

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 861\*  
Health Care Committee Substitute Adopted 6/11/01  
Finance Committee Substitute Adopted 8/14/01

Short Title: License by Credentials/Dentistry.

(Public)

Sponsors:

Referred to:

April 4, 2001

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE NUMBER OF QUALIFIED DENTAL  
2 PRACTITIONERS IN THE STATE BY AUTHORIZING THE BOARD OF  
3 DENTAL EXAMINERS TO LICENSE BY CREDENTIALS PERSONS WHO  
4 ARE LICENSED TO PRACTICE DENTISTRY OR DENTAL HYGIENE IN  
5 OTHER STATES AND WHO OTHERWISE MEET STATE REQUIREMENTS  
6 FOR LICENSE BY CREDENTIALS, TO LICENSE BY EXAMINATION  
7 PERSONS WHO HAVE PRACTICED AS DENTAL HYGIENISTS IN THE  
8 UNITED STATES MILITARY AND WHO OTHERWISE MEET STATE  
9 REQUIREMENTS FOR LICENSURE BY EXAMINATION, TO ISSUE A  
10 LIMITED VOLUNTEER DENTAL LICENSE, TO ISSUE AN INSTRUCTOR'S  
11 LICENSE, AND TO IMPOSE APPLICATION AND RENEWAL FEES FOR  
12 LICENSURE AUTHORIZED UNDER THIS ACT, AND BY AUTHORIZING  
13 STUDIES PERTAINING TO CLASS ENROLLMENT AT THE UNC SCHOOL  
14 OF DENTISTRY AND TO THE FEASIBILITY OF ESTABLISHING AN  
15 ADDITIONAL DENTAL SCHOOL.  
16

17 The General Assembly of North Carolina enacts:

18 **SECTION 1.** Article 14 of Chapter 130A of the General Statutes is amended  
19 by adding the following new section to read:

20 "**§ 130A-367. Dental providers for problem access areas.**

21 The State's dental public health program shall encourage the expansion of current  
22 educational and training programs for dentists, dental hygienists, and dental assistants  
23 targeted to serve citizens' unmet needs, particularly in the rural and low-income areas  
24 that have traditionally had problems in accessing dental care. The program shall also  
25 promote and encourage the recruitment of in-State and out-of-state private sector dental  
26 personnel to work in these dental health professional shortage areas."

27 **SECTION 2.** G.S. 90-36 reads as rewritten:

28 "**§ 90-36. Licensing practitioners of other states.**

~~The North Carolina State Board of Dental Examiners may, in its discretion, issue a license to practice dentistry in this State without an examination other than clinical to a legal and ethical practitioner of dentistry who moves into North Carolina from another state or territory of the United States, whose standard of requirements is equal to that of the State of North Carolina and in which such applicant has conducted a legal and ethical practice of dentistry for at least five years, next preceding his or her removal and who has not, during his period of practice, been found guilty by the state regulatory agency charged with the responsibility therefor of the violation of the ethics of his profession, nor found guilty by a court of competent jurisdiction of the violation of the laws of the state which issued license to him or of the criminal laws of the United States, nor whose license to practice dentistry has been revoked or suspended by a duly constituted authority.~~

~~Application for license to be issued under the provisions of this section shall be accompanied by a certificate from the dental board or like board of the state from which said applicant removed, certifying that the applicant is the legal holder of a license to practice dentistry in that state, and for a period of five years immediately preceding the application has engaged in the practice of dentistry; is of good moral character and that during the period of his practice no charges have been filed with said board against the applicant for the violation of the laws of the state or of the United States, or for the violation of the ethics of the profession of dentistry.~~

~~Application for a license under this section shall be made to the North Carolina State Board of Dental Examiners within the six months of the date of the issuance of the certificate hereinbefore required, and said certificate shall be accompanied by the diploma or other evidence of the graduation from a reputable, recognized and approved dental college, school or dental department of a college or university.~~

~~Any license issued upon the application of any dentist from any other state or territory shall be subject to all of the provisions of this Article with reference to the license issued by the North Carolina State Board of Dental Examiners upon examination of applicants and the rights and privileges to practice the profession of dentistry under any license so issued shall be subject to the same duties, obligations, restrictions and the conditions as imposed by this Article on dentists originally examined by the North Carolina State Board of Dental Examiners.~~

(a) The North Carolina State Board of Dental Examiners may issue a license by credentials to an applicant who has been licensed to practice dentistry in any state or territory of the United States if the applicant produces satisfactory evidence to the Board that the applicant has the required education, training, and qualifications, is in good standing with the licensing jurisdiction, has passed satisfactory examinations of proficiency in the knowledge and practice of dentistry as determined by the Board, and meets all other requirements of this section and rules adopted by the Board. The Board may conduct examinations and interviews to test the qualifications of the applicant and may require additional information that would affect the applicant's ability to render

1 competent dental care. The Board may, in its discretion, refuse to issue a license by  
2 credentials to an applicant who the Board determines is unfit to practice dentistry.

