

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403,
2 Page 10, Section 221.065, Line 12, by inserting after all of said section and line the following:

3
4 "334.290. INTERSTATE MEDICAL LICENSURE COMPACT

5 SECTION 1. PURPOSE

6 In order to strengthen access to health care, and in recognition of the advances in the delivery of
7 health care, the member states of the Interstate Medical Licensure Compact have allied in common
8 purpose to develop a comprehensive process that complements the existing licensing and regulatory
9 authority of state medical boards, provides a streamlined process that allows physicians to become
10 licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the
11 safety of patients. The Compact creates another pathway for licensure and does not otherwise
12 change a state's existing Medical Practice Act. The Compact also adopts the prevailing standard for
13 licensure and affirms that the practice of medicine occurs where the patient is located at the time of
14 the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of
15 the state medical board where the patient is located. State medical boards that participate in the
16 Compact retain the jurisdiction to impose an adverse action against a license to practice medicine in
17 that state issued to a physician through the procedures in the Compact.

18 SECTION 2. DEFINITIONS

19 In this compact:

20 (a) "Bylaws" means those bylaws established by the Interstate Commission pursuant to
21 Section 11.

22 (b) "Commissioner" means the voting representative appointed by each member board
23 pursuant to Section 11.

24 (c) "Conviction" means a finding by a court that an individual is guilty of a criminal offense
25 through adjudication, or entry of a plea of guilt or no contest to the charge by the offender.
26 Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for
27 purposes of disciplinary action by a member board.

28 (d) "Expedited License" means a full and unrestricted medical license granted by a member
29 state to an eligible physician through the process set forth in the Compact.

30 (e) "Interstate Commission" means the interstate commission created pursuant to Section 11.

31 (f) "License" means authorization by a member state for a physician to engage in the
32 practice of medicine, which would be unlawful without authorization.

33 (g) "Medical Practice Act" means laws and regulations governing the practice of allopathic
34 and osteopathic medicine within a member state.

35 (h) "Member Board" means a state agency in a member state that acts in the sovereign
36 interests of the state by protecting the public through licensure, regulation, and education of

Action Taken _____ Date _____

1 physicians as directed by the state government.

2 (i) "Member State" means a state that has enacted the Compact.

3 (j) "Practice of Medicine" means that clinical prevention, diagnosis, or treatment of human
 4 disease, injury, or condition requiring a physician to obtain and maintain a license in compliance
 5 with the Medical Practice Act of a member state.

6 (k) "Physician" means any person who:

7 1) Is a graduate of a medical school accredited by the Liaison Committee on Medical
 8 Education, the Commission on Osteopathic College Accreditation, or a medical school listed in the
 9 International Medical Education Directory or its equivalent;

10 2) Passed each component of the United States Medical Licensing Examination
 11 (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA)
 12 within three attempts, or any of its predecessor examinations accepted by a state medical board as an
 13 equivalent examination for licensure purposes;

14 3) Successfully completed graduate medical education approved by the
 15 Accreditation Council for Graduate Medical Education or the American Osteopathic Association;

16 4) Holds specialty certification or a time-unlimited specialty certificate recognized
 17 by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of
 18 Osteopathic Specialists;

19 5) Possesses a full and unrestricted license to engage in the practice of medicine
 20 issued by a member board;

21 6) Has never been convicted, received adjudication, deferred adjudication,
 22 community supervision, or deferred disposition for any offense by a court of appropriate
 23 jurisdiction;

24 7) Has never held a license authorizing the practice of medicine subjected to
 25 discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action
 26 related to non-payment of fees related to a license;

27 8) Has never had a controlled substance license or permit suspended or revoked by a
 28 state or the United States Drug Enforcement Administration; and

29 9) Is not under active investigation by a licensing agency or law enforcement
 30 authority in any state, federal, or foreign jurisdiction.

31 (l) "Offense" means a felony, gross misdemeanor, or crime of moral turpitude.

32 (m) "Rule" means a written statement by the Interstate Commission promulgated pursuant
 33 to Section 12 of the Compact that is of general applicability, implements, interprets, or prescribes a
 34 policy or provision of the Compact, or an organizational, procedural, or practice requirement of the
 35 Interstate Commission, and has the force and effect of statutory law in a member state, and includes
 36 the amendment, repeal, or suspension of an existing rule.

37 (n) "State" means any state, commonwealth, district, or territory of the United States.

38 (o) "State of Principal License" means a member state where a physician holds a license to
 39 practice medicine and which has been designated as such by the physician for purposes of
 40 registration and participation in the Compact.

41 SECTION 3. ELIGIBILITY

42 (a) A physician must meet the eligibility requirements as defined in Section 2(k) to receive
 43 an expedited license under the terms and provisions of the Compact.

44 (b) A physician who does not meet the requirements of Section 2(k) may obtain a license to
 45 practice medicine in a member state if the individual complies with all laws and requirements, other
 46 than the Compact, relating to the issuance of a license to practice medicine in that state.

47 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

48 (a) A physician shall designate a member state as the state of principal license for purposes
 49 of registration for expedited licensure through the Compact if the physician possesses a full and

1 unrestricted license to practice medicine in that state, and the state is:

- 2 1) The state of principal residence for the physician, or
- 3 2) The state where at least 25% of the practice of medicine occurs, or
- 4 3) The location of the physician's employer, or
- 5 4) If no state qualifies under subsection (1), subsection (2), or subsection (3), the
- 6 state designated as state of residence for purpose of federal income tax.

7 (b) A physician may redesignate a member state as state of principal license at any time, as
 8 long as the state meets the requirements of subsection (a).

9 (c) The Interstate Commission is authorized to develop rules to facilitate redesignation of
 10 another member state as the state of principal license.

11 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

12 (a) A physician seeking licensure through the Compact shall file an application for an
 13 expedited license with the member board of the state selected by the physician as the state of
 14 principal license.

