

HOUSE BILL No. 1232

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-46.5; IC 34-30-2-83.9.

Synopsis: Interstate compact on curing diseases. Establishes the solemn covenant of the states to award prizes for curing disease compact. Establishes responsibilities and duties within the compact. Provides for immunity for members, officers, executive director, employees, and representatives of the solemn covenant of states commission.

Effective: July 1, 2020.

Baird

January 13, 2020, read first time and referred to Statutory Committee on Interstate and International Cooperation.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1232

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-66.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: **Sec. 66.3. "Compact", for purposes of**
4 **IC 16-46.5, has the meaning set forth in IC 16-46.5-1-2.**

5 SECTION 2. IC 16-18-2-66.4 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2020]: **Sec. 66.4. "Compacting state", for**
8 **purposes of IC 16-46.5, has the meaning set forth in IC 16-46.5-1-3.**

9 SECTION 3. IC 16-18-2-249.8 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2020]: **Sec. 249.8. "Non-compacting state",**
12 **for purposes of IC 16-46.5, has the meaning set forth in**
13 **IC 16-46.5-1-4.**

14 SECTION 4. IC 16-18-2-298.6 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2020]: **Sec. 298.6. "Public health expenses",**
17 **for purposes of IC 16-46.5, has the meaning set forth in**



1 **IC 16-46.5-1-5.**

2 SECTION 5. IC 16-18-2-338.4 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2020]: **Sec. 338.4. "State", for purposes of**
5 **IC 16-46.5, has the meaning set forth in IC 16-46.5-1-6.**

6 SECTION 6. IC 16-46.5 IS ADDED TO THE INDIANA CODE AS
7 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
8 2020]:

9 **ARTICLE 46.5. SOLEMN COVENANT OF THE STATES TO**
10 **AWARD PRIZES FOR CURING DISEASES COMPACT**

11 **Chapter 1. Definitions**

12 **Sec. 1. The definitions in this chapter apply to this article.**

13 **Sec. 2. "Compact" means the solemn covenant of the states to**
14 **award prizes for curing diseases enacted in this article.**

15 **Sec. 3. "Compacting state" means either of the following:**

- 16 (1) Any state that has enacted the compact and which has not
17 withdrawn or been suspended as described in IC 16-46.5-14.
18 (2) The federal government in accordance with the
19 commission's bylaws.

20 **Sec. 4. "Noncompacting state" means any state or the federal**
21 **government, if the state or federal government is not at the time a**
22 **compacting state.**

23 **Sec. 5. "Public health expenses" means the amount of all costs**
24 **paid by taxpayers in a specified geographic area relating to a**
25 **particular disease.**

26 **Sec. 6. "State" means any state, district, or territory of the**
27 **United States of America.**

28 **Chapter 2. Establishment of the Commission; Membership**

29 **Sec. 1. Upon the enactment of the compact by six (6) states, the**
30 **compacting states shall establish the solemn covenant of states**
31 **commission.**

32 **Sec. 2. The commission is a body corporate and politic and an**
33 **instrumentality of each of the compacting states and is solely**
34 **responsible for the commission's liabilities, except as otherwise**
35 **specifically provided in the compact.**

36 **Sec. 3. Each compacting state shall be represented by one (1)**
37 **member as selected by the compacting state. Each compacting state**
38 **shall:**

- 39 (1) determine the compacting state's member qualifications
40 and period of service; and
41 (2) be responsible for any action to remove or suspend the
42 state's member or to fill the member's position if the position



1 becomes vacant.

2 **Nothing in the compact shall be construed to affect a compacting**
 3 **state's authority regarding the qualification, selection, or service**
 4 **of the compacting state's own member.**

5 **Chapter 3. Powers of the Commission**

6 **Sec. 1. The commission shall have the following authority and**
 7 **power:**

8 **(1) To adopt bylaws and rules as described in IC 16-46.5-5**
 9 **and IC 16-46.5-6. The bylaws and rules shall have the force**
 10 **and effect of law and shall be binding in the compacting states**
 11 **to the extent and in the manner provided in the compact.**

12 **(2) To receive and review in an expeditious manner**
 13 **treatments and therapeutic protocols for the cure of disease**
 14 **submitted to the commission and to award prizes for**
 15 **submissions that meet the commission's standards for a**
 16 **successful cure treatment or therapeutic protocol.**

17 **(3) To make widely available a cure treatment or therapeutic**
 18 **protocol upon a prize winner claiming a prize and**
 19 **transferring any intellectual property necessary for the**
 20 **manufacture and distribution of the cure in accordance with**
 21 **section IC 16-46.5-6, including by arranging or contracting**
 22 **for the:**

23 **(A) manufacturing;**

24 **(B) production; or**

25 **(C) provision of any drug, serum, or other substance,**
 26 **device, or process;**