3 (b) The applicant for licensure by credentials shall be of good moral character  
4 and shall have graduated from and have a DDS or DMD degree from a program of  
5 dentistry in a school or college accredited by the Commission on Dental Accreditation  
6 of the American Dental Association and approved by the Board.

7 (c) The applicant must meet all of the following conditions:

8 (1) Has been actively practicing dentistry, as defined in G.S. 90-29(b)(1)  
9 through (b)(9), for a minimum of five years immediately preceding the  
10 date of application.

11 (2) Has not been the subject of final or pending disciplinary action in the  
12 military, in any state or territory in which the applicant is or has ever  
13 been licensed to practice dentistry, or in any state or territory in which  
14 the applicant has held any other professional license.

15 (3) Presents evidence that the applicant has no felony convictions and that  
16 the applicant has no other criminal convictions that would affect the  
17 applicant's ability to render competent dental care.

18 (4) Has not failed an examination conducted by the North Carolina State  
19 Board of Dental Examiners.

20 (d) The applicant for licensure by credentials shall submit an application to the  
21 North Carolina State Board of Dental Examiners, the form of which shall be determined  
22 by the Board, pay the fee required by G.S. 90-39, successfully complete examinations in  
23 Jurisprudence and Sterilization and Infection Control, and meet the criteria or  
24 requirements established by the Board.

25 (e) The holder of a license issued under this section shall establish a practice  
26 location and actively practice dentistry, as defined in G.S. 90-29(b)(1) through (b)(9), in  
27 North Carolina within one year from the date the license is issued. The license issued  
28 under this section shall be void upon a finding by the Board that the licensee fails to  
29 limit the licensee's practice to North Carolina or that the licensee no longer actively  
30 practices dentistry in North Carolina.

31 (f) The Board may adopt temporary rules in accordance with G.S. 150B-21.1(a8)  
32 to implement this section."

33 **SECTION 3.** Article 16 of Chapter 90 of the General Statutes is amended by  
34 adding a new section to read:

35 **"§ 90-224.1. Licensure by credentials.**

36 (a) The Board may issue a license by credentials to an applicant who has been  
37 licensed to practice dental hygiene in any state or territory of the United States if the  
38 applicant produces satisfactory evidence to the Board that the applicant has the required  
39 education, training, and qualifications; is in good standing with the licensing  
40 jurisdiction; has passed either the National Board Dental Hygiene Examination  
41 administered by the Joint Commission on National Dental Examinations or an  
42 examination approved by the Board as being equivalent to the National Board Dental

1 Hygiene Examination; has passed satisfactory examinations of proficiency in the  
2 knowledge and practice of dental hygiene as determined by the Board; and meets all  
3 other requirements of this section and rules adopted by the Board. The Board may, in its  
4 discretion, refuse to issue a license by credentials to an applicant who the Board  
5 determines is unfit to practice dental hygiene.

6 (b) The applicant for licensure shall be of good moral character, have graduated  
7 from an accredited high school or hold a high school equivalency certificate duly issued  
8 by a governmental agency or authorized unit, and have satisfactorily completed dental  
9 hygiene education and training, as required by a United States state- or territory-  
10 controlled program, which has been approved by the Board.

11 (c) The applicant must meet all of the following conditions:

12 (1) Has been actively practicing dental hygiene, as defined in G.S. 90-221,  
13 under the supervision of a licensed dentist for a minimum of two years  
14 immediately preceding the date of application.

15 (2) Has no history of disciplinary action or pending disciplinary action in  
16 the military or in any state or territory in which the applicant is or has  
17 ever been licensed.

18 (3) Has no felony convictions and has no other criminal convictions that  
19 would affect the applicant's ability to render competent dental hygiene  
20 care.