15 (b) Upon receipt of an application for an expedited license, the member board within the
 16 state selected as the state of principal license shall evaluate whether the physician is eligible for
 17 expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility,
 18 to the Interstate Commission.

19 1) Static qualifications, which include verification of medical education, graduate
 20 medical education, results of any medical or licensing examination, and other qualifications as
 21 determined by the Interstate Commission through rule, shall not be subject to additional primary
 22 source verification where already primary source verified by the state of principal license.

23 2) The member board within the state selected as the state of principal license shall,
 24 in the course of verifying eligibility, perform a criminal background check of an applicant, including
 25 the use of the results of fingerprint or other biometric data checks compliant with the requirements
 26 of the Federal Bureau of Investigation, with the exception of federal employees who have suitability
 27 determination in accordance with 5 C.F.R. §731.202.

28 3) Appeal on the determination of eligibility shall be made to the member state
 29 where the application was filed and shall be subject to the law of that state.

30 (c) Upon verification in subsection (b), physicians eligible for an expedited license shall
 31 complete the registration process established by the Interstate Commission to receive a license in a
 32 member state selected pursuant to subsection (a), including the payment of any applicable fees.

33 (d) After receiving verification of eligibility under subsection (b) and any fees under
 34 subsection (c), a member board shall issue an expedited license to the physician. This license shall
 35 authorize the physician to practice medicine in the issuing state consistent with the Medical Practice
 36 Act and all applicable laws and regulations of the issuing member board and member state.

37 (e) An expedited license shall be valid for a period consistent with the licensure period in
 38 the member state and in the same manner as required for other physicians holding a full and
 39 unrestricted license within the member state.

40 (f) An expedited license obtained through the Compact shall be terminated if a physician
 41 fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without
 42 redesignation of a new state of principal licensure.

43 (g) The Interstate Commission is authorized to develop rules regarding the application
 44 process, including payment of any applicable fees, and the issuance of an expedited license.

45 SECTION 6. FEES FOR EXPEDITED LICENSURE

46 (a) A member state issuing an expedited license authorizing the practice of medicine in that
 47 state may impose a fee for a license issued or renewed through the Compact.

48 (b) The Interstate Commission is authorized to develop rules regarding fees for expedited
 49 licenses.

1 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

2 (a) A physician seeking to renew an expedited license granted in a member state shall
3 complete a renewal process with the Interstate Commission if the physician:

- 4 1) Maintains a full and unrestricted license in a state of principal license;
5 2) Has not been convicted, received adjudication, deferred adjudication, community
6 supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;
7 3) Has not had a license authorizing the practice of medicine subject to discipline by
8 a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-
9 payment of fees related to a license; and
10 4) Has not had a controlled substance license or permit suspended or revoked by a
11 state or the United States Drug Enforcement Administration.

12 (b) Physicians shall comply with all continuing professional development or continuing
13 medical education requirements for renewal of a license issued by a member state.

14 (c) The Interstate Commission shall collect any renewal fees charged for the renewal of a
15 license and distribute the fees to the applicable member board.

16 (d) Upon receipt of any renewal fees collected in subsection (c), a member board shall
17 renew the physician's license.

18 (e) Physician information collected by the Interstate Commission during the renewal
19 process will be distributed to all member boards.

20 (f) The Interstate Commission is authorized to develop rules to address renewal of licenses
21 obtained through the Compact.

22 SECTION 8. COORDINATED INFORMATION SYSTEM

23 (a) The Interstate Commission shall establish a database of all physicians licensed, or who
24 have applied for licensure, under Section 5.

25 (b) Notwithstanding any other provision of law, member boards shall report to the Interstate
26 Commission any public action or complaints against a licensed physician who has applied or
27 received an expedited license through the Compact.

28 (c) Member boards shall report disciplinary or investigatory information determined as
29 necessary and proper by rule of the Interstate Commission.

30 (d) Member boards may report any non-public complaint, disciplinary, or investigatory
31 information not required by subsection (c) to the Interstate Commission.

32 (e) Member boards shall share complaint or disciplinary information about a physician upon
33 request of another member board.

34 (f) All information provided to the Interstate Commission or distributed by member boards
35 shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.

36 (g) The Interstate Commission is authorized to develop rules for mandated or discretionary
37 sharing of information by member boards.

38 SECTION 9. JOINT INVESTIGATIONS

39 (a) Licensure and disciplinary records of physicians are deemed investigative.

40 (b) In addition to the authority granted to a member board by its respective Medical Practice
41 Act or other applicable state law, a member board may participate with other member boards in joint
42 investigations of physicians licensed by the member boards.

43 (c) A subpoena issued by a member state shall be enforceable in other member states.

44 (d) Member boards may share any investigative, litigation, or compliance materials in
45 furtherance of any joint or individual investigation initiated under the Compact.

46 (e) Any member state may investigate actual or alleged violations of the statutes authorizing
47 the practice of medicine in any other member state in which a physician holds a license to practice
48 medicine.

49 SECTION 10. DISCIPLINARY ACTIONS

1 (a) Any disciplinary action taken by any member board against a physician licensed through
 2 the Compact shall be deemed unprofessional conduct which may be subject to discipline by other
 3 member boards, in addition to any violation of the Medical Practice Act or regulations in that state.

4 (b) If a license granted to a physician by the member board in the state of principal license is
 5 revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to
 6 the physician by member boards shall automatically be placed, without further action necessary by
 7 any member board, on the same status. If the member board in the state of principal license
 8 subsequently reinstates the physician's license, a license issued to the physician by any other
 9 member board shall remain encumbered until that respective member board takes action to reinstate
 10 the license in a manner consistent with the Medical Practice Act of that state.

11 (c) If disciplinary action is taken against a physician by a member board not in the state of
 12 principal license, any other member board may deem the action conclusive as to matter of law and
 13 fact decided, and:

14 1) Impose the same or lesser sanction(s) against the physician so long as such
 15 sanctions are consistent with the Medical Practice Act of that state; or

16 2) Pursue separate disciplinary action against the physician under its respective
 17 Medical Practice Act, regardless of the action taken in other member states.