27 **provided that the commission does not market the cure or**
 28 **conduct any other activity regarding the cure not specifically**
 29 **authorized in the compact.**

30 **(4) To establish a selling price for the cure that shall be not**
 31 **more than the expenses for:**

32 **(A) the cure's manufacturing;**

33 **(B) the cure's distribution;**

34 **(C) the cure's licensing; and**

35 **(D) either:**

36 **(i) any other necessary governmental requirements for**
 37 **compacting states; or**

38 **(ii) those expenses plus any royalty fees, for**
 39 **noncompacting states.**

40 **The price shall not include the expenses of any other activities.**

41 **(5) In noncompacting states and foreign countries, to establish**
 42 **and collect royalty fees imposed on manufacturers, producers,**



1 and providers of any:

- 2 (A) drug;
 3 (B) serum or other substance;
 4 (C) device; or
 5 (D) process;

6 used for a cure may be added to the sales price of the cure
 7 pursuant to subdivision (4) if the royalty fees shall
 8 cumulatively be not more than the estimated five (5) year
 9 savings in public health expenses for that state or country, as
 10 calculated by actuaries employed or contracted by the
 11 commission.

12 (6) To do the following regarding the collected royalty fees:

13 (A) Pay or reimburse expenses related to the payment of a
 14 prize, including:

- 15 (i) employing or contracting actuaries to calculate
 16 annual taxpayer savings amounts in compacting states in
 17 accordance with IC 16-46.5-6-3(7)(C); and
 18 (ii) payment of interest and other expenses related to a
 19 loan obtained in accordance with IC 16-46.5-6-3(7)(F).

20 (B) Annually disburse any amounts remaining after
 21 making payments or reimbursements under clause (A) as
 22 refunds to compacting states based on the percent of the
 23 state's prize obligation in relation to the total obligation
 24 amount of all compacting states.

25 (7) To bring and prosecute legal proceedings or actions in the
 26 commission's name.

27 (8) To issue subpoenas requiring the attendance and
 28 testimony of witnesses and the production of evidence.

29 (9) To establish and maintain offices.

30 (10) To borrow, accept, or contract for personnel services,
 31 including personnel services from employees of a compacting
 32 state.

33 (11) To hire employees, professionals, or specialists, and elect
 34 or appoint officers, and to:

- 35 (A) fix compensation;
 36 (B) define duties;
 37 (C) give appropriate authority to carry out the purposes of
 38 the compact;
 39 (D) determine qualifications; and
 40 (E) establish the commission's personnel policies and
 41 programs concerning conflicts of interest, rates of
 42 compensation, and qualifications of personnel.



1 (12) To accept any and all appropriate donations and grants
 2 of money, equipment, supplies, materials, and services, and to
 3 receive, utilize, and dispose of the same, provided that at all
 4 times the commission shall strive to avoid any appearance of
 5 impropriety.

6 (13) To:

7 (A) lease;

8 (B) purchase;

9 (C) accept appropriate gifts or donations of;

10 (D) own;

11 (E) hold;

12 (F) improve; or

13 (G) use;

14 any property, real, personal, or mixed, provided, that at all
 15 times the commission shall strive to avoid any appearance of
 16 impropriety.

17 (14) To sell, convey, mortgage, pledge, lease, exchange,
 18 abandon, or otherwise dispose of any property, real, personal,
 19 or mixed.

20 (15) To monitor compacting states for compliance with the
 21 commission's bylaws and rules.

22 (16) To enforce compliance by compacting states with the
 23 commission's bylaws and rules.

24 (17) To provide for dispute resolution among compacting
 25 states or between the commission and those who submit
 26 treatments and therapeutic protocols for the cure of disease
 27 for consideration.

28 (18) To establish a budget and make expenditures.

29 (19) To borrow money.

30 (20) To appoint committees, including management,
 31 legislative, and advisory committees comprised of members,
 32 state legislators or a state legislator's representatives, medical
 33 professionals, and other interested persons as may be
 34 designated by the commission.

35 (21) To establish annual membership dues for compacting
 36 states, which shall be used for daily expenses of the
 37 commission and not for interest or prize payments.

38 (22) To adopt and use a corporate seal.

39 (23) To perform such other functions as may be necessary or
 40 appropriate to achieve the purposes of this compact.

41 **Chapter 4. Meetings and Voting**

42 **Sec. 1. The commission shall meet and take such actions as are**



1 consistent with the compact, bylaws, and rules.

