

By: Representatives Currie, Arnold, Dixon,  
Gibbs (72nd)

To: Public Health and Human  
Services

HOUSE BILL NO. 488  
(As Sent to Governor)

1 AN ACT TO CREATE SECTIONS 73-15-201 AND 73-15-202,  
2 MISSISSIPPI CODE OF 1972, TO ENACT INTO THE LAW THE NURSE  
3 LICENSURE COMPACT AND PROVIDE THAT THE STATE OF MISSISSIPPI ENTERS  
4 THE COMPACT WITH OTHER STATES THAT JOIN IN THE COMPACT; TO AMEND  
5 SECTION 73-15-5, MISSISSIPPI CODE OF 1972, TO REVISE THE  
6 DEFINITION OF "PRIVILEGE TO PRACTICE" IN THE NURSING PRACTICE LAW  
7 TO CONFORM TO THE NEW NURSE LICENSURE COMPACT; TO AMEND SECTION  
8 73-15-17, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI  
9 BOARD OF NURSING TO IMPLEMENT THE PROVISIONS OF THE NURSE  
10 LICENSURE COMPACT; TO REPEAL SECTIONS 73-15-22 AND 73-15-23,  
11 MISSISSIPPI CODE OF 1972, WHICH IS THE FORMER NURSE LICENSURE  
12 COMPACT; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** The following shall be codified as Section  
15 73-15-201, Mississippi Code of 1972:

16 73-15-201. The Nurse Licensure Compact is enacted into law  
17 and entered into by this state with any and all states legally  
18 joining in the compact in accordance with its term, in the form  
19 substantially as follows:

20 **ARTICLE I.**

21 **Findings and declaration of purpose.**

22 (a) The party states find that:



23                   1. The health and safety of the public are  
24 affected by the degree of compliance with and the effectiveness of  
25 enforcement activities related to state nurse licensure laws;

26                   2. Violations of nurse licensure and other laws  
27 regulating the practice of nursing may result in injury or harm to  
28 the public;

29                   3. The expanded mobility of nurses and the use of  
30 advanced communication technologies as part of our nation's health  
31 care delivery system require greater coordination and cooperation  
32 among states in the areas of nurse licensure and regulation;

33                   4. New practice modalities and technology make  
34 compliance with individual state nurse licensure laws difficult  
35 and complex;

36                   5. The current system of duplicative licensure for  
37 nurses practicing in multiple states is cumbersome and redundant  
38 for both nurses and states; and

39                   6. Uniformity of nurse licensure requirements  
40 throughout the states promotes public safety and public health  
41 benefits.

42                   (b) The general purposes of this compact are to:

43                   1. Facilitate the states' responsibility to  
44 protect the public's health and safety;

45                   2. Ensure and encourage the cooperation of party  
46 states in the areas of nurse licensure and regulation;



47 3. Facilitate the exchange of information between  
48 party states in the areas of nurse regulation, investigation and  
49 adverse actions;

50 4. Promote compliance with the laws governing the  
51 practice of nursing in each jurisdiction;

52 5. Invest all party states with the authority to  
53 hold a nurse accountable for meeting all state practice laws in  
54 the state in which the patient is located at the time care is  
55 rendered through the mutual recognition of party state licenses;

56 6. Decrease redundancies in the consideration and  
57 issuance of nurse licenses; and

58 7. Provide opportunities for interstate practice  
59 by nurses who meet uniform licensure requirements.

60 **ARTICLE II.**

61 **Definitions.**

62 As used in this compact:

63 (a) "Adverse action" means any administrative, civil,  
64 equitable or criminal action permitted by a state's laws which is  
65 imposed by a licensing board or other authority against a  
66 nurse, including actions against an individual's license or  
67 multistate licensure privilege such as revocation, suspension,  
68 probation, monitoring of the licensee, limitation on the  
69 licensee's practice, or any other encumbrance on licensure  
70 affecting a nurse's authorization to practice, including issuance  
71 of a cease and desist action.



72 (b) "Alternative program" means a nondisciplinary  
73 monitoring program approved by a licensing board.

74 (c) "Coordinated licensure information system" means an  
75 integrated process for collecting, storing and sharing information  
76 on nurse licensure and enforcement activities related to nurse  
77 licensure laws that is administered by a nonprofit organization  
78 composed of and controlled by licensing boards.

79 (d) "Current significant investigative information"  
80 means:

81 1. Investigative information that a licensing  
82 board, after a preliminary inquiry that includes notification and  
83 an opportunity for the nurse to respond, if required by state law,  
84 has reason to believe is not groundless and, if proved true, would  
85 indicate more than a minor infraction; or

86 2. Investigative information that indicates that  
87 the nurse represents an immediate threat to public health and  
88 safety regardless of whether the nurse has been notified and had  
89 an opportunity to respond.

90 (e) "Encumbrance" means a revocation or suspension of,  
91 or any limitation on, the full and unrestricted practice of  
92 nursing imposed by a licensing board.

93 (f) "Home state" means the party state which is the  
94 nurse's primary state of residence.

95 (g) "Licensing board" means a party state's regulatory  
96 body responsible for issuing nurse licenses.



97 (h) "Multistate license" means a license to practice as  
98 a registered or a licensed practical/vocational nurse (LPN/VN)  
99 issued by a home state licensing board that authorizes the  
100 licensed nurse to practice in all party states under a multistate  
101 licensure privilege.

102 (i) "Multistate licensure privilege" means a legal  
103 authorization associated with a multistate license permitting the  
104 practice of nursing as either a registered nurse (RN) or LPN/VN in  
105 a remote state.

106 (j) "Nurse" means RN or LPN/VN, as those terms are  
107 defined by each party state's practice laws.

108 (k) "Party state" means any state that has adopted this  
109 compact.

110 (l) "Remote state" means a party state, other than the  
111 home state.

112 (m) "Single-state license" means a nurse license issued  
113 by a party state that authorizes practice only within the issuing  
114 state and does not include a multistate licensure privilege to  
115 practice in any other party state.

116 (n) "State" means a state, territory or possession of  
117 the United States and the District of Columbia.

118 (o) "State practice laws" means a party state's laws,  
119 rules and regulations that govern the practice of nursing, define  
120 the scope of nursing practice, and create the methods and grounds  
121 for imposing discipline. "State practice laws" do not include



122 requirements necessary to obtain and retain a license, except for  
123 qualifications or requirements of the home state.