18 (d) If a license granted to a physician by a member board is revoked, surrendered or
 19 relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any
 20 other member board(s) shall be suspended, automatically and immediately without further action
 21 necessary by the other member board(s), for ninety (90) days upon entry of the order by the
 22 disciplining board, to permit the member board(s) to investigate the basis for the action under the
 23 Medical Practice Act of that state. A member board may terminate the automatic suspension of the
 24 license it issued prior to the completion of the ninety (90) day suspension period in a manner
 25 consistent with the Medical Practice Act of that state.

26 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

27 (a) The member states hereby create the "Interstate Medical Licensure Compact
 28 Commission".

29 (b) The purpose of the Interstate Commission is the administration of the Interstate Medical
 30 Licensure Compact, which is a discretionary state function.

31 (c) The Interstate Commission shall be a body corporate and joint agency of the member
 32 states and shall have all the responsibilities, powers, and duties set forth in the Compact, and such
 33 additional powers as may be conferred upon it by a subsequent concurrent action of the respective
 34 legislatures of the member states in accordance with the terms of the Compact.

35 (d) The Interstate Commission shall consist of two voting representatives appointed by each
 36 member state who shall serve as Commissioners. In states where allopathic and osteopathic
 37 physicians are regulated by separate member boards, or if the licensing and disciplinary authority is
 38 split between separate member boards, or if the licensing and disciplinary authority is split between
 39 multiple member boards within a member state, the member state shall appoint one representative
 40 from each member board. A Commissioner shall be a(n):

41 1) Allopathic or osteopathic physician appointed to a member board;

42 2) Executive director, executive secretary, or similar executive of a member board;

43 or

44 3) Member of the public appointed to a member board.

45 (e) The Interstate Commission shall meet at least once each calendar year. A portion of this
 46 meeting shall be a business meeting to address such matters as may properly come before the
 47 Commission, including the election of officers. The chairperson may call additional meetings and
 48 shall call for a meeting upon the request of a majority of the member states.

49 (f) The bylaws may provide for meetings of the Interstate Commission to be conducted by

1 telecommunication or electronic communication.

2 (g) Each Commissioner participating at a meeting of the Interstate Commission is entitled to
 3 one vote. A majority of Commissioners shall constitute a quorum for the transaction of business,
 4 unless a larger quorum is required by the bylaws of the Interstate Commission. A Commissioner
 5 shall not delegate a vote to another Commissioner. In the absence of its Commissioner, a member
 6 state may delegate voting authority for a specified meeting to another person from that state who
 7 shall meet the requirements of subsection (d).

8 (h) The Interstate Commission shall provide public notice of all meetings and all meetings
 9 shall be open to the public. The Interstate Commission may close a meeting, in full or in portion,
 10 where it determines by a two-thirds vote of the Commissioners present that an open meeting would
 11 be likely to:

12 1) Relate solely to the internal personnel practice and procedures of the Interstate
 13 Commission;

14 2) Discuss matters specifically exempted from disclosure by federal statute;

15 3) Discuss trade secrets, commercial, or financial information that is privileged or
 16 confidential;

17 4) Involve accusing a person of a crime, or formally censuring a person;

18 5) Discuss information of a personal nature where disclosure would constitute a
 19 clearly unwarranted invasion of personal privacy;

20 6) Discuss investigative records compiled for law enforcement purposes; or

21 7) Specifically relate to the participation in a civil action or other legal proceeding.

22 (i) The Interstate Commission shall keep minutes which shall fully describe all matters
 23 discussed in a meeting and shall provide a full and accurate summary of actions taken, including
 24 record of any roll call votes.

25 (j) The Interstate Commission shall make its information and official records, to the extent
 26 not otherwise designated in the Compact or by its rules, available to the public for inspection.

27 (k) The Interstate Commission shall establish an executive committee, which shall include
 28 officers, members, and others as determined by the bylaws. The executive committee shall have the
 29 power to act on behalf of the Interstate Commission, with the exception of rulemaking, during
 30 periods when the Interstate Commission is not in session. When acting on behalf of the Interstate
 31 Commission, the executive committee shall oversee the administration of the Compact including
 32 enforcement and compliance with the provisions of the Compact, its bylaws and rules, and other
 33 such duties as necessary.

34 (l) The Interstate Commission shall establish other committees for governance and
 35 administration of the Compact.

36 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

37 (a) Oversee and maintain the administration of the Compact;

38 (b) Promulgate rules which shall be binding to the extent and in the manner provided for in
 39 the Compact;

40 (c) Issue, upon the request of a member state or member board, advisory opinions
 41 concerning the meaning or interpretation of the Compact, its bylaws, rules, and actions;

42 (d) Enforce compliance with Compact provisions, the rules promulgated by the Interstate
 43 Commission, and the bylaws, using all necessary and proper means, including but not limited to the
 44 use of judicial process;

45 (e) Establish and appoint committees including, but not limited to, an executive committee
 46 as required by Section 11, which shall have the power to act on behalf of the Interstate Commission
 47 in carrying out its powers and duties;

48 (f) Pay, or provide for the payment of the expenses related to the establishment,
 49 organization, and ongoing activities of the Interstate Commission;

