d) The executive committee shall meet at least annually.
- 27 (i) Executive committee meetings must be open to the public, except that the executive committee

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

1 may meet in a closed, nonpublic session of a public meeting when dealing with any of the matters covered
2 under subsection (6)(d) of this article.

3 (ii) The executive committee shall give 5 business days' advance notice of its public meetings,
4 posted on its website and as determined to provide notice to persons with an interest in the public matters the
5 executive committee intends to address at those meetings.

6 (e) The executive committee may hold an emergency meeting when acting for the commission to:

7 (i) meet an imminent threat to public health, safety, or welfare;

8 (ii) prevent a loss of commission or participating state funds; or

9 (iii) protect public health and safety.

10 (5) The commission shall adopt and provide to the member states an annual report.

11 (6) Meetings of the commission:

12 (a) All meetings of the commission that are not closed pursuant to this subsection (6) must be
13 open to the public. Notice of public meetings must be posted on the commission's website at least 30 days prior
14 to the public meeting.

15 (b) Notwithstanding subsection (6)(a) of this article, the commission may convene an emergency
16 public meeting by providing at least 24 hours' prior notice on the commission's website, and any other means
17 as provided in the commission's rules, for any of the reasons it may dispense with notice of proposed
18 rulemaking under article 10, subsection (12). The commission's legal counsel shall certify that one of the
19 reasons justifying an emergency public meeting has been met.

20 (c) Notice of all commission meetings must provide the time, date, and location of the meeting,
21 and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic
22 means, the notice must include the mechanism for access to the meeting.

23 (d) The commission may convene in a closed, nonpublic meeting for the commission to discuss:

24 (i) noncompliance of a member state with its obligations under the compact;

25 (ii) the employment, compensation, discipline, or other matters, practices, or procedures related to
26 specific employees or other matters related to the commission's internal personnel practices and procedures;

27 (iii) current or threatened discipline of a licensee by the commission or by a member state's

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

1 licensing authority;

2 (iv) current, threatened, or reasonably anticipated litigation;

3 (v) negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

4 (vi) accusing any person of a crime or formally censuring any person;

5 (vii) trade secrets or commercial or financial information that is privileged or confidential;

6 (viii) information of a personal nature where disclosure would constitute a clearly unwarranted

7 invasion of personal privacy;

8 (ix) investigative records compiled for law enforcement purposes;

9 (x) information related to any investigative reports prepared by or on behalf of or for use of the
10 commission or other committee charged with responsibility of investigation or determination of compliance
11 issues pursuant to the compact;

12 (xi) legal advice;

13 (xii) matters specifically exempted from disclosure to the public by federal or member state law; or

14 (xiii) other matters as promulgated by the commission by rule.

15 (e) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting
16 will be closed and reference each relevant exempting provision, and such reference must be recorded in the
17 minutes.

18 (f) The commission shall keep minutes that fully and clearly describe all matters discussed in a
19 meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a
20 description of the views expressed. All documents considered in connection with an action must be identified in
21 such minutes. All minutes and documents of a closed meeting must remain under seal, subject to release only
22 by a majority vote of the commission or order of a court of competent jurisdiction.

23 (7) Financing of the commission:

24 (a) The commission shall pay, or provide for the payment of, the reasonable expenses of its
25 establishment, organization, and ongoing activities.

26 (b) The commission may accept any and all appropriate sources of revenue, donations, and grants
27 of money, equipment, supplies, materials, and services.

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

(c) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states must be allocated based upon a formula that the commission shall promulgate by rule.

(d) The commission may not incur obligations of any kind prior to securing the funds adequate to meet the same, nor may the commission pledge the credit of any member states, except by and with the authority of the member state.

(e) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission must be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission must be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review must be included in and become part of the annual report of the commission.

(8) Qualified immunity, defense, and indemnification:

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

(b) The commission shall defend any member, officer, executive director, employee, and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

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

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

(d) Nothing herein may be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which must be governed solely by any other applicable state laws.

(e) Nothing in this compact may be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.

(f) Nothing in this compact may be construed to be a waiver of sovereign immunity by the member states or by the commission.

ARTICLE 9

DATA SYSTEM

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

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

(3) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

1 (a) identifying information;
2 (b) licensure data;
3 (c) adverse actions against a license and information related thereto;
4 (d) nonconfidential information related to alternative program participation, the beginning and
5 ending dates of such participation, and other information related to such participation;
6 (e) any denial of application for licensure and the reason(s) for such denial (excluding the reporting
7 of any criminal history record information where prohibited by law);
8 (f) the existence of investigative information;
9 (g) the existence of current significant investigative information; and
10 (h) other information that may facilitate the administration of this compact or the protection of the
11 public, as determined by the rules of the commission.

