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Legislative Document

No. 1435

H.P. 1056

House of Representatives, April 7, 2011

An Act To Adopt the Interstate Prescription Monitoring Program Compact

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative MARTIN of Eagle Lake.
Cosponsored by Representative: Speaker NUTTING of Oakland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA c. 1604** is enacted to read:

3 **CHAPTER 1604**

4 **INTERSTATE PRESCRIPTION MONITORING PROGRAM COMPACT**

5 **§7261. Purpose - Article 1**

6 The purpose of the interstate prescription monitoring program compact, referred to in
7 this chapter as "the compact," is to provide a mechanism for state prescription monitoring
8 programs to securely share prescription data to improve public health and safety. The
9 compact is intended to:

10 **1. Enhance state prescription monitoring programs.** Enhance the ability of state
11 prescription monitoring programs, in accordance with state laws, to provide an efficient
12 and comprehensive tool for:

13 A. Practitioners to monitor patients and support treatment decisions;

14 B. Law enforcement officials to conduct diversion investigations when authorized by
15 state law;

16 C. Regulatory agencies to conduct investigations or other appropriate reviews when
17 authorized by state law; and

18 D. Other uses of prescription drug data authorized by state law for purposes of
19 curtailing drug abuse and diversion; and

20 **2. Provide technology infrastructure.** Provide a technology infrastructure to
21 facilitate secure data transmission.

22 **§7262. Definitions - Article 2**

23 As used in this chapter, unless the context otherwise indicates, the following terms
24 have the following meanings.

25 **1. Authentication.** "Authentication" means the process of verifying the identity and
26 credentials of a person before authorizing access to prescription data.

27 **2. Authorized.** "Authorized" means the granting of access privileges to prescription
28 data.

29 **3. Bylaws.** "Bylaws" means those bylaws established by the interstate commission
30 pursuant to section 7268 for its governance or for directing or controlling its actions and
31 conduct.

32 **4. Commissioner.** "Commissioner" means the voting representative appointed by
33 each member state pursuant to section 7266.

1 **5. Interstate commission or commission.** "Interstate commission" or
2 "commission" means the Interstate Prescription Monitoring Program Commission created
3 pursuant to section 7266.

4 **6. Member state.** "Member state" means any state that has adopted a prescription
5 monitoring program and has enacted the enabling compact legislation.

6 **7. Practitioner.** "Practitioner" means a person licensed, registered or otherwise
7 permitted to prescribe or dispense a prescription drug.

8 **8. Prescription data.** "Prescription data" means data transmitted by a prescription
9 monitoring program that contains patient, prescriber, dispenser and prescription drug
10 information.

11 **9. Prescription drug.** "Prescription drug" means any drug required to be reported to
12 a state prescription monitoring program and includes but is not limited to substances
13 listed in the federal Controlled Substances Act.

14 **10. Prescription monitoring program.** "Prescription monitoring program" means a
15 program that collects, manages, analyzes and provides prescription data under the
16 auspices of a state.

17 **11. Requestor.** "Requestor" means a person authorized by a member state who has
18 initiated a request for prescription data.

19 **12. Rule.** "Rule" means a written statement by the interstate commission
20 promulgated pursuant to section 7267 that is of general applicability; implements,
21 interprets or prescribes a policy or provision of the compact; or is an organizational,
22 procedural or practice requirement of the commission and has the force and effect of
23 statutory law in a member state. "Rule" includes the amendment, repeal or suspension of
24 an existing rule.

25 **13. State.** "State" means any state, commonwealth, district or territory of the United
26 States.

27 **14. Technology infrastructure.** "Technology infrastructure" means the design,
28 deployment and use of both individual technology-based components and the systems of
29 such components to facilitate the transmission of information and prescription data
30 among member states.

31 **15. Transmission.** "Transmission" means the release, transfer, provision or
32 disclosure of information or prescription data among member states.

