



State Cancer Legislative Database

UPDATE

Issue 73

Spring 2008

The *State Cancer Legislative Database Update (SCLD Update)* is a product of the National Cancer Institute's (NCI) State Cancer Legislative Database (SCLD) Program. The *SCLD Update* presents an overview of state cancer-related legislation enacted each quarter and includes a graphic illustration that summarizes a particular topic area. The SCLD contains information synthesized from state-level laws and resolutions. It does not contain state-level regulations; executive orders; measures implemented by counties, cities, or other localities; case law; Attorneys General opinions; or data addressing the implementation of state laws—all of which may vary significantly from the laws reported herein. Although coverage of Medicaid and Medicare law is not comprehensive, some SCLD records include these data. **This issue's Legislative Data Byte highlights states with measures related to smoking in vehicles when children are present.**

Enacted Legislation and Adopted Resolutions: JANUARY-MARCH 2008

BREAST CANCER

Awareness

Colorado's H.B. 1045 requires that state Breast Cancer Awareness license plates must be retired unless they have been issued for at least 3,000 vehicles by January 1, 2009.

A new law in **New Mexico** (S.B. 178) requires the state Division of Motor Vehicles to issue license plates with a logo

commemorating breast cancer awareness. The law also requires a portion of the funds collected from the issuance of the plates to be distributed to the state Department of Health to fund breast cancer screening, outreach, and education.

Screening Programs

Nebraska's L.B. 797 establishes the Breast and Cervical Cancer Cash Fund to be used for, among other things, expenses associated with the state Early Detection of Breast and Cervical Cancer Program, which is funded through a grant from the United States Department of Health and Human Services. *See the additional summary of this law in the Surveillance/Cancer Registries section on page 4.*

Third-Party Reimbursement

Virginia's S.B. 785 repeals provisions of an existing law that requires specified individual and group insurers, including health maintenance organizations (HMOs) and the health care plan for state employees to provide coverage for breast cancer treatment by dose-intensive chemotherapy with autologous bone marrow or stem cell transplants.

Treatment Information

Two laws enacted in **Virginia** (H.B. 1025 and S.B. 72) repeal the requirement of an executed consent form prior to an operation for a breast tumor.

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CANCER—GENERAL

Awareness

Two **Georgia** resolutions (H.R. 1149 and S.R. 790) recognized February 12, 2008 as Rural Health Day. The resolutions also note that rural counties have higher rates of cancer mortality and acknowledge that the health care demand posed by the growing uninsured and elderly populations far exceeds the local resources.

Massachusetts lawmakers passed legislation (S.B. 1871) requiring the Governor to annually proclaim November as Lung Cancer Awareness Month.

A resolution adopted in **Nebraska** (L.R. 240) recognized March 2008 as Lymphedema Awareness Month.

Pennsylvania lawmakers adopted a resolution (S.R. 234) that designated March 6, 2008 as Lymphedema D-Day and encourages citizens to honor and support patients coping with this debilitating condition.

Utah's S.C.R. 1 designated April 2008 as Obesity Awareness Month and urges healthcare suppliers, communities, businesses, and schools to develop obesity awareness campaigns and voluntary programs to decrease related diseases, including cancer.

CERVICAL CANCER

Awareness

A new **Delaware** resolution (S.C.R. 7) encourages female residents between ages 9 and 26 to receive the human papillomavirus (HPV) vaccine and promotes education and awareness of the availability of the vaccine.

Florida's H.R. 9083 designates January 2009 as Cervical Cancer Awareness Month and urges all women to understand the risks associated with cervical cancer, to take steps to minimize those risks, to undergo early detection procedures such as Pap tests, and to adhere to the American Cancer Society recommended cervical cancer screening guidelines.

*For a summary of a **Hawaii** resolution (H.R. 33) addressing cervical cancer awareness, see the Ovarian Cancer/Awareness section on page 4.*

Pennsylvania lawmakers adopted two resolutions (H.R. 550 and S.R. 225) that recognized January

2008 as Cervical Cancer Awareness Month to increase awareness of the risks, prevalence, and treatability of cervical cancer and the importance of early access to accurate screening. The resolutions also acknowledge that increasing cervical cancer awareness among women, especially underserved women, significantly reduces the probability of mortality and that cervical cancer disproportionately affects minority women and women with lower incomes who are less likely to have access to routine screening.

