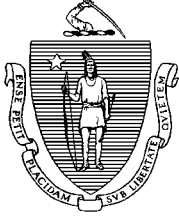


SENATE, NO. 2454

[SIMILAR MATTER FILED DURING PAST SESSION
SEE NO. OF]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND SEVEN

AN ACT ESTABLISHING THE COMMONWEALTH LUNG CANCER EARLY DETECTION AND TREATMENT 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
2 after section 35EE the following section:-
3 Section 35FF. There shall be established and set up on the books of the commonwealth a
4 separate fund as a trust to be known as the Commonwealth Lung Cancer Early Detection
5 and Treatment Research Trust Fund, hereinafter referred to as the “trust fund”. The trust
6 fund shall consist of revenues to be credited in accordance with the provisions of
7 subsection (c) of section 7C of chapter 64C; any appropriation or authorization of the
8 general court; and any other amounts to be explicitly credited to the trust fund from any
9 source, to include any public or private, donations, grants, repayments and other receipts.

10 The state treasurer shall receive and deposit, in accordance with state law, all
11 monies credited to the trust fund in financial institutions as to provide the highest interest
12 rate consistent with the safety of the monies so deposited and to allow the immediate
13 withdrawal of such monies without penalty. All accrued investment income shall be
14 credited to the trust fund.

15 Amounts credited to the trust fund shall be made available, without appropriation,
16 to the department of public health solely for the following purposes:

17 (1) To establish screening programs within a high risk population for the early
18 detection of lung cancer through the use of computed tomography (CT) scanning based
19 on the International Early Lung Cancer Action Program (I-ELCAP) or other methods and
20 practices that may be established by the commissioner of the department of public health,
21 hereinafter referred to as the “commissioner”, provided that: (i) at least 25 per cent of all
22 individuals screened under the program shall be from racial or ethnic minority
23 populations; and (ii) at least 50 per cent of all individuals screened under the program
24 shall have a family income that does not exceed 150 per cent of federal poverty
25 guidelines; and (iii) the cost for program screening or diagnostic services shall not be
26 assessed to an individual that has a family income that does not exceed 150 per cent of
27 the federal poverty income guidelines; and (iv) only licensed hospitals or other licensed
28 medical facilities in the commonwealth shall provide program screening or diagnostic
29 medical services to participating individuals; and (v) adequate counsel and referral to the
30 medical treatment shall be provided to participating individuals with detected lung
31 cancers.

32 (2) To promote the development of early detection diagnostic tools and screening

33 technologies for lung cancer.

34 (3) To promote the development of chemoprevention and targeted therapies for lung
35 cancer.

36 (4) To support research into the disparities in lung cancer incidence and mortality rates.

37 (5) To support research to discover a cure for lung cancer.

38 Expenditure of trust fund monies shall be at the discretion of the commissioner
39 who shall be authorized to administer the monies only for the purposes of this section;
40 provided that, in a fiscal year no greater than 3 ½ per cent of the amounts credited to the
41 trust fund, inclusive of any costs to be recovered for such period under section 5D of
42 chapter 29, may be expended during such fiscal year for the administration of the trust
43 fund; and provided further, any other expenditures from the trust fund shall be made only
44 to public, quasi-public, or non-public: (i) hospitals, clinics, clinical laboratories and other
45 medical facilities licensed by the department of public health, and (ii) universities,
46 colleges and medical schools authorized to confer degrees that are located in the
47 commonwealth. No expenditure or obligation for expenditure from the trust fund shall be
48 made to cause the trust fund to become deficient at any time during a fiscal year.

49 To encourage recipients to seek additional funding from other sources, any
50 expenditure to a recipient from the trust fund shall be made as a matching grant unless
51 such requirement is waived or modified by the commissioner.