- 1 (g) Establish and maintain one or more offices;
- 2 (h) Borrow, accept, hire, or contract for services of personnel;
- 3 (i) Purchase and maintain insurance and bonds;
- 4 (j) Employ an executive director who shall have such powers to employ, select or appoint
- 5 employees, agents, or consultants, and to determine their qualifications, define their duties, and fix
- 6 their compensation;
- 7 (k) Establish personnel policies and programs relating to conflicts of interest, rates of
- 8 compensation, and qualifications of personnel;
- 9 (l) Accept donations and grants of money, equipment, supplies, materials, and services and
- 10 to receive, utilize, and dispose of it in a manner consistent with the conflict of interest policies
- 11 established by the Interstate Commission;
- 12 (m) Lease, purchase, accept contributions or donations of, or otherwise to own, hold,
- 13 improve or use, any property, real, personal, or mixed;
- 14 (n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
- 15 property, real, personal, or mixed;
- 16 (o) Establish a budget and make expenditures;
- 17 (p) Adopt a seal and bylaws governing the management and operation of the Interstate
- 18 Commission;
- 19 (q) Report annually to the legislatures and governors of the member states concerning the
- 20 activities of the Interstate Commission during the preceding year. Such reports shall also include
- 21 reports of financial audits and any recommendations that may have been adopted by the Interstate
- 22 Commission;
- 23 (r) Coordinate education, training, and public awareness regarding the Compact, its
- 24 implementation, and its operation;
- 25 (s) Maintain records in accordance with the bylaws;
- 26 (t) Seek and obtain trademarks, copyrights, and patents; and
- 27 (u) Perform such functions as may be necessary or appropriate to achieve the purpose of the
- 28 Compact.

29 SECTION 13. FINANCE POWERS

- 30 (a) The Interstate Commission may levy on and collect an annual assessment from each
- 31 member state to cover the cost of the operations and activities of the Interstate Commission and its
- 32 staff. The total assessment must be sufficient to cover the annual budget approved each year for
- 33 which revenue is not provided by other sources. The aggregate annual assessment amount shall be
- 34 allocated upon a formula to be determined by the Interstate Commission, which shall promulgate a
- 35 rule binding upon all member states.
- 36 (b) The Interstate Commission shall not incur obligations of any kind prior to securing the
- 37 funds adequate to meet the same.

38 (c) The Interstate Commission shall not pledge the credit of any of the member states,
 39 except by, and with the authority of, the member state.

40 (d) The Interstate Commission shall be subject to a yearly financial audit conducted by a
 41 certified or licensed accountant and the report of the audit shall be included in the annual report of
 42 the Interstate Commission.

43 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE 44 COMMISSION

45 (a) The Interstate Commission shall, by a majority of Commissioners present and voting,
 46 adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of
 47 the Compact within twelve (12) months of the first Interstate Commission meeting.

48 (b) The Interstate Commission shall elect or appoint annually from among its
 49 Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such

1 authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's
2 absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate
3 Commission.

4 (c) Officers selected in subsection (b) shall serve without remuneration for the Interstate
5 Commission.

6 (d) The officers and employees of the Interstate Commission shall be immune from suit and
7 liability, either personally or in their official capacity, for a claim for damage to or loss of property
8 or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged
9 act, error, or omission that occurred, or that such person had a reasonable basis for believing
10 occurred, within the scope of Interstate Commission employment, duties, or responsibilities;
11 provided that such person shall not be protected from suit or liability for damage, loss, injury, or
12 liability caused by the intentional or willful and wanton misconduct of such person.

13 (e) The liability of the executive director and employees of the Interstate Commission or
14 representatives of the Interstate Commission, acting within the scope of such person's employment
15 or duties for acts, errors, or omissions occurring within such person's state, may not exceed the
16 limits of liability set forth under the constitution and laws of that state for state officials, employees,
17 and agents. The Interstate Commission is considered to be an instrumentality of the states for the
18 purpose of any such action. Nothing in this subsection shall be construed to protect such person
19 from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and
20 wanton misconduct of such person.

21 (f) The Interstate Commission shall defend the executive director, its employees, and subject
22 to the approval of the attorney general or other appropriate legal counsel of the member state
23 represented by an Interstate Commission representative, shall defend such Interstate Commission
24 representative in any civil action seeking to impose liability arising out of an actual or alleged act,
25 error or omission that occurred within the scope of Interstate Commission employment, duties or
26 responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope
27 of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged
28 act, error, or omission did not result from intentional or willful and wanton misconduct on the part
29 of such person.

30 (g) To the extent not covered by the state involved, member state, or the Interstate
31 Commission, the representatives or employees of the Interstate Commission shall be held harmless
32 in the amount of a settlement or judgement, including attorney's fees and costs, obtained against
33 such persons arising out of an actual or alleged act, error, or omission that occurred within the scope
34 of the Interstate Commission employment, duties, or responsibilities, or that such persons had a
35 reasonable basis for believing occurred within the scope of Interstate Commission employment,
36 duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result
37 from intentional or willful and wanton misconduct on the part of such person.

38 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

39 (a) The Interstate Commission shall promulgate reasonable rules in order to effectively and
40 efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the
41 Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the
42 purposes of the Compact, or the powers granted hereunder, then such an action by the Interstate
43 Commission shall be invalid and have no force or effect.

44 (b) Rules deemed appropriate for the operations of the Interstate Commission shall be made
45 pursuant to a rulemaking process that substantially conforms to the "Model State Administrative
46 Procedure Act" of 2010, and subsequent amendments thereto.

47 (c) Not later than thirty (30) days after a rule is promulgated, any person may file a petition
48 for judicial review of the rule in the United States District Court for the District of Columbia or the
49 federal district where the Interstate Commission has its principal offices, provided that the filing of

1 such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court
 2 finds that the petitioner has a substantial likelihood of success. The court shall give deference to the
 3 actions of the Interstate Commission consistent with applicable law and shall not find the rule to be
 4 unlawful if the rule represents a reasonable exercise of the authority granted to the Interstate
 5 Commission.

6 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

7 (a) The executive, legislative, and judicial branches of state government in each member
 8 state shall enforce the Compact and shall take all actions necessary and appropriate to effectuate the
 9 Compact's purposes and intent. The provisions of the Compact and the rules promulgated hereunder
 10 shall have standing as statutory law but shall not override existing state authority to regulate the
 11 practice of medicine.

