

UNOFFICIAL COPY OF SENATE BILL 13

SENATE BILL 13

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(PRE-FILED)

4lr1239
CF HB 51

By: **Senator Jackson**

Requested: October 30, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Pediatric Cancer Fund - Modifications**
3 **- Pediatric Cancer Research**
4 **Commission**

5 FOR the purpose of altering the use of the Maryland Pediatric Cancer Fund to require that
6 the Fund be used only for pediatric cancer research instead of only for pediatric
7 cancer research, prevention, and treatment establishing the Pediatric Cancer Research Commission;
8 and generally relating to the Maryland
9 Pediatric Cancer Fund and the Pediatric Cancer Research Commission.

10 BY repealing and reenacting, with amendments,
11 Article - Health - General
12 Section 20-120
13 Annotated Code of Maryland
14 (2023 Replacement Volume)

BY adding to

Article - Health - General

Section 13-5201 through 13-5203 to be under the new subtitle "Subtitle 52.

Pediatric Cancer Research Commission"

Annotated Code of Maryland

(2023 Replacement Volume)

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

17 **Article - Health - General**

18 20-120.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) "Fund" means the Maryland Pediatric Cancer Fund established under
21 this section.

22 (3) "Pediatric cancer research" includes research to develop and advance
the understanding of pediatric cancer and the techniques and modalities effective in the
prevention, cure, screening, and treatment of pediatric cancer.

(b) (1) There is a Maryland Pediatric Cancer Fund.

2

UNOFFICIAL COPY OF SENATE BILL 13

1 (2) The Fund consists of:

2 (i) Money appropriated in the State budget to the Fund; and

3 (ii) Any donations or other money from any other source accepted for
4 the benefit of the Fund.

5 (3) The Secretary shall administer the Fund.

6 (4) The Fund shall be used only for pediatric cancer research[, prevention,
7 and treatment] as provided in subsection (c) of this section.

8 (5) The Fund shall be maintained for the purposes stated in this section
9 and unspent portions of the Fund shall remain in the Fund and may not revert to the
10 General Fund of the State.

11 (6) Money expended from the Fund for pediatric cancer research[,
12 prevention, and treatment] is supplemental and is not intended to take the place of funding
13 that would otherwise be appropriated to the Department for pediatric cancer research[,
14 prevention, and treatment].

15 (7) All expenditures from the Fund shall be made only in accordance with
16 an appropriation approved by the General Assembly in the annual State budget or through
17 an approved budget amendment under §§ 7-209 and 7-210 of the State Finance and
18 Procurement Article.

19 (8) (i) For fiscal year 2023, the Governor shall include in the annual
20 budget bill an appropriation of \$5,000,000 to the Fund.

21 (ii) If \$5,000,000 is not included in the annual budget bill for fiscal
22 year 2023, then the Governor shall include in the annual budget bill for fiscal year 2024 an
23 appropriation of \$5,000,000 to the Fund.

**(iii) EACH FISCAL YEAR, ADDITIONAL
AMOUNTS TO BE ADDED TO THE FUND AS APPROPRIATED FROM THE GOVERNOR'S
BUDGET.**

24 (c) (1) Each year, the Secretary may distribute not more than 5% of the Fund
25 to a promotional account **TO BE ALLOCATED TO A MARYLAND-BASED AMERICAN CHILDHOOD CANCER ORGANIZATION**
to be used to promote further **APPROPRIATIONS** to the Fund **AND TO INFORM THE MARYLAND**
SCIENTIFIC COMMUNITY ABOUT THE OPPORTUNITIES FOR CHILDHOOD CANCER RESEARCH THROUGH THE FUND.

26 (2) (i) After making the distribution allowed under paragraph (1) of
27 this subsection, the Secretary shall use the remainder of the Fund only to provide grants
28 to eligible physicians, hospitals, laboratories, educational institutions, and other
29 organizations and persons to conduct pediatric cancer research[, prevention, or treatment].

30 (ii) Money received from the grant program under this section may
31 not be used to pay for institutional overhead expenses, organizational expenses, or charges
32 that are not directly related to pediatric cancer research[, prevention, or treatment] or
33 expenses arising from community-based support services.

3

UNOFFICIAL COPY OF SENATE BILL 13

1 (d) (1) On or before August 31 each year, the Secretary shall submit a report
2 to the General Assembly, in accordance with § 2-1257 of the State Government Article, on
3 the administration of the Fund.

4 (2) The report required under this subsection shall include:

5 (i) A description of promotional efforts undertaken with money from
6 the Fund; and

7 (ii) A detailed accounting of the use of the Fund.

8 (e) The Secretary shall adopt regulations to implement a pediatric cancer grant
9 program under this section.

13-5201.

(A) (1) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "COMMISSION" MEANS THE PEDIATRIC CANCER RESEARCH COMMISSION.

13-5202.

(A) THERE IS A PEDIATRIC CANCER RESEARCH COMMISSION.

(B) (1) THE COMMISSION CONSISTS OF 13 MEMBERS APPOINTED BY THE GOVERNOR.

