

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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**HOUSE BILL 129\***

Short Title: Cancer Coordination and Control Act.

(Public)

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Sponsors: Representatives Bowman, Dickson, Esposito, Gamble, Green, Tallent, and Wright.

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Referred to: Health and Human Services.

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February 11, 1993

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH THE CANCER COORDINATION AND CONTROL  
2 PROGRAM AND TO ESTABLISH THE ADVISORY COMMITTEE ON  
3 CANCER COORDINATION AND CONTROL TO THE SECRETARY OF THE  
4 DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL  
5 RESOURCES.

6  
7       Whereas, 13,198 people died in 1990 from cancer in North Carolina and  
8 24,131 new cases of cancer were reported to the Central Cancer Registry in 1990; and

9       Whereas, cancer is the second leading cause of death in North Carolina; and

10       Whereas, cancer affects people of all ages; and

11       Whereas, North Carolina's 1984 costs of foregone family wages, State income  
12 taxes, and sales taxes surpassed \$689,000,000 due to lives lost between ages 18 and 64;  
13 and

14       Whereas, the National Cancer Institute has estimated that the mortality rate  
15 from cancer can be reduced by 50% through prevention, early detection, and prompt,  
16 appropriate treatment and follow-up; and

17       Whereas, it is estimated that 900,000 North Carolinians have no health  
18 insurance on any given day; and

19       Whereas, the costs of late-stage cancer treatment and palliative care are great  
20 to the private and public sectors; and

21       Whereas, statewide comprehensive, coordinated, state-of-the-art cancer  
22 prevention and control can improve the health and quality of life of North Carolinians,  
23 reduce suffering, and provide economic and social return to the State; and

1           Whereas, the prevention and control of cancer require planned, coordinated,  
2 and systematically implemented public and professional education, screening,  
3 diagnosis, treatment, and follow-up that are available, accessible, and affordable to all  
4 North Carolinians; Now, therefore,

5 The General Assembly of North Carolina enacts:

6           Section 1. Article 1B of Chapter 130A of the General Statutes is amended by  
7 adding a new Part to read:

8           **"PART 4. CANCER COORDINATION AND CONTROL ACT.**

9           **"§ 130A-33.50. Cancer Coordination and Control Program established; purpose.**

10          (a)   There is established the Cancer Coordination and Control Program of the  
11 Department of Environment, Health, and Natural Resources. The Program shall be  
12 phased in over a four-year period, beginning with fiscal year 1993-94. By the end of the  
13 four-year phase-in period, and to the extent that funds are made available, there will be  
14 a coordination of all State and local organizations providing cancer control services.

15          (b)   The purpose of the Cancer Coordination and Control Program is to maximize  
16 the coverage of cancer control programs in the State and to minimize the overlap of  
17 funding and other resources for cancer control.

18          (c)   The Secretary of the Department of Environment, Health, and Natural  
19 Resources shall be responsible for the development and implementation of the Cancer  
20 Coordination and Control Program. The Secretary, with the advice of the Advisory  
21 Committee on Cancer Coordination and Control, shall plan for the coordination of  
22 efforts to control cancer. The Secretary shall ensure the cooperation of the agencies  
23 within the Department and shall seek cooperation from other departments and agencies  
24 in State government. The Secretary shall also solicit ideas and cooperation from private  
25 organizations involved in cancer control efforts. The Secretary shall, with the advice of  
26 the Advisory Committee on Cancer Coordination and Control, and where needed, report  
27 to appropriate committees of the General Assembly with recommendations as to what  
28 statutory changes need to be made to ensure that the purpose expressed in subsection (b)  
29 of this section is met.

30          **"§ 130A-33.51. Advisory Committee on Cancer Coordination and Control;**  
31 **establishment, membership, compensation.**

32          (a)   The Advisory Committee on Cancer Coordination and Control is created in  
33 the Department of Environment, Health, and Natural Resources.

34          (b)   The Committee shall have 24 members, including the Secretary of the  
35 Department of Environment, Health, and Natural Resources, who shall chair the  
36 Committee. The members of the Committee shall elect a vice-chair from among the  
37 Committee membership. The Committee shall meet at the call of the chair. Six of the  
38 members shall be legislators, three of whom shall be appointed by the Speaker of the  
39 House of Representatives, and three of whom shall be appointed by the President Pro  
40 Tempore of the Senate. Two of the members shall be cancer survivors, one of whom  
41 shall be appointed by the Speaker of the House of Representatives, and one of whom  
42 shall be appointed by the President Pro Tempore of the Senate. The remainder of the  
43 members shall be appointed by the Governor as follows:

- 1           (1) One member from the Department of Environment, Health, and  
2           Natural Resources;
- 3           (2) Three members, one from each of the following: the Department of  
4           Human Resources, the Department of Public Instruction, and the North  
5           Carolina Community College System;
- 6           (3) Four members representing the cancer control programs at North  
7           Carolina medical schools, one from each of the following: the  
8           University of North Carolina at Chapel Hill School of Medicine, the  
9           Bowman Gray School of Medicine, the Duke University School of  
10           Medicine, and the East Carolina University School of Medicine;
- 11           (4) One member who is an oncology nurse representing the North  
12           Carolina Nurses Association;
- 13           (5) One member representing the Cancer Committee of the North Carolina  
14           Medical Society;
- 15           (6) One member representing the Old North State Medical Society;
- 16           (7) One member representing the American Cancer Society, North  
17           Carolina Division, Inc.;
- 18           (8) One member representing the North Carolina Hospital Association;
- 19           (9) One member representing the North Carolina Association of Local  
20           Health Directors;
- 21           (10) One member who is a primary care physician licensed to practice  
22           medicine in North Carolina.

