

# HOUSE . . . . . No. 3960

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, January 25, 2016.

The committee on Revenue to whom was referred the petition (accompanied by bill, House, No. 2448) of Jennifer E. Benson and others relative to providing a voluntary contribution option on the state income tax form for donations to the State Public Health HIV and Hepatitis Fund, reports recommending that the accompanying bill (House, No. 3960) ought to pass.

For the committee,

JAY R. KAUFMAN.

**HOUSE . . . . . No. 3960**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act relative to a State Public Health HIV and Hepatitis 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 62 of the General Laws, as appearing in the 2014 Official Edition,  
2 is hereby amended by striking out section 6G and inserting in place thereof the following  
3 section:-

4           Massachusetts State Public Health HIV and Hepatitis fund; voluntary contributions

5           Section 6G. Every individual who files a separate return and every married couple filing  
6 a return jointly may voluntarily contribute all or part of any refund to which they are entitled, or  
7 may voluntarily add an amount onto any amount due, to be credited to the Massachusetts State  
8 Public Health HIV and Hepatitis Fund established pursuant to section 35R of chapter ten.

9           A contribution made under this section may be with respect to any taxable year at the  
10 time of filing a return of the tax established by this chapter for such taxable year; provided,  
11 however, that the commissioner shall prescribe the manner in which such contribution shall be  
12 made on the face of the return required by section five of chapter sixty-two C; and provided,

13 further, that the commissioner shall assure that taxpayers filing any such forms are made clearly  
14 aware of their ability to make the contributions provided for by this section.

15 The commission shall annually report the total amount designated under this section to  
16 the state treasurer, who shall credit such amount to said Massachusetts State Public Health HIV  
17 and Hepatitis Fund.

18 Contributions credited to this Fund may be used for clinical and public health research,  
19 program evaluation, and prevention, testing, and treatment services with the goal of reducing  
20 illness and death related to infection with HIV or viral hepatitis.

21 SECTION 2. Chapter 10 of the General Laws, as so appearing, is hereby amended by  
22 striking out section 35R and inserting in place thereof the following section:-

23 Massachusetts State Public Health HIV and Hepatitis fund

24 Section 35R. There shall be established and set up on the books of the commonwealth a  
25 separate fund, to be administered by the commissioner of public health as provided in sections  
26 2D to 2F, inclusive, of chapter 111, to be known as the Massachusetts State Public Health HIV  
27 and Hepatitis Fund. Said fund shall consist of all revenues received by the commonwealth under  
28 the provisions of section 6G of chapter 62, from public and private sources as appropriations,  
29 gifts, grants, and donations, and from the federal government as reimbursements, grants-in-aid or  
30 other receipts, to further the purposes of said fund as set out in section 2E of said chapter 111.

31 All revenues credited to said fund under this section shall remain in said fund, not subject to  
32 appropriation, for application to said purposes. The state treasurer shall not deposit said revenues  
33 in, or transfer said revenues to, the General Fund or any other fund other than the Massachusetts  
34 State Public Health HIV and Hepatitis Fund. The state treasurer shall deposit monies in said fund

35 in accordance with the provisions of section 34 and 34A of chapter 29 in such manner as will  
36 secure the highest interest rate available consistent with safety of the fund and with the  
37 requirement that all amounts on deposit be available for immediate withdrawal at any time. Said  
38 fund shall be expended only for the purpose stated in section 2E of chapter 111 at the direction of  
39 the commissioner of public health, and any unexpended balances shall be redeposited, as herein  
40 provided, for further use consistent with this section. The provisions of this section shall apply to  
41 all funds received by the commonwealth after July 1, 1995 under the provisions of section 6G of  
42 chapter 62.

43 SECTION 3. Chapter 111 of the General Laws, as so appearing, is hereby amended by  
44 striking out section 2D and inserting in place thereof the following section:-

45 Massachusetts State Public Health HIV and Hepatitis Fund; definitions

46 Section 2D. As used in sections 2D to 2F, inclusive, the following words shall, unless the  
47 context clearly indicates otherwise, have the following meanings:—

48 “AIDS”, acquired immune deficiency syndrome associated with HIV.

49 “AIDS advisory board”, the board established pursuant to section 2F.

50 “Education”, efforts to inform the public, or groups within the public who are  
51 seropositive or at high risk of HIV or viral hepatitis infection, with targeted information directed  
52 specifically at decreasing the incidence of unsafe behavior associated with the transfer of the  
53 HIV virus and viral hepatitis.

54 “Experimental treatment”, treatment for viral hepatitis, HIV infection or its associated  
55 illnesses which has not yet been approved for general use by an appropriate agency of the federal  
56 government.

57 “Fund”, the Massachusetts State Public Health HIV and Hepatitis Fund established  
58 pursuant to section 35R of chapter 10.

59 “HIV”, the human immunodeficiency virus associated with AIDS.

60 “Research”, scientific study conducted through community-based efforts to determine the  
61 effectiveness of drug and non-drug therapies in combatting viral hepatitis, HIV infection and its  
62 associated illness, including research into the effectiveness of educational methods and materials.

63 “Seropositive”, the status of having tested positive for HIV or viral hepatitis antibodies.

64 “Treatment”, such treatment as is approved by appropriate agencies of the United States  
65 government for viral hepatitis, HIV infection or its associated illnesses.

66 SECTION 4. Chapter 111 of the General Laws is hereby amended by striking out section  
67 2E, as so appearing, and inserting in place thereof the following section:-

68 Massachusetts State Public Health HIV and Hepatitis Fund; expenditures

69 Section 2E. The commissioner may expend amounts contained in the fund, with the  
70 advice and under the guidance of the AIDS advisory board, solely for research treatment,  
71 experimental treatment, and education related to viral hepatitis, HIV infection or its associated  
72 illnesses. Expenditures from the fund for such purposes shall complement and not replace  
73 existing local, state, or federal viral hepatitis or AIDS-related funding. The commissioner shall  
74 determine, with the advice and under the guidance of the AIDS advisory board, appropriate

75 educational efforts to fund. The commissioner, after consultation with the AIDS advisory board,  
76 shall develop a list of research priorities and protocols. The commissioner shall make a priority  
77 of researching those drug and non-drug therapies that are not made generally available through  
78 federal and other state programs, and shall prioritize those therapies which show the most  
79 promise of combatting viral hepatitis, HIV infection or its associated illnesses.

80           No more than 6 percent of the amounts held in the fund in any one year shall be used for  
81 administration of the fund; provided, however, that this provision shall not preclude the  
82 appropriation from the General Fund of the commonwealth of additional amounts to support the  
83 administration of the fund. Notwithstanding any statute or regulations to the contrary, the  
84 commissioner may develop, with the advice of the AIDS advisory board, procedures for  
85 accepting proposals for implementing any of the purposes of the fund as set forth in this section.