

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1120

Session of
1977

INTRODUCED BY MESSRS. FINEMAN, BERLIN, BERSON, MEBUS, MRS.
KELLY, MESSRS. STUBAN, RAPPAPORT, KNEPPER, REED, BENNETT,
COLE, DeMEDIO, DONATUCCI, MRS. HARPER AND MR. WILLIAMS,
MAY 5, 1977

SENATOR COPPERSMITH, PUBLIC HEALTH AND WELFARE, IN SENATE, AS
AMENDED, NOVEMBER 13, 1978

AN ACT

1 Creating the Pennsylvania Cancer Control and Research Advisory
2 Board and the Pennsylvania Cancer Control and Research Fund,
3 providing authorization for the Secretary of Health, upon the
4 recommendation of the Pennsylvania Cancer Control and
5 Research Advisory Board, to award grants and contracts for
6 cancer control and research to nonprofit associations
7 organized in Pennsylvania and to governmental agencies in
8 Pennsylvania.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Short title.

12 This act shall be known and may be cited as the "Cancer
13 Control and Research Act."

14 ~~Section 2. Legislative findings.~~

15 ~~(a) In 1975, a total of 41,613 new cases diagnosed were~~
16 ~~reported to the Health Department. This represents a 45%~~
17 ~~increase over the 28,615 cases diagnosed and reported in 1965.~~

18 ~~(b) In 1975, 23,547 deaths were reported, an increase of 13%~~
19 ~~over the 1965 total of 20,767.~~

~~(c) The 1975 total death rate for Pennsylvania was the lowest recorded since 1955, with a crude rate of 10.2 per 1,000 population or 120,549 deaths. Yet, the increased mortality and greatly increased incidence of cancer made it clear that cancer is becoming more prevalent in spite of the overall reduction in deaths.~~

~~(d) The 1975 total death rate in the Nation was the lowest ever recorded, down to 8.9 per 100,000 population. Nationally, as in Pennsylvania, however, deaths from cancer were higher in spite of the overall reduction.~~

~~(e) Advances in scientific knowledge have led to the development of preventive and therapeutic capabilities in the control of cancer, thereby altering the fatalistic course of the disease and in many cases, reducing suffering and constructively prolonging the life of its victims; yet, the disease will never be brought under complete control until the complex mechanisms of cellular and subcellular growth are understood and applied.~~

~~(f) The present state of our knowledge of these mechanisms results primarily from the vast Federal investment into basic research, a portion of which is expended in Pennsylvania. These research activities must continue but programs must be established to extend this knowledge to patient treatment all across the Commonwealth.~~

~~(g) Research in cancer has also implicated the environment as a causal factor for many types of cancers. Such assertions will never be documented until substantial environmental cause-effect relationships have been established.~~

~~(h) These cause-effect relationships can only be documented through a Statewide cancer control and research program. In order to develop an effective program it is essential to~~

1 ~~mobilize the scientific, educational and medical resources that~~
2 ~~presently exist into an intense attack against this dread~~
3 ~~disease.~~

4 Section ~~3.~~ 2. Definitions. <—

5 The following words and phrases when used in this act shall
6 have, unless the context clearly indicates otherwise, the
7 meanings given to them in this section:

8 "Board." The Pennsylvania Cancer Control and Research Board
9 established by this act.

10 "Cancer." All malignant neoplasms, regardless of the tissue
11 of origin, including malignant lymphoma and leukemia.

12 ~~"Extramural program." Programs in cancer research, cancer~~ <—
13 ~~education and training and control conducted by qualified~~
14 ~~nonprofit associations receiving grants and contracts from the~~
15 ~~Division of Research Resources and Centers, and the Division of~~
16 ~~Cancer Control of the National Cancer Institute, the American~~
17 ~~Cancer Society, the Damon Runyon—Walter Winchell Fund and~~
18 ~~other national sponsoring agencies with a proven capacity for~~
19 ~~peer review of cancer research and cancer control grants and~~
20 ~~contracts.~~

21 "Fund." The Pennsylvania Cancer Control and Research Fund
22 established by this act.

23 ~~"Intramural programs." Programs for the planning, clinical~~ <—
24 ~~research and testing, investigating inauguration, establishment~~
25 ~~and conduct of programs in cancer control, cancer information~~
26 ~~and education, and cancer prevention conducted by qualified~~
27 ~~nonprofit associations or governmental agencies including but~~
28 ~~not limited to:~~

29 (1) ~~Cancer screening and detection.~~

30 (2) ~~Cancer epidemiology and biostatistical studies.~~

1 ~~(3) Cancer community outreach programs.~~

2 ~~(4) Cancer rehabilitation.~~

3 ~~(5) Tumor registry system.~~

4 ~~(6) Communications between cancer institutions.~~

5 ~~(7) Cancer education and information.~~

6 ~~(8) Cancer training.~~

7 "HEALTH SYSTEMS AGENCY." AN AGENCY CREATED BY SECTION 1512 <—
8 OF PUBLIC LAW 93-641, KNOWN AS THE "NATIONAL HEALTH PLANNING AND
9 RESOURCES DEVELOPMENT ACT OF 1974."