124 **ARTICLE III.**

125 **General provisions and jurisdiction.**

126 (a) A multistate license to practice registered or  
127 licensed practical/vocational nursing issued by a home state to a  
128 resident in that state will be recognized by each party state as  
129 authorizing a nurse to practice as a registered nurse (RN) or as a  
130 licensed practical/vocational nurse (LPN/VN), under a multistate  
131 licensure privilege, in each party state.

132 (b) A state must implement procedures for considering  
133 the criminal history records of applicants for initial multistate  
134 license or licensure by endorsement. Such procedures shall  
135 include the submission of fingerprints or other biometric-based  
136 information by applicants for the purpose of obtaining an  
137 applicant's criminal history record information from the Federal  
138 Bureau of Investigation and the agency responsible for retaining  
139 that state's criminal records.

140 (c) Each party state shall require the following for an  
141 applicant to obtain or retain a multistate license in the home  
142 state:

143 1. Meets the home state's qualifications for  
144 licensure or renewal of licensure, as well as, all other  
145 applicable state laws;



146                   2. (i) Has graduated or is eligible to graduate  
147 from a licensing board-approved RN or LPN/VN prelicensure  
148 education program; or

149                   (ii) Has graduated from a foreign RN or  
150 LPN/VN prelicensure education program that (a) has been approved  
151 by the authorized accrediting body in the applicable country and  
152 (b) has been verified by an independent credentials review agency  
153 to be comparable to a licensing board-approved prelicensure  
154 education program;

155                   3. Has, if a graduate of a foreign prelicensure  
156 education program not taught in English or if English is not the  
157 individual's native language, successfully passed an English  
158 proficiency examination that includes the components of reading,  
159 speaking, writing and listening;

160                   4. Has successfully passed a National Council  
161 Licensure Examination-Registered Nurse (NCLEX-RN®) or National  
162 Council Licensure Examination-Practical Nurse (NCLEX-PN®)  
163 Examination or recognized predecessor, as applicable;

164                   5. Is eligible for or holds an active,  
165 unencumbered license;

166                   6. Has submitted, in connection with an  
167 application for initial licensure or licensure by endorsement,  
168 fingerprints or other biometric data for the purpose of obtaining  
169 criminal history record information from the Federal Bureau of



170 Investigation and the agency responsible for retaining that  
171 state's criminal records;

172           7. Has not been convicted or found guilty, or has  
173 entered into an agreed disposition, of a felony offense under  
174 applicable state or federal criminal law;

175           8. Has not been convicted or found guilty, or has  
176 entered into an agreed disposition, of a misdemeanor offense  
177 related to the practice of nursing as determined on a case-by-case  
178 basis;

179           9. Is not currently enrolled in an alternative  
180 program;

181           10. Is subject to self-disclosure requirements  
182 regarding current participation in an alternative program; and

183           11. Has a valid United States social security  
184 number.

185           (d) All party states shall be authorized, in accordance  
186 with existing state due process law, to take adverse action  
187 against a nurse's multistate licensure privilege such as  
188 revocation, suspension, probation or any other action that affects  
189 a nurse's authorization to practice under a multistate licensure  
190 privilege, including cease and desist actions. If a party state  
191 takes such action, it shall promptly notify the administrator of  
192 the coordinated licensure information system. The administrator  
193 of the coordinated licensure information system shall promptly  
194 notify the home state of any such actions by remote states.





195 (e) A nurse practicing in a party state must comply  
196 with the state practice laws of the state in which the client is  
197 located at the time service is provided. The practice of nursing  
198 is not limited to patient care, but shall include all nursing  
199 practice as defined by the state practice laws of the party state  
200 in which the client is located. The practice of nursing in a  
201 party state under a multistate licensure privilege will subject a  
202 nurse to the jurisdiction of the licensing board, the courts and  
203 the laws of the party state in which the client is located at the  
204 time service is provided.

205 (f) Individuals not residing in a party state shall  
206 continue to be able to apply for a party state's single-state  
207 license as provided under the laws of each party state. However,  
208 the single-state license granted to these individuals will not be  
209 recognized as granting the privilege to practice nursing in any  
210 other party state. Nothing in this compact shall affect the  
211 requirements established by a party state for the issuance of a  
212 single-state license.

213 (g) Any nurse holding a home state multistate license,  
214 on the effective date of this compact, may retain and renew the  
215 multistate license issued by the nurse's then-current home state,  
216 provided that:

- 217 1. A nurse, who changes primary state of residence  
218 after this compact's effective date, must meet all applicable



219 Article III(c) requirements to obtain a multistate license from a  
220 new home state.

221           2. A nurse who fails to satisfy the multistate  
222 licensure requirements in subsection(c) of this article due to a  
223 disqualifying event occurring after this compact's effective date  
224 shall be ineligible to retain or renew a multistate license, and  
225 the nurse's multistate license shall be revoked or deactivated in  
226 accordance with applicable rules adopted by the Interstate  
227 Commission of Nurse Licensure Compact Administrators  
228 ("commission").

229                           **ARTICLE IV.**

230                           **Applications for licensure in a party state.**

231           (a) Upon application for a multistate license, the  
232 licensing board in the issuing party state shall ascertain,  
233 through the coordinated licensure information system, whether the  
234 applicant has ever held, or is the holder of, a license issued by  
235 any other state, whether there are any encumbrances on any license  
236 or multistate licensure privilege held by the applicant, whether  
237 any adverse action has been taken against any license or  
238 multistate licensure privilege held by the applicant and whether  
239 the applicant is currently participating in an alternative  
240 program.

241           (b) A nurse may hold a multistate license, issued by  
242 the home state, in only one (1) party state at a time.



243 (c) If a nurse changes primary state of residence by  
244 moving between two (2) party states, the nurse must apply for  
245 licensure in the new home state, and the multistate license issued  
246 by the prior home state will be deactivated in accordance with  
247 applicable rules adopted by the commission.

248 1. The nurse may apply for licensure in advance of  
249 a change in primary state of residence.

250 2. A multistate license shall not be issued by the  
251 new home state until the nurse provides satisfactory evidence of a  
252 change in primary state of residence to the new home state and  
253 satisfies all applicable requirements to obtain a multistate  
254 license from the new home state.

255 (d) If a nurse changes primary state of residence by  
256 moving from a party state to a nonparty state, the multistate  
257 license issued by the prior home state will convert to a  
258 single-state license, valid only in the former home state.

