

Chapter 924

(House Bill 51)

AN ACT concerning

~~Maryland Pediatric Cancer Fund – Modifications~~
Public Health – Maryland Pediatric Cancer Fund and Commission

FOR the purpose of altering the use of the Maryland Pediatric Cancer Fund to require that the Fund be used only for pediatric cancer research instead of only for pediatric cancer research, prevention, and treatment *and to allow funds from the Fund to be used for administrative expenses*; establishing the Pediatric Cancer Research Commission to oversee the award of competitive grants from the Fund; and generally relating to the Maryland Pediatric Cancer Fund and the Pediatric Cancer Research Commission.

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section 20–120
 Annotated Code of Maryland
 (2023 Replacement Volume)

BY adding to
Article – Health – General
Section 20–121
Annotated Code of Maryland
(2023 Replacement Volume)

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

Article – Health – General

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) “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 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 AND ADMINISTRATIVE EXPENSES[, 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) (I) Each year, the Secretary may ~~distribute not more than 5% of:~~

1. DISTRIBUTE FUNDS FROM the Fund to a promotional account TO BE ALLOCATED TO A STATE-BASED CHILDHOOD CANCER ORGANIZATION to be used to promote further donations to the Fund AND TO EDUCATE THE STATE SCIENTIFIC COMMUNITY ABOUT THE OPPORTUNITIES FOR CHILDHOOD CANCER RESEARCH THROUGH THE FUND; AND

2. USE FUNDS FROM THE FUND TO ADMINISTER THE FUND, INCLUDING FOR STAFF AND ADMINISTRATIVE COSTS ASSOCIATED WITH THE COMMISSION ESTABLISHED UNDER § 20–121 OF THIS SUBTITLE.

(II) THE AMOUNTS DISTRIBUTED AND USED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT EXCEED A TOTAL OF 5% OF THE FUND.

(2) (i) After making the distribution allowed under paragraph (1) of this subsection, the Secretary shall use the remainder 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, or 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) A description of promotional efforts undertaken with money from the Fund; and

(ii) A detailed accounting of the use of the Fund.

(e) The Secretary shall adopt regulations to implement a pediatric cancer grant program under this section.

20-121.

(A) IN THIS SECTION, “COMMISSION” MEANS THE PEDIATRIC CANCER RESEARCH COMMISSION.

(B) THERE IS A PEDIATRIC CANCER RESEARCH COMMISSION.

(C) THE PURPOSE OF THE COMMISSION IS TO OVERSEE THE AWARD OF COMPETITIVE GRANTS FROM THE PEDIATRIC CANCER FUND, ESTABLISHED UNDER § 20-120 OF THIS SUBTITLE, TO PUBLIC AND PRIVATE ENTITIES IN THE STATE.

(D) THE COMMISSION CONSISTS OF:

(1) THE SECRETARY OF HEALTH, OR THE SECRETARY’S DESIGNEE;

AND

(2) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

(I) TWO INDIVIDUALS WHO ARE ADULT SURVIVORS OF PEDIATRIC CANCER OR CAREGIVERS OF PEDIATRIC CANCER PATIENTS, FROM A LIST SUBMITTED BY WHO MAY BE IDENTIFIED IN CONSULTATION WITH THE AMERICAN CHILDHOOD CANCER ORGANIZATION;

(II) ONE REPRESENTATIVE OF THE AMERICAN CHILDHOOD CANCER ORGANIZATION;

(III) ~~TWO~~ FOUR SCIENTISTS WITH EXPERTISE IN PEDIATRIC CANCER RESEARCH FROM THE UNIVERSITY OF MARYLAND;

(IV) ~~TWO~~ SCIENTISTS WITH EXPERTISE IN PEDIATRIC CANCER RESEARCH FROM JOHNS HOPKINS UNIVERSITY;

~~(V)~~ (IV) TWO ADVANCED PRACTICE REGISTERED NURSES WHO HAVE EXPERIENCE IN PEDIATRIC CANCER CARE; AND

~~(VI)~~ (V) ONE PHYSICIAN *THREE PHYSICIANS* WITH EXPERTISE IN TREATING PEDIATRIC CANCER PATIENTS FROM THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;

