

SENATE BILL 938

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CF HB 1293

By: ~~Senator Augustine~~ **Senators Augustine and A. Washington**

Introduced and read first time: February 2, 2024

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 29, 2024

CHAPTER _____

1 AN ACT concerning

2 **Maryland Department of Health – Public Education Campaign on Prostate,**
3 **Lung, and Breast Cancer Prevention**

4 FOR the purpose of requiring the Maryland Department of Health to develop and
5 implement a public education campaign on prostate, lung, and breast cancer
6 prevention that targets communities disproportionately impacted by prostate, lung,
7 and breast cancer; and generally relating to the public education campaign on
8 prostate, lung, and breast cancer prevention.

9 BY adding to

10 Article – Health – General

11 Section 13–11A–01 to be under the new subtitle “Subtitle 11A. Public Education
12 Campaign on Prostate, Lung, and Breast Cancer Prevention”

13 Annotated Code of Maryland

14 (2023 Replacement Volume)

15 BY repealing and reenacting, without amendments,

16 Article – State Finance and Procurement

17 Section 7–317(a)

18 Annotated Code of Maryland

19 (2021 Replacement Volume and 2023 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – State Finance and Procurement

22 Section 7–317(f) and (g)(3)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2021 Replacement Volume and 2023 Supplement)

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

5 **Article – Health – General**

6 **SUBTITLE 11A. PUBLIC EDUCATION CAMPAIGN ON PROSTATE, LUNG, AND**
7 **BREAST CANCER PREVENTION.**

8 **13-11A-01.**

9 **(A) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A 3-YEAR PUBLIC**
10 **EDUCATION CAMPAIGN ON PROSTATE, LUNG, AND BREAST CANCER PREVENTION**
11 **THAT TARGETS COMMUNITIES DISPROPORTIONATELY IMPACTED BY PROSTATE,**
12 **LUNG, AND BREAST CANCER.**

13 **(B) IN DEVELOPING THE PUBLIC EDUCATION CAMPAIGN, THE**
14 **DEPARTMENT SHALL WORK WITH:**

15 **(1) HEALTH CARE PROVIDERS, INCLUDING LICENSED PHYSICIANS,**
16 **WHO TREAT INDIVIDUALS IMPACTED BY PROSTATE, LUNG, AND BREAST CANCER;**

17 **(2) HOSPITALS; AND**

18 **(3) HEALTH CARE ASSOCIATIONS THAT FOCUS ON PROSTATE, LUNG,**
19 **AND BREAST CANCER.**

20 **(C) THE PUBLIC EDUCATION CAMPAIGN SHALL:**

21 **(1) PROVIDE EDUCATIONAL INFORMATION ON PROSTATE, LUNG, AND**
22 **BREAST CANCER, INCLUDING INFORMATION REGARDING:**

23 **(i) THE RISKS AND WARNING SIGNS OF PROSTATE, LUNG, AND**
24 **BREAST CANCER; AND**

25 **(ii) GUIDELINES AND BEST PRACTICES TO PREVENT PROSTATE,**
26 **LUNG, AND BREAST CANCER;**

27 **(2) PROMOTE:**

28 ~~**(i) PARTICIPATION IN CLINICAL TRIALS AND STUDIES FOR**~~
29 ~~**PROSTATE, LUNG, AND BREAST CANCER; AND**~~

1 ~~(H) SCREENINGS~~ SCREENINGS FOR PROSTATE, LUNG, AND
2 BREAST CANCER; AND

3 (3) PROVIDE INFORMATION ON LEGISLATION THAT REDUCES COST
4 BARRIERS TO PREVENTION SERVICES FOR PROSTATE, LUNG, AND BREAST CANCER.

5 (D) TO IMPLEMENT THE PUBLIC EDUCATION CAMPAIGN, THE DEPARTMENT
6 SHALL:

7 (1) USE COMMUNICATIONS TOOLS AND MESSAGING;

8 (2) POST ALL MATERIALS ON THE DEPARTMENT'S WEBSITE IN A
9 CONSPICUOUS MANNER AND AN ACCESSIBLE FORMAT; AND

10 (3) DEVELOP PARTNERSHIPS WITH HEALTH AGENCIES, NONPROFIT
11 ORGANIZATIONS, AND PRIVATE ENTITIES THAT WORK WITH COMMUNITIES
12 DISPROPORTIONATELY IMPACTED BY PROSTATE, LUNG, AND BREAST CANCER.