33 **§7263. Authorized uses and restrictions on prescription data - Article 3**

34 **1. Authority of member state.** Under the compact a member state:

35 **A.** Retains its authority and autonomy over its prescription monitoring program and
36 prescription data in accordance with its laws, rules and policies;

1 B. May provide, restrict or deny prescription data to a requestor of another state in
2 accordance with the member state's laws, rules and policies;

3 C. May provide, restrict or deny prescription data received from another state to a
4 requestor within that state; and

5 D. Has the authority to determine which requestors are authorized.

6 **2. Restrictions on prescription data.** Prescription data obtained by a member state
7 pursuant to this compact has the following restrictions.

8 A. It must be used solely for purposes of providing the prescription data to a
9 requestor.

10 B. It may not be stored in the member state's prescription monitoring program
11 database, except for stored images, nor in any other database.

12 **3. Limit on categories of requestors.** A member state may limit the categories of
13 requestors of another member state that will receive prescription data.

14 **4. Requestor authentication.** The commission shall promulgate rules establishing
15 standards for requestor authentication.

16 A. Every member state shall authenticate requestors according to the rules
17 established by the commission.

18 B. A member state may authorize its requestors to request prescription data from
19 another member state only after such requestor has been authenticated.

20 C. A member state that becomes aware of a requestor who violated the laws or rules
21 governing the appropriate use of prescription data shall notify the state that
22 transmitted the prescription data.

23 **§7264. Technology and security - Article 4**

24 **1. Security requirements.** The commission shall establish security requirements
25 through rules for the transmission of prescription data.

26 **2. Open standards for technology infrastructure.** The commission shall foster the
27 adoption of open standards for the technology infrastructure that are vendor-neutral and
28 technology-neutral.

29 **3. Acquisition and operation of technology infrastructure.** The commission is
30 responsible for acquisition and operation of the technology infrastructure.

31 **§7265. Funding - Article 5**

32 **1. Interstate commission responsible for funding compact.** The interstate
33 commission, through its member states, is responsible for providing for the payment of
34 the reasonable expenses for establishing, organizing and administering the operations and
35 activities of the compact.

36 **2. Interstate commission may collect dues from member states.** The interstate
37 commission may levy on and collect annual dues from each member state to cover the

1 cost of operations and activities of the interstate commission and its staff, which must be
2 in a total amount sufficient to cover the interstate commission's annual budget as
3 approved each year. The aggregate annual dues amount must be allocated in an equitable
4 manner and may consist of a fixed fee component as well as a variable fee component
5 based upon a formula to be determined by the interstate commission, which shall
6 promulgate a rule binding upon all member states. Such a formula must take into account
7 factors including but not limited to the total number of practitioners or licensees within a
8 member state. Fees established by the interstate commission may be recalculated and
9 assessed on an annual basis.

10 **3. Interstate commission may accept nonstate funding.** Notwithstanding
11 subsections 1 and 2 and any other provision of law, the interstate commission may accept
12 nonstate funding, including grants, awards and contributions to offset, in whole or in part,
13 the costs of the annual dues required under subsection 2.

14 **4. Interstate commission may not incur obligations prior to securing funds.** The
15 interstate commission may not incur obligations of any kind prior to securing the funds
16 adequate to meet the same. The interstate commission may not pledge the credit of any
17 of the member states, except by and with the authority of the member states.

18 **5. Interstate commission to keep accurate accounts.** The interstate commission
19 shall keep accurate accounts of all receipts and disbursements subject to the audit and
20 accounting procedures established under its bylaws. All receipts and disbursements of
21 funds handled by the interstate commission must be audited annually by a certified or
22 licensed public accountant, and the report of the audit must be included in and become
23 part of the annual report of the interstate commission.

24 **§7266. Interstate commission - Article 6**

25 The member states hereby create the Interstate Prescription Monitoring Program
26 Commission to govern the compact. The interstate commission is composed of the
27 member states and not a 3rd-party group or federal agency. The activities of the
28 commission are the formation of public policy and are a discretionary state function.