~~(VII)~~ ONE PHYSICIAN WITH EXPERTISE IN TREATING PEDIATRIC CANCER PATIENTS FROM JOHNS HOPKINS MEDICINE;

~~(VIII)~~ ONE PHYSICIAN WITH EXPERTISE IN PEDIATRIC ONCOLOGY FROM LIFE BRIDGE HEALTH; AND

~~(IX)~~ ONE INDIVIDUAL WITH EXPERTISE IN PEDIATRIC ONCOLOGY FROM THE NATIONAL CANCER INSTITUTE.

(E) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.

(2) THE TERMS OF THE APPOINTED MEMBERS OF THE COMMISSION ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1, 2024.

(3) IF A VACANCY OCCURS DURING THE TERM OF AN APPOINTED MEMBER, THE GOVERNOR SHALL APPOINT A SUCCESSOR WHO SHALL SERVE UNTIL THE TERM EXPIRES.

(4) AT THE END OF A TERM, A MEMBER MAY CONTINUE TO SERVE ONLY UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(6) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL TERMS.

(F) EACH MEMBER OF THE COMMISSION SHALL DISCLOSE TO THE STATE ETHICS COMMISSION WHETHER THE MEMBER IS EMPLOYED BY OR HAS A FINANCIAL INTEREST IN AN ENTITY THAT MAY APPLY TO CONDUCT STATE-FUNDED PEDIATRIC CANCER RESEARCH.

(G) (1) THE GOVERNOR MAY REMOVE A MEMBER FOR NEGLIGENCE OF DUTY, INCOMPETENCE, MISCONDUCT, MALFEASANCE, MISFEASANCE, NONFEASANCE, OR ANY OTHER SUFFICIENT CAUSE.

(2) THE GOVERNOR MAY NOT REMOVE A MEMBER FOR POLITICAL PARTY PREFERENCE.

(H) (1) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE COMMISSION IS A QUORUM.

(2) THE DECISION OF THE COMMISSION SHALL BE BY A MAJORITY OF THE QUORUM PRESENT AND VOTING.

(I) THE COMMISSION SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND PLACES THAT IT DETERMINES.

(J) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(K) THE COMMISSION ANNUALLY SHALL ELECT A CHAIR AND VICE CHAIR FROM AMONG ITS MEMBERS.

(L) THE COMMISSION SHALL:

(1) DEVELOP CRITERIA, STANDARDS, AND REQUIREMENTS FOR THE REVIEW OF APPLICATIONS FOR PEDIATRIC CANCER RESEARCH GRANTS FROM THE PEDIATRIC CANCER FUND;

(2) ESTABLISH PROCEDURES AND GUIDELINES TO BE USED IN THE REVIEW, EVALUATION, RANKING, AND RATING OF THE RESEARCH GRANT PROPOSALS;

(3) ~~REVIEW~~ DEVELOP CRITERIA AND A PROCESS FOR REVIEWING GRANT APPLICATIONS TO ENSURE THAT EACH APPLICATION IS COMPLETE AND SATISFIES THE CRITERIA, STANDARDS, AND REQUIREMENTS DEVELOPED BY THE COMMISSION UNDER ITEM (1) OF THIS SUBSECTION;

(4) DEVELOP DISCLOSURE AND RECUSAL GUIDELINES TO BE FOLLOWED BY MEMBERS OF THE COMMISSION WHEN CONSIDERING GRANT APPLICATIONS;

(5) ESTABLISH STANDARDS FOR THE OVERSIGHT OF AWARDS; AND

(6) CONDUCT PROGRESS REVIEWS OF GRANT RECIPIENTS.

(M) THE COMMISSION MAY CONSULT WITH EXPERTS IN PERFORMING ITS DUTIES.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Pediatric Cancer Research Commission shall expire as follows:

(1) four members in 2025;

(2) four members in 2026; and

(3) ~~five~~ four members in 2027.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, May 16, 2024.