

SENATE BILL 938

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By: **Senator Augustine**

Introduced and read first time: February 2, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Department of Health – Public Education Campaign on Prostate,**
3 **Lung, and Breast Cancer Prevention**

4 FOR the purpose of requiring the Maryland Department of Health to develop and
5 implement a public education campaign on prostate, lung, and breast cancer
6 prevention that targets communities disproportionately impacted by prostate, lung,
7 and breast cancer; and generally relating to the public education campaign on
8 prostate, lung, and breast cancer prevention.

9 BY adding to

10 Article – Health – General
11 Section 13–11A–01 to be under the new subtitle “Subtitle 11A. Public Education
12 Campaign on Prostate, Lung, and Breast Cancer Prevention”
13 Annotated Code of Maryland
14 (2023 Replacement Volume)

15 BY repealing and reenacting, without amendments,

16 Article – State Finance and Procurement
17 Section 7–317(a)
18 Annotated Code of Maryland
19 (2021 Replacement Volume and 2023 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – State Finance and Procurement
22 Section 7–317(f) and (g)(3)
23 Annotated Code of Maryland
24 (2021 Replacement Volume and 2023 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General**SUBTITLE 11A. PUBLIC EDUCATION CAMPAIGN ON PROSTATE, LUNG, AND BREAST CANCER PREVENTION.****13-11A-01.**

(A) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A 3-YEAR PUBLIC EDUCATION CAMPAIGN ON PROSTATE, LUNG, AND BREAST CANCER PREVENTION THAT TARGETS COMMUNITIES DISPROPORTIONATELY IMPACTED BY PROSTATE, LUNG, AND BREAST CANCER.

(B) IN DEVELOPING THE PUBLIC EDUCATION CAMPAIGN, THE DEPARTMENT SHALL WORK WITH:

(1) HEALTH CARE PROVIDERS, INCLUDING LICENSED PHYSICIANS, WHO TREAT INDIVIDUALS IMPACTED BY PROSTATE, LUNG, AND BREAST CANCER;

(2) HOSPITALS; AND

(3) HEALTH CARE ASSOCIATIONS THAT FOCUS ON PROSTATE, LUNG, AND BREAST CANCER.

(C) THE PUBLIC EDUCATION CAMPAIGN SHALL:

(1) PROVIDE EDUCATIONAL INFORMATION ON PROSTATE, LUNG, AND BREAST CANCER, INCLUDING INFORMATION REGARDING:

(i) THE RISKS AND WARNING SIGNS OF PROSTATE, LUNG, AND BREAST CANCER; AND

(ii) GUIDELINES AND BEST PRACTICES TO PREVENT PROSTATE, LUNG, AND BREAST CANCER;

(2) PROMOTE:

(i) PARTICIPATION IN CLINICAL TRIALS AND STUDIES FOR PROSTATE, LUNG, AND BREAST CANCER; AND

(ii) SCREENINGS FOR PROSTATE, LUNG, AND BREAST CANCER; AND

(3) PROVIDE INFORMATION ON LEGISLATION THAT REDUCES COST BARRIERS TO PREVENTION SERVICES FOR PROSTATE, LUNG, AND BREAST CANCER.

1 **(D) TO IMPLEMENT THE PUBLIC EDUCATION CAMPAIGN, THE DEPARTMENT**
2 **SHALL:**

3 **(1) USE COMMUNICATIONS TOOLS AND MESSAGING;**

4 **(2) POST ALL MATERIALS ON THE DEPARTMENT'S WEBSITE IN A**
5 **CONSPICUOUS MANNER AND AN ACCESSIBLE FORMAT; AND**

6 **(3) DEVELOP PARTNERSHIPS WITH HEALTH AGENCIES, NONPROFIT**
7 **ORGANIZATIONS, AND PRIVATE ENTITIES THAT WORK WITH COMMUNITIES**
8 **DISPROPORTIONATELY IMPACTED BY PROSTATE, LUNG, AND BREAST CANCER.**