12 (b) All courts shall take judicial notice of the Compact and the rules in any judicial or
 13 administrative proceeding in a member state pertaining to the subject matter of the Compact which
 14 may affect the powers, responsibilities or actions of the Interstate Commission.

15 (c) The Interstate Commission shall be entitled to receive all services of process in any such
 16 proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to
 17 provide service of process to the Interstate Commission shall render a judgment or order void as to
 18 the Interstate Commission, the Compact, or promulgated rules.

19 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

20 (a) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the
 21 provisions and rules of the Compact.

22 (b) The Interstate Commission may, by majority vote of the Commissioners, initiate legal
 23 action in the United States District Court for the District of Columbia, or, at the discretion of the
 24 Interstate Commission, in the federal district where the Interstate Commission has its principal
 25 offices, to enforce compliance with the provisions of the Compact, and its promulgated rules and
 26 bylaws, against a member state in default. The relief sought may include both injunctive relief and
 27 damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all
 28 costs of such litigation including reasonable attorney's fees.

29 (c) The remedies herein shall not be the exclusive remedies of the Interstate Commission.
 30 The Interstate Commission may avail itself of any other remedies available under state law or
 31 regulation of a profession.

32 SECTION 18. DEFAULT PROCEDURES

33 (a) The grounds for default include, but are not limited to, failure of a member state to
 34 perform such obligations or responsibilities imposed upon it by the Compact, or the rules and
 35 bylaws of the Interstate Commission promulgated under the Compact.

36 (b) If the Interstate Commission determines that a member state has defaulted in the
 37 performance of its obligations or responsibilities under the Compact, or the bylaws or promulgated
 38 rules, the Interstate Commission shall:

39 1) Provide written notice to the defaulting state and other member states, of the
 40 nature of the default, the means of curing the default, and any action taken by the Interstate
 41 Commission. The Interstate Commission shall specify the conditions by which the defaulting state
 42 must cure its default; and

43 2) Provide remedial training and specific technical assistance regarding the default.

44 (c) If the defaulting state fails to cure the default, the defaulting state shall be terminated
 45 from the Compact upon an affirmative vote of a majority of the Commissioners and all rights,
 46 privileges, and benefits conferred by the Compact shall terminate on the effective date of
 47 termination. A cure of the default does not relieve the offending state of obligations or liabilities
 48 incurred during the period of the default.

49 (d) Termination of membership in the Compact shall be imposed only after all other means

1 of securing compliance have been exhausted. Notice of intent to terminate shall be given by the
 2 Interstate Commission to the governor, the majority and minority leaders of the defaulting state's
 3 legislature, and each of the member states.

4 (e) The Interstate Commission shall establish rules and procedures to address licenses and
 5 physicians that are materially impacted by the termination of a member state, or the withdrawal of a
 6 member state.

7 (f) The member state which has been terminated is responsible for all dues, obligations, and
 8 liabilities incurred through the effective date of termination including obligations, the performance
 9 of which extends beyond the effective date of termination.

10 (g) The Interstate Commission shall not bear any costs relating to any state that has been
 11 found to be in default or which has been terminated from the Compact, unless otherwise mutually
 12 agreed upon in writing between the Interstate Commission and the defaulting state.

13 (h) The defaulting state may appeal the action of the Interstate Commission by petitioning
 14 the United States District Court for the District of Columbia or the federal district where the
 15 Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of
 16 such litigation including reasonable attorney's fees.

17 SECTION 19. DISPUTE RESOLUTION

18 (a) The Interstate Commission shall attempt, upon the request of a member state, to resolve
 19 disputes which are subject to the Compact and which may arise among member states or member
 20 boards.

21 (b) The Interstate Commission shall promulgate rules providing for both mediation and
 22 binding dispute resolution as appropriate.

23 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

24 (a) Any state is eligible to become a member of the Compact.

25 (b) The Compact shall become effective and binding upon legislative enactment of the
 26 Compact into law by no less than seven (7) states. Thereafter, it shall become effective and binding
 27 on a state upon enactment of the Compact into law by that state.

28 (c) The governors of non-member states, or their designees, shall be invited to participate in
 29 the activities of the Interstate Commission on a non-voting basis prior to adoption of the Compact
 30 by all states.

31 (d) The Interstate Commission may propose amendments to the Compact for enactment by
 32 the member states. No amendment shall become effective and binding upon the Interstate
 33 Commission and the member states unless and until it is enacted into law by unanimous consent of
 34 the member states.

35 SECTION 21. WITHDRAWAL

36 (a) Once effective, the Compact shall continue in force and remain binding upon each and
 37 every member state; provided that a member state may withdraw from the Compact by specifically
 38 repealing the statute which enacted the Compact into law.

39 (b) Withdrawal from the Compact shall be by the enactment of a statute repealing the same,
 40 but shall not take effect until one (1) year after the effective date of such statute and until written
 41 notice of the withdrawal has been given by the withdrawing state to the governor of each other
 42 member state.

43 (c) The withdrawing state shall immediately notify the chairperson of the Interstate
 44 Commission in writing upon the introduction of legislation repealing the Compact in the
 45 withdrawing state.

46 (d) The Interstate Commission shall notify the other member states of the withdrawing
 47 state's intent to withdraw within sixty (60) days of its receipt of notice provided under subsection
 48 (c).

49 (e) The withdrawing state is responsible for all dues, obligations and liabilities incurred

1 through the effective date of withdrawal, including obligations, the performance of which extend
 2 beyond the effective date of withdrawal.

3 (f) Reinstatement following withdrawal of a member state shall occur upon the withdrawing
 4 state reenacting the Compact or upon such later date as determined by the Interstate Commission.

5 (g) The Interstate Commission is authorized to develop rules to address the impact of the
 6 withdrawal of a member state on licenses granted in other member states to physicians who
 7 designated the withdrawing member state as the state of principal license.