(2) OF THE 13 COMMISSION MEMBERS:

(i) TWO SHALL BE AN INDIVIDUAL WHO ARE ADULT SURVIVORS OF PEDIATRIC CANCER OR CAREGIVERS OF PEDIATRIC CANCER PATIENTS, FROM A LIST SUBMITTED BY AMERICAN CHILDHOOD CANCER ORGANIZATION;

(ii) ONE SHALL BE AN INDIVIDUAL FROM AMERICAN CHILDHOOD CANCER ORGANIZATION;

(iii) TWO SHALL BE SCIENTISTS WITH EXPERTISE IN PEDIATRIC CANCER RESEARCH FROM THE UNIVERSITY OF MARYLAND;

(iv) TWO SHALL BE SCIENTISTS WITH EXPERTISE IN PEDIATRIC CANCER RESEARCH FROM JOHNS HOPKINS UNIVERSITY;

(v) TWO SHALL BE AN ADVANCED PRACTICE REGISTERED NURSE WHO HAS EXPERIENCE IN PEDIATRIC CANCER;

(vi) ONE SHALL BE A PHYSICIAN WITH EXPERTISE IN TREATING PEDIATRIC CANCER PATIENTS FROM THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;

(vii) ONE SHALL BE A PHYSICIAN WITH EXPERTISE IN TREATING PEDIATRIC CANCER PATIENTS FROM JOHNS HOPKINS MEDICAL SYSTEM;

(viii) ONE SHALL BE A PHYSICIAN WITH EXPERTISE IN PEDIATRIC ONCOLOGY FROM LIFE BRIDGE;

(ix) ONE SHALL BE AN INDIVIDUAL WITH EXPERTISE IN PEDIATRIC ONCOLOGY FROM THE NATIONAL CANCER INSTITUTE.

(C) (1) THE TERM OF AN APPOINTED MEMBER IS 3

YEARS.

(2) THE TERMS OF THE APPOINTED MEMBERS OF THE COMMISSION ARE STAGGERED.

(3) IF A VACANCY OCCURS DURING THE TERM OF AN APPOINTED MEMBER, THE GOVERNOR SHALL APPOINT A SUCCESSOR WHO SHALL SERVE UNTIL THE TERM EXPIRES.

(3) AT THE END OF A TERM, A MEMBER MAY CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL TERMS.

(E) EACH MEMBER OF THE COMMISSION SHALL DISCLOSE TO THE STATE COMMISSION ON ETHICS WHETHER THE MEMBER IS EMPLOYED BY OR HAS A FINANCIAL INTEREST IN AN ENTITY THAT MAY APPLY TO CONDUCT STATE-FUNDED PEDIATRIC CANCER RESEARCH.

(F) (1) THE GOVERNOR MAY REMOVE A MEMBER FOR NEGLIGENCE OF DUTY, INCOMPETENCE, MISCONDUCT, MALFEASANCE, MISFEASANCE, NONFEASANCE, OR ANY OTHER SUFFICIENT CAUSE.

(2) THE GOVERNOR SHALL NOT REMOVE A MEMBER FOR POLITICAL PARTY PREFERENCE.

(G) (1) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE COMMISSION IS A QUORUM.

(2) THE DECISION OF THE COMMISSION SHALL BE BY A MAJORITY OF THE QUORUM PRESENT AND VOTING.

(H) THE COMMISSION SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND PLACES THAT IT DETERMINES.

(I) A MEMBER OF THE COMMISSION MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE COMMISSION, BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(J) THE COMMISSION MAY EMPLOY A STAFF, INCLUDING CONTRACTUAL STAFF, IN ACCORDANCE WITH THE STATE BUDGET.

13-5203.

(A) THE COMMISSION SHALL ELECT ANNUALLY A CHAIR AND VICE CHAIR FROM AMONG ITS MEMBERS.

13-5204.

(A) THE PURPOSE OF THE COMMISSION IS TO OVERSEE THE COMPETITIVE GRANT REVIEW PROCESS FOR DISTRIBUTION OF THE FUNDS.

(B) COMMISSION SHALL:

(1) DEVELOP CRITERIA, STANDARDS, AND REQUIREMENTS FOR THE REVIEW OF STATE-FUNDED PEDIATRIC CANCER RESEARCH GRANT APPLICATIONS;

(2) ESTABLISH PROCEDURES AND GUIDELINES TO BE USED IN THE

REVIEW, EVALUATION, RANKING AND RATING OF RESEARCH GRANT PROPOSALS FOR STATE-FUNDED PEDIATRIC CANCER RESEARCH APPLICATIONS;

(3) REVIEW GRANT APPLICATIONS TO ENSURE THAT EACH APPLICATION IS COMPLETE AND SATISFIES THE CRITERIA, STANDARDS, AND REQUIREMENTS DEVELOPED BY THE COMMISSION;

(4) DEVELOP GUIDELINES ON DISCLOSURE AND RECUSAL TO BE FOLLOWED BY MEMBERS OF THE COMMISSION WHEN CONSIDERING GRANT APPLICATIONS;

(5) ESTABLISH STANDARDS FOR THE OVERSIGHT OF AWARDS; AND

(6) CONDUCT PROGRESS REVIEWS OF GRANT RECIPIENTS.

(B) THE COMMISSION MAY CONSULT WITH EXPERTS IN PERFORMING ITS DUTIES.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2024.