

ASSEMBLY BILL

No. 251

Introduced by Assembly Member Davis

February 1, 1999

An act to add Article 7 (commencing with Section 92660) to Chapter 6 of Part 57 of the Education Code, and to add Part 1.5 (commencing with Section 104310) to Division 103 of the Health and Safety Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 251, as introduced, Davis. Tobacco settlement: heart disease and cancer.

Existing law establishes various programs for the prevention of diseases.

This bill would provide that the first \$10,000,000 of money paid to the state pursuant to a federal tobacco settlement shall, upon appropriation by the Legislature through the annual Budget Act, be allocated for specified women's heart disease purposes.

It would further provide that the second \$10,000,000 of money paid to the state pursuant to a federal tobacco settlement shall, upon appropriation by the Legislature, be allocated 50% to established and recognized clinical cancer genetic risk assessment programs and 50% to cancer research centers that meet designated criteria.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 7 (commencing with Section
2 92660) is added to Chapter 6 of Part 57 of the Education
3 Code, to read:

4
5 Article 7. Women’s Heart Disease Research Program

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7 92660. The Legislature hereby requests the
8 University of California to establish and administer the
9 Women’s Heart Disease Research Program, which is
10 prescribed by this article, as a comprehensive grant and
11 contract program to support research efforts into the
12 cause, cure, treatment, earlier detection, and prevention
13 of heart disease. It is the intent of the Legislature that this
14 program incorporate the principles and organizational
15 elements specified in this article, including, but not
16 limited to, a research program office with a director and
17 other necessary staff.

18 92661. For the purposes of this article:

19 (a) “Heart disease research” includes, but is not
20 limited to, research in the fields of biomedical science and
21 bioengineering, the social, economic, and behavioral
22 sciences, epidemiology, technology development and
23 translation, and public health and awareness.

24 (b) “Grantee” means any qualifying public, private, or
25 nonprofit agency or individual, including, but not limited
26 to, colleges, universities, hospitals, laboratories, research
27 institutions, local health departments, voluntary health
28 agencies, health maintenance organizations,
29 corporations, students, fellows, entrepreneurs, and
30 individuals conducting research in California.

31 (c) “Program” means the Women’s Heart Disease
32 Research Program.

33 (d) “University” means the University of California.

34 92662. It is the intent of the Legislature that this
35 program be administered pursuant to the following
36 principles:

37 (a) The program shall fund innovative and creative
38 research, with a special emphasis on research that



1 complements, rather than duplicates, the research
2 funded by the federal government and other entities, and
3 that includes ethnic minorities.

4 (b) The university shall work in close collaboration
5 with the Women's Heart Disease Prevention Program
6 established by Part 1.5 (commencing with Section
7 104310) of Division 103 of the Health and Safety Code.

8 (c) All research funds shall be awarded on the basis of
9 the research priorities established for the program and
10 the scientific merit of the proposed research, as
11 determined by an open, competitive peer review process
12 that ensures objectivity, consistency, and high quality. All
13 investigators, regardless of affiliation, shall have equal
14 access and opportunity to compete for program funds.

15 (d) The peer review process for the selection of
16 research grants awarded under this program shall be
17 generally modeled on that used by the National Institute
18 of Health in its grantmaking process.

19 (e) An awardee shall be awarded grants for the full
20 cost, both direct and indirect, of conducting the
21 sponsored research consistent with those federal
22 guidelines governing all federal research grants and
23 contracts. All intellectual property assets developed
24 under this program shall be treated in accordance with
25 state and federal law.

26 92663. (a) The university shall transmit, on or before
27 December 31, 2000, and each December 31 thereafter, a
28 report to the Legislature on grants made, grants in
29 progress, program accomplishments, and future program
30 directions.

31 (b) Each report shall include, but not be limited to, the
32 following information:

33 (1) The number and dollar amounts of research
34 grants, including the amount allocated to indirect costs.

35 (2) The subject of research grants.

36 (3) The relationship between federal and state
37 funding for heart disease research.

38 (4) The relationship between each project and the
39 overall strategy of the research program.



1 (5) A summary of research findings including
2 discussion of promising new areas.

3 (6) The institutions and campuses receiving grant
4 awards.

5 92664. It is the intent of the Legislature that no more
6 than 5 percent of the allocation to the university be used
7 for the purposes of administration of the program.

8 92665. The program shall be implemented only to the
9 extent funding is made available through the annual
10 Budget Act.

11 92666. This article shall not apply to the University of
12 California unless the Regents of the University of
13 California, by resolution, make these provisions
14 applicable.

15 SEC. 2. Part 1.5 (commencing with Section 104310) is
16 added to Division 103 of the Health and Safety Code, to
17 read:

18

19 PART 1.5. WOMEN’S HEART DISEASE

20

21 104310. (a) The first ten million dollars (\$10,000,000)
22 of money paid annually to the state pursuant to a federal
23 tobacco settlement shall, upon appropriation by the
24 Legislature, be allocated as follows:

25 (1) Fifty-six percent to be allocated for research with
26 respect to the cause, cure, treatment, earlier detection,
27 and prevention of women’s heart disease as follows:

28 (A) Five percent to the State Department of Health
29 Services for the collection of women’s heart disease
30 related data and the conduct of women’s heart disease
31 related research.

32 (B) Fifty-one percent to the Women’s Heart Disease
33 Research Program (Article 7 (commencing with Section
34 92660) of Chapter 6 of Part 57 of the Education Code) for
35 the awarding of grants and contracts to researchers for
36 research with respect to the cause, cure, treatment,
37 prevention, and earlier detection of heart disease, and
38 with respect to the cultural barriers to accessing the
39 health care system for early detection and treatment of
40 heart disease.