2 **Sec. 2. A majority of the members of the commission shall**
3 **constitute a quorum necessary in order to conduct business or take**
4 **actions at meetings of the commission.**

5 **Sec. 3. Each member of the commission shall have the right and**
6 **power to cast one (1) vote regarding matters determined or actions**
7 **to be taken by the commission. Each member shall have the right**
8 **and power to participate in the business and affairs of the**
9 **commission.**

10 **Sec. 4. A member shall vote in person or by such other means as**
11 **provided in the commission's bylaws. The commission's bylaws**
12 **may provide for members' participation in meetings by telephone**
13 **or other means of communication.**

14 **Sec. 5. The commission shall meet at least once during each**
15 **calendar year. Additional meetings shall be held as set forth in the**
16 **commission's bylaws.**

17 **Sec. 6. No decision of the commission concerning the approval**
18 **of an award for a treatment or therapeutic process for the cure of**
19 **a disease shall be effective unless two-thirds (2/3) of all members of**
20 **the commission vote in favor of the decision.**

21 **Sec. 7. Guidelines and voting requirements for all other**
22 **decisions of the commission shall be established in the**
23 **commission's bylaws.**

24 **Chapter 5. Bylaws**

25 **Sec. 1. The commission's bylaws must include the following:**

- 26 (1) Establish the fiscal year of the commission.
27 (2) Provide reasonable procedures for appointing and electing
28 members, and holding meetings of the management
29 committee.
30 (3) Provide reasonable standards and procedures:
31 (A) for the establishment and meetings of the other
32 committees;
33 (B) governing any general or specific delegation of any
34 authority or function of the commission; and
35 (C) for voting guidelines and procedures for commission
36 decisions.
37 (4) Provide reasonable procedures for calling and conducting
38 meetings of the commission that shall consist of:
39 (A) requiring a quorum to be present;
40 (B) ensuring reasonable advance notice of each meeting;
41 and
42 (C) providing for the right of citizens to attend a meeting



- 1 with enumerated exception designed to protect the public's
2 interest and the privacy of individuals.
- 3 **(5) Provide a list of matters about which the commission may**
4 **go into executive session and require that a majority of all**
5 **members of the commission vote to enter into an executive**
6 **session. As soon as practicable, the commission shall make**
7 **public:**
- 8 **(A) a copy of the vote to go into executive session, revealing**
9 **the vote of each member with no proxy votes allowed; and**
10 **(B) the matter requiring executive session without**
11 **identifying the actual issues or individuals involved.**
- 12 **(6) Establish the titles, duties, authority, and reasonable**
13 **procedures for the election of the officers of the commission.**
- 14 **(7) Provide reasonable standards and procedures for the**
15 **establishment of the personnel policies and programs of the**
16 **commission. Notwithstanding any civil service or other**
17 **similar laws of any compacting state, the commission's bylaws**
18 **shall exclusively govern the personnel policies and programs**
19 **of the commission.**
- 20 **(8) Allow a mechanism for:**
- 21 **(A) the federal government to join as a compacting state;**
22 **and**
- 23 **(B) foreign countries or subdivisions of those countries to**
24 **join as liaison members by adopting the compact, provided**
25 **that adopting countries or subdivisions shall not have**
26 **voting power or the power to bind the commission in any**
27 **way.**
- 28 **(9) Adopt a code of ethics to address permissible and**
29 **prohibited activities of members and employees.**
- 30 **(10) Provide for the maintenance of the commission's books**
31 **and records.**
- 32 **(11) Govern the acceptance of and accounting for donations,**
33 **annual member dues, and other sources of funding, and**
34 **establish the proportion of these funds to be allocated to prize**
35 **amounts for treatments and therapeutic protocols that cure**
36 **disease.**
- 37 **(12) Govern any fundraising efforts in which the commission**
38 **wishes to engage.**
- 39 **(13) Provide a mechanism for winding up the operations of**
40 **the commission and the equitable disposition of any surplus**
41 **funds that may exist after the termination of the compact**
42 **after the payment and reserving of all its debts and**



1 obligations.

2 **Chapter 6. Rules**

3 **Sec. 1. The commission shall adopt rules to do the following:**

4 (1) Effectively and efficiently achieve the purposes of this
5 compact.

6 (2) Govern the methods, processes, and any other aspect for
7 the:

8 (A) research;

9 (B) creation; and

10 (C) testing;

11 of a treatment, or therapeutic protocol for each disease, for
12 which a prize may be awarded.

13 **Sec. 2. (a) The commission shall also adopt rules establishing the**
14 **criteria for defining and classifying the diseases for which prizes**
15 **shall be awarded. The commission may define and classify subsets**
16 **of diseases (for example, tubular carcinoma of the breast).**

17 (b) For purposes of section 3(1) and 3(3) of this chapter, a subset
18 of a disease shall be considered one (1) disease. The commission
19 may consult the most recent edition of the international
20 classification of disease as published by the World Health
21 Organization for other definitions agreed to by a two-thirds (2/3)
22 vote of the commission.

