

HOUSE BILL NO. 5062

September 28, 2023, Introduced by Reps. O'Neal, MacDonell, Dievendorf, Neeley, Rheingans, Hood, Brenda Carter, Glanville and Farhat and referred to the Committee on Insurance and Financial Services.

A bill to establish the pediatric cancer research, treatment, resources, and education fund in the department of health and human services; to provide for the distribution of money from the fund; to prescribe the powers and duties of certain state agencies and officials; to create an advisory commission and establish its powers and duties; and to require the promulgation of rules.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "pediatric cancer fund
2 act".

3 Sec. 2. As used in this act:

1 (a) "Advisory commission" means the pediatric cancer research,
2 treatment, resources, and education fund advisory commission
3 created in section 5.

4 (b) "Department" means the department of health and human
5 services.

6 (c) "Director" means the director of the department.

7 (d) "Fund" means the pediatric cancer research, treatment,
8 resources, and education fund created in section 4.

9 (e) "Grant program" means the pediatric cancer research,
10 treatment, resources, and education grant program created in
11 section 3.

12 (f) "Qualified applicant" means any of the following that
13 specializes in performing research or treatment on pediatric cancer
14 in this state or providing resources or education on pediatric
15 cancer in this state:

16 (i) A nonprofit organization that provides resources or
17 education to pediatric cancer patients and families residing in
18 this state or that provides advocacy programs to promote and
19 advance further donations to the fund.

20 (ii) A medical school.

21 (iii) A medical research hospital.

22 (iv) An institution of higher education.

23 (v) A board of a school district, a board of an intermediate
24 school district, or a board of directors of a public school
25 academy.

26 Sec. 3. (1) The department, in consultation with the
27 commission, shall by rule establish and implement a pediatric
28 cancer research, treatment, resources, and education grant program
29 for the purposes of enhancing the cure rate and care of patients

1 with pediatric cancer by awarding grants to qualified applicants.
2 The rules must include, but are not limited to, all of the
3 following:

4 (a) An application review and award process that ensures that
5 grants are awarded to qualified applicants in accordance with a
6 competitive selection process.

7 (b) Grant program outcome measurement requirements.

8 (c) Monitoring, oversight, and reporting requirements for
9 grant program recipients.

10 (d) Policies for the expiration and renewal of a grant.

11 (2) An application for a grant under the grant program must be
12 made on a form or in a format prescribed by the department. The
13 department may require the applicant to provide information
14 reasonably necessary to allow the department to make a
15 determination on whether to award a grant under this act. In making
16 its determination, the department shall consult with the
17 commission.

18 (3) The department shall not award a grant to a qualified
19 applicant under this act unless the qualified applicant agrees to
20 the following conditions:

21 (a) That money received under the grant program is not used to
22 pay for the qualified applicant's overhead or organizational
23 expenses or to pay for charges that are not directly related to
24 pediatric cancer research, treatment, resources, or education.

25 (b) That money received under the grant program is used for
26 researching and combating pediatric cancer or to provide resources
27 and education to individuals affected by pediatric cancer in this
28 state.

29 Sec. 4. (1) The pediatric cancer research, treatment,

1 resources, and education fund is created in the state treasury.

2 (2) The state treasurer shall deposit money and other assets
3 received from any source in the fund. The state treasurer shall
4 direct the investment of money in the fund and credit interest and
5 earnings from the investments to the fund.

6 (3) The department is the administrator of the fund for audits
7 of the fund.

8 (4) The department shall expend money from the fund on
9 appropriation, only for the following purposes:

10 (a) Awarding grants under the grant program.

11 (b) Promoting the grant program. The department shall not
12 expend more than 5% of the net proceeds of the fund for promotional
13 purposes.

14 (c) The costs of the department to implement and administer
15 the grant program.

16 Sec. 5. (1) The pediatric cancer research, treatment,
17 resources, and education fund advisory commission is created in the
18 department.

19 (2) The governor shall appoint the members of the commission.
20 The commission must consist of the following members:

21 (a) One representative from a medical school and medical
22 research hospital that engages in, or will engage in, pediatric
23 cancer research.

24 (b) One representative from the American Childhood Cancer
25 Organization.

26 (c) One advanced practice registered nurse who has experience
27 in pediatric oncology.

28 (d) Two physicians with experience treating pediatric oncology
29 patients.

1 (e) Two survivors of pediatric cancer who are adults or
2 caregivers of pediatric cancer patients. The individuals appointed
3 under this subdivision must be selected from a list of nominees
4 provided by the American Childhood Cancer Organization.

5 (f) One scientist with expertise in pediatric oncology
6 research.

7 (g) One representative of a nonprofit organization that is
8 engaged in pediatric oncology research, treatment, resources, or
9 education. The representative appointed under this subdivision must
10 be selected from a list of nominees provided by the American
11 Childhood Cancer Organization.

12 (h) One representative from the department.

13 (3) The governor shall appoint the first members of the
14 commission within 60 days after the effective date of this act.

15 (4) The term of a member of the commission is 4 years or until
16 a successor is appointed under subsection (2), whichever is later.

17 (5) If a vacancy occurs on the commission, the governor shall
18 appoint an individual to fill the vacancy for the balance of the
19 term.

20 (6) The governor may remove a member of the commission for
21 incompetence, dereliction of duty, malfeasance, misfeasance, or
22 nonfeasance in office, or any other good cause.

23 (7) The director shall call the first meeting of the
24 commission. At the first meeting, the commission shall elect a
25 member as a chairperson and may elect other officers that it
26 considers necessary or appropriate. The commission shall meet at
27 least quarterly, or more frequently at the call of the chairperson
28 or at the request of a majority or more members.

29 (8) A majority of the members of the commission constitute a

1 quorum for transacting business. A vote in favor by a majority of
2 the members of the commission serving is required for any action of
3 the commission.

4 (9) The commission shall conduct its business in compliance
5 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

6 (10) A writing that is prepared, owned, used, possessed, or
7 retained by the commission in performing an official function is
8 subject to the freedom of information act, 1976 PA 442, MCL 15.231
9 to 15.246.

10 (11) A member of the commission is not entitled to
11 compensation for service on the commission, but the commission may
12 reimburse a member for actual and necessary expenses incurred in
13 serving.

14 (12) The commission shall consult with and assist the
15 department under this act and may make recommendations to the
16 department for future initiatives or actions to address pediatric
17 cancer in this state.

18 Sec. 6. (1) Beginning February 1, 2025, and by each February 1
19 thereafter, the department shall submit a written report to the
20 governor and to the legislature on the activities of the grant
21 program. The report must include at least all of the following
22 information:

23 (a) Recommendations for future initiatives or actions to
24 address pediatric cancer in this state.

25 (b) The total cost to the department to implement and
26 administer the grant program.

27 (c) The total amount of donations to the fund.

28 (d) A description of the promotional efforts undertaken with
29 money from the fund.

1 (e) A detailed accounting of the use of money from the fund.

2 (f) A summary of the commission's activities during the year
3 immediately preceding the date of the report.

4 (g) A summary of the use and impact of money from the fund
5 during the year immediately preceding the date of the report.

6 (2) The department shall post the report required under
7 subsection (1) on the department's website.

8 Sec. 7. The department shall promulgate rules to implement
9 this act pursuant to the administrative procedures act of 1969,
10 1969 PA 306, MCL 24.201 to 24.328.