9 **(E) THE DEPARTMENT SHALL:**

10 **(1) DEVELOP THE PUBLIC EDUCATION CAMPAIGN ON OR BEFORE**
11 **DECEMBER 1, 2025;**

12 **(2) PROVIDE 30 DAYS FOR FEEDBACK AND COMMENTS FROM THE**
13 **PUBLIC ON THE PUBLIC EDUCATION CAMPAIGN;**

14 **(3) IMPLEMENT THE PUBLIC EDUCATION CAMPAIGN ON OR BEFORE**
15 **JANUARY 1, 2026; AND**

16 **(4) SET MEASURABLE GOALS FOR THE PUBLIC EDUCATION**
17 **CAMPAIGN.**

18 **(F) ON OR BEFORE JANUARY 1, 2027, 2028, AND 2029, THE DEPARTMENT**
19 **SHALL SUBMIT A REPORT ON THE STATUS OF MEETING ITS GOALS ESTABLISHED**
20 **UNDER SUBSECTION (E)(4) OF THIS SECTION TO THE GENERAL ASSEMBLY, IN**
21 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.**

22 **(G) (1) FOR EACH OF FISCAL YEARS 2026, 2027, 2028, AND 2029, THE**
23 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO**
24 **THE DEPARTMENT FOR THE PUBLIC EDUCATION CAMPAIGN FROM THE CIGARETTE**
25 **RESTITUTION FUND ESTABLISHED UNDER § 7-317 OF THE STATE FINANCE AND**
26 **PROCUREMENT ARTICLE.**

27 **(2) THE TOTAL APPROPRIATION FOR FISCAL YEARS 2025 THROUGH**
28 **2029 SHALL BE NOT MORE THAN \$2,000,000.**

29 **Article – State Finance and Procurement**

30 7-317.

1 (a) There is a Cigarette Restitution Fund.

2 (f) (1) The Cigarette Restitution Fund shall be used to fund:

3 (i) the Tobacco Use Prevention and Cessation Program established
4 under Title 13, Subtitle 10 of the Health – General Article;

5 (ii) the Cancer Prevention, Education, Screening, and Treatment
6 Program established under Title 13, Subtitle 11 of the Health – General Article;

7 (iii) the activities of the Southern Maryland Agricultural
8 Development Commission, in accordance with § 13–611 of the Economic Development
9 Article;

10 (iv) For each of fiscal years 2025 through 2029, the Maryland
11 Community Health Resources Commission Fund, in accordance with subsection (g) of this
12 section; [and]

13 **(V) THE PUBLIC EDUCATION CAMPAIGN ON PROSTATE, LUNG,
14 AND BREAST CANCER PREVENTION ESTABLISHED UNDER TITLE 13, SUBTITLE 11A
15 OF THE HEALTH – GENERAL ARTICLE; AND**

16 ~~[(v)]~~ **(VI)** other programs that serve the following purposes:

17 1. reduction of the use of tobacco products by individuals
18 under the age of 21 years;

19 2. implementation of the Southern Maryland Regional
20 Strategy–Action Plan for Agriculture adopted by the Tri–County Council for Southern
21 Maryland with an emphasis on alternative crop uses for agricultural land now used for
22 growing tobacco;

23 3. public and school education campaigns to decrease tobacco
24 use with initial emphasis on areas targeted by tobacco manufacturers in marketing and
25 promoting cigarette and tobacco products;

26 4. smoking cessation programs;

27 5. enforcement of the laws regarding tobacco sales;

28 6. the purposes of the Maryland Health Care Foundation
29 under Title 20, Subtitle 5 of the Health – General Article;

1 7. primary health care in rural areas of the State and areas
2 targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco
3 products;

4 8. prevention, treatment, and research concerning cancer,
5 heart disease, lung disease, tobacco product use, and tobacco control, including operating
6 costs and related capital projects;

7 9. substance abuse treatment and prevention programs; and

8 10. any other public purpose.

9 (2) The provisions of this subsection may not be construed to affect the
10 Governor's powers with respect to a request for an appropriation in the annual budget bill.

11 (g) (3) For each fiscal year for which appropriations are made, at least 50% of
12 the appropriations shall be made for those purposes enumerated in subsection (f)(1)(i), (ii),
13 and [(v)1] (VI)1 through 9 of this section subject to the requirement of subsection (e)(2) of
14 this section.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2024. It shall remain effective for a period of 5 years and, at the end of September
17 30, 2029, this Act, with no further action required by the General Assembly, shall be
18 abrogated and of no further force and effect.