259 **ARTICLE V.**

260 **Additional authorities invested in party state licensing boards.**

261 (a) In addition to the other powers conferred by state  
262 law, a licensing board shall have the authority to:

263 1. Take adverse action against a nurse's  
264 multistate licensure privilege to practice within that party  
265 state.



266 (i) Only the home state shall have the power  
267 to take adverse action against a nurse's license issued by the  
268 home state.

269 (ii) For purposes of taking adverse action,  
270 the home state licensing board shall give the same priority and  
271 effect to reported conduct received from a remote state as it  
272 would if such conduct had occurred within the home state.

273 In so doing, the home state shall apply its own state laws to  
274 determine appropriate action.

275 2. Issue cease and desist orders or impose an  
276 encumbrance on a nurse's authority to practice within that party  
277 state.

278 3. Complete any pending investigations of a nurse  
279 who changes primary state of residence during the course of such  
280 investigations. The licensing board shall also have the authority  
281 to take appropriate action(s) and shall promptly report the  
282 conclusions of such investigations to the administrator of the  
283 coordinated licensure information system. The administrator of  
284 the coordinated licensure information system shall promptly notify  
285 the new home state of any such actions.

286 4. Issue subpoenas for both hearings and  
287 investigations that require the attendance and testimony of  
288 witnesses, as well as, the production of evidence.

289 Subpoenas issued by a licensing board in a party state for  
290 the attendance and testimony of witnesses or the production of



291 evidence from another party state shall be enforced in the latter  
292 state by any court of competent jurisdiction, according to the  
293 practice and procedure of that court applicable to subpoenas  
294 issued in proceedings pending before it. The issuing authority  
295 shall pay any witness fees, travel expenses, mileage and other  
296 fees required by the service statutes of the state in which the  
297 witnesses or evidence are located.

298           5. Obtain and submit, for each nurse licensure  
299 applicant, fingerprint or other biometric-based information to the  
300 Federal Bureau of Investigation for criminal background checks,  
301 receive the results of the Federal Bureau of Investigation record  
302 search on criminal background checks and use the results in making  
303 licensure decisions.

304           6. If otherwise permitted by state law, recover  
305 from the affected nurse the costs of investigations and  
306 disposition of cases resulting from any adverse action taken  
307 against that nurse.

308           7. Take adverse action based on the factual  
309 findings of the remote state, provided that the licensing board  
310 follows its own procedures for taking such adverse action.

311           (b) If adverse action is taken by the home state  
312 against a nurse's multistate license, the nurse's multistate  
313 licensure privilege to practice in all other party states shall be  
314 deactivated until all encumbrances have been removed from the  
315 multistate license. All home state disciplinary orders that



316 impose adverse action against a nurse's multistate license shall  
317 include a statement that the nurse's multistate licensure  
318 privilege is deactivated in all party states during the pendency  
319 of the order.

320 (c) Nothing in this compact shall override a party  
321 state's decision that participation in an alternative program may  
322 be used in lieu of adverse action. The home state licensing board  
323 shall deactivate the multistate licensure privilege under the  
324 multistate license of any nurse for the duration of the nurse's  
325 participation in an alternative program.

326 **ARTICLE VI.**

327 **Coordinated licensure information system and exchange of**  
328 **information.**

329 (a) All party states shall participate in a coordinated  
330 licensure information system of all licensed registered nurses  
331 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This  
332 system will include information on the licensure and disciplinary  
333 history of each nurse, as submitted by party states, to assist in  
334 the coordination of nurse licensure and enforcement efforts.

335 (b) The commission, in consultation with the  
336 administrator of the coordinated licensure information system,  
337 shall formulate necessary and proper procedures for the  
338 identification, collection and exchange of information under this  
339 compact.



340 (c) All licensing boards shall promptly report to the  
341 coordinated licensure information system any adverse action, any  
342 current significant investigative information, denials of  
343 applications (with the reasons for such denials) and nurse  
344 participation in alternative programs known to the licensing board  
345 regardless of whether such participation is deemed nonpublic or  
346 confidential under state law.

347 (d) Current significant investigative information and  
348 participation in nonpublic or confidential alternative programs  
349 shall be transmitted through the coordinated licensure information  
350 system only to party state licensing boards.

351 (e) Notwithstanding any other provision of law, all  
352 party state licensing boards contributing information to the  
353 coordinated licensure information system may designate information  
354 that may not be shared with nonparty states or disclosed to other  
355 entities or individuals without the express permission of the  
356 contributing state.

357 (f) Any personally identifiable information obtained  
358 from the coordinated licensure information system by a party state  
359 licensing board shall not be shared with nonparty states or  
360 disclosed to other entities or individuals except to the extent  
361 permitted by the laws of the party state contributing the  
362 information.

363 (g) Any information contributed to the coordinated  
364 licensure information system that is subsequently required to be



365 expunged by the laws of the party state contributing that  
366 information shall also be expunged from the coordinated licensure  
367 information system.

368 (h) The compact administrator of each party state shall  
369 furnish a uniform data set to the compact administrator of each  
370 other party state, which shall include, at a minimum:

- 371 1. Identifying information;
- 372 2. Licensure data;
- 373 3. Information related to alternative program  
374 participation; and
- 375 4. Other information that may facilitate the  
376 administration of this compact, as determined by commission rules.

377 (i) The compact administrator of a party state shall  
378 provide all investigative documents and information requested by  
379 another party state.

380 **ARTICLE VII.**

381 **Establishment of the Interstate Commission of Nurse Licensure.**

382 Compact administrators.

383 (a) The party states hereby create and establish a  
384 joint public entity known as the Interstate Commission of Nurse  
385 Licensure Compact Administrators.

- 386 1. The commission is an instrumentality of the  
387 party states.
- 388 2. Venue is proper, and judicial proceedings by or  
389 against the commission shall be brought solely and exclusively, in





390 a court of competent jurisdiction where the principal office of  
391 the commission is located. The commission may waive venue and  
392 jurisdictional defenses to the extent it adopts or consents to  
393 participate in alternative dispute resolution proceedings.

394 3. Nothing in this compact shall be construed to  
395 be a waiver of sovereign immunity.

396 (b) Membership, voting and meetings.