Screening Programs

*For a summary of a **Nebraska** law (L.B. 797) addressing a statewide cervical cancer screening program, see the Breast Cancer/Screening Programs section on page 1.*

COLORECTAL CANCER

Awareness

Resolutions adopted in **Colorado** (H.J.R. 1012), **Pennsylvania** (H.R. 569), and **Utah** (H.C.R. 7) recognized March 2008 as Colorectal Cancer Awareness Month.

*For a summary of a **Hawaii** resolution (H.R. 12) addressing colorectal cancer awareness, see the Prostate Cancer/Awareness section on page 4.*

Lawmakers in **Kansas**, **Washington**, and **Wisconsin** adopted resolutions recognizing March as Colorectal Cancer Awareness Month. The **Kansas** resolutions (H.R. 6022 and S.R. 1845) also urge all adult citizens ages 50 and older to undergo preventive colorectal cancer screening to detect colon cancer early when it is most curable. **Washington's** resolutions (H.R. 4700 and S.R. 8734) also acknowledge, among other things, that: (1) nine out of 10 diagnoses will occur in people ages 50 and older; (2) men are slightly more likely to be diagnosed with colorectal cancer than women; and (3) African-Americans are more likely to be diagnosed with colorectal cancer than Caucasians and more likely to die of the disease. **Wisconsin's** S.J.R. 70 also acknowledges that men have a slightly higher rate of colorectal cancer than women, and African-Americans have a higher rate of colorectal cancer incidence and death than Caucasians.

Pennsylvania lawmakers adopted a resolution (H.R. 609) that designated March 27, 2008 as Helen Phillips CASUAL Day for Colon Cancer Awareness in northeastern Pennsylvania.

Third-Party Reimbursement

Maine's H.P. 1495 requires specified individual and group insurers, including HMOs, to provide coverage for colorectal cancer screening for asymptomatic individuals who are: (1) ages 50 and older, or (2) less than 50 years of age and at high risk for colorectal cancer, according to the most recently published colorectal cancer screening guidelines of a national cancer society.

GENETICS

Genetic Counselors

A new law enacted in **New Mexico** (S.B. 415) establishes the Genetic Counseling Act and requires, with specified exemptions, any person engaging in the practice of genetic counseling to obtain a license. The bill sets education requirements and specifies license penalties for unprofessional and dishonorable conduct.

HEALTH DISPARITIES

Awareness/Acknowledgment

Two *resolutions* adopted in **Georgia** (H.R. 1109 and S.R. 751) designated February 13, 2008 as Community Health Centers Day and acknowledge that community health centers have taken a leadership role in establishing more centers in underserved communities to help resolve the state's health care access problems, demonstrating commendable efforts in several areas, including reduction of health disparities among the underserved.

For summaries of two Georgia resolutions (H.R. 1149 and S.R. 790) addressing health disparities awareness and acknowledgment, see the Cancer—General/Awareness section on page 2.

For summaries of two Pennsylvania resolutions (H.R. 550 and S.R. 225) addressing health disparities awareness and acknowledgment, see the Cervical Cancer/Awareness section on page 2.

For summaries of two Washington resolutions (H.R. 4700 and S.R. 8734) addressing health disparities awareness and acknowledgment, see the Colorectal Cancer/Awareness section on page 2.

For a summary of a Wisconsin resolution (S.J.R. 70) addressing health disparities awareness and acknowledgment, see the Colorectal Cancer/Awareness section on page 2.

Research and Prevention

A new law in **Oregon** (H.B. 3626) establishes a grant program to improve access to and the effectiveness of health care delivery for families. The goals of the program are to: (1) improve preventive health services; (2) increase access to primary care for families; (3) provide new access to health care for children; and (4) explore alternative models for reimbursement of health care services. The law specifies that one of the grants must be awarded for a project that predominately serves a rural area. The law also requires the state Department of Human Services to award grants for projects that, among other things, improve health care delivery in the community by providing: (1) patient-centered care in which there is a sustained relationship between a patient and a culturally competent provider team; (2) team-based care that takes advantage of nursing services, including care coordination, school-based health services, home visits, telephone triage, and clinical case management, and that maximizes services during each patient visit; (3) coordinated care that links patients to comprehensive services in the community; (4) provider accessibility through the use of telephone and electronic mail, and the removal of transportation, language, cultural, and other barriers to timely care; and (5) collaboration with the community that ensures that health-related interests and services are coordinated, psychosocial services are incorporated, resources are leveraged and maximized, and assessments are conducted on health status, disparities, and effectiveness of services.

