

Chapter 254

(Senate Bill 51)

AN ACT concerning

Maryland Pediatric Cancer Fund – Establishment ~~and Income Tax Checkoff~~

FOR the purpose of establishing the Maryland Pediatric Cancer Fund; requiring the Secretary of Health to adopt regulations to implement a pediatric cancer research grant program; ~~requiring the Comptroller to include a checkoff on individual income tax return forms for voluntary contributions to the Fund and to include certain information in each individual income tax return package;~~ and generally relating to the Maryland Pediatric Cancer Fund.

BY adding to

Article – Health – General
Section 20–120 to be under the new part “Part V. Pediatric Cancer”
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

~~BY adding to~~

~~Article – Tax – General
Section 2–112.1 and 10–804(l)
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)~~

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

Article – Health – General

20–118. RESERVED.

20–119. RESERVED.

PART V. PEDIATRIC CANCER.

20–120.

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

(2) “FUND” MEANS THE MARYLAND PEDIATRIC CANCER FUND ESTABLISHED UNDER THIS SECTION.

~~(3) “INCOME TAX CHECKOFF SYSTEM” MEANS THE CHECKOFF SYSTEM ESTABLISHED UNDER § 2-116 OF THE TAX GENERAL ARTICLE.~~

~~(4)~~ (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) THE NET PROCEEDS FROM CONTRIBUTIONS UNDER THE INCOME TAX CHECKOFF SYSTEM AND ANY OTHER DONATIONS TO THE FUND SHALL BE CREDITED TO THE FUND.~~

(2) THE FUND CONSISTS OF:

(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

(II) ANY DONATIONS OR OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(3) THE SECRETARY SHALL ADMINISTER THE FUND.

(4) THE FUND SHALL BE USED ONLY FOR PEDIATRIC CANCER RESEARCH, PREVENTION, AND TREATMENT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

(5) THE FUND SHALL BE MAINTAINED FOR THE PURPOSES STATED IN THIS SECTION AND UNSPENT PORTIONS OF THE FUND SHALL REMAIN IN THE FUND AND MAY NOT REVERT TO THE GENERAL FUND OF THE STATE.

(6) MONEY EXPENDED FROM THE FUND FOR PEDIATRIC CANCER RESEARCH, PREVENTION, AND TREATMENT IS SUPPLEMENTAL AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED TO THE DEPARTMENT FOR PEDIATRIC CANCER RESEARCH, PREVENTION, AND TREATMENT.

(7) ALL EXPENDITURES FROM THE FUND SHALL BE MADE ONLY IN ACCORDANCE WITH AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN THE ANNUAL STATE BUDGET OR THROUGH AN APPROVED BUDGET AMENDMENT UNDER §§ 7-209 AND 7-210 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(8) (I) FOR FISCAL YEAR 2023, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$5,000,000 TO THE FUND.

(II) IF \$5,000,000 IS NOT INCLUDED IN THE ANNUAL BUDGET BILL FOR FISCAL YEAR 2023, THEN THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL FOR FISCAL YEAR 2024 AN APPROPRIATION OF \$5,000,000 TO THE FUND.

(C) (1) ~~THE~~ EACH YEAR, THE SECRETARY MAY DISTRIBUTE NOT MORE THAN 5% OF THE ~~NET PROCEEDS OF THE~~ FUND TO A PROMOTIONAL ACCOUNT TO BE USED TO PROMOTE FURTHER DONATIONS TO THE FUND.

(2) (I) AFTER MAKING THE DISTRIBUTION ALLOWED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL USE THE REMAINDER ~~OF THE NET PROCEEDS~~ OF THE FUND ONLY TO PROVIDE GRANTS TO ELIGIBLE PHYSICIANS, HOSPITALS, LABORATORIES, EDUCATIONAL INSTITUTIONS, AND OTHER ORGANIZATIONS AND PERSONS TO CONDUCT PEDIATRIC CANCER RESEARCH, PREVENTION, AND TREATMENT.