397 1. Each party state shall have and be limited to  
398 one (1) administrator. The head of the state licensing board or  
399 designee shall be the administrator of this compact for each party  
400 state. Any administrator may be removed or suspended from office  
401 as provided by the law of the state from which the administrator  
402 is appointed. Any vacancy occurring in the commission shall be  
403 filled in accordance with the laws of the party state in which the  
404 vacancy exists.

405 2. Each administrator shall be entitled to one (1)  
406 vote with regard to the promulgation of rules and creation of  
407 bylaws and shall otherwise have an opportunity to participate in  
408 the business and affairs of the commission. An administrator  
409 shall vote in person or by such other means as provided in the  
410 bylaws. The bylaws may provide for an administrator's  
411 participation in meetings by telephone or other means of  
412 communication.

413 3. The commission shall meet at least once during  
414 each calendar year.



415 Additional meetings shall be held as set forth in the bylaws  
416 or rules of the commission.

417 4. All meetings shall be open to the public, and  
418 public notice of meetings shall be given in the same manner as  
419 required under the rulemaking provisions in Article VIII.

420 5. The commission may convene in a closed,  
421 nonpublic meeting if the commission must discuss:

422 (i) Noncompliance of a party state with its  
423 obligations under this compact;

424 (ii) The employment, compensation, discipline  
425 or other personnel matters, practices or procedures related to  
426 specific employees or other matters related to the commission's  
427 internal personnel practices and procedures;

428 (iii) Current, threatened or reasonably  
429 anticipated litigation;

430 (iv) Negotiation of contracts for the  
431 purchase or sale of goods, services or real estate;

432 (v) Accusing any person of a crime or  
433 formally censuring any person;

434 (vi) Disclosure of trade secrets or  
435 commercial or financial information that is privileged or  
436 confidential;

437 (vii) Disclosure of information of a personal  
438 nature where disclosure would constitute a clearly unwarranted  
439 invasion of personal privacy;



440 (viii) Disclosure of investigatory records  
441 compiled for law enforcement purposes;

442 (ix) Disclosure of information related to any  
443 reports prepared by or on behalf of the commission for the purpose  
444 of investigation of compliance with this compact; or

445 (x) Matters specifically exempted from  
446 disclosure by federal or state statute.

447 6. If a meeting, or portion of a meeting, is  
448 closed pursuant to this provision, the commission's legal counsel  
449 or designee shall certify that the meeting may be closed and shall  
450 reference each relevant exempting provision. The commission shall  
451 keep minutes that fully and clearly describe all matters discussed  
452 in a meeting and shall provide a full and accurate summary of  
453 actions taken, and the reasons therefor, including a description  
454 of the views expressed. All documents considered in connection  
455 with an action shall be identified in such minutes. All minutes  
456 and documents of a closed meeting shall remain under seal, subject  
457 to release by a majority vote of the commission or order of a  
458 court of competent jurisdiction.

459 (c) The commission shall, by a majority vote of the  
460 administrators, prescribe bylaws or rules to govern its conduct as  
461 may be necessary or appropriate to carry out the purposes and  
462 exercise the powers of this compact, including, but not limited  
463 to:

464 1. Establishing the fiscal year of the commission;



465                   2. Providing reasonable standards and procedures:  
466                   (i) For the establishment and meetings of  
467 other committees; and

468                   (ii) Governing any general or specific  
469 delegation of any authority or function of the commission;

470                   3. Providing reasonable procedures for calling and  
471 conducting meetings of the commission, ensuring reasonable advance  
472 notice of all meetings and providing an opportunity for attendance  
473 of such meetings by interested parties, with enumerated exceptions  
474 designed to protect the public's interest, the privacy of  
475 individuals, and proprietary information, including trade secrets.  
476 The commission may meet in closed session only after a majority of  
477 the administrators vote to close a meeting in whole or in part.  
478 As soon as practicable, the commission must make public a copy of  
479 the vote to close the meeting revealing the vote of each  
480 administrator, with no proxy votes allowed;

481                   4. Establishing the titles, duties and authority  
482 and reasonable procedures for the election of the officers of the  
483 commission;

484                   5. Providing reasonable standards and procedures  
485 for the establishment of the personnel policies and programs of  
486 the commission. Notwithstanding any civil service or other  
487 similar laws of any party state, the bylaws shall exclusively  
488 govern the personnel policies and programs of the commission; and



489                   6. Providing a mechanism for winding up the  
490 operations of the commission and the equitable disposition of any  
491 surplus funds that may exist after the termination of this compact  
492 after the payment or reserving of all of its debts and  
493 obligations;

494                   (d) The commission shall publish its bylaws and rules,  
495 and any amendments thereto, in a convenient form on the website of  
496 the commission.

497                   (e) The commission shall maintain its financial records  
498 in accordance with the bylaws.

499                   (f) The commission shall meet and take such actions as  
500 are consistent with the provisions of this compact and the bylaws.

501                   (g) The commission shall have the following powers:

502                   1. To promulgate uniform rules to facilitate and  
503 coordinate implementation and administration of this compact. The  
504 rules shall have the force and effect of law and shall be binding  
505 in all party states;

506                   2. To bring and prosecute legal proceedings or  
507 actions in the name of the commission, provided that the standing  
508 of any licensing board to sue or be sued under applicable law  
509 shall not be affected;

510                   3. To purchase and maintain insurance and bonds;

511                   4. To borrow, accept or contract for services of  
512 personnel, including, but not limited to, employees of a party  
513 state or nonprofit organizations;



514                   5. To cooperate with other organizations that  
515 administer state compacts related to the regulation of nursing,  
516 including, but not limited to, sharing administrative or staff  
517 expenses, office space or other resources;

518                   6. To hire employees, elect or appoint officers,  
519 fix compensation, define duties, grant such individuals  
520 appropriate authority to carry out the purposes of this compact,  
521 and to establish the commission's personnel policies and programs  
522 relating to conflicts of interest, qualifications of personnel and  
523 other related personnel matters;

524                   7. To accept any and all appropriate donations,  
525 grants and gifts of money, equipment, supplies, materials and  
526 services, and to receive, utilize and dispose of the same;  
527 provided that at all times the commission shall avoid any  
528 appearance of impropriety or conflict of interest;

529                   8. To lease, purchase, accept appropriate gifts or  
530 donations of, or otherwise to own, hold, improve or use, any  
531 property, whether real, personal or mixed; provided that at all  
532 times the commission shall avoid any appearance of impropriety;

533                   9. To sell, convey, mortgage, pledge, lease,  
534 exchange, abandon or otherwise dispose of any property, whether  
535 real, personal or mixed;

536                   10. To establish a budget and make expenditures;

537                   11. To borrow money;



538                   12. To appoint committees, including advisory  
539 committees comprised of administrators, state nursing regulators,  
540 state legislators or their representatives, and consumer  
541 representatives, and other such interested persons;

542                   13. To provide and receive information from, and  
543 to cooperate with, law enforcement agencies;

544                   14. To adopt and use an official seal; and

545                   15. To perform such other functions as may be  
546 necessary or appropriate to achieve the purposes of this compact  
547 consistent with the state regulation of nurse licensure and  
548 practice.