21 (4) Has not failed a licensure examination administered by the North  
22 Carolina State Board of Dental Examiners.

23 (d) The applicant for licensure by credentials shall submit an application, the  
24 form of which shall be determined by the Board, pay the fee required by G.S. 90-232,  
25 successfully complete examinations in Jurisprudence and Sterilization and Infection  
26 Control, and meet other criteria or requirements established by the Board, which may  
27 include an examination or interview before the Board or its authorized agents.

28 (e) This section shall not be construed to include licensure by reciprocity, which  
29 is prohibited.

30 (f) The Board may adopt temporary rules in accordance with G.S. 150B-21.1(a8)  
31 to implement this section."

32 **SECTION 4.** G.S. 90-224 reads as rewritten:

33 **"§ 90-224. Licensure by Examination examination.**

34 (a) The applicant for licensure by examination ~~must~~ shall meet all of the  
35 following conditions:

36 (1) ~~be~~ Be ~~of good moral character, character;~~

37 (2) ~~have~~ Be a graduated from graduate of an accredited high school or  
38 hold a high school equivalency certificate duly issued by a  
39 governmental agency or unit authorized to issue the ~~same, and~~  
40 certificate.

41 (3) ~~be~~ Be either a graduate of a program of dental hygiene in a school or  
42 college approved by the ~~Board.~~ Board, or have satisfactorily completed

1 the dental hygiene education and training prescribed by the United  
2 States military service and have practiced dental hygiene in the  
3 military service for a minimum of five years and be in good standing  
4 with the military service as a dental hygienist.

5 (4) Have passed either the National Board Dental Hygiene Examination  
6 administered by the Joint Commission on National Dental  
7 Examinations or an examination approved by the Board as being  
8 equivalent to the National Board Dental Hygiene Examination.

9 (b) ~~The Board shall have the authority to may establish in its rules and~~  
10 ~~regulations:~~rules:

- 11 (1) The form of application;
- 12 (2) The time and place of examination;
- 13 (3) The type of examination;
- 14 (4) The qualifications for passing the examination.

15 (c) All examinations administered by the Board under this section shall be  
16 substantially equivalent in content."

17 **SECTION 5.** Article 2 of Chapter 90 of the General Statutes is amended by  
18 adding a new section to read:

19 "**§ 90-37.1. Limited volunteer dental license.**

20 (a) The North Carolina State Board of Dental Examiners may issue to an  
21 applicant a 'Limited Volunteer Dental License' to practice dentistry only in nonprofit  
22 health care facilities serving low-income populations in the State. Holders of a limited  
23 volunteer dental license may volunteer their professional services, without  
24 compensation, only for the purpose of helping to meet the dental health needs of these  
25 persons served by these facilities. The Board may issue a limited license to an applicant  
26 under this section who:

- 27 (1) Has an out-of-state current or expired license, or an expired license in  
28 this State, or is authorized to treat veterans or personnel enlisted in the  
29 United States armed services; and
- 30 (2) Has actively practiced dentistry, as defined in G.S. 90-29(b)(1)  
31 through (b)(9), within the past five years.

32 (b) The limited license may be issued to an applicant who produces satisfactory  
33 evidence to the Board that the applicant has the required education, training, and  
34 qualifications; is in good standing with the licensing jurisdiction; has passed satisfactory  
35 examinations of proficiency in the knowledge and practice of dentistry as determined by  
36 the Board; and meets all other requirements of this section and rules adopted by the  
37 Board. The Board may conduct examinations and interviews to test the qualifications of  
38 the applicant and may require additional information that would affect the applicant's  
39 ability to render competent dental care. The Board may, in its discretion, refuse to issue  
40 a 'limited volunteer dental license' to an applicant who the Board determines is unfit to  
41 practice dentistry.

1       (c) The applicant shall be of good moral character and shall have graduated from  
2 and have a DDS or DMD degree from a program of dentistry in a school or college  
3 accredited by the Commission on Dental Accreditation of the American Dental  
4 Association and approved by the Board.

5       (d) The applicant shall meet all of the following conditions:

6           (1) Show that the applicant has actively practiced dentistry, as defined in  
7 G.S. 90-29(b)(1) through (b)(9), for a minimum of five years.

8           (2) Show that the applicant has not been the subject of final or pending  
9 disciplinary action in any state in which the applicant has ever been  
10 licensed to practice dentistry or in any state in which the applicant has  
11 held any other professional license.