23 **Sec. 3. The commission shall also adopt rules regarding prizes**
24 **for curing diseases that establish the following:**

25 (1) At least ten (10) major diseases for which to create prizes,
26 and shall be determined based on the following factors:

27 (A) The severity of the disease to a human individual's
28 overall health and well-being.

29 (B) The survival rate or severity of impact of the disease.

30 (C) The public health expenses and treatment expenses for
31 the disease.

32 (2) The criteria a treatment or therapeutic protocol must meet
33 in order to be considered a cure for any of the diseases for
34 which a prize may be awarded, and shall include the following
35 requirements:

36 (A) Approval by the federal Food and Drug
37 Administration or have otherwise obtained legal status for
38 the compact to immediately contract to manufacture and
39 distribute in the United States.

40 (B) Except as provided in section 4 of this chapter, must
41 yield a significant increase in survival concerning the
42 diseases if early death is the usual outcome.



- 1 (C) Require less than one (1) year of the treatment or
2 protocol to completely cure the disease.
- 3 **(3) The procedure for determining the diseases for which to**
4 **award prizes, that includes:**
- 5 (A) the option to award prizes for more than ten (10)
6 diseases that meet the above criteria, if agreed to by
7 two-thirds (2/3) vote of the commission; and
8 (B) a requirement to update the list every three (3) years.
- 9 **(4) The submission and evaluation procedures and guidelines,**
10 **including the following:**
- 11 (A) Filing and review procedures.
12 (B) A requirement that the person or entity submitting the
13 cure bears the burden of proof in demonstrating that the
14 treatment or therapeutic protocol meets the above criteria.
15 (C) Limitations preventing public access to treatment or
16 protocol submissions.
- 17 **(5) The estimated five (5) year public health savings that**
18 **would result from a cure that shall be equal to the five (5)**
19 **year public health expenses for each disease in each**
20 **compacting state, and a procedure to update these expenses**
21 **every three (3) years in conjunction with the requirements in**
22 **subdivision (3). The estimated five (5) year public health**
23 **savings amount shall be:**
- 24 (A) calculated;
25 (B) estimated; and
26 (C) publicized;
- 27 every three (3) years by actuaries employed or contracted by
28 the commission.
- 29 **(6) The prize amount concerning cures for each disease that**
30 **must be equal to:**
- 31 (A) the most recent estimated total five (5) year savings in
32 public health expenses for the disease as calculated in
33 subdivision (5) in all of the compacting states;
34 (B) amounts donated by charities, individuals, and any
35 other entities intended for the prize under this article; and
36 (C) any other factors that the commission deems
37 appropriate.
- 38 **(7) The prize distribution procedures and guidelines that**
39 **include the following requirements:**
- 40 (A) Upon acceptance of a cure, the prize winner shall
41 transfer to the commission the patent and all related
42 intellectual property for the manufacture and distribution



1 of the treatment or therapeutic protocol in exchange for
 2 the prize, except in the case that the prize money is
 3 considered by the commission to be too low, and that a
 4 prize will be awarded only to the first person or entity that
 5 submits a successful cure for a disease for which a prize
 6 may be awarded.

7 (B) Donation amounts intended for the prize shall be kept
 8 in a separate, interest bearing account maintained by the
 9 commission and shall be the only account in which prize
 10 money is kept.

11 (C) Each compacting state shall meet the following:

12 (i) Have the responsibility to pay annually the
 13 compacting state's actual one (1) year savings in public
 14 health expenses for the particular disease for which a
 15 cure has been accepted.

16 (ii) Make the annual payment until the compacting state
 17 has fulfilled the compacting state's prize responsibility as
 18 established in subdivision (6). Each compacting state's
 19 payment responsibility begins one (1) year after the date
 20 the cure becomes widely available.

21 The commission shall employ or contract with actuaries to
 22 calculate each state's actual one (1) year savings in public
 23 health expenses at the end of each year to determine each
 24 state's responsibility for the succeeding year.

25 (D) Allow compacting states to meet prize responsibilities
 26 by any method, including the issuance of bonds or other
 27 obligations with the principal and interest of those bonds
 28 or obligations to be repaid only from revenue derived from
 29 estimated public health expense savings from a cure to a
 30 disease. If the compacting state does not make the revenue
 31 available to repay some or all of the revenue bonds or
 32 obligations issued, the owners or holders of those bonds or
 33 obligations have no right to have excises or taxes levied to
 34 pay the principal or interest on the bonds or obligations.
 35 The revenue bonds and obligations are not a debt of the
 36 issuing compacting state.

37 (E) Allow a compacting state to issue bonds or other debt
 38 that are general obligations, under which the full faith and
 39 credit, revenue, and taxing power of the state is pledged to
 40 pay the principal and interest under those obligations, only
 41 if authorized by the compacting state's constitution or, if
 42 constitutional authorization is not required, by other law



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of the compacting state.