29 **1. Body corporate.** The commission is a body corporate and joint agency of the
30 member states and has all the responsibilities, powers and duties set forth herein and such
31 additional powers as may be conferred upon it by a subsequent concurrent action of the
32 respective legislatures of the member states in accordance with the terms of this compact.

33 **2. Composition.** The commission consists of one voting representative from each
34 member state who is that member state's appointed commissioner and who is empowered
35 to determine statewide policy related to matters governed by this compact. The
36 commissioner must be a policy maker within the agency that houses the member state's
37 prescription monitoring program.

38 **3. Nonvoting advisor.** In addition to the commissioner, a member state shall
39 appoint a nonvoting advisor who is a representative of the member state's prescription
40 monitoring program.

1 **4. Members of interested organizations.** In addition to the voting representatives
2 and nonvoting advisor of each member state, the commission may include persons who
3 are not voting representatives, but who are members of interested organizations as
4 determined by the commission.

5 **5. Each member state entitled to one vote.** Each member state represented at a
6 meeting of the commission is entitled to one vote. A majority of the member states
7 constitutes a quorum for the transaction of business, unless a larger quorum is required by
8 the bylaws. A representative may not delegate a vote to another member state. In the
9 event a commissioner is unable to attend a meeting of the commission, the appropriate
10 appointing authority may delegate voting authority to another person from that member
11 state for a specified meeting. The bylaws may provide for meetings of the commission to
12 be conducted by electronic communication.

13 **6. Meetings.** The commission shall meet at least once each calendar year. The chair
14 of the commission may call additional meetings and, upon the request of a simple
15 majority of the member states, shall call additional meetings.

16 **7. Executive committee.** The commission shall establish an executive committee,
17 which must include officers, members and others as determined by the bylaws. The
18 executive committee has the power to act on behalf of the commission, with the
19 exception of rulemaking. During periods when the commission is not in session the
20 executive committee shall oversee the administration of the compact, including
21 enforcement and compliance with the provisions of the compact, its bylaws and rules, and
22 other such duties as determined necessary.

23 **8. Committee structure.** The commission shall maintain a committee structure for
24 governance in areas including but not limited to policy, compliance, education and
25 technology and shall include specific opportunities for stakeholder input.

26 **9. Records available to public.** The commission's bylaws and rules must establish
27 conditions and procedures under which the commission shall make its information and
28 official records available to the public for inspection or copying. The commission may
29 exempt from disclosure information or official records that would adversely affect
30 personal privacy rights or proprietary interests.

31 **10. Public notice of meetings; meetings open to public.** The commission shall
32 provide public notice of all meetings and all meetings must be open to the public, except
33 as set forth in the rules or as otherwise provided in the compact. The commission may
34 close a meeting, or portion of a meeting, when it determines by a 2/3 vote of the members
35 present that discussions at the open meeting would be likely to:

- 36 **A.** Relate solely to the commission's internal personnel practices and procedures;
- 37 **B.** Concern matters specifically exempted from disclosure by federal and state
38 statute;
- 39 **C.** Concern trade secrets or commercial or financial information that is privileged or
40 confidential;
- 41 **D.** Involve accusing a person of a crime or formally censuring a person;

1 E. Concern information of a personal nature where disclosure would constitute a
2 clearly unwarranted invasion of personal privacy;

3 F. Concern investigative records compiled for law enforcement purposes; or

4 G. Specifically relate to the commission's participation in a civil action or other legal
5 proceeding.

6 **11. Requirements for meeting closed to public.** For a meeting or portion of a
7 meeting closed pursuant to subsection 10, the commission's legal counsel or designee
8 shall certify that the meeting may be closed and shall reference each relevant exemptive
9 provision. The commission shall keep minutes that must fully and clearly describe all
10 matters discussed in a meeting and must provide a full and accurate summary of actions
11 taken and the reasons for those actions, including a description of the views expressed
12 and the record of a roll call vote. All documents considered in connection with an action
13 must be identified in these minutes. All minutes and documents of a closed meeting must
14 remain under seal, subject to release by a majority vote of the commission.

