

SENATE BILL 51

J1, Q3

2lr0410

(PRE-FILED)

By: **Senator Jackson**

Requested: August 26, 2021

Introduced and read first time: January 12, 2022

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Pediatric Cancer Fund – Establishment and Income Tax Checkoff**

3 FOR the purpose of establishing the Maryland Pediatric Cancer Fund; requiring the
4 Secretary of Health to adopt regulations to implement a pediatric cancer research
5 grant program; requiring the Comptroller to include a checkoff on individual income
6 tax return forms for voluntary contributions to the Fund and to include certain
7 information in each individual income tax return package; and generally relating to
8 the Maryland Pediatric Cancer Fund.

9 BY adding to

10 Article – Health – General
11 Section 20–120 to be under the new part “Part V. Pediatric Cancer”
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2021 Supplement)

14 BY adding to

15 Article – Tax – General
16 Section 2–112.1 and 10–804(l)
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2021 Supplement)

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

21 **Article – Health – General**

22 **20–118. RESERVED.**

23 **20–119. RESERVED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THE ANNUAL STATE BUDGET OR THROUGH AN APPROVED BUDGET AMENDMENT
2 UNDER §§ 7-209 AND 7-210 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

3 (C) (1) THE SECRETARY MAY DISTRIBUTE NOT MORE THAN 5% OF THE
4 NET PROCEEDS OF THE FUND TO A PROMOTIONAL ACCOUNT TO BE USED TO
5 PROMOTE FURTHER DONATIONS TO THE FUND.

6 (2) (I) AFTER MAKING THE DISTRIBUTION ALLOWED UNDER
7 PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL USE THE REMAINDER
8 OF THE NET PROCEEDS OF THE FUND ONLY TO PROVIDE GRANTS TO ELIGIBLE
9 PHYSICIANS, HOSPITALS, LABORATORIES, EDUCATIONAL INSTITUTIONS, AND
10 OTHER ORGANIZATIONS AND PERSONS TO CONDUCT PEDIATRIC CANCER
11 RESEARCH, PREVENTION, AND TREATMENT.

12 (II) MONEY RECEIVED FROM THE GRANT PROGRAM UNDER
13 THIS SECTION MAY NOT BE USED TO PAY FOR INSTITUTIONAL OVERHEAD EXPENSES,
14 ORGANIZATIONAL EXPENSES, OR CHARGES THAT ARE NOT DIRECTLY RELATED TO
15 PEDIATRIC CANCER RESEARCH, PREVENTION, OR TREATMENT OR EXPENSES
16 ARISING FROM COMMUNITY-BASED SUPPORT SERVICES.

17 (D) (1) ON OR BEFORE AUGUST 31 EACH YEAR, THE SECRETARY SHALL
18 SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF
19 THE STATE GOVERNMENT ARTICLE, ON THE ADMINISTRATION OF THE FUND.

20 (2) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL
21 INCLUDE:

22 (I) THE GROSS AMOUNT OF DONATIONS TO THE FUND
23 THROUGH THE INCOME TAX CHECKOFF SYSTEM AND OTHERWISE;

24 (II) THE COST OF ADMINISTRATION BY THE COMPTROLLER OF
25 THE INCOME TAX CHECKOFF SYSTEM;

26 (III) A DESCRIPTION OF PROMOTIONAL EFFORTS UNDERTAKEN
27 WITH MONEY FROM THE FUND; AND

28 (IV) A DETAILED ACCOUNTING OF THE USE OF THE FUND.

29 (E) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT A
30 PEDIATRIC CANCER RESEARCH GRANT PROGRAM UNDER THIS SECTION.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
32 as follows:

Article – Tax – General

2-112.1.

(A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL INCOME TAX RETURN FORM A CHECKOFF DESIGNATED AS THE “MARYLAND PEDIATRIC CANCER FUND CONTRIBUTION”.

(2) THE CHECKOFF SHALL STATE THAT:

(I) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A JOINT RETURN, MAY CONTRIBUTE TO THE MARYLAND PEDIATRIC CANCER FUND THE AMOUNT DESIGNATED BY THE INDIVIDUAL; AND

(II) 1. THE INDIVIDUAL SHALL DEDUCT THE AMOUNT OF THE CONTRIBUTION FROM ANY REFUND TO WHICH THE INDIVIDUAL IS ENTITLED; OR

2. IF THE INDIVIDUAL IS NOT ENTITLED TO A REFUND, THE INDIVIDUAL SHALL ADD THE AMOUNT OF THE CONTRIBUTION TO THE INCOME TAX TO BE PAID WITH THE RETURN.

(3) THE COMPTROLLER SHALL INCLUDE, WITH THE INDIVIDUAL INCOME TAX RETURN PACKAGE, A DESCRIPTION OF THE PURPOSES FOR WHICH THE MARYLAND PEDIATRIC CANCER FUND WAS ESTABLISHED AND THE PURPOSES FOR WHICH THE FUND MAY BE USED.

(B) THE COMPTROLLER SHALL:

(1) COLLECT THE CHECKOFF CONTRIBUTIONS AND ACCOUNT TO THE STATE TREASURER FOR THE MONEY COLLECTED;

(2) FROM THE CONTRIBUTIONS COLLECTED, DISTRIBUTE THE AMOUNT NECESSARY TO ADMINISTER THE CHECKOFF SYSTEM TO AN ADMINISTRATIVE COST ACCOUNT; AND

(3) AFTER THE DISTRIBUTION UNDER ITEM (2) OF THIS SUBSECTION, DISTRIBUTE THE REMAINDER OF THE MONEY COLLECTED UNDER THIS SUBSECTION TO THE MARYLAND PEDIATRIC CANCER FUND ESTABLISHED UNDER § 20-120 OF THE HEALTH – GENERAL ARTICLE.

10-804.

(L) AN INDIVIDUAL MAY DESIGNATE A CONTRIBUTION TO THE MARYLAND PEDIATRIC CANCER FUND, ESTABLISHED UNDER § 20-120 OF THE HEALTH –

1 **GENERAL ARTICLE, BY THE CHECKOFF SYSTEM ON THE RETURN.**

2 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be
3 applicable to all taxable years beginning after December 31, 2021.

4 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2022.