

SENATE BILL 15

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SB 760/98 - EEA

2000 Regular Session
0lr0448
CF 0lr0447

(PRE-FILED)

By: **Senator Ruben (By Request)**
Requested: August 31, 1999
Introduced and read first time: January 12, 2000
Assigned to: Economic and Environmental Affairs

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

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

Article 41 - Governor - Executive and Administrative Departments

18-318.

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

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

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

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

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

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

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

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

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

(D) A MEMBER OF THE TASK FORCE:

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

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

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

(F) THE TASK FORCE SHALL:

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

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

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

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

6 (I) NOTIFIED OF THE RISK OF CANCER AND OTHER DISEASES AND
7 DISORDERS; AND

8 (II) ADMINISTERED APPROPRIATE MEDICAL CARE AND
9 TREATMENT.

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

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

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

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