

HOUSE No. 02342

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Conroy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to a lung cancer research fund.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Thomas P. Conroy

13th Middlesex

John V. Fernandes

10th Worcester

Martin J. Walsh

13th Suffolk

HOUSE No. 02342

By Mr. Conroy of Wayland, a petition (accompanied by bill, House, No. 2342) of Walsh and others for legislation to establish a lung cancer research fund Joint Committee on Public Health.

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Eleven
—————

An Act relative to a lung cancer research fund.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 3500
2 the following section:-

3 Section 35PP. (a) There shall be established and set up on the books of the commonwealth a
4 separate fund as a to be known as the Commonwealth Lung Cancer Research Fund, hereinafter
5 referred to as the “fund”. The fund shall consist of: (1) revenues to be credited in accordance
6 with the provisions of subsection (k) of section 3 of chapter 29D; (2) any appropriation or
7 authorization of the general court; and (3) any other amounts to be explicitly credited to the fund
8 from any source, to include any public or private, donations, grants, repayments and other
9 receipts.

10 (b) The state treasurer shall receive and deposit, in accordance with state law, all monies credited
11 to the fund in financial institutions as to provide the highest interest rate consistent with the

12 safety of the monies so deposited and to allow the immediate withdrawal of such monies without
13 penalty. All accrued investment income shall be credited to the fund.

14 (c) Amounts credited to the fund shall be made available, without appropriation, to the
15 Department of Public Health solely for the following purposes:

16 (1) to support research to discover a cure for lung cancer;

17 (2) to support research relative to the causes of lung cancer; and

18 (3) to support research relative to the effectiveness of lung cancer treatment options; and

19 (4) to promote the development of early detection diagnostic tools and screening technologies
20 for lung cancer.

21 (d) Expenditure of fund monies shall be at the discretion of the Department of Public Health
22 who shall be authorized to administer the monies only for the purposes of this section; provided
23 that, in a fiscal year no greater than 3 per cent of the amounts credited to the fund, may be
24 expended during such fiscal year for the administration of the fund; and provided further, any
25 other expenditures from the fund shall be made only to public, quasi-public, or non-public: (i)
26 hospitals, clinics, clinical laboratories and other medical facilities licensed by the department of
27 public health, and (ii) universities, colleges and medical schools authorized to confer degrees that
28 are located in the commonwealth. No expenditure or obligation for expenditure from the fund
29 shall be made to cause the fund to become deficient at any time during a fiscal year. All
30 available moneys in the fund that are unexpended at the end of each fiscal year shall not revert to
31 the General Fund and shall be available for expenditure in the subsequent fiscal year.

32 (e) By the first Wednesday in November of each year, the Department of Public Health shall
33 prepare and submit to the secretary of administration and finance and to the chairmen of the joint
34 committee of public health, a complete report for the period of the prior fiscal year of: (1) the
35 financial condition of the fund with a list of the receipts, income and expenditures from the
36 fund including the disposition of monies for each program, research study funded and the
37 purpose and amount of administrative expenditures; (2) a summary of federal grants,
38 reimbursements or other funding related to the purposes of this section that was received,
39 expended or application made for during such period; and (3) a summary of the outcomes and
40 findings reported to the Department of Public Health as a result of research studies funded by
41 the fund as related to the purposes of this section.

42 (f) The Department of Public Health may make agreements with others, and may enact
43 regulations to establish standards, procedures and guidelines related to the expenditure of monies
44 under this section.

45 SECTION 2. Section 3 of chapter 29D of the General Laws, as appearing in the 2008 Official
46 Edition, is hereby amended by adding the following subsection:-

47 (k) Notwithstanding any other provision of this section, the comptroller shall annually, beginning
48 fiscal year 2012, transfer \$1 million from the Health Care Security Fund to the Commonwealth
49 Lung Cancer Research Fund, established in section 35PP of chapter 10, which shall be
50 immediately available for expenditure.