The **Utah** Legislature passed a law (H.B. 131) authorizing the state Department of Health to contract with community-based organizations to develop culturally and linguistically appropriate programs and services for low income and medically underserved populations through a pilot program. When awarding a contract for community-based services, the Department must consider, among other things, the extent to which the applicant demonstrates the ability and expertise to serve traditionally medically underserved populations including persons of limited English-speaking ability, single heads of households, the elderly, persons with low incomes, and persons with chronic diseases. The **Utah** Legislature also adopted a *resolution*, S.J.R. 11, requiring the study of issues related to health disparities and access to care.

OVARIAN CANCER

Awareness

A *resolution* in **Hawaii** (H.R. 33) acknowledges September as National Ovarian Cancer Month and Gynecological Cancer Awareness Month. The *resolution* urges primary health care providers and cancer organizations to develop and implement educational strategies to inform women of the common symptoms of ovarian cancer.

PROSTATE CANCER

Awareness

Legislators in **Hawaii** adopted a *resolution* (H.R. 12) that recognizes the second week of June as Men's Health Week to focus on a broad range of health issues including prostate, testicular, and colon cancer, among others.

SKIN CANCER

Awareness

A *resolution* in **South Dakota**, H.C.R. 1004, recommends that everyone use sunscreen when participating in outdoor activities. The measure also urges all parents to be aware of the health hazards of cosmetic tanning and recommends that they encourage their teenagers to limit their use of tanning devices.

A **Wisconsin** *resolution* (A.J.R. 119) recognizes May as Melanoma and Skin Cancer Detection and Prevention Month.

STATE-OF-THE-ART TREATMENT

Clinical Trials

Wyoming's S.F. 24 requires specified insurers, including HMOs, to provide coverage for routine patient care costs incurred as the result of Phase II, III, or IV of an approved cancer clinical trial. The law specifies excluded costs and the criteria for approved clinical trials.

SURVEILLANCE

Cancer Registries

Nebraska's L.B. 797 adds the federal Centers for Disease Control and Prevention and the North American Association of Cancer Registries to the list of entities exempt from restrictions related to

the release of case-specific and patient-identifying data from the state cancer registry. *See the additional summary of this law in the Breast Cancer/Screening Programs section on page 1.*

TESTICULAR CANCER

Awareness

For a summary of a **Hawaii** *resolution* (H.R. 12) addressing testicular cancer awareness, see the *Prostate Cancer/Awareness section on this page.*

TOBACCO USE

Excise Taxes

A new law in **Utah** (H.B. 356) establishes a tax on moist snuff at 75 cents per ounce.

Smoke-Free Air

Hawaii legislators adopted a *resolution* (H.R. 88) that urges the state Department of Public Safety and state Department of Human Services to develop a plan to implement a ban on smoking in all state correctional facilities by 2011.

A **Mississippi** *resolution* (H.R. 5) restricts smoking to designated smoking areas in the New Capitol Building assigned to the state House of Representatives.

The **Nebraska** Clean Indoor Air Act (L.B. 395) prohibits smoking in public and private places of employment, including childcare facilities, and public places, with specified exemptions. The law specifies graduated penalties for violations, identifies the entities authorized to enforce and implement the law, and prohibits retaliation.

A new **South Dakota** law (S.B. 126) prohibits smoking on the licensed premises of full-service restaurants that have an alcoholic beverage license.

Newly enacted legislation in **Utah** (H.B. 78) amends the enforcement provisions relating to smoking in rental units, to permit legal action for a tobacco smoke nuisance to be brought against: (1) the individual generating the smoke; (2) the renter or lessee who permits or fails to control the generation of smoke; or (3) the landlord, under circumstances specified in the law.

Third-Party Reimbursement

A new **Washington** law (S.B. 6421) requires the state Department of Social and Health Services to provide coverage for smoking cessation counseling

services and prescription and nonprescription agents when used to promote smoking cessation. The law also specifies that if funding is not provided by June 30, 2008, the provisions are null and void.