12           (3) Present evidence that the applicant has no felony convictions and that  
13 the applicant has no other criminal convictions that would affect the  
14 applicant's ability to render competent care.

15           (4) Present evidence that the applicant has no pending Veterans  
16 Administration or military disciplinary actions or any history of such  
17 disciplinary action.

18           (5) Show that the applicant has not failed an examination conducted by the  
19 North Carolina State Board of Dental Examiners.

20       (e) The applicant shall submit an application, the form of which shall be  
21 determined by the Board, pay the fee required under G.S. 90-39, and successfully  
22 complete examinations in Jurisprudence and Sterilization and Infection Control. The  
23 Board may charge and collect fees for license application and annual renewal as  
24 required under G.S. 90-39, except that credentialing fees applicable under  
25 G.S. 90-39(13) are waived for holders of a limited volunteer dental license.

26       (f) Holders of a limited volunteer dental license shall comply with the continuing  
27 dental education requirements adopted by the Board including CPR training.

28       (g) The holder of a limited license under this section who practices dentistry  
29 other than as authorized in this section shall be guilty of a Class 1 misdemeanor with  
30 each day's violation constituting a separate offense. Upon proof of practice other than as  
31 authorized in this section, the Board may suspend or revoke the limited license after  
32 notice to the licensee. For violations of the dental practice act or rules adopted under the  
33 act that are applicable to a limited license practice, the Board has the same authority to  
34 investigate and impose sanctions on limited license holders as it has for those holding an  
35 unlimited license.

36       (h) The Board shall maintain a nonexclusive list of nonprofit health care facilities  
37 servicing the dental health needs of low-income populations in the State. Upon request,  
38 the Board shall consider adding other facilities to the list.

39       (i) The Board may adopt rules in accordance with Chapter 150B of the General  
40 Statutes to implement this section."

41       **SECTION 6.** G.S. 90-39 reads as rewritten:

42       "**§ 90-39. Fees.**

1 In order to provide the means of carrying out and enforcing the provisions of this  
 2 Article and the duties devolving upon the North Carolina State Board of Dental  
 3 Examiners, it is authorized to charge and collect fees established by its rules ~~and~~  
 4 ~~regulations~~ not exceeding the following:

- 5 (1) Each application for general dentistry examination..... \$500.00
- 6 (2) Each general dentistry license renewal, which fee shall be annually  
 7 fixed by the Board and not later than November 30 of each year it shall  
 8 give written notice of the amount of the renewal fee to each dentist  
 9 licensed to practice in this State by mailing such notice to the last  
 10 address of record with the board of each such dentist ..... 140.00
- 11 (2a) Penalty for late renewal of any license or permit..... 50.00
- 12 (3) Each provisional license ..... 150.00
- 13 (4) Each intern permit or renewal thereof..... 150.00
- 14 (5) Each certificate of license to a resident dentist desiring to change to  
 15 another state or territory ..... 30.00
- 16 (6) Repealed by Session Laws 1995, (Reg. Sess., 1996), c. 584, s. 1.
- 17 (7) Each license to resume the practice issued to a dentist who has retired  
 18 from and returned to this State ..... 300.00
- 19 (8) Each instructor's license or renewal thereof..... 140.00
- 20 (9) With each renewal of a dentistry license, an annual fee to help fund  
 21 special peer review organizations for impaired dentists ..... 50.00
- 22 (10) Each duplicate of any license, permit, or certificate issued by the  
 23 Board ..... 25.00
- 24 (11) Each office inspection for general anesthesia and parenteral sedation  
 25 permits ..... 350.00
- 26 (12) Each general anesthesia and parenteral sedation permit application or  
 27 renewal of permit.....~~50.00~~50.00
- 28 (13) Each application for license by credentials..... 2000.00
- 29 (14) Each application for limited volunteer dental license..... 100.00
- 30 (15) Each limited volunteer dental license annual renewal .....25.00."