12 (4) The records and information provided to a member state pursuant to this compact or through
13 the data system, when certified by the commission or an agent thereof, must constitute the authenticated
14 business records of the commission, and must be entitled to any associated hearsay exception in any relevant
15 judicial, quasi-judicial, or administrative proceedings in a member state.

16 (5) The existence of current significant investigative information and the existence of investigative
17 information pertaining to a licensee in any member state will only be available to other member states.

18 (6) It is the responsibility of the member states to report any adverse action against a licensee who
19 holds a multistate license and to monitor the database to determine whether adverse action has been taken
20 against such a licensee or license applicant. Adverse action information pertaining to a licensee or license
21 applicant in any member state will be available to any other member state.

22 (7) Member states contributing information to the data system may designate information that may
23 not be shared with the public without the express permission of the contributing state.

24 (8) Any information submitted to the data system that is subsequently expunged pursuant to
25 federal law or the laws of the member state contributing the information must be removed from the data system.

26 ARTICLE 10

27 RULEMAKING

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

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

(2) The rules of the commission must have the force of law in each member state, provided however that where the rules of the commission conflict with the laws of the member state that establish the member state's scope of practice as held by a court of competent jurisdiction, the rules of the commission must be ineffective in that state to the extent of the conflict.

(3) The commission may exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules must become binding as of the date specified by the commission for each rule.

(4) If a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, then such rule may not have further force and effect in any member state or to any state applying to participate in the compact.

(5) Rules may be adopted at a regular or special meeting of the commission.

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

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

(a) on the website of the commission or other publicly accessible platform;

(b) to persons who have requested notice of the commission's notices of proposed rulemaking;

and

(c) in such other way(s) as the commission may by rule specify.

(8) The notice of proposed rulemaking must include:

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

(a) the time, date, and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the commission will consider and vote on the proposed rule;

(b) if the hearing is held via telecommunication, video conference, or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

(c) the text of the proposed rule and the reason therefor;

(d) a request for comments on the proposed rule from any interested person; and

(e) the manner in which interested persons may submit written comments.

(9) All hearings will be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule must be available to the public.

(10) Nothing in this article may be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this article.

(11) The commission shall, by majority vote of all commissioners, take final action on the proposed rule based on the rulemaking record.

(a) The commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

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

(c) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection 12 of this article, the effective date of the rule may not be sooner than 30 days after the commission issuing the notice that it adopted or amended the rule.

(12) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' notice, provided that the usual rulemaking procedures provided in the compact and in this article must be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately to:

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

(a) meet an imminent threat to public health, safety, or welfare;

(b) prevent a loss of commission or member state funds;

(c) meet a deadline for the promulgation of a rule that is established by federal law or rule; or

(d) protect public health and safety.

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

(14) No member state's rulemaking requirements may apply under this compact.

ARTICLE 11

OVERSIGHT, DISPUTE RESOLUTION,

AND ENFORCEMENT

(1) Oversight:

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

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

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

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

1 commission, this compact, or promulgated rules.

2 (2) Default, technical assistance, and termination:

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

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

9 (3) If a state in default fails to cure the default, the defaulting state may be terminated from the
10 compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges,
11 and benefits conferred on that state by this compact may be terminated on the effective date of termination. A
12 cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of
13 default.

14 (4) Termination of membership in the compact may be imposed only after all other means of
15 securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the
16 commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting
17 state's state licensing authority, and each of the member states' state licensing authority.

18 (5) A state that has been terminated is responsible for all assessments, obligations, and liabilities
19 incurred through the effective date of termination, including obligations that extend beyond the effective date of
20 termination.

21 (6) Upon the termination of a state's membership from this compact, that state shall immediately
22 provide notice to all licensees who hold a multistate license within that state of such termination. The terminated
23 state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after
24 the date of said notice of termination.

25 (7) The commission may not bear any costs related to a state that is found to be in default or that
26 has been terminated from the compact unless agreed upon in writing between the commission and the
27 defaulting state.

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

(8) The defaulting state may appeal the action of the commission by petitioning the U.S. district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party must be awarded all costs of such litigation, including reasonable attorney fees.

(9) Dispute resolution:

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

(b) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(10) Enforcement:

(a) The commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact and the commission's rules.

(b) By majority vote as provided by commission rule, the commission may initiate legal action against a member state in default in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein may not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.

(c) A member state may initiate legal action against the commission in the U.S. district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney fees.

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

ARTICLE 12

EFFECTIVE DATE, WITHDRAWAL,

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

1 AND AMENDMENT

2 (1) The compact must come into effect on the date on which the compact statute is enacted into
3 law in the seventh member state.

4 (a) On or after the effective date of the compact, the commission shall convene and review the
5 enactment of each of the charter member states to determine if the statute enacted by each such charter
6 member state is materially different than the model compact statute.

7 (i) A charter member state whose enactment is found to be materially different from the model
8 compact statute must be entitled to the default process set forth in article 11.