15 **§7267. Powers and duties of the interstate commission - Article 7**

16 The commission has the following powers and duties:

17 **1. Oversee and maintain technology infrastructure.** To oversee and maintain the
18 administration of the technology infrastructure;

19 **2. Promulgate rules; take all necessary actions to effect goals.** To promulgate
20 rules and take all necessary actions to effect the goals, purposes and obligations as
21 enumerated in this compact, as long as no member state is required to create an advisory
22 committee. The rules have the force and effect of statutory law and are binding in the
23 member states to the extent and in the manner provided in this compact;

24 **3. Establish process for notification of changes to state law or policies.** To
25 establish a process for a member state to notify the commission of changes to that
26 member state's prescription monitoring program statutes, regulations or policies. This
27 subsection applies only to changes that affect the administration of the compact;

28 **4. Issue advisory opinions.** To issue, upon request of a member state, advisory
29 opinions concerning the meaning or interpretation of the compact and the commission's
30 bylaws, rules and actions;

31 **5. Enforce compliance with compact provisions.** To enforce compliance with the
32 compact provisions, the rules promulgated by the interstate commission and the bylaws,
33 using all necessary and proper means, including but not limited to the use of judicial
34 process;

35 **6. Establish and maintain offices.** To establish and maintain one or more offices;

36 **7. Purchase and maintain insurance and bonds.** To purchase and maintain
37 insurance and bonds;

1 **8. Provide for personnel or services.** To borrow, accept, hire or contract for
2 personnel or services;

3 **9. Establish and appoint committees.** To establish and appoint committees
4 including but not limited to an executive committee as required by section 7266,
5 subsection 7;

6 **10. Appoint officers, employees and agents.** To elect or appoint officers,
7 attorneys, employees, agents or consultants and to fix their compensation, define their
8 duties and determine their qualifications and to establish the interstate commission's
9 personnel policies and programs relating to conflicts of interest, rates of compensation
10 and qualifications of personnel;

11 **11. Seek and accept donations.** To seek and accept donations and grants of money,
12 equipment, supplies, materials and services and to use or dispose of them;

13 **12. Own or lease property.** To lease, purchase, accept contributions or donations of
14 or otherwise to own, hold, improve or use any real, personal or mixed property;

15 **13. Sell or exchange property.** To sell, convey, mortgage, pledge, lease, exchange,
16 abandon or otherwise dispose of any real, personal or mixed property;

17 **14. Establish budget.** To establish a budget and make expenditures;

18 **15. Adopt seal and bylaws.** To adopt a seal and bylaws governing the management
19 and operation of the interstate commission;

20 **16. Report.** To report annually to the legislatures, governors and attorneys general
21 of the member states concerning the activities of the interstate commission during the
22 preceding year. These reports must also include any recommendations that may have
23 been adopted by the interstate commission and must be made publicly available;

24 **17. Coordinate education.** To coordinate education, training and public awareness
25 regarding the compact and its implementation and operation;

26 **18. Maintain books and records.** To maintain books and records in accordance
27 with the bylaws;

28 **19. Perform necessary or appropriate functions.** To perform such functions as
29 may be necessary or appropriate to achieve the purposes of the compact; and

30 **20. Provide for dispute resolution.** To provide for dispute resolution among
31 member states.

32 **§7268. Organization and operation of the interstate commission - Article 8**

33 **1. Bylaws.** The interstate commission shall, by a majority of the members present
34 and voting, within 12 months after the first interstate commission meeting, adopt bylaws
35 to govern its conduct as may be necessary or appropriate to carry out the purposes of the
36 compact, including, but not limited to:

- 1 A. Establishing the fiscal year of the interstate commission;
2 B. Establishing an executive committee and such other committees as may be
3 necessary for governing any general or specific delegation of authority or function of
4 the interstate commission;
5 C. Providing procedures for calling and conducting meetings of the interstate
6 commission and ensuring reasonable notice of each meeting;
7 D. Establishing the titles and responsibilities of the officers and staff of the interstate
8 commission; and
9 E. Providing a mechanism for concluding the operations of the interstate commission
10 and the return of surplus funds that may exist upon the termination of the compact
11 after the payment and reserving of all of its debts and obligations.

