HOUSE DOCKET, NO. 2750 FILED ON: 1/21/2011

HOUSE . . . . . No. 2342

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 adoption of the accompanying bill:

An Act relative to a lung cancer research fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Thomas P. Conroy	*13th Middlesex*	*1/21/2011*
John V. Fernandes	*10th Worcester*	*2/3/2011*
Martin J. Walsh	*13th Suffolk*	*2/3/2011*

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HOUSE . . . . . No. 2342

By Mr. Conroy of Wayland, a petition (accompanied by bill, House, No. 2342) of Thomas P. Conroy, John V. Fernandes and Martin J. Walsh for legislation to establish a lung cancer research fund. 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:

SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35OO the following section:-

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

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

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

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

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

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

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

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

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

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

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

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

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