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By: **Delegates Barkley, Amedori, Anderson, Aumann, Barve, Bates, Bromwell, Bronrott, Brown, Cadden, Cane, Cardin, G. Clagett, V. Clagett, Conroy, Cryor, DeBoy, Doory, Dumais, Feldman, Franchot, Frush, Gaines, Glassman, Griffith, Gutierrez, Haynes, Heller, Hogan, Holmes, Howard, Hubbard, Impallaria, Jones, Kach, Kaiser, Kelley, King, Kirk, Krysiak, Lee, Love, Madaleno, Mandel, McIntosh, Menes, Mitchell, Moe, Montgomery, Murray, Nathan-Pulliam, Owings, Paige, Parker, Parrott, Pendergrass, Petzold, Proctor, Quinter, Rosenberg, Ross, Rudolph, Simmons, Sophocleus, Sossi, Stocksdale, Taylor, F. Turner, V. Turner, Vallario, Vaughn, and Zirkin**

Introduced and read first time: February 7, 2003  
Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Breast Cancer Research Fund - Income Tax Checkoff**

3 FOR the purpose of establishing the Maryland Breast Cancer Research Fund within  
4 the Department of Health and Mental Hygiene to be used to provide grants for  
5 breast cancer research; requiring that all expenditures from the Fund be made  
6 only through an appropriation in the annual State budget or through an  
7 approved budget amendment; requiring the Secretary of Health and Mental  
8 Hygiene to adopt certain regulations; requiring the Secretary to submit a  
9 certain report each year to the General Assembly on the administration of the  
10 Fund; requiring the Comptroller to include a checkoff on individual income tax  
11 return forms for voluntary contributions to the Fund and to include certain  
12 information in each individual income tax return package; requiring the  
13 Comptroller to collect and account for contributions made through the checkoff  
14 system and to credit the proceeds to the Fund after deducting the amount  
15 necessary to administer the checkoff; providing for the application of this Act;  
16 and generally relating to the Maryland Breast Cancer Research Fund and an  
17 income tax checkoff for contributions to the Fund.

18 BY adding to  
19 Article - Health - General  
20 Section 20-117  
21 Annotated Code of Maryland  
22 (2000 Replacement Volume and 2002 Supplement)

23 BY adding to  
24 Article - Tax - General

1 Section 2-112 and 10-804(h)  
2 Annotated Code of Maryland  
3 (1997 Replacement Volume and 2002 Supplement)

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

6 **Article - Health - General**

7 20-117.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
9 INDICATED.

10 (2) "BREAST CANCER RESEARCH" INCLUDES RESEARCH TO DEVELOP  
11 AND ADVANCE THE UNDERSTANDING OF BREAST CANCER AND THE TECHNIQUES  
12 AND MODALITIES EFFECTIVE IN THE PREVENTION, CURE, SCREENING, AND  
13 TREATMENT OF BREAST CANCER.

14 (3) "FUND" MEANS THE MARYLAND BREAST CANCER RESEARCH FUND  
15 ESTABLISHED UNDER THIS SECTION.

16 (4) "INCOME TAX CHECKOFF SYSTEM" MEANS THE CHECKOFF SYSTEM  
17 ESTABLISHED UNDER § 2-112 OF THE TAX - GENERAL ARTICLE.

18 (B) (1) THERE IS A MARYLAND BREAST CANCER RESEARCH FUND.

19 (2) THE NET PROCEEDS FROM CONTRIBUTIONS UNDER THE INCOME  
20 TAX CHECKOFF SYSTEM AND ANY OTHER DONATIONS TO THE FUND SHALL BE  
21 CREDITED TO THE FUND.

22 (3) THE SECRETARY SHALL ADMINISTER THE FUND.

23 (4) THE FUND SHALL BE USED ONLY FOR BREAST CANCER RESEARCH  
24 AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

25 (5) THE FUND SHALL BE MAINTAINED FOR THE PURPOSES STATED IN  
26 THIS SECTION AND UNSPENT PORTIONS OF THE FUND SHALL REMAIN IN THE FUND  
27 AND MAY NOT REVERT TO THE GENERAL FUND OF THE STATE.

28 (6) MONEYS EXPENDED FROM THE FUND FOR BREAST CANCER  
29 RESEARCH ARE SUPPLEMENTAL AND ARE NOT INTENDED TO TAKE THE PLACE OF  
30 FUNDING THAT WOULD OTHERWISE BE APPROPRIATED TO THE DEPARTMENT FOR  
31 BREAST CANCER RESEARCH.

32 (7) ALL EXPENDITURES FROM THE FUND SHALL BE MADE ONLY IN  
33 ACCORDANCE WITH AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN  
34 THE ANNUAL STATE BUDGET OR THROUGH AN APPROVED BUDGET AMENDMENT  
35 UNDER §§ 7-209 AND 7-210 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 (C) (1) THE SECRETARY MAY DISTRIBUTE NOT MORE THAN 5% OF THE NET  
2 PROCEEDS OF THE FUND TO A PROMOTIONAL ACCOUNT TO BE USED TO PROMOTE  
3 FURTHER DONATIONS TO THE FUND.

4 (2) AFTER MAKING THE DISTRIBUTION ALLOWED UNDER PARAGRAPH  
5 (1) OF THIS SUBSECTION, THE SECRETARY SHALL USE THE REMAINDER OF THE NET  
6 PROCEEDS OF THE FUND ONLY TO PROVIDE GRANTS TO ELIGIBLE PHYSICIANS,  
7 HOSPITALS, LABORATORIES, EDUCATIONAL INSTITUTIONS, AND OTHER  
8 ORGANIZATIONS AND PERSONS TO CONDUCT BREAST CANCER RESEARCH.

9 (D) (1) ON OR BEFORE AUGUST 31 OF EACH YEAR, THE SECRETARY SHALL  
10 SUBMIT A REPORT TO THE GENERAL ASSEMBLY, PURSUANT TO § 2-1246 OF THE  
11 STATE GOVERNMENT ARTICLE, ON THE ADMINISTRATION OF THE MARYLAND  
12 BREAST CANCER RESEARCH FUND.

13 (2) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:

14 (I) THE GROSS AMOUNT OF DONATIONS TO THE FUND THROUGH  
15 THE INCOME TAX CHECKOFF SYSTEM AND OTHERWISE;

16 (II) THE COSTS OF ADMINISTRATION BY THE COMPTROLLER OF  
17 THE INCOME TAX CHECKOFF SYSTEM;

18 (III) A DESCRIPTION OF PROMOTIONAL EFFORTS UNDERTAKEN  
19 WITH MONEY FROM THE FUND; AND

20 (IV) A DETAILED ACCOUNTING OF THE USE OF THE FUND.

21 (E) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT A BREAST  
22 CANCER RESEARCH GRANT PROGRAM UNDER THIS SECTION.

23 **Article - Tax - General**

24 2-112.

25 (A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL INCOME  
26 TAX RETURN FORM A CHECKOFF DESIGNATED AS THE "MARYLAND BREAST CANCER  
27 RESEARCH FUND CONTRIBUTION".

28 (2) THE CHECKOFF SHALL STATE THAT:

29 (I) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A JOINT  
30 RETURN, MAY CONTRIBUTE TO THE MARYLAND BREAST CANCER RESEARCH FUND  
31 THE AMOUNT DESIGNATED BY THE INDIVIDUAL; AND

32 (II) 1. THE INDIVIDUAL SHALL DEDUCT THE AMOUNT OF THE  
33 CONTRIBUTION FROM ANY REFUND TO WHICH THE INDIVIDUAL IS ENTITLED; OR

