

SENATE BILL 493

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By: **Senator Jackson**

Introduced and read first time: January 22, 2025

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Pediatric Cancer Fund – Funding**

3 FOR the purpose of requiring the Governor to include in the annual budget bill a certain
4 appropriation to the Maryland Pediatric Cancer Fund; altering the funding sources
5 of the Maryland Pediatric Cancer Fund to include money from the Cigarette
6 Restitution Fund; altering the authorized uses of the Cigarette Restitution Fund to
7 include providing funding to the Maryland Pediatric Cancer Fund; and generally
8 relating to funding for the Maryland Pediatric Cancer Fund.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 20–120
12 Annotated Code of Maryland
13 (2023 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – State Finance and Procurement
16 Section 7–317(a)
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2024 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – State Finance and Procurement
21 Section 7–317(f)(1) and (g)
22 Annotated Code of Maryland
23 (2021 Replacement Volume and 2024 Supplement)

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

26 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 20–120.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) “Fund” means the Maryland Pediatric Cancer Fund established under
4 this section.

5 (3) “Pediatric cancer research” includes research to develop and advance
6 the understanding of pediatric cancer and the techniques and modalities effective in the
7 prevention, cure, screening, and treatment of pediatric cancer.

8 (b) (1) There is a Maryland Pediatric Cancer Fund.

9 (2) The Fund consists of:

10 (i) Money appropriated in the State budget to the Fund; [and]

11 (ii) **(II) MONEY FROM THE CIGARETTE RESTITUTION FUND**
12 **APPROPRIATED IN ACCORDANCE WITH § 7–317 OF THE STATE FINANCE AND**
13 **PROCUREMENT ARTICLE; AND**

14 [(i)] **(III)** Any donations or other money from any other source
15 accepted for the benefit of the Fund.

16 (3) The Secretary shall administer the Fund.

17 (4) The Fund shall be used only for pediatric cancer research and
18 administrative expenses as provided in subsection (c) of this section.

19 (5) The Fund shall be maintained for the purposes stated in this section
20 and unspent portions of the Fund shall remain in the Fund and may not revert to the
21 General Fund of the State.

22 (6) Money expended from the Fund for pediatric cancer research is
23 supplemental and is not intended to take the place of funding that would otherwise be
24 appropriated to the Department for pediatric cancer research.

25 (7) All expenditures from the Fund shall be made only in accordance with
26 an appropriation approved by the General Assembly in the annual State budget or through
27 an approved budget amendment under §§ 7–209 and 7–210 of the State Finance and
28 Procurement Article.

29 (8) [(i)] For fiscal year [2023] **2027 AND EACH FISCAL YEAR**
30 **THEREAFTER**, the Governor shall include in the annual budget bill an appropriation of
31 \$5,000,000 to the Fund.

1 [(ii) If \$5,000,000 is not included in the annual budget bill for fiscal
2 year 2023, then the Governor shall include in the annual budget bill for fiscal year 2024 an
3 appropriation of \$5,000,000 to the Fund.]

4 (c) (1) (i) Each year, the Secretary may:

5 1. Distribute funds from the Fund to a promotional account
6 to be allocated to a State-based childhood cancer organization to be used to promote further
7 donations to the Fund and to educate the State scientific community about the
8 opportunities for childhood cancer research through the Fund; and

9 2. Use funds from the Fund to administer the Fund,
10 including for staff and administrative costs associated with the Commission established
11 under § 20–121 of this title.

12 (ii) The amounts distributed and used under subparagraph (i) of this
13 paragraph may not exceed a total of 5% of the Fund.

14 (2) (i) After making the distribution allowed under paragraph (1) of
15 this subsection, the Secretary shall use the remainder of the Fund only to provide grants
16 to eligible physicians, hospitals, laboratories, educational institutions, and other
17 organizations and persons to conduct pediatric cancer research.

18 (ii) Money received from the grant program under this section may
19 not be used to pay for institutional overhead expenses, organizational expenses, or charges
20 that are not directly related to pediatric cancer research or expenses arising from
21 community-based support services.

22 (d) (1) On or before August 31 each year, the Secretary shall submit a report
23 to the General Assembly, in accordance with § 2–1257 of the State Government Article, on
24 the administration of the Fund.