12 **2. Officers.** The interstate commission shall, by a majority vote of the members
13 present, elect annually from among its members a chair, a vice-chair and a treasurer, each
14 of whom has such authority and duties as may be specified in the bylaws. The chair or, in
15 the chair's absence or disability, the vice-chair shall preside at all meetings of the
16 interstate commission. The officers elected serve without compensation or remuneration
17 from the interstate commission, except that, subject to the availability of budgeted funds,
18 the officers must be reimbursed for ordinary and necessary costs and expenses incurred
19 by them in the performance of their responsibilities as officers of the interstate
20 commission.

21 **3. Executive committee and staff.** The following provisions govern the executive
22 committee and staff.

23 A. The executive committee has such authority and duties as may be set forth in the
24 bylaws, including but not limited to:

25 (1) Managing the affairs of the interstate commission in a manner consistent
26 with the bylaws and purposes of the interstate commission;

27 (2) Overseeing an organizational structure within, and appropriate procedures
28 for, the interstate commission to provide for the administration of the compact;
29 and

30 (3) Planning, implementing and coordinating communications and activities with
31 other state, federal and local government organizations in order to advance the
32 purpose of the interstate commission.

33 B. The executive committee may, subject to the approval of the interstate
34 commission, appoint or retain an executive director for such period upon terms and
35 conditions and for compensation as the interstate commission may consider
36 appropriate. The executive director serves as secretary to the interstate commission,
37 but is not a member of the interstate commission. The executive director shall hire
38 and supervise other persons as may be authorized by the interstate commission.

39 **4. Liability.** The interstate commission's executive director and the commission's
40 employees are immune from suit and liability, either personally or in their official
41 capacity, for a claim for damage to or loss of property or personal injury or other civil

1 liability caused or arising out of or relating to an actual or alleged act, error or omission
2 that occurred or that such person had a reasonable basis for believing occurred within the
3 scope of interstate commission employment, duties or responsibilities, except that such
4 person is not protected from suit or liability for damage, loss, injury or liability caused by
5 the intentional or willful and wanton misconduct of such person.

6 A. The liability of the interstate commission's executive director and employees or
7 interstate commission representatives, acting within the scope of that person's
8 employment or duties for acts, errors or omissions occurring within the person's state
9 may not exceed the limits of liability set forth under the constitution and laws of that
10 state for state officials, employees and agents. The interstate commission is
11 considered to be an instrumentality of the states for the purposes of any such action.
12 This subsection may not be construed to protect the person from suit or liability for
13 damage, loss, injury or liability caused by the intentional or willful and wanton
14 misconduct of that person.

15 B. The interstate commission shall defend the executive director and its employees
16 and, subject to the approval of the attorney general or other appropriate legal counsel
17 of the member state represented by an interstate commission representative, shall
18 defend the interstate commission representative in any civil action seeking to impose
19 liability arising out of an actual or alleged act, error or omission that occurred within
20 the scope of interstate commission employment, duties or responsibilities, or that the
21 defendant had a reasonable basis for believing occurred within the scope of interstate
22 commission employment, duties or responsibilities, as long as the actual or alleged
23 act, error or omission did not result from intentional or willful and wanton
24 misconduct on the part of such person.

25 C. To the extent not covered by the state involved, member state or the interstate
26 commission, the representatives or employees of the interstate commission must be
27 held harmless in the amount of a settlement or judgment, including attorney's fees
28 and costs, obtained against such persons arising out of an actual or alleged act, error
29 or omission that occurred within the scope of interstate commission employment,
30 duties or responsibilities, or that such persons had a reasonable basis for believing
31 occurred within the scope of interstate commission employment, duties or
32 responsibilities, as long as the actual or alleged act, error or omission did not result
33 from intentional or willful and wanton misconduct on the part of such persons.