31 **SECTION 7.** G.S. 90-232 reads as rewritten:

32 "**§ 90-232. Fees.**

33 In order to provide the means of carrying out and enforcing the provisions of this  
 34 Article and the duties devolving upon the North Carolina State Board of Dental  
 35 Examiners, it is authorized to charge and collect fees established by its rules ~~and~~  
 36 ~~regulations~~ not exceeding the following:

- 37 (1) Each applicant for examination..... \$125.00
- 38 (2) Each renewal certificate, which fee shall be annually fixed by the  
 39 Board and not later than November 30 of each year it shall give written  
 40 notice of the amount of the renewal fee to each dental hygienist  
 41 licensed to practice in this State by mailing such notice to the last  
 42 address of record with the Board of each such dental hygienist.. 60.00

- 1           (3) Each restoration of license ..... 60.00
- 2           (4) Each provisional license ..... 60.00
- 3           (5) Each certificate of license to a resident dental hygienist desiring to
- 4                change to another state or territory ..... 25.00
- 5           (6) Annual fee to be paid upon license renewal to assist in funding
- 6                programs for impaired dental hygienists ..... ~~40.00~~ 40.00
- 7           (7) Each license by credentials..... 1000.00.

8 In no event may the annual fee imposed on dental hygienists to fund the impaired dental  
 9 hygienists program exceed the annual fee imposed on dentists to fund the impaired  
 10 dentist program. All fees shall be payable in advance to the Board and shall be disposed  
 11 of by the Board in the discharge of its duties under this Article."

12           **SECTION 8.** G.S. 90-29.5 reads as rewritten:

13 **"§ 90-29.5. Instructor's license.**

14       ~~The Board may issue an instructor's license to a person who is not otherwise licensed~~  
 15 ~~to practice dentistry in the State, but whom the Board finds to be qualified by~~  
 16 ~~professional training and experience and upon the same examination as that offered to~~  
 17 ~~licensed dentists in North Carolina plus an oral examination. An instructor's license will~~  
 18 ~~authorize him to teach and to practice dentistry in or on behalf of a dental school or~~  
 19 ~~college offering a doctoral degree in dentistry, operated and conducted in this State and~~  
 20 ~~approved by the North Carolina State Board of Dental Examiners, but only within the~~  
 21 ~~confines of the principal facility of the school or college and of any teaching hospital~~  
 22 ~~adjacent thereto. Application for an instructor's license shall be made in accordance with~~  
 23 ~~rules and regulations of the North Carolina State Board of Dental Examiners. A person~~  
 24 ~~holding an instructor's license shall have, within the scope of his authorized practice, all~~  
 25 ~~the duties and responsibilities of any dentist who has been licensed upon examination~~  
 26 ~~by the North Carolina State Board of Dental Examiners, and shall be subject to those~~  
 27 ~~various disciplinary measures and penalties set forth in G.S. 90-41 upon a determination~~  
 28 ~~by the Board that he has violated any of the terms or provisions of this Article. An~~  
 29 ~~instructor's license shall be subject to annual renewal by the North Carolina State Board~~  
 30 ~~of Dental Examiners, as provided in G.S. 90-31.~~

31       (a) The Board may issue an instructor's license to a person who is not otherwise  
 32 licensed to practice dentistry in this State if the person meets both of the following  
 33 conditions:

- 34           (1) Is licensed to practice dentistry anywhere in the United States or in any
- 35               country, territory, or other recognized jurisdiction.
- 36           (2) Has met or been approved under the credentialing standards of a dental
- 37               school or an academic medical center with which the person is to be
- 38               affiliated; such dental school or academic medical center shall be
- 39               accredited by the American Dental Association's Commission on
- 40               Accreditation or the Joint Commission on Accreditation of Health
- 41               Care Organizations.

42       (b) The holder of an instructor's license may teach and practice dentistry:



1           (1) In or on behalf of a dental school or college offering a doctoral degree  
2           in dentistry operated and conducted in this State and approved by the  
3           North Carolina State Board of Dental Examiners;

4           (2) In connection with an academic medical center; and

5           (3) At any teaching hospital adjacent to a dental school or an academic  
6           medical center.

7           (c) Application for an instructor's license shall be made in accordance with the  
8           rules of the North Carolina State Board of Dental Examiners. On or after January 1,  
9           2002, all dentists previously practicing under G.S. 90-29(c)(3) shall be granted an  
10           instructor's license upon application to the Board and payment of the required fee. The  
11           holder of an instructor's license shall be subject to the provisions of this Article."

12           **SECTION 9.** G.S. 90-29(c)(3) reads as rewritten:

13           "(3) The teaching or practice of dentistry, in dental schools or colleges  
14           operated and conducted in this State and approved by the North  
15           Carolina State Board of Dental Examiners, by any person or persons  
16           licensed to practice dentistry anywhere in the United States or in any  
17           country, territory or other recognized ~~jurisdiction;~~jurisdiction until  
18           December 31, 2001. On or after January 1, 2002, all dentists  
19           previously practicing under G.S. 90-29(c)(3) shall be granted an  
20           instructor's license upon application to the Board and payment of the  
21           required fee."