25 (2) The report required under this subsection shall include:

26 (i) A description of promotional efforts undertaken with money from
27 the Fund; and

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

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

31 **Article – State Finance and Procurement**

32 7–317.

1 (a) There is a Cigarette Restitution Fund.

2 (f) (1) The Cigarette Restitution Fund shall be used to fund:

3 (i) the Tobacco Use Prevention and Cessation Program established
4 under Title 13, Subtitle 10 of the Health – General Article;

5 (ii) the Cancer Prevention, Education, Screening, and Treatment
6 Program established under Title 13, Subtitle 11 of the Health – General Article;

7 (iii) the activities of the Southern Maryland Agricultural
8 Development Commission, in accordance with § 13–611 of the Economic Development
9 Article;

10 (iv) for each of fiscal years 2025 through 2029, the Maryland
11 Community Health Resources Commission Fund, in accordance with subsection (g) of this
12 section; [and]

13 (v) **THE MARYLAND PEDIATRIC CANCER FUND ESTABLISHED**
14 **UNDER § 20–120 OF THE HEALTH – GENERAL ARTICLE, IN ACCORDANCE WITH**
15 **SUBSECTION (G) OF THIS SECTION; AND**

16 [(v)] (vi) other programs that serve the following purposes:

17 1. reduction of the use of tobacco products by individuals
18 under the age of 21 years;

19 2. implementation of the Southern Maryland Regional
20 Strategy–Action Plan for Agriculture adopted by the Tri–County Council for Southern
21 Maryland with an emphasis on alternative crop uses for agricultural land now used for
22 growing tobacco;

23 3. public and school education campaigns to decrease tobacco
24 use with initial emphasis on areas targeted by tobacco manufacturers in marketing and
25 promoting cigarette and tobacco products;

26 4. smoking cessation programs;

27 5. enforcement of the laws regarding tobacco sales;

28 6. the purposes of the Maryland Health Care Foundation
29 under Title 20, Subtitle 5 of the Health – General Article;

30 7. primary health care in rural areas of the State and areas
31 targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco
32 products;

1 8. prevention, treatment, and research concerning cancer,
2 heart disease, lung disease, tobacco product use, and tobacco control, including operating
3 costs and related capital projects;

4 9. substance abuse treatment and prevention programs; and

5 10. any other public purpose.

6 (g) (1) Amounts may only be expended from the Fund through appropriations
7 in the State budget bill as provided in this subsection.

8 (2) The Governor shall include in the annual budget bill appropriations
9 from the Fund equivalent to the lesser of \$100,000,000 or 90% of the funds estimated to be
10 available to the Fund in the fiscal year for which the appropriations are made.

11 (3) For each fiscal year for which appropriations are made, at least 50% of
12 the appropriations shall be made for those purposes enumerated in subsection (f)(1)(i), (ii),
13 and [(v)1] **(VI)1** through 9 of this section subject to the requirement of subsection (e)(2) of
14 this section.

15 (4) For each fiscal year for which appropriations are made, at least 30% of
16 the appropriations shall be made for the purposes of the Maryland Medical Assistance
17 Program.

18 (5) For each fiscal year for which appropriations are made, 0.15% of the
19 Fund shall be appropriated for the purposes of enforcement of Title 16, Subtitle 5 of the
20 Business Regulation Article.

21 (6) For each of fiscal years 2025 through 2029, the Governor shall include
22 in the annual budget bill an appropriation of \$8,000,000 to the Maryland Community
23 Health Resources Commission Fund.

24 (7) **FOR FISCAL YEAR 2027 AND EACH FISCAL YEAR THEREAFTER,**
25 **THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION**
26 **OF UP TO \$5,000,000 TO THE MARYLAND PEDIATRIC CANCER FUND ESTABLISHED**
27 **UNDER § 20-120 OF THE HEALTH – GENERAL ARTICLE.**

28 (8) Any additional appropriations, not subject to [paragraph (3), paragraph
29 (4), or] paragraph **(3), (4), OR (5)** of this subsection, may be made for any lawful purpose.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
31 1, 2025.