



STATE OF OREGON
Legislative Counsel Committee

September 18, 2024

To: Representative Ed Diehl
From: Suzanne C. Trujillo, Senior Deputy Legislative Counsel
Subject: Dentist and Dental Hygienist Compact

You requested a draft to enact the interstate Dentist and Dental Hygienist Compact into Oregon law. The enclosed draft accomplishes that goal. Please note that we included two additional provisions in the compact that are required in order to comply with the Oregon Constitution. Neither provision prevents the state from fully participating in the compact.

Article I, section 21, of the Oregon Constitution, provides in relevant part, “nor shall any law be passed, the taking effect of which shall be made to depend upon any authority[.]”¹ This language prohibits delegating to a party other than the Legislative Assembly the authority to make laws or rules that are binding on the State of Oregon. For this reason, I have included the following language in the compact:

Notwithstanding subsection B.1 of this section, the Oregon Board of Dentistry shall review the rules of the Commission. The board may approve and adopt the rules of the Commission as rules of the board. The State of Oregon is subject to a rule of the Commission only if the rule of the Commission is adopted by the board.²

In order to comply with Article I, section 21, other laws governing professional licensure that refer to a national or international certifying entity include similar language. For example, the statute governing lactation consultant licensure provides that the Health Licensing Office may issue a license to an individual who, “[a]s approved by the office by rule, satisfies the requirements for certification as an International Board Certified Lactation Consultant by the International Board of Lactation Consultant Examiners or its successor organization[.]”³ This language ensures that the final approval or adoption of a law or rule binding on the State of Oregon rests with an entity—the Health Licensing Office—authorized by the Legislative Assembly and the Oregon Constitution to so bind the state.

Article XI, section 7, of the Oregon Constitution, provides in relevant part, “The Legislative Assembly shall not lend the credit of the state nor in any manner create any debt or liabilities which shall singly or in the aggregate with previous debts or liabilities exceed the sum

¹ Article I, section 21, Oregon Constitution.

² Dentist and Dental Hygienist Compact, section 9.B.2.

³ ORS 676.669 (2)(a), emphasis added.

of fifty thousand dollars[.]”⁴ This language prevents the legislature from lending the credit of the state, or creating a debt, in an amount of more than \$50,000. In order to ensure compliance with this provision, I have added the following language to the compact:

An assessment levied, or any other financial obligation imposed, under this Compact is effective against the State of Oregon only to the extent that moneys necessary to pay the assessment or meet the financial obligation have been deposited in the Oregon Board of Dentistry Account established under ORS 679.260.⁵

This ensures that the State of Oregon is not lending credit or creating debt in excess of the constitutionally permitted amount.

The addition of these two provisions to the compact as it may be enacted in Oregon do not prevent the state from full participation in the compact, as they do not materially change the compact’s language or intent. In fact, they are nearly identical to provisions added to the Physical Therapy Licensure Compact,⁶ enacted in Oregon in 2016.

Encl.

⁴ Article XI, section 7, Oregon Constitution.

⁵ Dentist and Dental Hygienist Compact, section 7.E.3.b.

⁶ See ORS 688.240.