Tobacco Access by Minors

A new **Indiana** law (H.B. 1118) amends sign posting requirements for tobacco vending machines and retailers that sell tobacco to include: (1) a notice that reads as follows, “Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight”; and (2) a notice that displays a toll-free telephone number for assistance in quitting smoking. The law also increases penalties for tobacco retailers that sell or distribute tobacco to persons under 18 years of age or allow individuals under the age of 18 to enter the retail establishment.

Tobacco Education

Utah’s H.B. 38, effective July 1, 2008, requires the state Department of Health to conduct a public education and outreach program targeting pregnant women and women who may become pregnant. The program will communicate the: (1) dangers of using alcohol, tobacco, or other substances during pregnancy; (2) treatment and assistance available to help women avoid or stop the use of these substances; and (3) legal protections that prohibit information relating to the receipt of this treatment from being used as evidence in court.

Tobacco Settlement

SCLD Program Note: Laws enacted this quarter related to utilization of tobacco settlement monies or compliance with tobacco settlement terms are presented in tabular format (below).

**State Legislative Actions Related to Tobacco Settlements
(January through March 2008)**

State	Bill Number(s)	ENACTED LEGISLATION ¹		
		Fund Establishment		
		Establishes or modifies fund(s) to receive revenues from state tobacco settlements	Specifies intended uses of tobacco settlement monies ²	Provides penalties for manufacturers who fail to comply with tobacco settlement terms
Nebraska	L.B. 480	•	U	
	L.B. 606	•	H	
New Mexico	H.B. 546	•	TC, H	
Totals		3	TC=1 TG=0 H=2 C=0 O=0 U=1	0

¹ Does not include appropriations legislation.

² Intended uses of tobacco settlement monies specified:

TC=Tobacco Control, **TG**=Tobacco Growers, **C**=Cancer, **H**=Health, **O**=Other, **U**=Unspecified

UTERINE CANCER

Awareness

For a summary of a **Hawaii** resolution (H.R. 33) addressing uterine cancer awareness, see the Ovarian Cancer/Awareness section on page 4.

TABLE OF ENACTED LEGISLATION AND ADOPTED RESOLUTIONS, 1st Quarter, 2008

State	Bill No.	Content Area
Colorado	H.B. 1045 H.J.R. 1012	Breast Cancer/Awareness Colorectal Cancer/Awareness
Delaware	S.C.R. 7	Cervical Cancer/Awareness
Florida	H.R. 9083	Cervical Cancer/Awareness