10 "Qualified nonprofit associations." Those associations
11 incorporated or unincorporated that have received tax exempt
12 status from the Internal Revenue Service.

13 "Secretary." The Secretary of Health of the Commonwealth of
14 Pennsylvania.

15 "State Health Coordinating Council." The council created by
16 section 1524 of Public Law 93-641, known as the "National Health
17 Planning and Resources Development Act of 1974."

18 Section 4. 3. Pennsylvania Cancer Control and Research Advisory <—
19 Board.

20 (a) There is hereby created in the Department of Health the
21 "Pennsylvania Cancer Control and Research Advisory Board." The
22 board shall consist of 11 members, all of whom shall be

23 Pennsylvania residents, 10 of whom the Governor shall appoint by
24 and with the consent of a majority of the Senate. Of the ten
25 appointed, ~~five~~ THREE shall be distinguished scientists and <—

26 physicians in the field of cancer, one shall be a qualified
27 nurse oncologist, two shall be ~~private citizens~~ skilled in <—
28 health care administration and ~~two shall be private citizens.~~ <—

29 TWO WITH SUBSTANTIAL EXPERIENCE IN THE FIELD OF PUBLIC HEALTH, <—
30 ONE CONSUMER MEMBER OF THE STATEWIDE HEALTH COORDINATING

1 COUNCIL, AND ONE CONSUMER MEMBER OF A HEALTH SERVICE AGENCY. The
2 Secretary of Health shall be a member of the board.

3 (b) The terms of the members shall be four years from the
4 respective date of their appointment except that the initial
5 appointments shall be made in such a manner so that four members
6 be appointed for terms of four years, three members be appointed
7 for terms of three years, and three members be appointed for
8 terms of two years.

9 (c) A chairman shall be appointed by the Governor for a term
10 of four years.

11 (d) The board shall meet no less than four times annually at
12 the call of the chairman or, in his absence or incapacity at the
13 call of the Secretary of Health. Six members of the board shall
14 constitute a quorum for the purpose of exercising all of the
15 powers of the board. A vote of the majority of the members
16 present shall be sufficient for all actions of the board.

17 (e) Each board member, except the secretary, shall receive
18 actual travelling expenses, other necessary expenses and a per
19 diem of \$100 for each day of actual service.

20 (f) No member of the board shall participate in any
21 discussions and decisions to recommend grants or contracts to
22 any qualified nonprofit association or to any agency of the
23 Commonwealth or its political subdivisions with which the member
24 is associated as a member of the governing body or as an
25 employee, or with which the member has entered into any
26 contractual arrangement.

27 Section ~~5~~ 4. Responsibilities of the board.

<—

28 (a) The board shall have the power to prescribe, amend and
29 repeal bylaws governing the manner in which the business of the
30 board is conducted.

(b) The board shall advise the secretary with respect to cancer control and research in Pennsylvania.

(c) The board shall approve each year a program for cancer control and research to be known as the "Pennsylvania Cancer Plan," which shall be consistent with the State health plan developed by the State Health Coordinating Council or its successor organization.

(d) In order to implement in whole or in part the Pennsylvania Cancer Plan, the board shall recommend to the secretary the awarding of grants and contracts to qualified nonprofit associations or governmental agencies in order to plan, establish or conduct programs in cancer control or prevention, cancer education and training and cancer research.

~~(e) The grants and contracts authorized by this act shall be distributed so that neither extramural or intramural programs receive less than 25% or more than 75% of the moneys expended from the fund.~~

(E) GRANTS AND CONTRACTS MAY BE RECOMMENDED FOR:

(1) CANCER REGISTRY.

(2) CANCER SCREENING AND DETECTION.

(3) CANCER EPIDEMIOLOGY AND BIostatistical STUDIES.

(4) CANCER COMMUNITY OUTREACH PROGRAMS.

(5) CANCER REHABILITATION.

(6) COMMUNICATION AND PLANNING AMONG CANCER INSTITUTIONS.

(7) CANCER EDUCATION AND INFORMATION.

(8) CANCER TRAINING.

(9) CANCER RESEARCH.

(F) THE BOARD SHALL GIVE ITS FIRST PRIORITY TO ADEQUATELY FUNDING APPROPRIATE GRANTS AND CONTRACTS RELATING TO SUBSECTION

1 (E)(1),(2) AND (3); SECOND PRIORITY TO ADEQUATELY FUNDING
2 APPROPRIATE GRANTS AND CONTRACTS RELATING TO SUBSECTION (E)(4),
3 (5), (6), (7) AND (8); AND THIRD PRIORITY TO FUNDING APPROPRIATE
4 GRANTS AND CONTRACTS RELATING TO SUBSECTION (E)(9). WHENEVER
5 POSSIBLE, PRIORITY FOR CANCER RESEARCH SHALL BE GIVEN TO
6 CLINICAL OR APPLIED RESEARCH AS OPPOSED OR LABORATORY OR BASIC
7 RESEARCH.

