

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

**Offered By**

1 AMEND House Bill No. 423, Section 1, Page 1, Line 1, by deleting all of said line and insert in  
2 lieu thereof the following:

3 “Section 1. Definitions. As used in this Compact, unless the context clearly indicates  
4 otherwise:”; and

5  
6 Further amend said Bill, Section and Page, Line 6 by deleting the word “latter” and insert in lieu  
7 thereof the word “later”; and

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9 Further amend said Bill, Section and Page, Line 8, by inserting immediately after the word  
10 “State;” the word “and”; and

11  
12 Further amend said Bill and Section, Page 2, Lines 10 - 15 by deleting all of said lines and insert  
13 in lieu thereof the following:

14 “to Article I, Section 10, of the United States Constitution, after at least two Member  
15 States adopt this Compact.

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

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

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

23 © an individual or group plan that provides, or pays the cost of, care, services, or supplies  
24 related to the health of an individual; except any care, services, supplies, or plans provided by the  
25 United States Department of Defense, the United States Department of Veteran Affairs, or  
26 provided to Native Americans.”; and

27  
28 Further amend said Bill and Section, Page 2, Line 16 by inserting after all of said Line the

1 following:

2 ““Member State” means a State that is signatory to this Compact and has adopted it under  
3 the laws of that State.

4 “Member State Base Funding Level” means a number equal to the total Federal spending  
5 on Health Care in the Member State during Federal fiscal year 2010 as determined. On or before  
6 the Effective Date, each Member State shall determine the Member State Base Funding Level for  
7 its State, and that number shall be binding upon that Member State. (The preliminary estimate of  
8 Member State Base Funding Level for the State of Missouri is \$18,669,000,000.)

9 “Member State Current Year Funding Level” means the Member State Base Funding  
10 Level multiplied by the Member State Current Year Population Adjustment Factor multiplied by  
11 the Current Year Inflation Adjustment Factor.

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

17 “Current Year Inflation Adjustment Factor” means the Total Gross Domestic Product  
18 Deflator in the current year divided by the Total Gross Domestic Product Deflator in Federal  
19 fiscal year 2010. Total Gross Domestic Product Deflator shall be determined by the Bureau of  
20 Economic Analysis of the United States Department of Commerce.”; and

21  
22 Further amend said Bill, Section 2, Page 2, Line 1, by deleting the phrase “All Member States  
23 pledge themselves to” and insert in lieu thereof the phrase “The Member States shall”; and

24  
25 Further amend said Bill, Section and Page, Line 2, by inserting the words “the United States” after  
26 the word “of”; and

27  
28 Further amend said Bill, Section and Page, Line 4, by deleting all of said line and insert in lieu  
29 thereof the following:

30 “articulated in this Compact. The Member States shall improve health care”; and

31  
32 Further amend said Bill, Section and Page, Line 6, by adding an “s” to the word “State”; and

33  
34 Further amend said Bill and Page, Section 4, Lines 1 - 4, by deleting all of said lines and insert in  
35 lieu thereof the following:

36 “Section. 4. State Control. Each Member State, within its State, may suspend by

1 legislation the operation of all federal laws, rules, regulations, and orders regarding Health Care  
2 that are inconsistent with the laws and regulations adopted by the Member State pursuant to this  
3 Compact. Federal laws, rules, regulations, and orders regarding health care will remain in effect  
4 unless a Member State expressly suspends them pursuant to its authority under this Compact. For  
5 any federal law, rule, regulation, or order that remains in effect in a Member State after the  
6 Effective Date, that Member State shall be responsible for the associated funding obligations in its  
7 State.”; and  
8

9 Further amend said Bill, Page2, Section 5, Lines 1 - 3, by deleting all of said lines and insert in  
10 lieu thereof the following:

11 “Section. 5. Funding.

12 (a) Each Federal fiscal year, each Member State shall have the right to Federal monies up  
13 to an amount equal to its Member State Current Year Funding Level for that Federal fiscal year,  
14 funded by Congress as mandatory spending and not subject to annual appropriation, to support the  
15 exercise of Member State authority under this Compact. This funding shall not be conditional on  
16 any action of or regulation, policy, law, or rule being adopted by the Member State.