8 SECTION 22. DISSOLUTION

9 (a) The Compact shall dissolve effective upon the date of the withdrawal or default of the
 10 member state which reduces the membership of the Compact to one (1) member state.

11 (b) Upon the dissolution of the Compact, the Compact becomes null and void and shall be
 12 of no further force or effect, and the business and affairs of the Interstate Commission shall be
 13 concluded, and surplus funds shall be distributed in accordance with the bylaws.

14 SECTION 23. SEVERABILITY AND CONSTRUCTION

15 (a) The provisions of the Compact shall be severable, and if any phrase, clause, sentence, or
 16 provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

17 (b) The provisions of the Compact shall be liberally construed to effectuate its purposes.

18 (c) Nothing in the Compact shall be construed to prohibit the applicability of other interstate
 19 compacts to which the member states are members.

20 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

21 (a) Nothing herein prevents the enforcement of any other law of a member state that is not
 22 inconsistent with the Compact.

23 (b) All laws in a member state in conflict with the Compact are superseded to the extent of
 24 the conflict.

25 (c) All lawful actions of the Interstate Commission, including all rules and bylaws
 26 promulgated by the Commission, are binding upon the member states.

27 (d) All agreements between the Interstate Commission and the member states are binding in
 28 accordance with their terms.

29 (e) In the event any provision of the Compact exceeds the constitutional limits
 30 imposed on the legislature of any member state, such provision shall be ineffective to the extent of
 31 the conflict with the constitutional provision in question in that member state.

32 407.925. As used in sections [407.925] 407.924 to 407.934, the following terms mean:

33 (1) "Alternative nicotine product", any noncombustible product containing nicotine that is
 34 intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other
 35 means. Alternative nicotine product does not include any vapor product, tobacco product or any
 36 product regulated as a drug or device by the United States Food and Drug Administration under
 37 Chapter V of the Food, Drug, and Cosmetic Act;

38 (2) ~~["Center of youth activities", any playground, school or other facility, when such facility~~
 39 ~~is being used primarily by persons under the age of eighteen for recreational, educational or other~~
 40 ~~purposes;~~

41 ~~—(3)] "Distribute", a conveyance to the public by sale, barter, gift or sample;~~

42 ~~[(4)] (3) "Minor", a person under [the] twenty-one years of age [of eighteen];~~

43 ~~[(5)] (4) "Municipality", the city, village or town within which tobacco products, alternative~~
 44 ~~nicotine products, or vapor products are sold or distributed or, in the case of tobacco products,~~
 45 ~~alternative nicotine products or vapor products that are not sold or distributed within a city, village~~
 46 ~~or town, the county in which they are sold or distributed;~~

47 ~~[(6)] (5) "Person", an individual, partnership, copartnership, firm, company, public or~~
 48 ~~private corporation, association, joint stock company, trust, estate, political subdivision or any~~
 49 ~~agency, board, department or bureau of the state or federal government, or any other legal entity~~

1 which is recognized by law as the subject of rights and duties;

2 ~~[(7)]~~ (6) "Proof of age", a driver's license or other generally accepted means of identification
3 that contains a picture of the individual and appears on its face to be valid;

4 ~~[(8)]~~ (7) "Rolling papers", paper designed, manufactured, marketed, or sold for use
5 primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a
6 smokable cigarette;

7 ~~[(9)]~~ (8) "Sample", a tobacco product, alternative nicotine product, or vapor product
8 distributed to members of the general public at no cost or at nominal cost for product promotional
9 purposes;

10 ~~[(10)]~~ (9) "Sampling", the distribution to members of the general public of tobacco product,
11 alternative nicotine product, or vapor product samples;

12 ~~[(11)]~~ (10) "Tobacco products", any substance containing tobacco leaf, including, but not
13 limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco but does not
14 include alternative nicotine products, or vapor products;

15 ~~[(12)]~~ (11) "Vapor product", any noncombustible product containing nicotine that employs a
16 heating element, power source, electronic circuit, or other electronic, chemical or mechanical
17 means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or
18 other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo,
19 electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in
20 a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar,
21 electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include
22 any alternative nicotine product or tobacco product;

23 ~~[(13)]~~ (12) "Vending machine", any mechanical, electric, or electronic¹ self-service device
24 ~~[which]~~ that, upon insertion of money, tokens, or any other form of payment, dispenses tobacco
25 products, alternative nicotine products, or vapor products.

26 407.926. 1. Any person or entity who sells tobacco products, alternative nicotine products,
27 or vapor products shall deny the sale of such tobacco products to ~~[any person who is less than~~
28 eighteen years of age] minors.

29 2. Any person or entity who sells or distributes tobacco products, alternative nicotine
30 products, or vapor products by mail or through the internet in this state in violation of subsection 1
31 of this section shall be assessed a fine of two hundred fifty dollars for the first violation and five
32 hundred dollars for each subsequent violation.

33 3. Alternative nicotine products and vapor products shall ~~[only]~~ not be sold to ~~[persons~~
34 eighteen years of age or older,] minors, shall be subject to local and state sales tax, ~~[but]~~ and shall
35 not be otherwise taxed or regulated as tobacco products.

36 4. (1) Any nicotine liquid container that is sold at retail in this state shall satisfy the child-
37 resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on August 28, 2015,
38 when tested in accordance with the method described in 16 CFR 1700.20 as in effect on August 28,
39 2015.

40 (2) For the purposes of this subsection, "nicotine liquid container" shall mean a bottle or
41 other container of liquid or other substance containing nicotine if the liquid or substance is sold,
42 marketed, or intended for use in a vapor product. A "nicotine liquid container" shall not include a
43 liquid or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use
44 in a vapor product, provided that such cartridge is prefilled and sealed by the manufacturer and not
45 intended to be opened by the consumer.

46 (3) Any person who engages in retail sales of liquid nicotine containers in this state in
47 violation of this subsection shall be assessed a fine of two hundred fifty dollars for the first violation
48 and five hundred dollars for each subsequent violation.

