

HOUSE BILL 57

J1

8lr0968

(PRE-FILED)

By: **Delegate Montgomery**

Requested: October 30, 2007

Introduced and read first time: January 9, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Pediatric Cancer Molecular Database Research Grant – Candlelighters**
3 **Childhood Cancer Foundation Matching Fund**

4 FOR the purpose of requiring the annual budget bill to include a certain amount of
5 appropriations for the Pediatric Cancer Molecular Database Research Grant for
6 a certain fiscal year; authorizing the Department of Health and Mental Hygiene
7 to distribute a certain grant to the Candlelighters Childhood Cancer Foundation
8 for the establishment of a certain database; providing that the Foundation may
9 not receive a certain grant until it submits a certain research plan and enters
10 into a certain memorandum of understanding; providing that the Department
11 may not distribute a certain grant unless it makes certain determinations;
12 requiring the Foundation to provide and expend a certain matching fund; and
13 generally relating to the establishment of the Pediatric Cancer Molecular
14 Database Research Grant.

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That:

17 (a) (1) For fiscal year 2010, the Governor shall include \$200,000 in the
18 annual budget bill in appropriations for the Pediatric Cancer Molecular Database
19 Research Grant under this section.

20 (2) Subject to the other provisions of this section, the Department of
21 Health and Mental Hygiene may distribute a Pediatric Cancer Molecular Database
22 Research Grant to the Candlelighters Childhood Cancer Foundation for the purpose of
23 establishing an integrated comprehensive database that would contain genetic tumor
24 information for subsequent comparative analysis that may lead to a cure for a targeted
25 pediatric cancer and increase the rate at which pediatric cancer research activities are
26 translated into treatment protocols in the State.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Before receiving a Pediatric Cancer Molecular Database Research Grant
2 the Candlelighters Childhood Cancer Foundation shall:

3 (1) Submit a Pediatric Cancer Molecular Database Research Plan to
4 the Department that:

5 (i) Provides a detailed plan as to how the Pediatric Cancer
6 Molecular Database Research Grant will be spent;

7 (ii) Provides a complete inventory of all pediatric cancer
8 molecular database research activities relating to pediatric cancers that are being
9 conducted by the Candlelighters Childhood Cancer Foundation;

10 (iii) Specifies the source and amount of funding for the pediatric
11 cancer molecular database research activities identified under item (ii) of this
12 paragraph;

13 (iv) Certifies that the pediatric cancer molecular database
14 research activities that will be funded by the Pediatric Cancer Molecular Database
15 Research Grant have been endorsed by an independent peer review group that is
16 comprised of experts in the field from outside the Candlelighters Childhood Cancer
17 Foundation that will not be involved in the research;

18 (v) Identifies the individuals who make up the independent
19 peer review group; and

20 (vi) Includes any other information that is requested by the
21 Department of Health and Mental Hygiene; and

22 (2) Enter into a memorandum of understanding with the Department
23 of Health and Mental Hygiene, the Department of Business and Economic
24 Development, and the Maryland Technology Development Corporation that:

25 (i) Establishes the scope of the State's ownership or other
26 financial interest in the commercialization and other benefits of the results, products,
27 inventions, and discoveries of pediatric cancer molecular database research activities
28 funded by a Pediatric Cancer Molecular Database Research Grant;

29 (ii) Establishes a plan for expediting the translation of pediatric
30 cancer molecular database research activities into treatment protocols and clinical
31 trials; and

32 (iii) To the extent consistent with federal and State law, reflects
33 the intellectual property policies of the Candlelighters Childhood Cancer Foundation.

34 (c) A memorandum of understanding established under subsection (b)(2) of
35 this section may allow for the selection of a higher education institution or private

1 entity to expedite the translation of pediatric cancer molecular database research
2 activities into treatment protocols and clinical trials.

3 (d) The Department of Health and Mental Hygiene may not distribute a
4 Pediatric Cancer Molecular Database Research Grant unless the Department first
5 determines that:

6 (1) The Grant will be used to fund pediatric cancer molecular database
7 research activities that relate to the establishment of a pediatric cancer molecular
8 database;

9 (2) The Candlelighters Childhood Cancer Foundation has executed a
10 memorandum of understanding as required by subsection (b)(2) of this section; and

11 (3) The Candlelighters Childhood Cancer Foundation satisfies any
12 other requirement established by the Department as a condition of receiving the
13 Grant.

14 (e) (1) Prior to the payment of any funds under the provisions of this Act
15 for the purposes set forth in subsection (a)(2) of this section, the Candlelighters
16 Childhood Cancer Foundation shall provide and expend a matching fund of \$100,000.

17 (2) No part of the matching fund may be provided, either directly or
18 indirectly, from funds of the State, whether appropriated or unappropriated.

19 (3) No part of the Fund may consist of funds expended prior to the
20 effective date of this Act.

21 (4) The Candlelighters Childhood Cancer Foundation has until
22 December 1, 2008, to present evidence satisfactory to the Board of Public Works that a
23 matching fund will be provided.

24 (5) If satisfactory evidence is presented, the Board shall certify this
25 fact to the State Treasurer, and the proceeds of the grant shall be expended for the
26 purposes provided for in this Act.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2008.