17 (b) By the start of each Federal fiscal year, Congress shall establish an initial Member  
18 State Current Year Funding Level for each Member State, based upon reasonable estimates. The  
19 final Member State Current Year Funding Level shall be calculated, and funding shall be  
20 reconciled by the United States Congress, based upon information provided by each Member State  
21 and audited by the United States Government Accountability Office.”; and  
22

23 Further amend said Bill, Page 2, Section 6, Lines 1 - 2 by deleting the sentence “The Member  
24 States hereby create the Interstate Advisory Health Care Commission.”; and  
25

26 Further amend said Bill, Section and Page, Line 4 by deleting the words “After careful  
27 consideration, the” and insert in lieu thereof the word “The”; and  
28

29 Further amend said Bill, Section and Page, Line 6 by deleting the word “then”; and  
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31 Further amend said Bill, Section and Page, Line 9 by deleting the words “,but not limited to,”; and  
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33 Further amend said Bill, Section and Page, Line 10 by deleting the words “cost of” and insert in  
34 lieu thereof the word “prices”; and  
35

36 Further amend said Bill, Section and Page, Line 11 by inserting after the word “information” the

1 words “and data”; and

2  
3 Further amend said Bill, Section and Page, Line 12 by inserting at the end of said line the  
4 following:

5 “Notwithstanding any other provision in this Compact, no Member State shall disclose to  
6 the Commission the health information of any individual, nor shall the Commission disclose the  
7 health information of any individual.”; and

8  
9 Further amend said Bill and Section, Page 3, Line 13 by deleting the words “shall consist” and  
10 insert in lieu thereof the word “consists”; and

11  
12 Further amend said Bill, Section and Page, Line 14, by deleting the words “No state may” and  
13 insert in lieu thereof the words “A Member State may not”; and

14  
15 Further amend said Bill, Section and Page, Line 16 by deleting all of said line and insert in lieu  
16 thereof the following:

17 “withdraw membership from the Commission at any time. Each Commission member is”;  
18 and

19  
20 Further amend said Bill, Section and Page, Lines 18 - 19 by deleting the words “total number of  
21 members.” and insert in lieu thereof the words “commission’s total membership.”; and

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23 Further amend said Bill, Section and Page, Line 20 by deleting the word “Chairman” and insert in  
24 lieu thereof the word “Chairperson”; and

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26 Further amend said Bill, Section and Page, Line 21 by deleting the word “which” and insert in lieu  
27 thereof the word “that”; and

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29 Further amend said Bill, Section and Page, Line 22 by deleting the word “will” and insert in lieu  
30 thereof the word “shall”; and

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32 Further amend said Bill, Section and Page, Line 24 - 28, by deleting all of said lines and insert in  
33 lieu thereof the following:

34 “(e) The Commission shall be funded by the Member States as agreed to by the Member  
35 States. The Commission shall have the responsibilities and duties as may be conferred upon it by  
36 subsequent action of the respective legislatures of the Member States in accordance with the terms

1 of this Compact.

2 (f) The Commission shall not take any action within a Member State that contravenes any  
3 State law of that Member State.”; and

4  
5 Further amend said Bill, Sections 7 - 8, Page 3, by deleting all of said lines and insert in lieu  
6 thereof the following:

7 “Section. 7. Congressional Consent. This Compact shall be effective on its adoption by at  
8 least two Member States and consent of the United States Congress. This Compact shall be  
9 effective unless the United States Congress, in consenting to this Compact, alters the fundamental  
10 purposes of this Compact, which are:

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

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

16 Section. 8. Amendments. The Member States, by unanimous agreement, may amend this  
17 Compact from time to time without the prior consent or approval of Congress and any amendment  
18 shall be effective unless, within one year, the Congress disapproves that amendment. Any State  
19 may join this Compact after the date on which Congress consents to the Compact by adoption into  
20 law under its State Constitution.”; and

21  
22 Further amend said Bill, Section 9, Page 3, Line 2, by inserting immediately after the word  
23 “effect” the following:

24 “, but no such withdrawal shall take effect until six months after the Governor of the  
25 withdrawing Member State has given notice of the withdrawal to the other Member States”; and  
26

27 Further amend said bill by amending the title, enacting clause, and intersectional references  
28 accordingly.