1998 Regular Session 8lr1900

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By: Senator Craig

Introduced and read first time: February 27, 1998

Assigned to: Rules

## A BILL ENTITLED

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1	AN	A("I"	concerning

2	Long-Term Health Consequences of Nasal Radium Irradiation Medical
3	Procedures

- 4 FOR the purpose of establishing a Task Force to study the long-term health
- 5 consequences of nasal radium irradiation medical procedures that were used on
- 6 children and adults by hospitals, public clinics, and private physicians within
- 7 the State of Maryland during a certain period of time; providing for the
- 8 membership, staff, duties, and termination of the Task Force; and generally
- 9 relating to the study of the long-term health consequences of nasal radium
- 10 irradiation medical procedures.
- 11 BY adding to
- 12 Article 41 Governor Executive and Administrative Departments
- 13 Section 18-316
- 14 Annotated Code of Maryland
- 15 (1997 Replacement Volume and 1997 Supplement)

16 Preamble

- 17 WHEREAS, President Clinton's Advisory Committee on Human Radiation
- 18 Experiments has recommended that nasal radium irradiation test subjects
- 19 throughout the country be notified of the potential cancer and other risks and given
- 20 medical follow-up treatment if there is a significant risk of developing a
- 21 radiation-induced condition; and
- 22 WHEREAS, The Radiation Experiment Assessment Project has concluded that
- 23 children treated with nasal radium irradiation are at a 10-fold higher mortality risk
- 24 for cancer than veterans who were treated similarly during the 1940's; and
- 25 WHEREAS, The United States government has failed to notify nasal radium
- 26 irradiation test subjects that they are at risk for various head and neck cancers and
- 27 hormonal and other problems, and various government agencies have engaged in
- 28 possible misrepresentation, fraud, and abuse in relating the facts regarding nasal
- 29 radium irradiation treatment; and

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- WHEREAS, Hospitals, public clinics, and private physicians have failed to
- 2 notify the surviving participants of nasal radium irradiation treatments of the
- 3 potential risks involved in the treatment; now, therefore,
- 4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 5 MARYLAND, That the Laws of Maryland read as follows:
- 6 Article 41 Governor Executive and Administrative Departments
- 7 18-316.
- 8 (A) THERE IS A TASK FORCE TO STUDY THE LONG-TERM HEALTH
- 9 CONSEQUENCES OF NASAL RADIUM IRRADIATION MEDICAL PROCEDURES ON
- 10 RECIPIENTS OF THOSE PROCEDURES.
- 11 (B) THE TASK FORCE CONSISTS OF NINE MEMBERS AS FOLLOWS:
- 12 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE 13 PRESIDENT OF THE SENATE;
- 14 (2) ONE MEMBER OF THE HOUSE OF DELEGATES OF MARYLAND,
- 15 APPOINTED BY THE SPEAKER OF THE HOUSE;
- 16 (3) TWO REPRESENTATIVES OF THE MEDICAL AND CHIRURGICAL
- 17 FACULTY OF MARYLAND, APPOINTED BY THE GOVERNOR;
- 18 (4) ONE REPRESENTATIVE OF THE MARYLAND HOSPITAL ASSOCIATION,
- 19 APPOINTED BY THE GOVERNOR;
- 20 (5) THREE MEMBERS OF THE PUBLIC, JOINTLY APPOINTED BY THE
- 21 GOVERNOR, THE PRESIDENT, AND THE SPEAKER; AND
- 22 (6) THE SECRETARY OF HEALTH AND MENTAL HYGIENE.
- 23 (C) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL SERVE AS
- 24 CHAIRMAN OF THE TASK FORCE.
- 25 (D) A MEMBER OF THE TASK FORCE:
- 26 (1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE TASK
- 27 FORCE; BUT
- 28 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
- 29 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.
- 30 (E) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE
- 31 STAFF FOR THE TASK FORCE.
- 32 (F) THE TASK FORCE SHALL:

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- 1 (1) DETERMINE WHETHER SURVIVING RECIPIENTS OF NASAL RADIUM
- 2 IRRADIATION TREATMENTS HAVE CONTRACTED HEAD, NECK, OR OTHER CANCERS
- 3 OR HEALTH PROBLEMS THAT COULD BE ATTRIBUTED TO THOSE TREATMENTS;
- 4 (2) OTHERWISE DETERMINE THE CURRENT STATE OF HEALTH OF
- 5 SURVIVING RECIPIENTS OF NASAL RADIUM IRRADIATION TREATMENTS WHO
- 6 RECEIVED THOSE TREATMENTS AT ANY TIME FROM 1948 THROUGH 1960;
- 7 (3) MAKE OTHER APPROPRIATE FINDINGS IN RELATION TO NASAL
- 8 RADIUM IRRADIATION TREATMENT AND ITS EFFECT ON THE RECIPIENTS OF THAT
- 9 TREATMENT; AND
- 10 (4) DETERMINE HOW RECIPIENTS OF NASAL RADIUM IRRADIATION
- 11 TREATMENT SHOULD BE:
- 12 (I) NOTIFIED OF THE RISK OF CANCER AND OTHER DISEASES AND
- 13 DISORDERS; AND
- 14 (II) ADMINISTERED APPROPRIATE MEDICAL CARE AND
- 15 TREATMENT.
- 16 (G) NOT LATER THAN DECEMBER 31, 1999, THE TASK FORCE SHALL SUBMIT A
- 17 REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND,
- 18 SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL
- 19 ASSEMBLY.
- 20 (H) THE TASK FORCE SHALL TERMINATE ON JANUARY 1, 2000.
- 21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 22 October 1, 1998.