
By: **Senators Colburn, Britt, DeGrange, Dyson, Hooper, Hughes, Jacobs,
Klausmeier, Lawlah, McFadden, Stone, and Teitelbaum**

Introduced and read first time: February 11, 2005

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of establishing the Maryland Prostate Cancer Research Fund within
4 the Department of Health and Mental Hygiene to be used to provide grants for
5 prostate cancer research; requiring the Secretary of Health and Mental Hygiene
6 to adopt certain regulations; requiring the Secretary to submit a certain report
7 each year to the General Assembly on the administration of the Fund; requiring
8 the Comptroller to include a checkoff on individual income tax return forms for
9 voluntary contributions to the Fund and to include certain information in each
10 individual income tax return package; allowing individuals to deduct a certain
11 contribution from a certain refund or add the contribution to certain income tax
12 to be paid; requiring the Comptroller to collect certain contributions and
13 distribute them in a certain manner; defining certain terms; providing for the
14 application of this Act; and generally relating to the Maryland Prostate Cancer
15 Research Fund and an income tax checkoff for contributions to the Fund.

16 BY adding to
17 Article - Health - General
18 Section 20-118 to be under the new part "Part V. Prostate Cancer"
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2004 Supplement)

21 BY adding to
22 Article - Tax - General
23 Section 2-113 and 10-804(i)
24 Annotated Code of Maryland
25 (2004 Replacement Volume)

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

1 **Article - Health - General**

2 PART V. PROSTATE CANCER.

3 20-118.

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.6 (2) "FUND" MEANS THE MARYLAND PROSTATE CANCER RESEARCH
7 FUND ESTABLISHED UNDER THIS SECTION.8 (3) "INCOME TAX CHECKOFF SYSTEM" MEANS THE CHECKOFF SYSTEM
9 ESTABLISHED UNDER § 2-113 OF THE TAX - GENERAL ARTICLE.10 (4) "PROSTATE CANCER RESEARCH" INCLUDES RESEARCH TO DEVELOP
11 AND ADVANCE THE UNDERSTANDING OF PROSTATE CANCER AND THE TECHNIQUES
12 AND MODALITIES EFFECTIVE IN THE PREVENTION, CURE, SCREENING, AND
13 TREATMENT OF PROSTATE CANCER.

14 (B) (1) THERE IS A MARYLAND PROSTATE CANCER RESEARCH FUND.

15 (2) THE NET PROCEEDS FROM CONTRIBUTIONS UNDER THE INCOME
16 TAX CHECKOFF SYSTEM AND ANY OTHER DONATIONS TO THE FUND SHALL BE
17 CREDITED TO THE FUND.

18 (3) THE SECRETARY SHALL ADMINISTER THE FUND.

19 (4) THE FUND SHALL BE USED ONLY FOR PROSTATE CANCER RESEARCH
20 AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.21 (5) THE FUND SHALL BE MAINTAINED FOR THE PURPOSES STATED IN
22 THIS SECTION AND UNSPENT PORTIONS OF THE FUND SHALL REMAIN IN THE FUND
23 AND MAY NOT REVERT TO THE GENERAL FUND OF THE STATE.24 (6) MONEYS EXPENDED FROM THE FUND FOR PROSTATE CANCER
25 RESEARCH ARE SUPPLEMENTAL AND ARE NOT INTENDED TO TAKE THE PLACE OF
26 FUNDING THAT WOULD OTHERWISE BE APPROPRIATED TO THE DEPARTMENT FOR
27 PROSTATE CANCER RESEARCH.28 (C) (1) THE SECRETARY MAY DISTRIBUTE NOT MORE THAN 5% OF THE NET
29 PROCEEDS OF THE FUND TO A PROMOTIONAL ACCOUNT TO BE USED TO PROMOTE
30 FURTHER DONATIONS TO THE FUND.31 (2) (I) AFTER MAKING THE DISTRIBUTION ALLOWED UNDER
32 PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL USE THE REMAINDER
33 OF THE NET PROCEEDS OF THE FUND ONLY TO PROVIDE GRANTS TO ELIGIBLE
34 PHYSICIANS, HOSPITALS, LABORATORIES, EDUCATIONAL INSTITUTIONS, AND OTHER
35 ORGANIZATIONS AND PERSONS TO CONDUCT PROSTATE CANCER RESEARCH.

