

A motion by Kentucky, North Dakota, Utah and Wisconsin to amend Section 805 of the Agreement to add a definition of “substantial compliance” / ”substantially compliant”.

Section 805: COMPLIANCE

- A. A member state is in compliance with the Agreement if the effect of the state’s laws, rules, regulations, and policies is substantially compliant with each of the requirements set forth in the Agreement.
- B. Unless the governing board specifies a different time period, no member state shall be found out of compliance under subsection A for failing to substantially comply with any amendment to the Agreement adopted under section 901 of the Agreement or an interpretation or interpretive rule adopted under section 902 of the Agreement, if substantial compliance with the amendment, interpretation or interpretive rule requires the state to make a statutory change, until the later of the first day of January at least two years after the adoption of the amendment, interpretation or interpretive rule or the first day of a calendar quarter following the end of one full session of the state’s legislature.
- C. Unless the governing board specifies a different time period, no member state shall be found out of compliance under subsection A if its noncompliance is a result of a judicial ruling in that state that interprets that term of the Agreement in a manner inconsistent with an interpretation by, or interpretive rule of, the governing board adopted under section 902 of the Agreement and the member state comes into substantial compliance with the interpretation of the governing board by amending its statutes before the later of the first day of January at least two years after the issuance of the judicial decision or the first day of a calendar quarter following one full session of the state’s legislature.

D. 1. “Substantial compliance” and “substantially compliant” as used in this section of the Agreement means that the state’s laws, rules, regulations, policies and other authorities as written, adopted and applied by the state are consistent with each requirement contained in the Agreement. A state may use different words (for example “must” instead of “shall”), but the substance of the state’s laws, rules, regulations, policies and other authorities must comply with each requirement in the Agreement.

2. The Agreement includes all rules, interpretive opinions, appendices or other determinations adopted by the Governing Board. If the Governing Board adopts specific rules, interpretive opinions, determinations or appendices that list specific products that fall within a term defined in

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the Agreement, the state must adhere to all parts of those rules, opinions, determinations and appendices. A state that deviates from those specific rules, opinions, determinations or appendices, is not “substantially compliant” with each requirement in the Agreement.

See Compiler’s Notes for history.