(II) MONEY RECEIVED FROM THE GRANT PROGRAM UNDER THIS SECTION MAY NOT BE USED TO PAY FOR INSTITUTIONAL OVERHEAD EXPENSES, ORGANIZATIONAL EXPENSES, OR CHARGES THAT ARE NOT DIRECTLY RELATED TO PEDIATRIC CANCER RESEARCH, PREVENTION, OR TREATMENT OR EXPENSES ARISING FROM COMMUNITY-BASED SUPPORT SERVICES.

(D) (1) ON OR BEFORE AUGUST 31 EACH YEAR, THE SECRETARY SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE ADMINISTRATION OF THE FUND.

(2) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:

~~(I) THE GROSS AMOUNT OF DONATIONS TO THE FUND THROUGH THE INCOME TAX CHECKOFF SYSTEM AND OTHERWISE;~~

~~(II) THE COST OF ADMINISTRATION BY THE COMPTROLLER OF THE INCOME TAX CHECKOFF SYSTEM;~~

~~(III)~~ (I) A DESCRIPTION OF PROMOTIONAL EFFORTS UNDERTAKEN WITH MONEY FROM THE FUND; AND

~~(IV)~~ (II) A DETAILED ACCOUNTING OF THE USE OF THE FUND.

(E) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT A PEDIATRIC CANCER RESEARCH GRANT PROGRAM UNDER THIS SECTION.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article Tax General~~

~~2-112.1.~~

~~(A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL INCOME TAX RETURN FORM A CHECKOFF DESIGNATED AS THE "MARYLAND PEDIATRIC CANCER FUND CONTRIBUTION".~~

~~(2) THE CHECKOFF SHALL STATE THAT:~~

~~(i) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A JOINT RETURN, MAY CONTRIBUTE TO THE MARYLAND PEDIATRIC CANCER FUND THE AMOUNT DESIGNATED BY THE INDIVIDUAL; AND~~

~~(ii) 1. THE INDIVIDUAL SHALL DEDUCT THE AMOUNT OF THE CONTRIBUTION FROM ANY REFUND TO WHICH THE INDIVIDUAL IS ENTITLED; OR~~

~~2. IF THE INDIVIDUAL IS NOT ENTITLED TO A REFUND, THE INDIVIDUAL SHALL ADD THE AMOUNT OF THE CONTRIBUTION TO THE INCOME TAX TO BE PAID WITH THE RETURN.~~

~~(3) THE COMPTROLLER SHALL INCLUDE, WITH THE INDIVIDUAL INCOME TAX RETURN PACKAGE, A DESCRIPTION OF THE PURPOSES FOR WHICH THE MARYLAND PEDIATRIC CANCER FUND WAS ESTABLISHED AND THE PURPOSES FOR WHICH THE FUND MAY BE USED.~~

~~(B) THE COMPTROLLER SHALL:~~

~~(1) COLLECT THE CHECKOFF CONTRIBUTIONS AND ACCOUNT TO THE STATE TREASURER FOR THE MONEY COLLECTED;~~

~~(2) FROM THE CONTRIBUTIONS COLLECTED, DISTRIBUTE THE AMOUNT NECESSARY TO ADMINISTER THE CHECKOFF SYSTEM TO AN ADMINISTRATIVE COST ACCOUNT; AND~~

~~(3) AFTER THE DISTRIBUTION UNDER ITEM (2) OF THIS SUBSECTION, DISTRIBUTE THE REMAINDER OF THE MONEY COLLECTED UNDER THIS SUBSECTION~~

~~TO THE MARYLAND PEDIATRIC CANCER FUND ESTABLISHED UNDER § 20-120 OF THE HEALTH GENERAL ARTICLE.~~

~~10-804.~~

~~(L) AN INDIVIDUAL MAY DESIGNATE A CONTRIBUTION TO THE MARYLAND PEDIATRIC CANCER FUND, ESTABLISHED UNDER § 20-120 OF THE HEALTH GENERAL ARTICLE, BY THE CHECKOFF SYSTEM ON THE RETURN.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2021.~~

SECTION ~~4.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

Approved by the Governor, May 12, 2022.