1 (II) MONEYS RECEIVED FROM THE GRANT PROGRAM UNDER THIS
2 SECTION MAY NOT BE USED TO PAY FOR INSTITUTIONAL OVERHEAD EXPENSES,
3 ORGANIZATIONAL EXPENSES OR CHARGES THAT ARE NOT DIRECTLY RELATED TO
4 PROSTATE CANCER RESEARCH, OR EXPENSES ARISING FROM COMMUNITY-BASED
5 SUPPORT SERVICES.

6 (D) (1) ON OR BEFORE AUGUST 31 OF EACH YEAR, THE SECRETARY SHALL
7 SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF
8 THE STATE GOVERNMENT ARTICLE, ON THE ADMINISTRATION OF THE MARYLAND
9 PROSTATE CANCER RESEARCH FUND.

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

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

13 (II) THE COSTS OF ADMINISTRATION BY THE COMPTROLLER OF
14 THE INCOME TAX CHECKOFF SYSTEM;

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

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

18 (E) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT A
19 MARYLAND PROSTATE CANCER RESEARCH GRANT PROGRAM UNDER THIS SECTION.

20 **Article - Tax - General**

21 2-113.

22 (A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL INCOME
23 TAX RETURN FORM A CHECKOFF DESIGNATED AS THE "MARYLAND PROSTATE
24 CANCER RESEARCH FUND CONTRIBUTION".

25 (2) THE CHECKOFF SHALL STATE THAT:

26 (I) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A JOINT
27 RETURN, MAY CONTRIBUTE TO THE MARYLAND PROSTATE CANCER RESEARCH FUND
28 THE AMOUNT DESIGNATED BY THE INDIVIDUAL; AND

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

31 2. IF THE INDIVIDUAL IS NOT ENTITLED TO A REFUND, THE
32 INDIVIDUAL SHALL ADD THE AMOUNT OF THE CONTRIBUTION TO THE INCOME TAX
33 TO BE PAID WITH THE RETURN.

34 (3) THE COMPTROLLER SHALL INCLUDE, WITH THE INDIVIDUAL
35 INCOME TAX RETURN PACKAGE, A DESCRIPTION OF THE PURPOSES FOR WHICH THE

1 MARYLAND PROSTATE CANCER RESEARCH FUND WAS ESTABLISHED AND THE
2 PURPOSES FOR WHICH THE FUND MAY BE USED.

3 (B) THE COMPTROLLER SHALL:

4 (1) COLLECT THE CHECKOFF CONTRIBUTIONS AND ACCOUNT TO THE
5 STATE TREASURER FOR THE MONEY COLLECTED;

6 (2) FROM THE CONTRIBUTIONS COLLECTED, DISTRIBUTE THE AMOUNT
7 NECESSARY TO ADMINISTER THE CHECKOFF SYSTEM TO AN ADMINISTRATIVE COST
8 ACCOUNT; AND

9 (3) AFTER THE DISTRIBUTION UNDER ITEM (2) OF THIS SUBSECTION,
10 DISTRIBUTE THE REMAINDER OF THE MONEY COLLECTED UNDER THIS SUBSECTION
11 TO THE MARYLAND PROSTATE CANCER RESEARCH FUND ESTABLISHED UNDER §
12 20-118 OF THE HEALTH - GENERAL ARTICLE.

13 10-804.

14 (I) AN INDIVIDUAL MAY DESIGNATE A CONTRIBUTION TO THE MARYLAND
15 PROSTATE CANCER RESEARCH FUND, ESTABLISHED UNDER § 20-118 OF THE HEALTH
16 - GENERAL ARTICLE, BY THE CHECKOFF SYSTEM ON THE RETURN.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 2005, and shall be applicable to all taxable years beginning after December 31,
19 2004.