49 (4) The department of health and senior services may adopt rules necessary to carry out the

provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

(5) The provisions of this subsection and any rules adopted hereunder shall be null, void, and of no force and effect upon the effective date of the final regulations issued by the federal Food and Drug Administration or from any other federal agency if such regulations mandate child-resistant effectiveness standards for nicotine liquid containers.

407.927. The owner of an establishment at which tobacco products, alternative nicotine products, vapor products, or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products, alternative nicotine products, or vapor products are sold and on every vending machine where tobacco products are purchased a sign that shall:

(1) Contain in red lettering at least one-half inch high on a white background the following: "It is a violation of state law for cigarettes, other tobacco products, alternative nicotine products, or vapor products to be sold or otherwise provided to any person under the age of ~~[eighteen]~~ twenty-one or for such person to purchase, attempt to purchase or possess cigarettes, other tobacco products, alternative nicotine products or vapor products."; and

(2) Include a depiction of a pack of cigarettes at least two inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "Under ~~[18]~~ 21".

407.929. 1. A person or entity selling tobacco products, alternative nicotine products, or vapor products or rolling papers or distributing tobacco product, alternative nicotine product, or vapor product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be ~~[under the age of eighteen]~~ a minor.

2. The operator's or chauffeur's license issued pursuant to the provisions of section 302.177, or the operator's or chauffeur's license issued pursuant to the laws of any state or possession of the United States to residents of those states or possessions, or an identification card as provided for in section 302.181, or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the division of ~~[liquor]~~ alcohol and tobacco control or any owner or employee of an establishment that sells tobacco, alternative nicotine products, or vapor products, for the purpose of aiding the registrant, agent or employee to determine whether or not the person is ~~[at least eighteen years of age]~~ a minor when such person desires to purchase or possess tobacco products, alternative nicotine products, or vapor products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

3. Any person who shall, without authorization from the department of revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars, and confinement for not more than one year, or by both such fine and imprisonment.

4. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of subsections 1, 2 and 3 of section 407.931. No person shall be liable for more than one violation of subsections 2 and 3 of section 407.931 on any

single day.

407.930. The state preempts the field of regulating the sale of tobacco products, alternative nicotine products, and vapor products, and the provisions of sections 407.924 to 407.934 shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the sale of tobacco products, alternative nicotine products, or vapor products.

407.931. 1. It shall be unlawful for any person to sell, provide, or distribute tobacco products, alternative nicotine products, or vapor products to ~~[persons under eighteen years of age]~~ a minor.

2. All vending machines that dispense tobacco products, alternative nicotine products, or vapor products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing ~~[persons less than eighteen years of age]~~ minors from purchasing any tobacco product, alternative nicotine product, or vapor product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where ~~[persons less than eighteen years of age]~~ minors are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this subsection shall be subject to the penalties contained in subsection 5 of this section. A determination of noncompliance may be made by a local law enforcement agency or the division of ~~[liquor]~~ alcohol and tobacco control. Nothing in this section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

3. No person or entity shall sell, provide or distribute any tobacco product, alternative nicotine product, or vapor product or rolling papers to any minor, or sell any individual cigarettes to any person in this state. This subsection shall not apply to the distribution by family members on property that is not open to the public.

4. Any person including, but not limited to, a sales clerk, owner or operator who violates subsection 1, 2 or 3 of this section or section 407.927 shall be penalized as follows:

- (1) For the first offense, twenty-five dollars;
- (2) For the second offense, one hundred dollars;
- (3) For a third and subsequent offense, two hundred fifty dollars.

5. Any owner of the establishment where tobacco products, alternative nicotine products, or vapor products are available for sale who violates subsection 3 of this section, in addition to the penalties established in subsection 4 of this section, shall be penalized in the following manner:

(1) For the first violation per location within two years, a reprimand shall be issued by the division of ~~[liquor]~~ alcohol and tobacco control;

(2) For the second violation per location within two years, the division of ~~[liquor]~~ alcohol and tobacco control shall issue a citation prohibiting the outlet from selling tobacco products, alternative nicotine products, or vapor products for a twenty-four-hour period;

(3) For the third violation per location within two years, the division of ~~[liquor]~~ alcohol and tobacco control shall issue a citation prohibiting the outlet from selling tobacco products, alternative nicotine products, or vapor products for a forty-eight-hour period;

(4) For the fourth and any subsequent violations per location within two years, the division of ~~[liquor]~~ alcohol and tobacco control shall issue a citation prohibiting the outlet from selling tobacco products for a five-day period.

6. Any owner of the establishment where tobacco products are available for sale who violates subsection 3 of this section shall not be penalized pursuant to this section if such person

documents the following:

(1) An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the state and federal regulations regarding sales of tobacco products, alternative nicotine products, or vapor products to minors. Such training program must be attended by all employees who sell tobacco products, alternative nicotine products, or vapor products to the general public;

(2) A signed statement by the employee stating that the employee has been trained and understands the state laws and federal regulations regarding the sale of tobacco products, alternative nicotine products, or vapor products to minors; and

(3) Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety minutes in length, established by the division of ~~[liquor]~~ alcohol and tobacco control.

7. The exemption in subsection 6 of this section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products, alternative nicotine products, or vapor products are available for sale if:

(1) Four or more violations per location of subsection 3 of this section occur within a one-year period; or

(2) Such person knowingly violates or knowingly allows his or her employees to violate subsection 3 of this section.

8. If a sale is made by an employee of the owner of an establishment in violation of sections 407.925 to 407.934, the employee shall be guilty of an offense established in subsections 1, 2 and 3 of this section. If a vending machine is in violation of section 407.927, the owner of the establishment shall be guilty of an offense established in subsections 3 and 4 of this section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in subsections 3 and 4 of this section.