549                   (h) Financing of the commission.

550                   1. The commission shall pay, or provide for the  
551 payment of, the reasonable expenses of its establishment,  
552 organization and ongoing activities.

553                   2. The commission may also levy on and collect an  
554 annual assessment from each party state to cover the cost of its  
555 operations, activities and staff in its annual budget as approved  
556 each year. The aggregate annual assessment amount, if any, shall  
557 be allocated based upon a formula to be determined by the  
558 commission, which shall promulgate a rule that is binding upon all  
559 party states.

560                   3. The commission shall not incur obligations of  
561 any kind prior to securing the funds adequate to meet the same;



562 nor shall the commission pledge the credit of any of the party  
563 states, except by, and with the authority of, such party state.

564           4. The commission shall keep accurate accounts of  
565 all receipts and disbursements. The receipts and disbursements of  
566 the commission shall be subject to the audit and accounting  
567 procedures established under its bylaws. However, all receipts  
568 and disbursements of funds handled by the commission shall be  
569 audited yearly by a certified or licensed public accountant, and  
570 the report of the audit shall be included in and become part of  
571 the annual report of the commission.

572           (i) Qualified immunity, defense and indemnification.

573           1. The administrators, officers, executive  
574 director, employees and representatives of the commission shall be  
575 immune from suit and liability, either personally or in their  
576 official capacity, for any claim for damage to or loss of property  
577 or personal injury or other civil liability caused by or arising  
578 out of any actual or alleged act, error or omission that occurred,  
579 or that the person against whom the claim is made had a reasonable  
580 basis for believing occurred, within the scope of commission  
581 employment, duties or responsibilities; provided that nothing in  
582 this paragraph shall be construed to protect any such person from  
583 suit or liability for any damage, loss, injury or liability caused  
584 by the intentional, willful or wanton misconduct of that person.

585           2. The commission shall defend any administrator,  
586 officer, executive director, employee or representative of the





587 commission in any civil action seeking to impose liability arising  
588 out of any actual or alleged act, error or omission that occurred  
589 within the scope of commission employment, duties or  
590 responsibilities, or that the person against whom the claim is  
591 made had a reasonable basis for believing occurred within the  
592 scope of commission employment, duties or responsibilities;  
593 provided that nothing herein shall be construed to prohibit that  
594 person from retaining his or her own counsel; and provided further  
595 that the actual or alleged act, error or omission did not result  
596 from that person's intentional, willful or wanton misconduct.

597           3. The commission shall indemnify and hold  
598 harmless any administrator, officer, executive director, employee  
599 or representative of the commission for the amount of any  
600 settlement or judgment obtained against that person arising out of  
601 any actual or alleged act, error or omission that occurred within  
602 the scope of commission employment, duties or responsibilities, or  
603 that such person had a reasonable basis for believing occurred  
604 within the scope of commission employment, duties or  
605 responsibilities, provided that the actual or alleged act, error  
606 or omission did not result from the intentional, willful or wanton  
607 misconduct of that person.

608                                   **ARTICLE VIII.**

609                                   **Rulemaking.**

610           (a) The commission shall exercise its rulemaking powers  
611 pursuant to the criteria set forth in this article and the rules



612 adopted thereunder. Rules and amendments shall become binding as  
613 of the date specified in each rule or amendment and shall have the  
614 same force and effect as provisions of this compact.

615 (b) Rules or amendments to the rules shall be adopted  
616 at a regular or special meeting of the commission.

617 (c) Prior to promulgation and adoption of a final rule  
618 or rules by the commission, and at least sixty (60) days in  
619 advance of the meeting at which the rule will be considered and  
620 voted upon, the commission shall file a notice of proposed  
621 rulemaking:

622 1. On the website of the commission; and  
623 2. On the website of each licensing board or the  
624 publication in which each state would otherwise publish proposed  
625 rules.

626 (d) The notice of proposed rulemaking shall include:

627 1. The proposed time, date and location of the  
628 meeting in which the rule will be considered and voted upon;  
629 2. The text of the proposed rule or amendment, and  
630 the reason for the proposed rule;  
631 3. A request for comments on the proposed rule  
632 from any interested person; and  
633 4. The manner in which interested persons may  
634 submit notice to the commission of their intention to attend the  
635 public hearing and any written comments.



636 (e) Prior to adoption of a proposed rule, the  
637 commission shall allow persons to submit written data, facts,  
638 opinions and arguments, which shall be made available to the  
639 public.

640 (f) The commission shall grant an opportunity for a  
641 public hearing before it adopts a rule or amendment.

642 (g) The commission shall publish the place, time and  
643 date of the scheduled public hearing.

644 1. Hearings shall be conducted in a manner  
645 providing each person who wishes to comment a fair and reasonable  
646 opportunity to comment orally or in writing.

647 All hearings will be recorded, and a copy will be made  
648 available upon request.

649 2. Nothing in this section shall be construed as  
650 requiring a separate hearing on each rule. Rules may be grouped  
651 for the convenience of the commission at hearings required by this  
652 section.

653 (h) If no one appears at the public hearing, the  
654 commission may proceed with promulgation of the proposed rule.

655 (i) Following the scheduled hearing date, or by the  
656 close of business on the scheduled hearing date if the hearing was  
657 not held, the commission shall consider all written and oral  
658 comments received.

659 (j) The commission shall, by majority vote of all  
660 administrators, take final action on the proposed rule and shall



661 determine the effective date of the rule, if any, based on the  
662 rulemaking record and the full text of the rule.

