Policy Directives and Resolutions for Consideration

2022 NCSL Legislative Summit
Denver, Colorado

MEMORIAL CALENDAR

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COMMUNICATIONS, FINANCIAL SERVICES, & INTERSTATE COMMERCE

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HEALTH AND HUMAN SERVICES

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WHEREAS, it is well established that states have primary jurisdiction and responsibility for regulating insurance products offered by the life insurance industry to consumers in their respective jurisdictions; and

WHEREAS, the National Conference of State Legislatures (NCSL) strongly supports rights of states to regulate their unique insurance markets while joining together to support targeted modernization initiatives that protect insurance consumers and streamline regulation; and

WHEREAS, NCSL endorsed the development and implementation of the Interstate Insurance Product Regulation Compact (Insurance Compact) in 2004 and has actively supported its mission with NCSL legislators serving on the Insurance Compact Legislative Committee; and

WHEREAS, the Insurance Compact serves to bring states together to set national Uniform Standards that apply as the product requirements for life insurance, annuity, disability income, and long-term care insurance products, including requirements that in certain cases may differ from state-specific product requirements; and

WHEREAS, the Insurance Compact is an instrumentality of the states serving as a central clearinghouse for prompt and thorough product review and approval while preserving state authority over all other areas of insurance regulation—including agent licensing, market conduct, company licensing and solvency regulation—as well as preserving applicable state filing fee revenues; and
WHEREAS, since it became operational in 2006, the Insurance Compact has demonstrated sustained growth in the number of Compacting States, the number of Uniform Standards for the authorized product lines, the number of filing companies and product filings and has transformed the state-based product filing platform for Compacting States, their regulated entities and insurance consumers.

WHEREAS, the Compacting States represent 46 jurisdictions comprising more than 70 percent of the nationwide premium volume for asset-protection insurance products; and

WHEREAS, more than 100 product Uniform Standards prepared and adopted by the Insurance Compact member states have fulfilled the promise of stringent and detailed requirements administered by knowledgeable, professional staff, with over 12,000 insurance products reviewed and approved for use in the Compacting States; and

WHEREAS, states’ legislatures determine the extent and authority of participation in the Insurance Compact, and further exercise their sovereign authority and rights, through their legislatively designated representative to the Insurance Compact, who serves on the Compact Commission, its governing body; and

WHEREAS, the Insurance Compact has become an extremely important part of the fabric of state-based product regulation for these authorized insurance products; and

WHEREAS, a recent court opinion by the Colorado Supreme Court found that congressional consent to an interstate compact would affect whether states could join together to embrace provisions in duly promulgated uniform standards that may differ from state laws; and

WHEREAS, it is well-established in interstate compact case law that regulations adopted by states pursuant to an interstate compact with congressional consent can apply when different from state law; and
WHEREAS, the Insurance Compact is considering adoption of a position statement known as Position Statement 1-2022 to document that Congress conferred implied consent for the Insurance Compact in 2006 in the form of Public Law 109-356 enacted by Congress and signed by President George W. Bush, which authorized the District of Columbia to enter the Compact, and approved the delegation of authority necessary for the Commission to achieve the purposes of the Compact; and

NOW, THEREFORE BE IT RESOLVED that NCSL reaffirms its endorsement of the Insurance Compact as the legislative-regulatory state-based solution to making the product submission, review, and approval process more uniform, efficient, and robust across states; and

BE IT ALSO RESOLVED that NCSL agrees that the Compact Commission, working with legislators, regulators, and others in Compacting States, should take action to further strengthen and inform on the legal foundation of the Insurance Compact, an interstate agreement among the states requiring passage by their respective legislatures; and

BE IT FURTHER RESOLVED that at the recommendation of the Insurance Task Force of the Communications, Financial Services and Interstate Commerce Committee, NCSL supports the adoption by the Compact Commission of Position Statement 1-2022 acknowledging implied congressional consent was given to the Insurance Compact in 2006; and

BE IT FINALLY RESOLVED that a copy of this Resolution shall be distributed to the Office of the Interstate Insurance Product Regulation Commission with instructions to distribute to its members, members of the Legislative Committee and members of its Consumer and Industry Advisory Committees.
Global Health Equity Week 2022, (GHEW) is an annual event that will next take place on October 24-28, 2022. GHEW provides key public and private health and information technology stakeholders an opportunity to convene around the country in support of the advancement of health equity and to promote the value and potential of health information and technology to transform the public’s overall health and well-being. Initiated in 2006 by HIMSS as National Health IT Week, Global Health Equity Week has emerged as the culminating successor given the importance of health equity to our national health improvement agenda. The week serves as a landmark annual occasion for bringing together diverse global policymakers to affect change in the following areas:

1. Maternal Health
2. Pandemic Response
3. Digital Literacy
4. Digital Health Equity
5. Public Health Data Modernization
6. Telehealth and Broadband Access

The National Conference of State Legislatures (NCSL) has worked closely with HIMSS and other stakeholder organizations to promote understanding among state policymakers of the contributions of health IT in meeting the quadruple aim for improving health outcomes, the quality and safety of healthcare delivery, containing healthcare costs, and improve the work life of health professionals. Moreover, NCSL applauds HIMSS for elevating the value of health IT in addressing social determinants of health through the annual Global Health Equity Week events. NCSL and other stakeholders recognize the importance of health information technology and data to
ensure states become more resilient to public health threats like COVID-19, the opioid crisis, natural disasters, and chronic diseases that greatly affect our most vulnerable communities. NCSL and HIMSS support state actions to leverage health IT and data systems to achieve these goals. For instance, broadband access and connected health often lead to better health outcomes through the adoption of telehealth and digital decision-making tools essential to empowering people to engage in their own care – care that is value-based, secure, reliable, and that takes into account the social determinants that drive improved outcomes and reduced health disparities.

NCSL encourages its members to observe Global Health Equity Week 2022 in appropriate ways in their respective state capitals as well as in the Nation's Capital. NCSL also encourages its members to advocate for their respective delegations to the United States Congress to join in recognizing the benefits of health information and technology as they act to improve healthcare for all citizens during Global Health Equity Week and beyond.