52 There shall be an advisory committee that shall make recommendations to the
53 commissioner about the expenditure of trust fund monies. The committee shall be
54 comprised of the commissioner or his representative, who shall serve as the chairman and
55 8 voluntary and uncompensated members, 1 representative from each of the following

56 organizations: the Lung Cancer Alliance, Massachusetts chapter; the Massachusetts
57 Medical Society; the Massachusetts Hospital Association; the Massachusetts League of
58 Community Health Centers; the Oncology Nursing Society; the American Cancer
59 Society, Massachusetts chapter; the American Lung Association; and the Massachusetts
60 Public Health Association. The commissioner may fill any member vacancies to the
61 committee. A member or his representative, who is not otherwise a state employee, shall
62 not be in violation of sections 4 and 6 of chapter 268A with respect to a particular matter
63 before the committee, where such member or representative, his immediate family or
64 partner has a financial interest or other conflict as proscribed by said sections provided,
65 such member or representative, acting on behalf of the member or himself, first discloses
66 such interest or other conflict to the chairman, and provided further, the chairman
67 approves before his further participation on such matter. Any such disclosure and
68 approval shall be recorded in the minutes of the committee meeting.

69 To further increase funding to accomplish the purposes of this section, the
70 commissioner shall be authorized to apply to the federal government for any grants,
71 reimbursements and other funding available to the department of public health that is
72 specifically related to such stated purposes. Notwithstanding any other provision of this
73 section to the contrary, all federal monies received shall be deposited into the General
74 Federal Grants Fund in accordance with section 2C of chapter 29. The application for,
75 and receipt and expenditure of, such monies shall be subject to section 6B of chapter 29;
76 except, expenditure of such monies in the fiscal year such monies are received shall not
77 require further appropriation by the general court and no costs other than for fringe
78 benefits may be charged pursuant to subsection (f) of said section. Consistent with federal

79 law and regulations, the commissioner shall be authorized to expend any available federal
80 monies for the purposes that such funding was received.

81 By the first Wednesday in November of each year, the commissioner shall
82 prepare and submit to the secretary of administration and finance and to the chairmen of
83 the joint committee of public health, a complete report for the period of the prior fiscal
84 year of: (i) the financial condition of the trust fund with a list of the receipts, income and
85 expenditures from the trust fund including the disposition of monies for each program,
86 research study funded and the purpose and amount of administrative expenditures; (ii) a
87 summary of federal grants, reimbursements or other funding related to the purposes of
88 this section that was received, expended or application made for during such period; and
89 (iii) a summary of the outcomes and findings reported to the department of public health
90 as a result of programs and research studies funded by the trust fund or from expenditure
91 of federal monies as related to the purposes of this section.

92 The commissioner may make agreements with others, and may enact regulations
93 to establish standards, procedures and guidelines related to the expenditure of monies
94 under this section.

95 SECTION 2. Section 7C of chapter 64C of the General Laws, as appearing in the
96 2006 Official Edition, is hereby amended by striking out subsection (c) and inserting in
97 place thereof the following subsection:-
98 (c) Notwithstanding the provisions of section 28, all revenues received pursuant to this
99 section, together with any penalties, forfeitures, interests, and costs of suits and fines
100 connected therewith, less all amounts refunded or abated in connection therewith, as

101 determined by the commissioner of revenue according to his best information and belief,
102 shall be credited as follows:

103 (1) An amount equal to 10 million dollars for which an excise and other monies have
104 been collected under this section and not refunded or abated, during each fiscal year, shall
105 first be credited to the Commonwealth Lung Cancer Early Detection and Treatment
106 Research Trust Fund established pursuant to section 35FF of chapter 10. Except, in the
107 fiscal year of the establishment of the fund, the amount to be first credited under this
108 clause shall equal 3 million dollars for which an excise and other monies have been
109 collected and not refunded or abated and, in the next following fiscal year, shall equal 6
110 million dollars for which an excise and other monies have been collected and not
111 refunded or abated.

112 (2) The remaining funds, after first crediting the amounts required under clause (1),
113 shall be credited to the General Fund.