663 (k) Upon determination that an emergency exists, the  
664 commission may consider and adopt an emergency rule without prior  
665 notice, opportunity for comment or hearing, provided that the  
666 usual rulemaking procedures provided in this compact and in this  
667 section shall be retroactively applied to the rule as soon as  
668 reasonably possible, in no event later than ninety (90) days after  
669 the effective date of the rule. For the purposes of this  
670 provision, an emergency rule is one that must be adopted  
671 immediately in order to:

- 672 1. Meet an imminent threat to public health,  
673 safety or welfare;
- 674 2. Prevent a loss of commission or party state  
675 funds; or
- 676 3. Meet a deadline for the promulgation of an  
677 administrative rule that is required by federal law or rule.

678 (l) The commission may direct revisions to a previously  
679 adopted rule or amendment for purposes of correcting typographical  
680 errors, errors in format, errors in consistency or grammatical  
681 errors. Public notice of any revisions shall be posted on the  
682 website of the commission. The revision shall be subject to  
683 challenge by any person for a period of thirty (30) days after  
684 posting. The revision may be challenged only on grounds that the  
685 revision results in a material change to a rule. A challenge



686 shall be made in writing, and delivered to the commission, prior  
687 to the end of the notice period. If no challenge is made, the  
688 revision will take effect without further action. If the revision  
689 is challenged, the revision may not take effect without the  
690 approval of the commission.

691 **ARTICLE IX.**

692 **Oversight, dispute resolution and enforcement.**

693 (a) Oversight:

694 1. Each party state shall enforce this compact and  
695 take all actions necessary and appropriate to effectuate this  
696 compact's purposes and intent.

697 2. The commission shall be entitled to receive  
698 service of process in any proceeding that may affect the powers,  
699 responsibilities or actions of the commission, and shall have  
700 standing to intervene in such a proceeding for all purposes.  
701 Failure to provide service of process in such proceeding to the  
702 commission shall render a judgment or order void as to the  
703 commission, this compact or promulgated rules.

704 (b) Default, technical assistance and termination:

705 1. If the commission determines that a party state  
706 has defaulted in the performance of its obligations or  
707 responsibilities under this compact or the promulgated rules, the  
708 commission shall:

709 (i) Provide written notice to the defaulting  
710 state and other party states of the nature of the default, the



711 proposed means of curing the default or any other action to be  
712 taken by the commission; and

713 (ii) Provide remedial training and specific  
714 technical assistance regarding the default.

715 2. If a state in default fails to cure the  
716 default, the defaulting state's membership in this compact may be  
717 terminated upon an affirmative vote of a majority of the  
718 administrators, and all rights, privileges and benefits conferred  
719 by this compact may be terminated on the effective date of  
720 termination. A cure of the default does not relieve the offending  
721 state of obligations or liabilities incurred during the period of  
722 default.

723 3. Termination of membership in this compact shall  
724 be imposed only after all other means of securing compliance have  
725 been exhausted. Notice of intent to suspend or terminate shall be  
726 given by the commission to the Governor of the defaulting state  
727 and to the executive officer of the defaulting state's licensing  
728 board and each of the party states.

729 4. A state whose membership in this compact has  
730 been terminated is responsible for all assessments, obligations  
731 and liabilities incurred through the effective date of  
732 termination, including obligations that extend beyond the  
733 effective date of termination.

734 5. The commission shall not bear any costs related  
735 to a state that is found to be in default or whose membership in



736 this compact has been terminated unless agreed upon in writing  
737 between the commission and the defaulting state.

738           6. The defaulting state may appeal the action of  
739 the commission by petitioning the United States District Court for  
740 the District of Columbia or the federal district in which the  
741 commission has its principal offices. The prevailing party shall  
742 be awarded all costs of such litigation, including reasonable  
743 attorneys' fees.

744           (c) Dispute resolution:

745           1. Upon request by a party state, the commission  
746 shall attempt to resolve disputes related to the compact that  
747 arise among party states and between party and nonparty states.

748           2. The commission shall promulgate a rule  
749 providing for both mediation and binding dispute resolution for  
750 disputes, as appropriate.

751           3. In the event the commission cannot resolve  
752 disputes among party states arising under this compact:

753           (i) The party states may submit the issues in  
754 dispute to an arbitration panel, which will be comprised of  
755 individuals appointed by the compact administrator in each of the  
756 affected party states and an individual mutually agreed upon by  
757 the compact administrators of all the party states involved in the  
758 dispute.

759           (ii) The decision of a majority of the  
760 arbitrators shall be final and binding.



761 (d) Enforcement:

762 1. The commission, in the reasonable exercise of  
763 its discretion, shall enforce the provisions and rules of this  
764 compact.

765 2. By majority vote, the commission may initiate  
766 legal action in the United States District Court for the District  
767 of Columbia or the federal district in which the commission has  
768 its principal offices against a party state that is in default to  
769 enforce compliance with the provisions of this compact and its  
770 promulgated rules and bylaws.

771 The relief sought may include both injunctive relief and  
772 damages. In the event judicial enforcement is necessary, the  
773 prevailing party shall be awarded all costs of such litigation,  
774 including reasonable attorneys' fees.

775 3. The remedies herein shall not be the exclusive  
776 remedies of the commission. The commission may pursue any other  
777 remedies available under federal or state law.

778 **ARTICLE X.**

779 **Effective date, withdrawal and amendment.**

780 (a) This compact shall become effective and binding on  
781 the earlier of the date of legislative enactment of this compact  
782 into law by no less than twenty-six (26) states or December 31,  
783 2018. All party states to this compact, that also were parties to  
784 the prior Nurse Licensure Compact, superseded by this compact,  
785 ("prior compact"), shall be deemed to have withdrawn from the





786 prior compact within six (6) months after the effective date of  
787 this compact.

788 (b) Each party state to this compact shall continue to  
789 recognize a nurse's multistate licensure privilege to practice in  
790 that party state issued under the prior compact until such party  
791 state has withdrawn from the prior compact.

792 (c) Any party state may withdraw from this compact by  
793 enacting a statute repealing the same. A party state's withdrawal  
794 shall not take effect until six (6) months after enactment of the  
795 repealing statute.

796 (d) A party state's withdrawal or termination shall not  
797 affect the continuing requirement of the withdrawing or terminated  
798 state's licensing board to report adverse actions and significant  
799 investigations occurring prior to the effective date of such  
800 withdrawal or termination.

