

HOUSE \_\_\_\_\_ AMENDMENT NO. \_\_\_\_\_

Offered By \_\_\_\_\_

AMEND House Committee Substitute for Senate Bill No. 0090, Section 103.089, Page 3, Line 21, by inserting after all of said section and line the following:

"191.025. The Health Care Compact is enacted into law and entered into by the state as a party, and is of full force and effect between the state and any other states joining therein in accordance with the terms of the Compact, which such Compact is as follows:

Section 1. Definitions. As used in this Compact, unless the context clearly indicates otherwise:

"Member State" shall refer to a state that is signatory to this Compact and has adopted it under the laws of that state.

"Effective date" shall refer to the date upon which this Compact shall become effective for purposes of the operation of state and federal law in a Member State, which shall be the later of:

(a) the date upon which this Compact shall be adopted under the laws of the Member State, and;

(b) the date upon which this Compact receives the consent of Congress pursuant to Article I, Section 10, of the United States Constitution, after at least two Member States adopt this Compact.

"Health Care" means care, services, supplies, or plans related to the health of an individual and includes but is not limited to:

(a) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition or functional status of an individual or that affects the structure or function of the body; and

(b) sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription; and

(c) an individual or group plan that provides, or pays the cost of, care, services, or supplies related to the health of an individual; except any care, services, supplies, or plans provided by the United States Department of Defense, the United States Department of Veteran Affairs, or provided to Native Americans.

"Commission" shall refer to the Interstate Advisory Health Care Commission.

"Member State" means a state that is signatory to this Compact and has adopted it under

1 the laws of that state.

2 "Member State Base Funding Level" means a number equal to the total federal spending  
3 on Health Care in the Member State during federal fiscal year 2010 as determined. On or before  
4 the effective date, each Member State shall determine the Member State Base Funding Level for  
5 its state, and that number shall be binding upon that Member State. (The preliminary estimate of  
6 Member State Base Funding Level for the State of Missouri is \$18,669,000,000.)

7 "Member State Current Year Funding Level" means the Member State Base Funding  
8 Level multiplied by the Member State Current Year Population Adjustment Factor multiplied by  
9 the Current Year Inflation Adjustment Factor.

10 "Member State Current Year Population Adjustment Factor" means the average population  
11 of the Member State in the current year less the average population of the Member State in federal  
12 fiscal year 2010, divided by the average population of the Member State in federal fiscal year  
13 2010, plus 1. Average population in a Member State shall be determined by the United States  
14 Census Bureau.

15 "Current Year Inflation Adjustment Factor" means the Total Gross Domestic Product  
16 Deflator in the current year divided by the Total Gross Domestic Product Deflator in federal fiscal  
17 year 2010. Total Gross Domestic Product Deflator shall be determined by the Bureau of  
18 Economic Analysis of the United States Department of Commerce.

19 Section 2. Pledge. The Member States shall take joint and separate action to secure the  
20 consent of the United States Congress to this Compact in order to return the authority to regulate  
21 health care to the Member States, consistent with the goals and principles articulated in this  
22 Compact. The Member States shall improve health care policy within their respective jurisdictions  
23 and according to the judgment and discretion of each Member States.

24 Section 3. Legislative Power. The legislatures of the Member States have the primary  
25 responsibility to regulate health care in their respective states.

26 Section 4. State Control. Each Member State, within its state, may suspend by legislation  
27 the operation of all federal laws, rules, regulations, and orders regarding Health Care that are  
28 inconsistent with the laws and regulations adopted by the Member State pursuant to this Compact.  
29 Federal laws, rules, regulations, and orders regarding health care will remain in effect unless a  
30 Member State expressly suspends them pursuant to its authority under this Compact. For any  
31 federal law, rule, regulation, or order that remains in effect in a Member State after the effective  
32 date, that Member State shall be responsible for the associated funding obligations in its state.