13 (E) THE DEPARTMENT SHALL:

14 (1) DEVELOP THE PUBLIC EDUCATION CAMPAIGN ON OR BEFORE
15 DECEMBER 1, ~~2025~~ 2026;

16 ~~(2) PROVIDE 30 DAYS FOR FEEDBACK AND COMMENTS FROM THE
17 PUBLIC ON THE PUBLIC EDUCATION CAMPAIGN;~~

18 ~~(3)~~ (2) IMPLEMENT THE PUBLIC EDUCATION CAMPAIGN ON OR
19 BEFORE JANUARY 1, ~~2026~~ 2027; AND

20 ~~(4)~~ (3) SET MEASURABLE GOALS FOR THE PUBLIC EDUCATION
21 CAMPAIGN.

22 ~~(F) ON OR BEFORE JANUARY 1, 2027, 2028, AND 2029, THE DEPARTMENT
23 SHALL SUBMIT A REPORT ON THE STATUS OF MEETING ITS GOALS ESTABLISHED
24 UNDER SUBSECTION (E)(4) OF THIS SECTION TO THE GENERAL ASSEMBLY, IN
25 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.~~

26 ~~(G)~~ (F) (1) FOR EACH OF FISCAL YEARS 2026, 2027, 2028, ~~AND~~ 2029,
27 AND 2030, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN
28 APPROPRIATION TO THE DEPARTMENT FOR THE PUBLIC EDUCATION CAMPAIGN
29 FROM THE CIGARETTE RESTITUTION FUND ESTABLISHED UNDER § 7-317 OF THE
30 STATE FINANCE AND PROCUREMENT ARTICLE.

1 **(2) THE TOTAL APPROPRIATION FOR FISCAL YEARS ~~2025~~ 2026**
 2 **THROUGH ~~2029~~ 2030 SHALL BE NOT MORE THAN ~~\$2,000,000~~ \$750,000.**

3 **Article – State Finance and Procurement**

4 7–317.

5 (a) There is a Cigarette Restitution Fund.

6 (f) (1) The Cigarette Restitution Fund shall be used to fund:

7 (i) the Tobacco Use Prevention and Cessation Program established
 8 under Title 13, Subtitle 10 of the Health – General Article;

9 (ii) the Cancer Prevention, Education, Screening, and Treatment
 10 Program established under Title 13, Subtitle 11 of the Health – General Article;

11 (iii) the activities of the Southern Maryland Agricultural
 12 Development Commission, in accordance with § 13–611 of the Economic Development
 13 Article;

14 (iv) For each of fiscal years 2025 through 2029, the Maryland
 15 Community Health Resources Commission Fund, in accordance with subsection (g) of this
 16 section; [and]

17 **(V) THE PUBLIC EDUCATION CAMPAIGN ON PROSTATE, LUNG,**
 18 **AND BREAST CANCER PREVENTION ESTABLISHED UNDER TITLE 13, SUBTITLE 11A**
 19 **OF THE HEALTH – GENERAL ARTICLE; AND**

20 [(v)] **(VI)** other programs that serve the following purposes:

21 1. reduction of the use of tobacco products by individuals
 22 under the age of 21 years;

23 2. implementation of the Southern Maryland Regional
 24 Strategy–Action Plan for Agriculture adopted by the Tri–County Council for Southern
 25 Maryland with an emphasis on alternative crop uses for agricultural land now used for
 26 growing tobacco;

27 3. public and school education campaigns to decrease tobacco
 28 use with initial emphasis on areas targeted by tobacco manufacturers in marketing and
 29 promoting cigarette and tobacco products;

30 4. smoking cessation programs;

31 5. enforcement of the laws regarding tobacco sales;

1 6. the purposes of the Maryland Health Care Foundation
2 under Title 20, Subtitle 5 of the Health – General Article;

3 7. primary health care in rural areas of the State and areas
4 targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco
5 products;

6 8. prevention, treatment, and research concerning cancer,
7 heart disease, lung disease, tobacco product use, and tobacco control, including operating
8 costs and related capital projects;

9 9. substance abuse treatment and prevention programs; and

10 10. any other public purpose.

11 (2) The provisions of this subsection may not be construed to affect the
12 Governor’s powers with respect to a request for an appropriation in the annual budget bill.

13 (g) (3) For each fiscal year for which appropriations are made, at least 50% of
14 the appropriations shall be made for those purposes enumerated in subsection (f)(1)(i), (ii),
15 and [(v)1] (VI)1 through 9 of this section subject to the requirement of subsection (e)(2) of
16 this section.

17 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
18 2027, 2028, and 2029, the Maryland Department of Health shall include in the report
19 required under § 7–317(j)(2) of the State Finance and Procurement Article the status of
20 meeting its goals established under § 13–11A–01 of the Health – General Article, as enacted
21 by Section 1 of this Act.

22 ~~SECTION 2.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 ~~October 1, 2024~~ July 1, 2025. It shall remain effective for a period of ~~5~~ 6 years and, at the
24 end of ~~September 30, 2029~~ June 30, 2031, this Act, with no further action required by the
25 General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.