801 (e) Nothing contained in this compact shall be  
802 construed to invalidate or prevent any nurse licensure agreement  
803 or other cooperative arrangement between a party state and a  
804 nonparty state that is made in accordance with the other  
805 provisions of this compact.

806 (f) This compact may be amended by the party states.  
807 No amendment to this compact shall become effective and binding  
808 upon the party states unless and until it is enacted into the laws  
809 of all party states.



810 (g) Representatives of nonparty states to this compact  
811 shall be invited to participate in the activities of the  
812 commission, on a nonvoting basis, prior to the adoption of this  
813 compact by all states.

814 **ARTICLE XI.**

815 **Construction and severability.**

816 This compact shall be liberally construed so as to effectuate  
817 the purposes thereof.

818 The provisions of this compact shall be severable, and if any  
819 phrase, clause, sentence or provision of this compact is declared  
820 to be contrary to the Constitution of any party state or of the  
821 United States, or if the applicability thereof to any government,  
822 agency, person or circumstance is held invalid, the validity of  
823 the remainder of this compact and the applicability thereof to any  
824 government, agency, person or circumstance shall not be affected  
825 thereby. If this compact shall be held to be contrary to the  
826 Constitution of any party state, this compact shall remain in full  
827 force and effect as to the remaining party states and in full  
828 force and effect as to the party state affected as to all  
829 severable matters.

830 **SECTION 2.** The following shall be codified as Section  
831 73-15-202, Mississippi Code of 1972:

832 73-15-202. The term "head of the state licensing board" as  
833 used to define the compact administrator in Article VII(b)(1) of



834 the Nurse Licensure Compact shall mean the Executive Director of  
835 the Mississippi Board of Nursing.

836 **SECTION 3.** Section 73-15-5, Mississippi Code of 1972, is  
837 amended as follows:

838 73-15-5. (1) "Board" means the Mississippi Board of  
839 Nursing.

840 (2) The "practice of nursing" by a registered nurse means  
841 the performance for compensation of services which requires  
842 substantial knowledge of the biological, physical, behavioral,  
843 psychological and sociological sciences and of nursing theory as  
844 the basis for assessment, diagnosis, planning, intervention and  
845 evaluation in the promotion and maintenance of health; management  
846 of individuals' responses to illness, injury or infirmity; the  
847 restoration of optimum function; or the achievement of a dignified  
848 death. "Nursing practice" includes, but is not limited to,  
849 administration, teaching, counseling, delegation and supervision  
850 of nursing, and execution of the medical regimen, including the  
851 administration of medications and treatments prescribed by any  
852 licensed or legally authorized physician or dentist. The  
853 foregoing shall not be deemed to include acts of medical diagnosis  
854 or prescriptions of medical, therapeutic or corrective measures,  
855 except as may be set forth by rules and regulations promulgated  
856 and implemented by the Mississippi Board of Nursing.

857 (3) "Clinical nurse specialist practice" by a certified  
858 clinical nurse specialist means the delivery of advanced practice



859 nursing care to individuals or groups using advanced diagnostic  
860 and assessment skills to manage and improve the health status of  
861 individuals and families; diagnose human responses to actual or  
862 potential health problems; plan for health promotion, disease  
863 prevention, and therapeutic intervention in collaboration with the  
864 patient or client; implement therapeutic interventions based on  
865 the nurse specialist's area of expertise and within the scope of  
866 advanced nursing practice, including, but not limited to, direct  
867 patient care, counseling, teaching, collaboration with other  
868 licensed health care providers; and, coordination of health care  
869 as necessary and appropriate and evaluation of the effectiveness  
870 of care.

871 (4) "Advanced nursing practice" means, in addition to the  
872 practice of professional nursing, the performance of  
873 advanced-level nursing approved by the board which, by virtue of  
874 graduate education and experience are appropriately performed by  
875 an advanced practice registered nurse. The advanced practice  
876 registered nurse may diagnose, treat and manage medical  
877 conditions. This may include prescriptive authority as identified  
878 by the board. Advanced practice registered nurses must practice  
879 in a collaborative/consultative relationship with a physician or  
880 dentist with an unrestricted license to practice in the State of  
881 Mississippi and advanced nursing must be performed within the  
882 framework of a standing protocol or practice guidelines, as  
883 appropriate.



884           (5) The "practice of nursing" by a licensed practical nurse  
885 means the performance for compensation of services requiring basic  
886 knowledge of the biological, physical, behavioral, psychological  
887 and sociological sciences and of nursing procedures which do not  
888 require the substantial skill, judgment and knowledge required of  
889 a registered nurse. These services are performed under the  
890 direction of a registered nurse or a licensed physician or  
891 licensed dentist and utilize standardized procedures in the  
892 observation and care of the ill, injured and infirm; in the  
893 maintenance of health; in action to safeguard life and health; and  
894 in the administration of medications and treatments prescribed by  
895 any licensed physician or licensed dentist authorized by state law  
896 to prescribe. On a selected basis, and within safe limits, the  
897 role of the licensed practical nurse shall be expanded by the  
898 board under its rule-making authority to more complex procedures  
899 and settings commensurate with additional preparation and  
900 experience.

901           (6) A "license" means an authorization to practice nursing  
902 as a registered nurse or a licensed practical nurse designated  
903 herein.

904           (7) A "registered nurse" is a person who is licensed or  
905 holds the privilege to practice under the provisions of this  
906 article and who practices nursing as defined herein. "RN" is the  
907 abbreviation for the title of Registered Nurse.



908           (8) A "licensed practical nurse" is a person who is licensed  
909 or holds the privilege to practice under this article and who  
910 practices practical nursing as defined herein. "LPN" is the  
911 abbreviation for the title of Licensed Practical Nurse.

912           (9) A "registered nurse in clinical practice" is one who  
913 functions in any health care delivery system which provides  
914 nursing services.

915           (10) A "clinical nurse specialist" is a person who is  
916 licensed or holds the privilege to practice under this article in  
917 this state to practice professional nursing and who in this state  
918 practices advanced nursing as defined herein. "CNS" is the  
919 abbreviation for the title of Clinical Nurse Specialist.

920           (11) An "advancedu practice registered nurse" is a person who  
921 is licensed or holds the privilege to practice under this article  
922 and who is certified in advanced practice registered nurse or  
923 specialized nursing practice and includes certified registered  
924 nurse midwives, certified registered nurse anesthetists and  
925 certified nurse practitioners. "CNM" is the abbreviation for the  
926 title of Certified Nurse Midwife, "CRNA" is the abbreviation for  
927 the title of Certified Registered Nurse Anesthetist. "CNP" is the  
928 abbreviation for the title of Certified Nurse Practitioner.