(F) Upon acceptance of a cure, require the commission to obtain a loan from a financial institution in an amount equal to the most recently calculated total estimated five (5) year public health expenses for the disease in all compacting states, in accordance with subdivision (6). The commission reserves the right to continuously evaluate the cure in the interim and rescind a prize offer if the commission finds that the cure no longer meets the commission's criteria.

Sec. 4. The commission may award a prize for a treatment or therapeutic protocol that yields a survival rate that is less than what is established in the cure criteria through at least five (5) years after the treatment or protocol has ended. In this case, the prize amount awarded for that treatment or therapeutic protocol shall be reduced from the prize amount originally determined by the commission for a cure for that disease. The reduction shall be in proportion to the survival rate yielded by the treatment or protocol as compared to the survival rate established in the cure criteria.

Sec. 5. The commission also shall adopt rules that do the following:

- (1) Establish the following regarding commission records:**
 - (A) Conditions and procedures for public inspection and copying of its information and official records, except any information and records involving the privacy of individuals or that would otherwise violate privacy laws under federal law and the laws of the compacting states.**
 - (B) Procedures for sharing with federal and state agencies, including law enforcement agencies, records and information otherwise exempt from disclosure.**
 - (C) Guidelines for entering into agreements with federal and state agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.**
- (2) Provide a process for commission review of submitted treatments and therapeutic protocols for curing diseases that includes the following:**
 - (A) An opportunity for an appeal, not later than thirty (30) days after a rejection of a treatment or protocol for prize consideration, to a review panel established under the commission's dispute resolution process.**



- 1 **(B) Commission monitoring and review of treatment and**
 2 **protocol effectiveness consistent with the cure criteria**
 3 **established by the commission for the particular disease.**
 4 **(3) Establish a dispute resolution process to resolve disputes**
 5 **or other issues under the compact that may arise between two**
 6 **(2) or more compacting states or between the commission and**
 7 **individuals or entities who submit treatments and therapeutic**
 8 **protocols to cure diseases. The dispute resolution process shall**
 9 **provide for:**
 10 **(A) administrative review by a review panel appointed by**
 11 **the commission;**
 12 **(B) judicial review of decisions issued after an**
 13 **administrative review; and**
 14 **(C) qualifications to be appointed to a panel, due process**
 15 **requirements, including notice and hearing procedures,**
 16 **and any other procedure, requirement, or standard**
 17 **necessary to provide adequate dispute resolution.**
 18 **(4) Establish and impose annual member dues on compacting**
 19 **states that shall be calculated based on the percentage of each**
 20 **compacting state's population in relation to the population of**
 21 **all the compacting states.**
 22 **Sec. 6. (a) Recognizing that the goal of the compact is to pool the**
 23 **potential savings of as many states and countries as possible to**
 24 **generate sufficient financial incentive to develop a cure of many of**
 25 **the world's most devastating diseases, the compact will respect the**
 26 **laws of each of these United States by adopting rules that establish**
 27 **ethical standards for research that shall be followed in order for a**
 28 **prize to be claimed.**
 29 **(b) The compact, in the rules, shall establish a common set of**
 30 **ethical standards that embodies the laws and restrictions in each**
 31 **of the states so that to be eligible for claiming a prize the entity**
 32 **submitting a cure must not have violated any of the ethical**
 33 **standards in any one (1) of the fifty (50) states, whether the states**
 34 **have joined the compact or not. The compact will publish these**
 35 **common ethical standards along with specific criteria for a cure**
 36 **for each of the diseases the compact has targeted.**
 37 **(c) So long as a researcher follows the common ethical**
 38 **standards in effect at the time the research is done, an entity**
 39 **presenting a cure will be deemed to have followed the standards.**
 40 **(d) On or before January 1 of each year, the compact shall**
 41 **review all state laws to determine if additional ethical standards**
 42 **have been enacted by any of the fifty (50) states and the federal**



1 government. Any changes to the common ethical standards rules
 2 based on new state laws shall be adopted and published by the
 3 compact, but shall not take effect in cure criteria for a period of
 4 three (3) years to allow for sufficient notice to researchers.

5 Sec. 7. All rules may be amended as the commission sees
 6 necessary.

7 Sec. 8. All rules shall be adopted pursuant to a rulemaking
 8 process that conforms to the model state administrative procedure
 9 act of 1981 by the uniform law commissioners, as amended, as may
 10 be appropriate to the operations of the commission.

11 Sec. 9. If the commission exercises the commission's rulemaking
 12 authority in a manner that is beyond the scope of the purpose of
 13 this compact, or the powers granted under the compact, then the
 14 rule shall be invalid and have no force and effect.

15 Chapter 7. Committees

16 Sec. 1. (a) The commission may establish a management
 17 committee comprised of not more than fourteen (14) members
 18 when twenty-six (26) states enact the compact.

