

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2449 Session of  
2000

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STEVENSON, TULLI AND WILT, APRIL 11, 2000

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
APRIL 11, 2000

AN ACT

1 Providing for research grants from Tobacco Settlement money for  
2 biotechnological and health-related research; establishing an  
3 advisory committee; and conferring powers and duties on the  
4 Department of Health.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Biotechnology  
9 and Health-Related Research Investment Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Committee." The Biotechnology and Health-Related Research  
15 Advisory Committee established in section 3(b).

16 "Department." The Department of Health of the Commonwealth.

17 "Fund." The fund established by statute to allocate the

1 proceeds of the Master Settlement Agreement.

2 "Institution." An entity that receives funds from the  
3 National Institutes of Health.

4 "Master Settlement Agreement." The settlement agreement and  
5 related documents entered into on November 23, 1998, by the  
6 Commonwealth and leading United States tobacco product  
7 manufacturers and approved by the court in Commonwealth v.  
8 Philip Morris, April Term, No. 2443 (C.P. Philadelphia County),  
9 on January 13, 1999.

10 "NIH." The National Institutes of Health.

11 "Secretary." The Secretary of Health of the Commonwealth.  
12 Section 3. Administration.

13 (a) Department.--The department has the following powers and  
14 duties:

15 (1) Administer this act.

16 (2) Award grants to eligible institutions. This  
17 paragraph includes determining eligibility and distribution  
18 of money.

19 (3) Submit to the General Assembly an annual report  
20 based on the reports from eligible institutions under section  
21 4(a)(3).

22 (4) Promulgate regulations to implement this act.

23 (b) Committee.--

24 (1) The Biotechnology and Health-Related Research  
25 Advisory Committee is established within the department. The  
26 committee shall be comprised of the following 11 members:

27 (i) The secretary.

28 (ii) Two individuals appointed by the President pro  
29 tempore of the Senate. An appointee under this  
30 subparagraph must be an employee of an eligible

1 institution which has received a grant during the prior  
2 fiscal year.

3 (iii) Two individuals appointed by the Minority  
4 Leader of the Senate. An appointee under this  
5 subparagraph must be an employee of an eligible  
6 institution which has received a grant during the prior  
7 fiscal year.

8 (iv) Two individuals appointed by the Speaker of the  
9 House of Representatives. An appointee under this  
10 subparagraph must be an employee of an eligible  
11 institution which has received a grant during the prior  
12 fiscal year.

13 (v) Two individuals appointed by the Minority Leader  
14 of the House of Representatives. An appointee under this  
15 subparagraph must be an employee of an eligible  
16 institution which has received a grant during the prior  
17 fiscal year.

18 (vi) Two individuals appointed by the Governor. An  
19 appointee under this subparagraph must be an employee of  
20 an eligible institution which has received a grant during  
21 the prior fiscal year.

22 (2) Terms are as follows:

23 (i) The secretary shall serve ex officio.

24 (ii) An appointee under paragraph (1)(ii) through  
25 (vi) shall serve for one year. A vacancy is to be filled  
26 in the same manner as the original appointment.

27 (3) The secretary shall serve as chair.

28 (4) Six members shall constitute a quorum.

29 (5) The committee shall convene at least once each year

30 to do all of the following:

1           (i) Review the annual report under subsection  
2           (a)(3).

3           (ii) Foster collaboration among eligible  
4           institutions.

5 Section 4. Grants.

6           (a) Eligibility.--To be eligible for a grant, an institution  
7 must comply with all of the following:

8           (1) Have received funding from NIH for the Federal  
9           fiscal year preceding application for the grant.

10           (2) Submit to the department and make publicly available  
11 a plan for the upcoming Commonwealth fiscal year. A plan  
12 under this paragraph must include a process to determine  
13 grant expenditures, with review by an independent expert not  
14 affiliated with the institution.

15           (3) Report annually to the department on the specific  
16 uses of a grant for the Commonwealth's prior fiscal year. The  
17 report under this paragraph must detail expenditures and  
18 results.

19           (b) Amount.--The department shall make a grant to an  
20 institution which is eligible under subsection (a) in an amount  
21 from the fund in the ratio of:

22           (1) NIH funding for the prior Federal fiscal year of the  
23 eligible institution; to

24           (2) NIH funding for the prior Federal fiscal year of all  
25 institutions based in this Commonwealth.

26           (c) Use.--A grant may be used for any of the following:

27           (1) Advancing objectives of the institution for  
28 biotechnical and health-related research.

29           (2) Translating research under paragraph (1) into:

30           (i) delivery of health care; and

1                   (ii) economic development.

2                   (3) Acquisition and maintenance of biotechnological and  
3 health-related research infrastructure. This paragraph  
4 includes equipment, supplies, researchers and laboratory  
5 facilities.

6 Section 20. Effective date.

7 This act shall take effect as follows:

8                   (1) Sections 3(b) and 4 shall take effect October 1,  
9 2000.

10                  (2) This section shall take effect immediately.

11                  (3) The remainder of this act shall take effect in 60  
12 days.