9 (ii) If any member state is later found to be in default or is terminated or withdraws from the
10 compact, the commission shall remain in existence and the compact must remain in effect even if the number
11 of member states should be less than seven.

12 (b) Member states enacting the compact subsequent to the charter member states must be subject
13 to the process set forth in article 8(3)(w) to determine if their enactments are materially different from the model
14 compact statute and whether they qualify for participation in the compact.

15 (c) All actions taken for the benefit of the commission or in furtherance of the purposes of the
16 administration of the compact prior to the effective date of the compact or the commission coming into
17 existence must be considered to be actions of the commission unless specifically repudiated by the
18 commission.

19 (d) Any state that joins the compact must be subject to the commission's rules and bylaws as they
20 exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted
21 by the commission must have the full force and effect of law on the day the compact becomes law in that state.

22 (2) Any member state may withdraw from this compact by enacting a statute repealing that state's
23 enactment of the compact.

24 (a) A member state's withdrawal may not take effect until 180 days after enactment of the
25 repealing statute.

26 (b) Withdrawal may not affect the continuing requirement of the withdrawing state's licensing
27 authority to comply with the investigative and adverse action reporting requirements of this compact prior to the

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

1 effective date of withdrawal.

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

6 (3) Nothing contained in this compact may be construed to invalidate or prevent any licensure
7 agreement or other cooperative arrangement between a member state and a nonmember state that does not
8 conflict with the provisions of this compact.

9 (4) This compact may be amended by the member states. No amendment to this compact may
10 become effective and binding upon any member state until it is enacted into the laws of all member states.

11 ARTICLE 13

12 CONSTRUCTION AND SEVERABILITY

13 (1) This compact and the commission's rulemaking authority must be liberally construed so as to
14 effectuate the purposes and the implementation and administration of the compact. Provisions of the compact
15 expressly authorizing or requiring the promulgation of rules may not be construed to limit the commission's
16 rulemaking authority solely for those purposes.

17 (2) The provisions of this compact must 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 constitution of any
19 member state, a state seeking participation in the compact, or of the United States, or the applicability thereof
20 to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent
21 jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government,
22 agency, person, or circumstance may not be affected thereby.

23 (3) Notwithstanding subsection (2) of this article, the commission may deny a state's participation
24 in the compact or, in accordance with the requirements of article 11, subsection (2), terminate a member state's
25 participation in the compact, if it determines that a constitutional requirement of a member state is a material
26 departure from the compact. Otherwise, if this compact must be held to be contrary to the constitution of any
27 member state, the compact must remain in full force and effect as to the remaining member states and in full

force and effect as to the member state affected as to all severable matters.

ARTICLE 14

CONSISTENT EFFECT AND CONFLICT

WITH OTHER STATE LAWS

Nothing herein may prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact. Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict. All permissible agreements between the commission and the member states are binding in accordance with their terms.

NEW SECTION. Section 2. Criminal background check for multistate licensure. (1) Each applicant for multistate licensure ~~to practice massage therapy as a massage therapist~~ shall submit a full set of the applicant's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check.

(2) Each license applicant is responsible to pay all fees charged in relation to obtaining the state and federal criminal history background check.

(3) The board may require a licensee renewing a license to submit a full set of the licensee's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check.

(4) The Montana department of justice may share the fingerprint data obtained under subsection (1) or (3) with the federal bureau of investigation.

Section 3. Section 37-33-502, MCA, is amended to read:

"37-33-502. Qualifications for licensure. (1) To be eligible for licensure as a massage therapist as provided in 37-33-501, an applicant:

- (a) shall submit an application on a form provided by the department;
- (b) shall include with the application the application fee set by the board;
- (c) must possess a high school diploma or its equivalent;
- (d) must be at least 18 years of age; ~~and~~

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

SB0233.001.001

(e) must be of good moral character; and

(f) shall submit a full set of the applicant's fingerprints to the board to facilitate a fingerprint-based criminal record background check by the Montana department of justice and the federal bureau of investigation, as provided in [section 2].

(2) The applicant, in addition to the requirements established in subsection (1), is required to:

(a) successfully complete a massage therapy program of a minimum of 500 hours of study that meets or exceeds the curriculum guidelines established by any program or organization accredited by the national commission for certifying agencies or its equivalent or successor and receive a passing score on an examination prescribed by the board; or

(b) possess an equivalent current license, certification, or registration in good standing from another state."

NEW SECTION. Section 4. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 37, chapter 33, and the provisions of Title 37, chapter 33, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 37, chapter 33, part 5, and the provisions of Title 37, chapter 33, part 5, apply to [section 2].

NEW SECTION. Section 5. Contingent effective date. [This act] is effective on the date that the compact has been legislatively enacted into law by the seventh member state. The department of labor and industry shall notify the code commissioner within 15 days of the occurrence of the contingency.

- END -