

**HOUSE . . . . . No. 2342**

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**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:
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>

**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:*

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

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

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

12 the safety of the monies so deposited and to allow the immediate withdrawal of such monies  
13 without 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  
20 technologies for lung cancer.

21 (d) Expenditure of fund monies shall be at the discretion of the Department of Public  
22 Health who shall be authorized to administer the monies only for the purposes of this section;  
23 provided that, in a fiscal year no greater than 3 per cent of the amounts credited to the fund, may  
24 be 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  
33 shall prepare and submit to the secretary of administration and finance and to the chairmen of the  
34 joint committee of public health, a complete report for the period of the prior fiscal year of: (1)  
35 the 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  
46 Official Edition, is hereby amended by adding the following subsection:-

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