

HOUSE BILL 134

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SB 760/98 - EEA

2000 Regular Session
0lr0447
CF 0lr0448

By: **Delegate Hixson**

Introduced and read first time: January 18, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

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, and duties of the task force; providing for the construction of
9 this Act; providing for the termination of this Act; and generally relating to the
10 study of the long-term health consequences of nasal radium irradiation medical
11 procedures.

12 BY adding to
13 Article 41 - Governor - Executive and Administrative Departments
14 Section 18-318
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 1999 Supplement)

17 **Preamble**

18 WHEREAS, The National Advisory Committee on Human Radiation
19 Experiments has recommended that nasal radium irradiation test subjects
20 throughout the country be notified of the potential cancer and other risks and given
21 medical follow-up treatment if there is a significant risk of developing a
22 radiation-induced condition; and

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

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

1 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 18-318.

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 OR THE
23 SECRETARY'S DESIGNEE.

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

26 (D) A MEMBER OF THE TASK FORCE:

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

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

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

33 (F) THE TASK FORCE SHALL:

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

19 (H) NOT LATER THAN DECEMBER 31, 2001, THE TASK FORCE SHALL SUBMIT A
20 REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND,
21 SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL
22 ASSEMBLY.

23 (I) THIS SECTION SHALL TERMINATE AND BE OF NO EFFECT AFTER
24 DECEMBER 31, 2001.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2000.