34 **§7269. Rule-making functions of the interstate commission - Article 9**

35 **1. Rule-making authority.** The interstate commission shall promulgate reasonable
36 rules in order to effectively and efficiently achieve the purposes of this compact.
37 Notwithstanding this subsection, in the event the interstate commission exercises its
38 rule-making authority in a manner that is beyond the scope of the purposes of this
39 compact or the powers granted under this compact, such an action by the interstate
40 commission is invalid and has no force or effect. Any rules promulgated by the
41 commission do not override the State's authority to govern prescription drugs or each
42 member state's prescription monitoring program.

43 **2. Rule-making procedure.** Rules must be made pursuant to a rule-making process
44 that substantially conforms to the "Model State Administrative Procedure Act," of 1981

1 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000) as amended, as may be appropriate to
2 the operations of the interstate commission.

3 **3. Judicial review.** Not later than 30 days after a rule is promulgated, any person
4 may file a petition for judicial review of the rule as long as the filing of such a petition
5 does not stay or otherwise prevent the rule from becoming effective unless the court finds
6 that the petitioner has a substantial likelihood of success. The court shall give deference
7 to the actions of the interstate commission consistent with applicable law and may not
8 find the rule to be unlawful if the rule represents a reasonable exercise of the interstate
9 commission's authority.

10 **§7270. Oversight, enforcement and dispute resolution - Article 10**

11 **1. Oversight.** The following provisions govern the oversight of the compact.

12 A. The executive, legislative and judicial branches of state government in each
13 member state shall enforce this compact and shall take all actions necessary and
14 appropriate to effectuate the compact's purposes and intent. The provisions of this
15 compact and the rules promulgated under this compact have standing as statutory law
16 but do not override the State's authority to govern prescription drugs or the State's
17 prescription monitoring program.

18 B. All courts shall take judicial notice of the compact and the rules in any judicial or
19 administrative proceeding in a member state pertaining to the subject matter of this
20 compact that may affect the powers, responsibilities or actions of the interstate
21 commission.

22 C. The interstate commission is entitled to receive all service of process in any
23 proceeding under paragraph B and has standing to intervene in the proceeding for all
24 purposes. Failure to provide service of process to the interstate commission renders a
25 judgment or order void as to the interstate commission, this compact or promulgated
26 rules.

27 **2. Default, technical assistance, suspension and termination.** If the interstate
28 commission determines that a member state has defaulted in the performance of its
29 obligations or responsibilities under this compact or the bylaws or promulgated rules, the
30 interstate commission shall provide written notice to the defaulting state and other
31 member states of the nature of the default, the means of curing the default and any action
32 taken by the interstate commission. The interstate commission shall specify the
33 conditions by which the defaulting state must cure its default. The interstate commission
34 shall provide remedial training and specific technical assistance regarding the default.

35 A. If the defaulting state fails to cure the default, the defaulting state must be
36 terminated from the compact upon an affirmative vote of a majority of the member
37 states and all rights, privileges and benefits conferred by this compact are terminated
38 from the effective date of termination. A cure of the default does not relieve the
39 defaulting state of obligations or liabilities incurred during the period of the default.

40 B. Suspension or termination of membership in the compact may be imposed only
41 after all other means of securing compliance have been exhausted. Notice of intent to
42 suspend or terminate must be given by the interstate commission to the governor of

1 the defaulting state, the majority and minority leaders of the defaulting state's
2 legislature and each of the member states.

3 C. A defaulting state that has been suspended or terminated is responsible for all
4 dues, obligations and liabilities incurred through the effective date of suspension or
5 termination, including obligations the performance of which extends beyond the
6 effective date of suspension or termination.

7 D. The interstate commission may not bear costs relating to any state that has been
8 found to be in default or that has been suspended or terminated from the compact,
9 unless otherwise mutually agreed upon in writing between the interstate commission
10 and the defaulting state.

11 E. The defaulting state may appeal the action of the interstate commission by
12 petitioning the United States District Court for the District of Columbia or the federal
13 district where the interstate commission has its principal offices. The prevailing party
14 must be awarded all costs of such litigation including reasonable attorney's fees.

