
By: **Senator Craig**
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CHAPTER _____

1 AN ACT 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; providing for the
9 construction of this Act; and generally relating to the study of the long-term
10 health consequences of nasal radium 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

1 WHEREAS, The Radiation Experiment Assessment Project has concluded that
2 children treated with nasal radium irradiation are at a 10-fold higher mortality risk
3 for cancer than veterans who were treated similarly during the 1940's; and

4 WHEREAS, The United States government has failed to notify nasal radium
5 irradiation test subjects that they are at risk for various head and neck cancers and
6 hormonal and other problems, and various government agencies have engaged in
7 possible misrepresentation, fraud, and abuse in relating the facts regarding nasal
8 radium irradiation treatment; and

9 WHEREAS, Hospitals, public clinics, and private physicians have failed to
10 notify the surviving participants of nasal radium irradiation treatments of the
11 potential risks involved in the treatment; now, therefore,

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

14 **Article 41 - Governor - Executive and Administrative Departments**

15 18-316.

16 (A) THERE IS A TASK FORCE TO STUDY THE LONG-TERM HEALTH
17 CONSEQUENCES OF NASAL RADIUM IRRADIATION MEDICAL PROCEDURES ON
18 RECIPIENTS OF THOSE PROCEDURES.

19 (B) THE TASK FORCE CONSISTS OF NINE MEMBERS AS FOLLOWS:

20 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
21 PRESIDENT OF THE SENATE;

22 (2) ONE MEMBER OF THE HOUSE OF DELEGATES OF MARYLAND,
23 APPOINTED BY THE SPEAKER OF THE HOUSE;

24 (3) TWO REPRESENTATIVES OF THE MEDICAL AND CHIRURGICAL
25 FACULTY OF MARYLAND, APPOINTED BY THE GOVERNOR;

26 (4) ONE REPRESENTATIVE OF THE MARYLAND HOSPITAL ASSOCIATION,
27 APPOINTED BY THE GOVERNOR;

28 (5) THREE MEMBERS OF THE PUBLIC, JOINTLY APPOINTED BY THE
29 GOVERNOR, THE PRESIDENT, AND THE SPEAKER; AND

30 (6) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
31 SECRETARY'S DESIGNEE.

32 (C) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE SECRETARY'S
33 DESIGNEE SHALL SERVE AS CHAIRMAN OF THE TASK FORCE.

34 (D) A MEMBER OF THE TASK FORCE:

1 (1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE TASK
2 FORCE; BUT

3 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
4 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

5 (E) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE
6 STAFF FOR THE TASK FORCE.

7 (F) THE TASK FORCE SHALL:

8 (1) DETERMINE WHETHER SURVIVING RECIPIENTS OF NASAL RADIUM
9 IRRADIATION TREATMENTS HAVE CONTRACTED HEAD, NECK, OR OTHER CANCERS
10 OR HEALTH PROBLEMS THAT COULD BE ATTRIBUTED TO THOSE TREATMENTS;

11 (2) OTHERWISE DETERMINE THE CURRENT STATE OF HEALTH OF
12 SURVIVING RECIPIENTS OF NASAL RADIUM IRRADIATION TREATMENTS WHO
13 RECEIVED THOSE TREATMENTS AT ANY TIME FROM 1948 THROUGH 1960;

14 (3) MAKE OTHER APPROPRIATE FINDINGS IN RELATION TO NASAL
15 RADIUM IRRADIATION TREATMENT AND ITS EFFECT ON THE RECIPIENTS OF THAT
16 TREATMENT; AND

17 (4) DETERMINE HOW RECIPIENTS OF NASAL RADIUM IRRADIATION
18 TREATMENT SHOULD BE:

19 (I) NOTIFIED OF THE RISK OF CANCER AND OTHER DISEASES AND
20 DISORDERS; AND

21 (II) ADMINISTERED APPROPRIATE MEDICAL CARE AND
22 TREATMENT.

23 (G) NOT LATER THAN DECEMBER 31, 1999, THE TASK FORCE SHALL SUBMIT A
24 REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND,
25 SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL
26 ASSEMBLY.

27 (H) THE TASK FORCE SHALL TERMINATE ON JANUARY 1, 2000.

28 (I) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE TASK FORCE TO
29 NOTIFY BY MAIL EVERY SURVIVING RECIPIENT OF NASAL RADIUM IRRADIATION
30 TREATMENTS OF THE RISK OF CANCER AND OTHER DISEASES OR DISORDERS.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1998.