33 Section 5. Funding.

34 (a) Each federal fiscal year, each Member State shall have the right to federal monies up to  
35 an amount equal to its Member State Current Year Funding Level for that federal fiscal year,  
36 funded by Congress as mandatory spending and not subject to annual appropriation, to support the

1 exercise of Member State authority under this Compact. This funding shall not be conditional on  
2 any action of or regulation, policy, law, or rule being adopted by the Member State.

3 (b) By the start of each federal fiscal year, Congress shall establish an initial Member State  
4 Current Year Funding Level for each Member State, based upon reasonable estimates. The final  
5 Member State Current Year Funding Level shall be calculated, and funding shall be reconciled by  
6 the United States Congress, based upon information provided by each Member State and audited  
7 by the United States Government Accountability Office.

8 Section 6. Interstate Advisory Health Care Commission.

9 (a) The Commission may study the issues of health care regulation of particular concern  
10 to the Member States. The Commission may make nonbinding recommendations to the Member  
11 States. The legislatures of the Member States may consider these recommendations in  
12 determining the appropriate health care policy in their respective states.

13 (b) The Commission shall collect information and data to assist the Member States in  
14 their regulation of health care, including assessing the performance of various state health care  
15 programs and compiling information on the prices health care. The Commission shall then make  
16 this information and data available to the legislatures of the Member States. Notwithstanding any  
17 other provision in this Compact, no Member State shall disclose to the Commission the health  
18 information of any individual, nor shall the Commission disclose the health information of any  
19 individual.

20 (c) The Commission consists of members appointed by each Member State through a  
21 process to be determined by the laws of each Member State. A Member State may not appoint  
22 more than two members to the Commission, and at any time a Member State may withdraw  
23 membership from the Commission at any time. Each Commission member is entitled to one vote.  
24 The Commission shall not act unless a majority of the members are present, and no action shall be  
25 binding unless approved by a majority of the commission's total membership.

26 (d) The Commission may elect from among its membership a chairperson. The  
27 Commission may adopt and publish bylaws and policies that are not inconsistent with this  
28 Compact. The Commission shall meet at least once a year, and may meet more frequently, as its  
29 bylaws direct.

30 (e) The Commission shall be funded by the Member States as agreed to by the Member  
31 States. The Commission shall have the responsibilities and duties as may be conferred upon it by  
32 subsequent action of the respective legislatures of the Member States in accordance with the terms  
33 of this Compact.

34 (f) The Commission shall not take any action within a Member State that contravenes any  
35 state law of that Member State.

36 Section 7. Congressional Consent. This Compact shall be effective on its adoption by at

1 least two Member States and consent of the United States Congress. This Compact shall be  
2 effective unless the United States Congress, in consenting to this Compact, alters the fundamental  
3 purposes of this Compact, which are:

4 (a) To secure the right of the Member States to regulate Health Care in their respective  
5 states pursuant to this Compact and to suspend the operation of any conflicting federal laws, rules,  
6 regulations, and orders within their states; and

7 (b) To secure federal funding for Member States that choose to invoke their authority  
8 under this Compact, as prescribed by Section 5 above.

9 Section 8. Amendments. The Member States, by unanimous agreement, may amend this  
10 Compact from time to time without the prior consent or approval of Congress and any amendment  
11 shall be effective unless, within one year, the Congress disapproves that amendment. Any state  
12 may join this Compact after the date on which Congress consents to the Compact by adoption into  
13 law under its state Constitution.

14 Section 9. Withdrawal; Dissolution. Any Member State may withdraw from this  
15 Compact by adopting a law to that effect, but no such withdrawal shall take effect until six months  
16 after the Governor of the withdrawing Member State has given notice of the withdrawal to the  
17 other Member States. This Compact shall be dissolved upon the withdrawal of all but one of the  
18 Member States.”; and

19  
20 Further amend said bill by amending the title, enacting clause, and intersectional references  
21 accordingly.