9. A person cited for selling, providing, or distributing any tobacco product, alternative nicotine product, or vapor product to ~~[any individual less than eighteen years of age]~~ a minor in violation of subsection 1, 2, or 3 of this section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was ~~[eighteen years of age or older]~~ not a minor.

10. Any person adversely affected by this section may file an appeal with the administrative hearing commission which shall be adjudicated pursuant to the procedures established in chapter 621.

407.933. 1. No ~~[person less than eighteen years of age]~~ minor shall purchase, attempt to purchase, or possess cigarettes, other tobacco products, alternative nicotine products, or vapor products unless such person is an employee of a seller of cigarettes, tobacco products, alternative nicotine products, or vapor products and is in such possession to effect a sale in the course of employment, or an employee of the division of ~~[liquor]~~ alcohol and tobacco control for enforcement purposes pursuant to subsection 5 of section 407.934.

2. ~~[Any person less than eighteen years of age]~~ No minor shall ~~[not]~~ misrepresent his or her age to purchase cigarettes, tobacco products, alternative nicotine products, or vapor products.

3. Any person who violates the provisions of this section shall be penalized as follows:

(1) For the first violation, the person is guilty of an infraction and shall have any cigarettes, tobacco products, alternative nicotine products, or vapor products confiscated;

(2) For a second violation and any subsequent violations, the person is guilty of an infraction~~;~~ shall have any cigarettes, tobacco products, alternative nicotine products, or vapor products confiscated; and shall complete a tobacco education or smoking cessation program, if

1 available.

2 407.934. 1. No person shall sell cigarettes, tobacco products, alternative nicotine products,
3 or vapor products unless the person has a retail sales tax license.

4 2. The department of revenue shall permit persons to designate through the internet or by
5 including a place on all sales tax license applications for the applicant to designate himself or herself
6 as a seller of tobacco products, alternative nicotine products, or vapor products and to provide a list
7 of all locations where the applicant sells such products.

8 3. On or before July first of each year, the department of revenue shall make available to the
9 division of ~~[liquor]~~ alcohol and tobacco control and the department of mental health a complete list
10 of every establishment which sells cigarettes, other tobacco products, alternative nicotine products,
11 or vapor products in this state.

12 4. The division of ~~[liquor]~~ alcohol and tobacco control shall have the authority to inspect
13 stores and tobacco outlets for compliance with all laws related to access of tobacco products,
14 alternative nicotine products, or vapor products to minors. The division may employ a ~~[person~~
15 ~~seventeen years of age]~~ minor, with parental consent if the minor is under eighteen years of age, to
16 attempt to purchase tobacco for the purpose of inspection or enforcement of tobacco laws.

17 5. The supervisor of the division of ~~[liquor]~~ alcohol and tobacco control shall not use minors
18 to enforce the provisions of this chapter unless the supervisor promulgates rules that establish
19 standards for the use of minors. The supervisor shall establish mandatory guidelines for the use of
20 minors in investigations by a state, county, municipal or other local law enforcement authority
21 which shall be followed by such authority and which shall, at a minimum, provide for the following:

22 (1) The minor shall be at least seventeen years of age;

23 (2) The minor shall have a youthful appearance, and the minor, if a male, shall not have
24 facial hair or a receding hairline and if a female, shall not wear excessive makeup or excessive
25 jewelry;

26 (3) The state, county, municipal or other local law enforcement agency shall obtain the
27 consent of the minor's parent or legal guardian, if necessary, before the use of such minor on a form
28 approved by the supervisor;

29 (4) The state, county, municipal or other local law enforcement agency shall make a
30 photocopy of the minor's valid identification showing the minor's correct date of birth;

31 (5) Any attempt by such minor to purchase tobacco products, alternative nicotine products,
32 or vapor products shall be videotaped or audiotaped with equipment sufficient to record all
33 statements made by the minor and the seller of the tobacco product;

34 (6) The minor shall carry his or her own identification showing the minor's correct date of
35 birth and shall, upon request, produce such identification to the seller of the tobacco product,
36 alternative nicotine product, or vapor product;

37 (7) The minor shall answer truthfully any questions about his or her age and shall not
38 remain silent when asked questions regarding his or her age;

39 (8) The minor shall not lie to the seller of the tobacco product, alternative nicotine product,
40 or vapor product to induce a sale of tobacco products;

41 (9) The minor shall not be employed by the state, county, municipal or other local law
42 enforcement agency on an incentive or quota basis;

43 (10) The state, county, municipal or other local law enforcement agency shall, within forty-
44 eight hours, contact or take all reasonable steps to contact the owner or manager of the
45 establishment if a violation occurs;

46 (11) The state, county, municipal or other local law enforcement agency shall maintain
47 records of each visit to an establishment where a minor is used by the state, county, municipal or
48 other local law enforcement agency for a period of at least one year following the incident,
49 regardless of whether a violation occurs at each visit, and such records shall, at a minimum, include

1 the following information:

2 (a) The signed consent form of the minor's parent or legal guardian, if necessary;

3 (b) A ~~[Polaroid]~~ photograph of the minor;

4 (c) A photocopy of the minor's valid identification, showing the minor's correct date of
5 birth;

6 (d) An information sheet completed by the minor on a form approved by the supervisor; and

7 (e) The name of each establishment visited by the minor, and the date and time of each visit.

8 6. If the state, county, municipal or other local law enforcement authority uses minors in
9 investigations or in enforcing or determining violations of this chapter or any local ordinance and
10 does not comply with the mandatory guidelines established by the supervisor of ~~[liquor]~~ alcohol and
11 tobacco control in subsection 5 of this section, the supervisor of ~~[liquor]~~ alcohol and tobacco control
12 shall not take any disciplinary action against the establishment or seller pursuant to this chapter
13 based on an alleged violation discovered when using a minor and shall not cooperate in any way
14 with the state, county, municipal or other local law enforcement authority in prosecuting any alleged
15 violation discovered when using a minor."; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.