19 (b) The committee shall consist of those members representing
 20 compacting states whose total public health expenses of all of the
 21 established diseases are the highest.

22 (c) The committee shall have the authority and duties as may be
 23 set forth in the commission's bylaws and rules, including the
 24 following:

25 (1) Managing authority over the day-to-day affairs of the
 26 commission in a manner consistent with the commission's
 27 bylaws and rules and the purposes of the compact.

28 (2) Overseeing the offices of the commission.

29 (3) Planning, implementing, and coordinating
 30 communications and activities with state, federal, and local
 31 government organizations in order to advance the goals of the
 32 compact.

33 (d) The commission annually shall elect officers for the
 34 committee, with each having the authority and duties as may be
 35 specified in the commission's bylaws and rules.

36 (e) The management committee, subject to commission
 37 approval, may appoint or retain an executive director for a period,
 38 upon such terms and conditions, and for the compensation as the
 39 committee determines. The executive director shall serve as
 40 secretary to the commission, but shall not be a member of the
 41 commission. The executive director shall hire and supervise such
 42 other staff as may be authorized by the committee.



1 **Sec. 2. (a) The commission may appoint advisory committees to**
 2 **monitor all operations related to the purposes of the compact and**
 3 **make recommendations to the commission. The manner of**
 4 **selection and term of any committee member shall be as set forth**
 5 **in the commission's bylaws and rules.**

6 **(b) The commission shall consult with an advisory committee,**
 7 **to the extent required by the commission's bylaws or rules, before**
 8 **doing any of the following:**

9 **(1) Approving cure criteria.**

10 **(2) Amending, enacting, or repealing any bylaw or rule.**

11 **(3) Adopting the commission's annual budget.**

12 **(4) Addressing any other significant matter or taking any**
 13 **other significant action.**

14 **Chapter 8. Finance**

15 **Sec. 1. (a) The commission annually shall establish a budget to**
 16 **pay or provide for the payment of its reasonable expenses.**

17 **(b) To fund the cost of initial operations, the commission may**
 18 **accept contributions and other forms of funding from the**
 19 **compacting states and other sources. Contributions and other**
 20 **forms of funding from other sources shall be of such a nature that**
 21 **the independence of the commission concerning the performance**
 22 **of its duties shall not be compromised.**

23 **Sec. 2. The commission shall be exempt from all taxation in and**
 24 **by the compacting states.**

25 **Sec. 3. (a) The commission shall keep complete and accurate**
 26 **accounts of all of its internal receipts, including grants and**
 27 **donations, and disbursements of all funds under its control. The**
 28 **internal financial accounts of the commission shall be subject to the**
 29 **accounting procedures established under the commission's bylaws**
 30 **or rules.**

31 **(b) The financial accounts and reports, including the system of**
 32 **internal controls and procedures of the commission, shall be**
 33 **audited annually by an independent certified public accountant.**
 34 **Upon the determination of the commission, but not less frequently**
 35 **than every three (3) years, the review of the independent auditor**
 36 **shall include a management and performance audit of the**
 37 **commission.**

38 **(c) The commission shall make an annual report to the**
 39 **governors and legislatures of the compacting states, which shall**
 40 **include a report of the independent audit.**

41 **(d) The commission's internal accounts shall not be confidential**
 42 **and such materials may be shared with any compacting state upon**



1 request, provided, however, that any work papers related to any
 2 internal or independent audit and any information subject to the
 3 compacting states' privacy laws shall remain confidential.

4 **Sec. 4. No compacting state shall have any claim or ownership**
 5 **of any property held by or vested in the commission or to any**
 6 **commission funds held pursuant to the provisions of the compact.**

7 **Chapter 9. Records**

8 **Sec. 1. (a) Except as to privileged records, data, and**
 9 **information, the laws of any compacting state pertaining to**
 10 **confidentiality or nondisclosure shall not relieve any member of**
 11 **the duty to disclose any relevant records, data, or information to**
 12 **the commission.**

13 **(b) Disclosure to the commission shall not be deemed to waive**
 14 **or otherwise affect any confidentiality requirement. Except as**
 15 **otherwise expressly provided in the compact, the commission shall**
 16 **not be subject to the compacting state's laws pertaining to**
 17 **confidentiality and nondisclosure with respect to records, data, and**
 18 **information in its possession.**

19 **Sec. 2. Confidential information of the commission shall remain**
 20 **confidential after the information is provided to any member. All**
 21 **cure submissions received by the commission are confidential.**

22 **Chapter 10. Compliance**

23 **Sec. 1. (a) The commission shall notify a compacting state in**
 24 **writing of any noncompliance with commission bylaws and rules.**

25 **(b) If a compacting state fails to remedy the compacting state's**
 26 **noncompliance within the time specified in the notice, the**
 27 **compacting state shall be deemed to be in default as set forth in**
 28 **IC 16-46.5-14.**