23           Except for the Secretary of the Department of Environment, Health, and Natural  
24           Resources, the members shall be appointed for staggered four-year terms and until their  
25           successors are appointed and qualify. However, the following appointees shall serve  
26           initial two-year terms: two of the legislators appointed by the Speaker of the House of  
27           Representatives; one of the legislators appointed by the President Pro Tempore of the  
28           Senate; the cancer survivor appointed by the President Pro Tempore of the Senate; and  
29           the members representing the Department of Human Resources, the Department of  
30           Public Instruction, the University of North Carolina at Chapel Hill School of Medicine,  
31           the Bowman Gray School of Medicine, the Cancer Committee of the North Carolina  
32           Medical Society, the Old North State Medical Society, the North Carolina Hospital  
33           Association, and the North Carolina Association of Local Health Directors. The  
34           Governor may remove any member of the Committee from office in accordance with  
35           the provisions of G.S. 143B-13. Members may succeed themselves for one term and  
36           may be appointed again after being off the Committee for one term.

37           (c) The Speaker of the House of Representatives, the President Pro Tempore of  
38           the Senate, and the Governor shall make their appointments to the Committee not later  
39           than 30 days after the adjournment of the 1993 Regular Session of the General  
40           Assembly. A vacancy on the Committee shall be filled by the original appointing  
41           authority, using the criteria set out in this section for the original appointment.

42           (d) To the extent that funds are made available, members of the Committee shall  
43           receive per diem and necessary travel and subsistence expenses in accordance with G.S.  
44           138-5.

1 (e) A majority of the Committee shall constitute a quorum for the transaction of  
2 its business.

3 (f) The Committee may use funds allocated to it to employ an administrative  
4 staff person to assist the Committee in carrying out its duties. The Secretary of  
5 Environment, Health, and Natural Resources shall provide clerical and other support  
6 staff services needed by the Committee.

7 **"§ 130A-33.52. Advisory Committee on Cancer Coordination and Control;**  
8 **responsibilities.**

9 (a) The Advisory Committee on Cancer Coordination and Control has the  
10 following responsibilities:

11 (1) To recommend to the Secretary a plan for the statewide  
12 implementation of an interagency comprehensive coordinated cancer  
13 control program;

14 (2) To identify and examine the limitations and problems associated with  
15 existing laws, regulations, programs, and services related to cancer  
16 control;

17 (3) To examine the financing and access to cancer control services for  
18 North Carolina's citizens, and advise the Secretary on a coordinated  
19 and efficient use of resources;

20 (4) To identify and review health promotion and disease prevention  
21 strategies relating to the leading causes of cancer mortality and  
22 morbidity;

23 (5) To recommend standards for:

24 a. Oversight and development of cancer control services;

25 b. Development and maintenance of interagency training and  
26 technical assistance in the provision of cancer control services;

27 c. Program monitoring and data collection;

28 d. Statewide evaluation of locally based cancer control programs;

29 e. Coordination of funding sources for cancer control programs;  
30 and

31 f. Procedures for awarding grants to local agencies providing  
32 cancer control services.

33 (b) The Committee shall submit a written report not later than May 1, 1994, and  
34 not later than October 1 of each subsequent year, to the Governor and to the Joint  
35 Legislative Commission on Governmental Operations. The report shall address the  
36 progress in implementation of a cancer control program. The report shall include an  
37 accounting of funds expended and anticipated funding needs for full implementation of  
38 the program.

39 **"§ 130A-33.53. Grants and loans to Department.**

40 The Department may accept grants and loans from the federal government and other  
41 sources for carrying out the purposes of this Part, and shall adopt reasonable policies  
42 governing the administration and distribution of funds to units of local government,  
43 other State agencies, and private agencies, institutions, or individuals."

1           Sec. 2. Section 1 of this act becomes effective October 1, 1993, if, and only  
2 if, specific funds are appropriated for the implementation of the Committee established  
3 in Section 1 of this act. Funds appropriated for the 1993-94 fiscal year or for any fiscal  
4 year in the future do not constitute an entitlement to services beyond those provided for  
5 that fiscal year. Nothing in this act creates any rights except to the extent that funds are  
6 appropriated by the State to implement its provisions from year to year and nothing in  
7 this act obligates the General Assembly to appropriate funds to implement its  
8 provisions.