22           **SECTION 10.** G.S. 90-41(f) reads as rewritten:

23           "(f) As used in this section the term "licensee" includes licensees, provisional  
24           licensees and holders of intern permits, and the term "license" includes license,  
25           provisional ~~license~~license, instructor's license, and intern permit."

26           **SECTION 11.** G.S. 90-29.4(1) reads as rewritten:

27           "(1) An intern permit shall be valid for no more than one year from the date  
28           of issue thereof; provided, however, that the Board may, in its  
29           discretion, renew such permit for not more than ~~three~~five additional  
30           one-year periods; and, provided, further, that no person shall be  
31           granted an intern permit or intern permits embracing or covering an  
32           aggregate time span of more than ~~48~~72 calendar months;"

33           **SECTION 12.** G.S. 150B-21.1 is amended by adding a new subsection to  
34           read:

35           "(a8) Notwithstanding the provisions of subsection (a) of this section, the North  
36           Carolina State Board of Dental Examiners may adopt temporary rules to implement the  
37           provisions of G.S. 90-36 and G.S. 90-224.1. After having the proposed temporary rules  
38           published in the North Carolina Register and at least 30 days prior to adopting a  
39           temporary rule pursuant to this subsection, the Board shall:

40           (1) Notify persons on its mailing list maintained pursuant to G.S. 21.2(d)  
41           and any other interested parties of its intent to adopt a temporary rule.

42           (2) Accept oral and written comments on the proposed temporary rule.

1           (3) Hold at least one public hearing on the proposed temporary rule.

2           When the Board adopts a temporary rule pursuant to this subsection, the Board must  
3 submit a reference to this subsection as the Board's statement of need to the Codifier of  
4 Rules.

5           Notwithstanding any other provision of this Chapter, the Codifier of Rules shall  
6 publish in the North Carolina Register a proposed temporary rule received from the  
7 Board in accordance with this subsection."

8           **SECTION 13.(a)** The Board of Trustees of the University of North Carolina  
9 at Chapel Hill shall study and develop procedures for increasing the University of North  
10 Carolina School of Dentistry's entering class to 100 students. The report shall include a  
11 timeline for increasing the number of students of the entering class of the University of  
12 North Carolina to 100 and for the costs of expansion. In addition, the report shall  
13 include an analysis of the impact of this expansion on improving access to dental care in  
14 North Carolina.

15           **SECTION 13.(b)** Not later than May 1, 2002, the Board of Trustees of the  
16 University of North Carolina at Chapel Hill shall report to the 2002 Regular Session of  
17 the 2001 General Assembly with a complete proposal and a timeline for increasing the  
18 number of students of the entering class of the University of North Carolina School of  
19 Dentistry to 100 students.

20           **SECTION 14.(a)** The Board of Governors of The University of North  
21 Carolina shall study the feasibility of establishing an additional State School of  
22 Dentistry. The report shall include an analysis of the feasibility of establishing an  
23 additional State School of Dentistry, including costs, possible locations for the new  
24 facility, and a proposed timeline for implementation. In addition, the report shall  
25 include an analysis of the impact of this expansion on improving access to dental care in  
26 North Carolina.

27           **SECTION 14.(b)** Not later than May 1, 2002, the Board of Governors shall  
28 report to the 2002 Regular Session of the 2001 General Assembly, with a feasibility  
29 analysis of establishing a new State Dental School.

30           **SECTION 15.** If any section of this act is declared to be unconstitutional,  
31 preempted, or otherwise invalid by the courts, except where a contrary intent is clearly  
32 indicated by the text of the section, it shall not affect the validity of the act as a whole or  
33 any part other than the section declared to be invalid, and any previous statutory law  
34 replaced or modified by the section declared invalid shall be reinstated as if the previous  
35 law had not been changed. If any part of a numbered section of this act is declared  
36 invalid, the whole section shall fail.

37           **SECTION 16.** Sections 1 through 12 of this act become effective January 1,  
38 2002. Sections 2, 3, and 12 of this act expire June 30, 2003. The remainder of this act is  
39 effective when it becomes law.