929           (12) A "nurse educator" is a registered nurse who meets the  
930 criteria for faculty as set forth in a state-accredited program of  
931 nursing for registered nurses, or a state-approved program of



932 nursing for licensed practical nurses, and who functions as a  
933 faculty member.

934 (13) A "consumer representative" is a person representing  
935 the interests of the general public, who may use services of a  
936 health agency or health professional organization or its members  
937 but who is neither a provider of health services, nor employed in  
938 the health services field, nor holds a vested interest in the  
939 provision of health services at any level, nor has an immediate  
940 family member who holds vested interests in the provision of  
941 health services at any level.

942 (14) "Privilege to practice" means the \* \* \* multistate  
943 licensure privilege to practice nursing in the state as described  
944 in the Nurse Licensure Compact provided for in Section \* \* \*  
945 73-15-201.

946 (15) "Licensee" is a person who has been issued a license to  
947 practice nursing in the state or who holds the privilege to  
948 practice nursing in the state.

949 **SECTION 4.** Section 73-15-17, Mississippi Code of 1972, is  
950 amended as follows:

951 73-15-17. The Mississippi Board of Nursing is authorized and  
952 empowered to:

953 (a) Adopt and from time to time revise such rules and  
954 regulations consistent with the law as shall be necessary to  
955 govern its proceedings and carry into effect the provisions of  
956 this article; however, the board shall not adopt any rule or



957 regulation or impose any requirement regarding the licensing or  
958 certification of advanced practice registered nurses that  
959 conflicts with the prohibitions in Section 73-49-3.

960 (b) Require the secretary to keep records of all  
961 meetings of the board and keep a record of all proceedings, and to  
962 prepare a register of registered nurses and a register of licensed  
963 practical nurses, all nurses appearing thereon to be duly licensed  
964 under this article, and which registers shall be open for public  
965 inspection at all reasonable times.

966 (c) Issue subpoenas, require attendance of witnesses,  
967 and administer oaths of persons giving testimony.

968 (d) Cause the prosecution of all persons violating the  
969 provisions of this article, and incur such necessary expenses  
970 therefor.

971 (e) Conduct hearings upon charges calling for  
972 discipline of a licensee or revocation of a license or of the  
973 privilege to practice.

974 (f) Present a true and full report to the Governor and  
975 the Legislature, together with a statement of receipts and  
976 disbursements on or before February 1 of each year.

977 (g) Maintain an office in the greater Jackson area for  
978 the administration of this article.

979 (h) File an annual list of all certificates of  
980 registration issued by the board with the Secretary of State's  
981 office for both registered nurses and licensed practical nurses.





982           (i) File an annual list of all certificates of  
983 registration issued by the board to registered nurses, including  
984 addresses of the persons with the Mississippi Nurses' Association;  
985 and file a similar list of all certificates of registration issued  
986 to licensed practical nurses, including addresses of the persons,  
987 with the Mississippi Federation of Licensed Practical Nurses and  
988 the Mississippi Licensed Practical Nurses Association.

989           (j) Adopt a seal which shall be in the form of a circle  
990 with the image of an eagle in the center, and around the margin  
991 the words "Mississippi Board of Nursing," and under the image of  
992 the eagle the word "Official." The seal shall be affixed to  
993 certificates and warrants issued by the board, and to all records  
994 sent up on appeal from its decisions.

995           (k) Schedule dates and locations for state board  
996 examinations for examining qualified applicants for licensure.

997           (l) Examine, license and renew licenses of duly  
998 qualified applicants.

999           (m) Appoint and employ a qualified person who shall not  
1000 be a member of the board to serve as executive director, define  
1001 the duties, fix the compensation, and delegate to him or her those  
1002 activities that will expedite the functions of the board. The  
1003 executive director shall meet all the qualifications for board  
1004 members, and shall in addition:

1005                   (i) Have had at least a master's degree in  
1006 nursing, eight (8) years' experience as a registered nurse, five



1007 (5) of which shall be in teaching or in administration, or a  
1008 combination thereof; and

1009 (ii) Have been actively engaged in nursing for at  
1010 least five (5) years immediately preceding appointment.

1011 (n) Employ, discharge, define duties, and fix  
1012 compensation of such other persons as may be necessary to carry  
1013 out the provisions of this article.

1014 (o) Secure the services of research consultants as  
1015 deemed necessary who shall receive a per diem, travel and other  
1016 necessary expenses incurred while engaged by the board.

1017 (p) Enter into contracts with any other state or  
1018 federal agency or with any private person, organization or group  
1019 capable of contracting, if it finds such action to be in the  
1020 public interest and in the furtherance of its responsibilities.

1021 (q) Upon reasonable suspicion that a holder of a  
1022 license issued under this article has violated any statutory  
1023 ground for denial of licensure as set forth in Section 73-15-29 or  
1024 is guilty of any offense specified in Section 73-15-33, require  
1025 the license holder to undergo a fingerprint-based criminal history  
1026 records check of the Mississippi central criminal database and the  
1027 Federal Bureau of Investigation criminal history database, in the  
1028 same manner as required for applicants for licensure under  
1029 Sections 73-15-19(1) and 73-15-21(1).

1030 (r) Perform the duties prescribed by the Nurse  
1031 Licensure Compact in Section 73-15-201.



1032           **SECTION 5.** Sections 73-15-22 and 73-15-23, Mississippi Code  
1033 of 1972, which are the former Nurse Licensure Compact, are  
1034 repealed.

1035           **SECTION 6.** The provisions of this act shall not take effect  
1036 until a substantially similar act is enacted by at least  
1037 twenty-six (26) states or on December 31, 2018, whichever occurs  
1038 first, in accordance with Article X of the Nurse Licensure  
1039 Compact, as enacted by Section 1 of this act. If twenty-six (26)  
1040 states enact a substantially similar act before December 31, 2018,  
1041 the Mississippi Board of Nursing shall notify the House and Senate  
1042 Legislative Services Offices within five (5) days after the 26th  
1043 state has enacted the act.

1044           **SECTION 7.** This act shall take effect and be in force from  
1045 and after July 1, 2017, subject to the provisions of Section 6 of  
1046 this act.