8 ~~(f)~~ (G) The following criteria shall be given consideration <—
9 for recommending grants and contracts for extramural and
10 intramural programs:

11 (1) the relevancy of applicant's proposal to the
12 Pennsylvania Cancer Plan; AND <—

13 (2) the feasibility of the applicant's proposal. and <—

14 ~~(3) in addition for extramural programs;~~ <—

15 ~~the eligible institution's proportion of the total private and~~
16 ~~Federal Governmental cancer research and control funds annually~~
17 ~~expended by the applicant in relationship to all such funds~~
18 ~~expended by eligible Pennsylvania research institutions.~~

19 ~~(g)~~ (H) The board shall recommend to the secretary rules and <—
20 regulations not inconsistent with law as it may deem necessary
21 for the performance of its duties and the proper administration
22 of this act.

23 ~~(h)~~ (I) The board shall report ~~annually~~ SEMI-ANNUALLY to the <—
24 Governor and the General Assembly. THE REPORT SHALL INCLUDE, BUT <—
25 NOT BE LIMITED TO, A FULL DESCRIPTION OF THE GRANTS AND
26 CONTRACTS FUNDED PURSUANT TO THIS ACT.

27 Section ~~6~~ 5. Responsibilities of the secretary. <—

28 (a) The secretary upon the recommendation of the board shall
29 award grants and contracts to qualified nonprofit Pennsylvania
30 associations and governmental agencies in order to plan,

1 establish or conduct programs in cancer control and prevention,
2 cancer education and training and cancer research.

3 (b) The secretary shall provide such staff, information and
4 other assistance as the secretary may deem necessary for the
5 completion of the board's responsibilities. Such staff shall be
6 responsible to the secretary.

7 (c) The secretary after consultation with the board shall
8 adopt rules and regulations necessary for the implementation of
9 this act.

10 SECTION 6. CANCER REGISTRY. <—

11 (A) THE DEPARTMENT OF HEALTH SHALL ESTABLISH A SYSTEM FOR
12 THE STATEWIDE COLLECTION AND DISSEMINATION OF DATA ON CASES OF
13 CANCER BY ANATOMICAL SITE, MEDICAL AND OCCUPATIONAL HISTORY OF
14 PATIENTS, STAGE OF DISEASE AND OTHER DATA AS DETERMINED BY THE
15 DEPARTMENT.

16 (B) PERSONS IN CHARGE OF HOSPITALS AND LABORATORIES MAY BE
17 REQUIRED BY THE DEPARTMENT OF HEALTH, IN ACCORDANCE WITH ITS
18 REGULATIONS ADOPTED WITH THE ADVICE OF THE ADVISORY HEALTH BOARD
19 TO REPORT CASES OF CANCER ON FORMS FURNISHED BY THE DEPARTMENT.

20 (C) THE REPORTS REQUIRED PURSUANT TO THIS ACT SHALL BE
21 CONFIDENTIAL AND NOT OPEN TO PUBLIC INSPECTION OR DISSEMINATION.
22 THIS SHALL NOT RESTRICT THE COLLECTION AND ANALYSIS OF DATA BY
23 THE DEPARTMENT OF HEALTH OR THOSE WITH WHOM THE DEPARTMENT
24 CONTRACTS, SUBJECT TO STRICT SUPERVISION BY THE DEPARTMENT OF
25 HEALTH TO INSURE THAT THE USE OF THE REPORTS IS LIMITED TO
26 SPECIFIC RESEARCH PURPOSES.

27 Section 7. Pennsylvania Cancer Control and Research Fund.

28 (a) There is hereby created the Pennsylvania Cancer Control
29 and Research Fund, which shall consist of all moneys credited to
30 it by the State Treasury for the purposes of this act under

1 section ~~1201~~, 201, act of July 22, 1970 (P.L.513, No.178), known <—
2 as the "Pennsylvania Cigarette Tax Act."

3 (b) The Fund shall be used exclusively for grants and
4 contracts to nonprofit Pennsylvania associations or governmental
5 agencies for the purpose of cancer control and prevention,
6 cancer education and training, cancer research, and for all
7 expenses incurred in connection with the administration of this
8 act and the programs funded through the grants and contracts
9 authorized by the secretary.

10 SECTION 8. SUNSET PROVISIONS. <—

11 WITH THE EXCEPTION OF SECTION 6, THIS ACT SHALL EXPIRE ON
12 JUNE 30, 1981, UNLESS OTHERWISE EXTENDED BY AN ACT OF THE
13 GENERAL ASSEMBLY. GRANTS AND CONTRACTS APPROVED BY JUNE 30,
14 1981, PAYABLE FROM MONEYS CREDITED TO THE FUND BY JUNE 30, 1981,
15 SHALL NOT BE REVOKED BY THE EXPIRATION OF THE ACT.

16 Section ~~8~~. 9. Effective date. <—

17 This act shall take effect immediately.