1 (2) Thirty-four percent to be allocated to the Women’s
2 Heart Disease Prevention Program.

3 (3) Ten percent for a Women’s Heart Disease
4 Awareness and Education Program, which program shall
5 be modeled after the similar programs created pursuant
6 to the Tobacco Tax and Health Protection Act of 1988.

7 (b) (1) There is hereby created the Women’s Heart
8 Disease Prevention Program for the provision of heart
9 disease preventive services for uninsured and
10 underinsured women. The Women’s Heart Disease
11 Prevention Program shall be established in the State
12 Department of Health Services. Available services shall
13 include all of the following:

14 (A) Early detection, including risk factor assessment,
15 of women at risk for heart disease as a preventive health
16 care measure.

17 (B) After early detection or identification of women at
18 risk, medical referral of women and services necessary for
19 definitive diagnosis, including noninvasive techniques or
20 risk factor intervention.

21 (C) If a positive diagnosis is made, then assistance and
22 advocacy shall be provided to help the person obtain
23 necessary treatment.

24 (D) Outreach and health education activities to
25 ensure that uninsured and underinsured women are
26 aware of and appropriately utilize the services provided
27 by the Women’s Heart Disease Prevention Program.

28 (2) Any entity funded by the Women’s Heart Disease
29 Prevention Program shall coordinate with other local
30 providers of heart disease screening, diagnostic, followup,
31 education, and advocacy services to avoid duplication of
32 effort. Any entity funded by the program shall comply
33 with any applicable state and federal standards regarding
34 screening and detection quality assurance.

35 (3) Administrative costs of the State Department of
36 Health Services shall not exceed 10 percent of the funds
37 allocated to the Women’s Heart Disease Prevention
38 Program. Indirect costs of the entities funded by the
39 program shall not exceed 12 percent.



1 (4) Any entity funded by the Women's Heart Disease
2 Prevention Program shall collect data and maintain
3 records that are determined by the State Department of
4 Health Services to be necessary to facilitate the
5 department's ability to monitor and evaluate the
6 effectiveness of the entities and the program.
7 Commencing with the program's second year of
8 operation, the State Department of Health Services shall
9 submit an annual report to the Legislature. The costs
10 associated with this report shall be paid from the
11 allocation made pursuant to paragraph (2) of subdivision
12 (a). The report shall describe the activities and
13 effectiveness of the program and shall include, but not be
14 limited to, the following types of information:

15 (A) The number of individuals serviced by the
16 program.

17 (B) The ethnic, geographic, and age breakdown of
18 individuals serviced by the program.

19 (C) The types of heart disease of individuals serviced
20 by the program.

21 (D) The diagnostic and treatment status of individuals
22 serviced by the program.

23 (5) This program shall be conducted in consultation
24 with the Women's Heart Disease Research Program
25 established by Article 7 (commencing with Section
26 92660) of Chapter 6 of Part 57 of the Education Code.

27 (c) It is the intent of the Legislature in enacting the
28 Women's Heart Disease Prevention Program to decrease
29 mortality rates attributable to heart disease among
30 uninsured and underinsured women, with special
31 emphasis on elderly, low-income, and minority women.
32 It is also the intent of the Legislature that the
33 communities served by the Women's Heart Disease
34 Prevention Program reflect the ethnic, racial, cultural,
35 and geographic diversity of the state and that the
36 Women's Heart Disease Prevention Program fund
37 entities where uninsured and underinsured women are
38 most likely to seek their health care.

39 104310.5. The Legislature finds and declares all of the
40 following:



1 (a) Clinical and laboratory research on the genetic
2 basis of cancers is important to reducing the costs of
3 cancer treatment by providing early treatment to at-risk
4 populations and possible cancer prevention strategies
5 such as increased surveillance, lifestyle changes, and
6 appropriate interventions to reduce the incidence and
7 severity of cancer.

8 (b) Research on the genetic basis of cancers is a new
9 scientific endeavor and many insurance companies will
10 not pay for this extremely critical and innovative service.

11 104310.10. (a) The second ten million dollars
12 (\$10,000,000) of money paid annually to the state
13 pursuant to a federal universal tobacco settlement shall,
14 upon appropriation by the Legislature, be allocated as
15 follows:

16 (1) Fifty percent to be allocated to established and
17 recognized clinical cancer genetic risk assessment
18 programs that meet the following criteria:

19 (A) Provided clinical and laboratory research on the
20 genetic basis of cancers to individuals and families with an
21 increased risk of cancer for a least one year prior to the
22 date this provision was enacted.

23 (B) Provides basic services that focus on cancer and
24 genetics including an initial screening for genetic risks for
25 cancer, information gathering, family cancer history
26 analysis, counseling, and education.

27 (C) Provides extended services including cancer
28 screening and preventive health measures individualized
29 to a person's cancer risk profiles and possible
30 participation in promising cancer prevention research
31 studies.

32 (D) Programs must serve, if feasible, both the
33 populations of southern and northern California.

34 (2) Fifty percent to be allocated to cancer research
35 centers that meet the following criteria:

36 (A) Designated by the National Cancer Institute
37 (NCI) as a "comprehensive cancer center" that provides
38 recognized basic and cultural cancer prevention, control,
39 and populations sciences research.



1 (B) Programs must serve, if feasible, both the
2 populations of southern and northern California.
3 (b) The program enacted pursuant to this section shall
4 be implemented only to the extent funding is made
5 available through the annual Budget Act.