29 **Chapter 11. Venue**

30 **Sec. 1. Venue for any judicial proceedings by or against the**
 31 **commission shall be brought in the appropriate court of competent**
 32 **jurisdiction for the geographical area in which the principal office**
 33 **of the commission is located.**

34 **Chapter 12. Qualified Immunity, Defense, and Indemnification**

35 **Sec. 1. The members, officers, executive director, employees,**
 36 **and representatives of the commission shall be immune from suit**
 37 **and liability, either personally or in their official capacity, for any**
 38 **claim for damage to or loss of property or personal injury or other**
 39 **civil liability caused by or arising out of any actual or alleged act,**
 40 **error, or omission that occurred, or that such person had a**
 41 **reasonable basis for believing occurred within the scope of the**
 42 **person's commission employment, duties, or responsibilities.**



1 **However, nothing in this section shall be construed to protect any**
 2 **person from suit or liability for any damage, loss, injury, or**
 3 **liability caused by the intentional or willful and wanton misconduct**
 4 **of that person.**

5 **Sec. 2. (a) The commission shall defend any member, officer,**
 6 **executive director, employee, or representative of the commission**
 7 **in any civil action seeking to impose liability arising out of any**
 8 **actual or alleged act, error, or omission that occurred within the**
 9 **scope of the person's commission employment, duties, or**
 10 **responsibilities, or that the person had a reasonable basis for**
 11 **believing occurred within the scope of commission employment,**
 12 **duties, or responsibilities.**

13 **(b) Nothing in the compact or commission bylaws or rules shall**
 14 **be construed to prohibit a person from retaining the person's own**
 15 **counsel, and provided further, that the actual or alleged act, error,**
 16 **or omission did not result from that person's intentional or willful**
 17 **and wanton misconduct.**

18 **Sec. 3. The commission shall indemnify and hold harmless any**
 19 **member, officer, executive director, employee, or representative of**
 20 **the commission for the amount of any settlement or judgment**
 21 **obtained against the person arising out of any actual or alleged act,**
 22 **error, or omission that occurred within the scope of the person's**
 23 **commission employment, duties, or responsibilities, or that such**
 24 **person had a reasonable basis for believing occurred within the**
 25 **scope of commission employment, duties, or responsibilities,**
 26 **provided that the actual or alleged act, error, or omission did not**
 27 **result from the intentional or willful and wanton misconduct of**
 28 **that person.**

29 **Chapter 13. Compacting States, Effective Date, and Amendment**

30 **Sec. 1. Any state is eligible to become a compacting state.**

31 **Sec. 2. The compact shall become effective and binding upon**
 32 **legislative enactment of the compact into law by two (2)**
 33 **compacting states. However, the commission shall only be**
 34 **established after six (6) states become compacting states.**
 35 **Thereafter, the compact shall become effective and binding as to**
 36 **any other compacting state upon enactment of the compact into**
 37 **law by that state.**

38 **Sec. 3. Amendments to the compact may be proposed by the**
 39 **commission for enactment by the compacting states. No**
 40 **amendment shall become effective and binding until all compacting**
 41 **states enact the amendment into law.**

42 **Sec. 4. If funding is requested or required, the legislative**



1 authority of each compacting state shall be responsible for making
 2 the appropriations the state determines necessary to pay for the
 3 costs of the compact, including annual member dues and prize
 4 distributions.

5 **Chapter 14. Withdrawal, Default, and Expulsion**

6 **Sec. 1. (a) Once effective, the compact shall continue in force**
 7 **and remain binding upon each and every compacting state. A**
 8 **compacting state may withdraw from the compact by doing both**
 9 **of the following:**

10 (1) Repealing the law enacting the compact in that state.

11 (2) Notifying the commission in writing of the intent to
 12 withdraw on a date that is both of the following:

13 (A) At least three (3) years after the date the notice is sent.

14 (B) After the repeal takes effect.

15 (b) The effective date of withdrawal is the date described in
 16 subsection (a)(2).

17 (c) The member representing the withdrawing state shall
 18 immediately notify the management committee in writing upon the
 19 introduction of legislation in that state repealing the compact. If a
 20 management committee has not been established, the member shall
 21 immediately notify the commission.

22 (d) The commission or management committee, as applicable,
 23 shall notify the other compacting states of the introduction of the
 24 legislation within ten (10) days of the commission's receipt of the
 25 notice.

26 (e) The withdrawing state is responsible for all obligations,
 27 duties, and liabilities incurred through the effective date of
 28 withdrawal, including any obligations the performance of which
 29 extend beyond the effective date of withdrawal. The commission's
 30 actions shall continue to be effective and be given full force and
 31 effect in the withdrawing state.