15 **3. Dispute resolution.** The following provisions govern dispute resolution.

16 A. The interstate commission shall attempt, upon the request of a member state, to
17 resolve disputes that are subject to the compact and that may arise among member
18 states.

19 B. The interstate commission shall promulgate rules providing for both mediation
20 and binding dispute resolution as appropriate.

21 **4. Enforcement.** The following provisions govern enforcement of the compact.

22 A. The interstate commission, in the reasonable exercise of its discretion, shall
23 enforce the provisions and rules of this compact.

24 B. The interstate commission may, by majority vote of the members, initiate legal
25 action in the United States District Court for the District of Columbia or, at the
26 discretion of the interstate commission, in the federal district where the interstate
27 commission has its principal offices, to enforce compliance with the provisions of the
28 compact and its promulgated rules and bylaws against a member state in default. The
29 relief sought may include both injunctive relief and damages. In the event judicial
30 enforcement is necessary the prevailing party must be awarded all costs of such
31 litigation including reasonable attorney's fees.

32 C. The remedies in this subsection are not the exclusive remedies of the interstate
33 commission. The interstate commission may avail itself of any other remedies
34 available under state law or the regulation of a profession.

35 **§7271. Member states, effective date and amendment - Article 11**

36 **1. Eligibility for membership in compact.** Any state that has enacted prescription
37 monitoring program legislation through statute or regulation is eligible to become a
38 member state of this compact.

39 **2. Effective upon enactment by at least 6 states.** The compact becomes effective
40 and binding upon legislative enactment of the compact into law by no fewer than 6 states.

1 Thereafter it becomes effective and binding on a state upon enactment of the compact
2 into law by that state. The governors of nonmember states or their designees must be
3 invited to participate in the activities of the interstate commission on a nonvoting basis
4 prior to adoption of the compact by all states.

5 **3. Amendments.** The interstate commission may propose amendments to the
6 compact for enactment by the member states. An amendment may not become effective
7 and binding upon the interstate commission and the member states until it is enacted into
8 law by unanimous consent of the member states.

9 **§7272. Withdrawal and dissolution - Article 12**

10 **1. Withdrawal.** The following provisions govern withdrawal from the compact.

11 A. Once effective, the compact continues in force and remains binding upon each
12 member state except that a member state may withdraw from the compact by
13 specifically repealing the statute that enacted the compact into law.

14 B. Withdrawal from this compact must be by the enactment of a statute repealing the
15 compact, but may not take effect until one year after the effective date of that statute
16 and until written notice of the withdrawal has been given by the withdrawing state to
17 the governor of each other member state.

18 C. The withdrawing state shall immediately notify the chair of the interstate
19 commission in writing upon the introduction of legislation repealing this compact in
20 the withdrawing state. The interstate commission shall notify the other member
21 states of the withdrawing state's intent to withdraw within 60 days of its receipt of
22 notice.

23 D. The withdrawing state is responsible for all dues, obligations and liabilities
24 incurred through the effective date of withdrawal, including obligations the
25 performance of which extends beyond the effective date of withdrawal.

26 E. Reinstatement following withdrawal of a member state occurs upon the
27 withdrawing state's reenacting the compact or upon such later date as determined by
28 the interstate commission.

29 **2. Dissolution of the compact.** The following provisions govern dissolution of the
30 compact.

31 A. This compact dissolves effective upon the date of the withdrawal or default of the
32 member state that reduces the membership in the compact to one member state.

33 B. Upon the dissolution of this compact, the compact becomes void and is of no
34 further force or effect, and the business and affairs of the interstate commission must
35 be concluded and surplus funds must be distributed in accordance with the bylaws.

36 **§7273. Severability and construction - Article 13**

37 **1. Severable.** The provisions of this compact are severable, and if any phrase,
38 clause, sentence or provision is determined unenforceable, the remaining provisions of
39 the compact are enforceable.