32 (f) Reinstatement following a state's withdrawal shall become
 33 effective upon the effective date of the subsequent enactment of the
 34 compact by that state.

35 **Sec. 2. (a) If the commission determines that any compacting**
 36 **state has at any time defaulted in the performance of any of the**
 37 **state's obligations or responsibilities under the compact or the**
 38 **commission's bylaws or rules, then, after notice and hearing as set**
 39 **forth in the bylaws, all rights, privileges, and benefits conferred by**
 40 **this compact on the defaulting state shall be suspended from the**
 41 **effective date of default as fixed by the commission.**

42 (b) The grounds for default include failure of a compacting state



1 to perform its obligations or responsibilities, and any other
2 grounds designated in commission rules.

3 (c) The commission shall immediately notify the defaulting state
4 in writing of the suspension, pending cure of the default. The
5 commission shall stipulate the conditions and the time period
6 within which the defaulting state shall cure the state's default.

7 (d) If the defaulting state fails to cure the default within the time
8 period specified by the commission, the defaulting state shall be
9 expelled from the compact and all rights, privileges, and benefits
10 conferred by the compact shall be terminated from the effective
11 date of the expulsion.

12 (e) Any state that is expelled from the compact shall be liable for
13 any cure prize or prizes for three (3) years after the state's
14 removal. The commission shall also take appropriate legal action
15 to ensure that any compacting state that withdraws from the
16 compact remains liable for paying the state's responsibility toward
17 a prize for a cure that was accepted while the compacting state was
18 a member of the commission.

19 (f) The expelled state must reenact the compact in order to
20 become a compacting state.

21 Sec. 3. (a) The compact dissolves effective upon the date of
22 either of the following:

23 (1) The withdrawal or expulsion of a compacting state, which
24 the withdrawal or expulsion reduces membership in the
25 compact to one (1) compacting state.

26 (2) The commission votes to dissolve the compact.

27 (b) Upon the dissolution of the compact:

28 (1) the compact becomes null and void and shall be of no
29 further force or effect; and

30 (2) the business and affairs of the commission shall be wound
31 up and any surplus funds shall be distributed in accordance
32 with the commission's bylaws.

33 However, the commission shall pay all outstanding prizes awarded
34 before the dissolution of the compact, as well as any other
35 outstanding debts and obligations incurred during the existence of
36 the compact. Any unawarded funds donated to be a part of a prize
37 shall be returned to the donor, along with any interest earned on
38 the amount.

39 Chapter 15. Severability and Construction

40 Sec. 1. The provisions of the compact shall be severable. If any
41 phrase, clause, sentence, or provision is deemed unenforceable, the
42 remaining provisions of the compact shall be enforceable.



1 **Sec. 2. The provisions of the compact shall be liberally**
 2 **construed to effectuate the compact's purposes.**

3 **Chapter 16. Binding Effect of Compact and Other Laws**

4 **Sec. 1. Except as provided in section 2(b) of this chapter, nothing**
 5 **in this article prevents the enforcement of any other law of a**
 6 **compacting state.**

7 **Sec. 2. (a) All lawful actions of the commission, including all**
 8 **commission rules, are binding upon the compacting states.**

9 **(b) All agreements between the commission and the compacting**
 10 **states are binding in accordance with the compact's terms.**

11 **(c) Except to the extent authorized by the compacting state's**
 12 **constitution or, if constitutional authorization is not required, by**
 13 **other law of the compacting state, the state, by entering into the**
 14 **compact does not:**

15 **(1) commit the full faith and credit or taxing power of the**
 16 **compacting state for the payment of prizes or other**
 17 **obligations under the compact; and**

18 **(2) make prize payment responsibilities or other obligations**
 19 **under the compact a debt of the compacting state.**

20 **(d) Upon the request of a party to a conflict over the meaning or**
 21 **interpretation of commission actions, and upon a majority vote of**
 22 **the compacting states, the commission may issue advisory opinions**
 23 **regarding the meaning or interpretation in dispute.**

24 **(e) In the event any provision of the compact exceeds the**
 25 **constitutional limits imposed on any compacting state, the**
 26 **obligations, duties, powers, or jurisdiction sought to be conferred**
 27 **by that provision upon the commission shall be ineffective as to**
 28 **that compacting state, and those obligations, duties, powers, or**
 29 **jurisdiction shall remain in the compacting state and shall be**
 30 **exercised by the agency to which those obligations, duties, powers,**
 31 **or jurisdiction are delegated by law in effect at the time the**
 32 **compact becomes effective.**

33 **SECTION 7. IC 34-30-2-83.9 IS ADDED TO THE INDIANA**
 34 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 35 **[EFFECTIVE JULY 1, 2020]: Sec. 83.9. IC 16-46.5-12-1 (Concerning**
 36 **members, officers, executive director, employees, and**
 37 **representatives of the solemn covenant of states commission).**