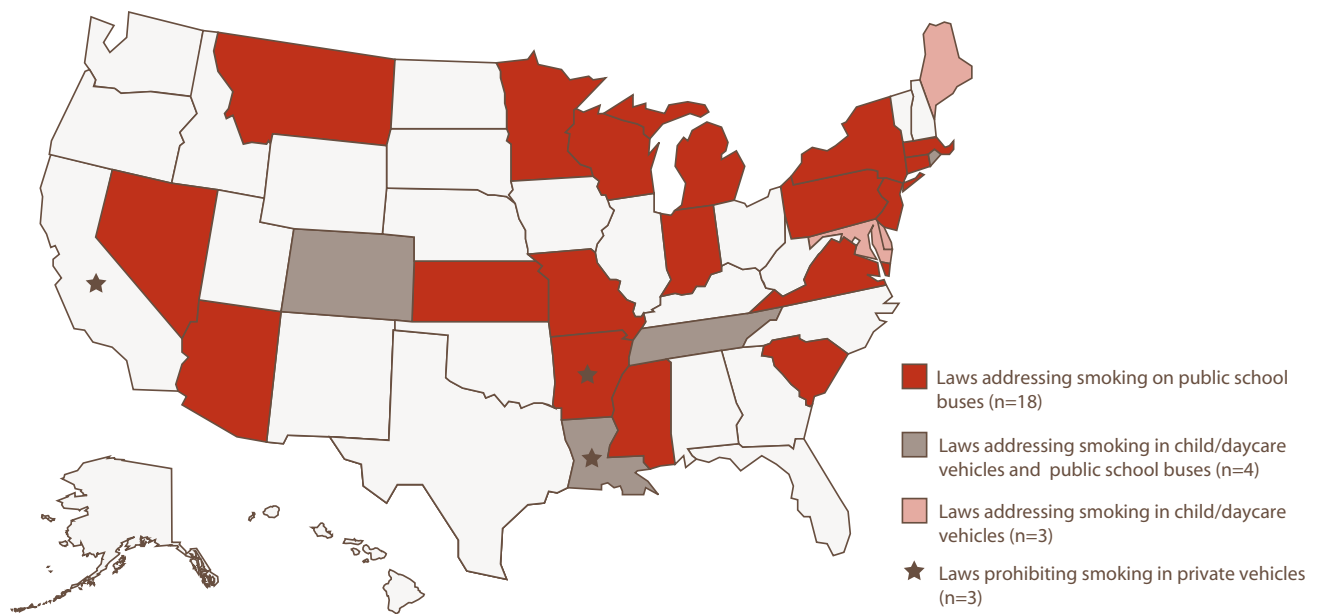
Georgia	H.R. 1109/S.R. 751 H.R. 1149/S.R. 790	Health Disparities/Awareness/Acknowledgment Cancer—General/Awareness Health Disparities/Awareness/Acknowledgment
Hawaii	H.R. 12 H.R. 33 H.R. 88	Colorectal Cancer/Awareness Prostate Cancer/Awareness Testicular Cancer/Awareness Cervical Cancer/Awareness Ovarian Cancer/Awareness Uterine Cancer/Awareness Tobacco Use/Smoke-Free Air
Indiana	H.B. 1118	Tobacco Use/Tobacco Access by Minors
Kansas	H.R. 6022/S.R. 1845	Colorectal Cancer/Awareness
Maine	H.P. 1495	Colorectal Cancer/Third-Party Reimbursement
Massachusetts	S.B. 1871	Cancer—General/Awareness
Mississippi	H.R. 5	Tobacco Use/Smoke-Free Air
Nebraska	L.B. 395 L.B. 480 L.B. 606 L.B. 797 L.R. 240	Tobacco Use/Smoke-Free Air Tobacco Use/Tobacco Settlement Tobacco Use/Tobacco Settlement Breast Cancer/Screening Programs Cervical Cancer/Screening Programs Surveillance/Cancer Registries Cancer—General/Awareness
New Mexico	H.B. 546 S.B. 178 S.B. 415	Tobacco Use/Tobacco Settlement Breast Cancer/Awareness Genetics/Genetic Counselors
Oregon	H.B. 3626	Health Disparities/Research and Prevention
Pennsylvania	H.R. 550/S.R. 225 H.R. 569 H.R. 609 S.R. 234	Cervical Cancer/Awareness Health Disparities/Awareness/Acknowledgment Colorectal Cancer/Awareness Colorectal Cancer/Awareness Cancer—General/Awareness
South Dakota	H.C.R. 1004 S.B. 126	Skin Cancer/Awareness Tobacco Use/Smoke-Free Air
Utah	H.B. 38 H.B. 78 H.B. 131 H.B. 356 H.C.R. 7 S.C.R. 1 S.J.R. 11	Tobacco Use/Tobacco Education Tobacco Use/Smoke-Free Air Health Disparities/Research and Prevention Tobacco Use/Excise Taxes Colorectal Cancer/Awareness Cancer—General/Awareness Health Disparities/Research and Prevention
Virginia	H.B. 1025/S.B. 72 S.B. 785	Breast Cancer/Treatment Information Breast Cancer/Third-Party Reimbursement
Washington	S.B. 6421 H.R. 4700/S.R. 8734	Tobacco Use/Third-Party Reimbursement Colorectal Cancer/Awareness Health Disparities/Awareness/Acknowledgment
Wisconsin	A.J.R. 119 S.J.R. 70	Skin Cancer/Awareness Colorectal Cancer/Awareness Health Disparities/Awareness/Acknowledgment
Wyoming	S.F. 24	State-of-the-Art-Treatment/Clinical Trials

Legislative Abbreviations

A.J.R.	Assembly Joint Resolution	H.R.	House Resolution	S.F.	Senate File
H.B.	House Bill	L.B.	Legislative Bill	S.J.R.	Senate Joint Resolution
H.C.R.	House Concurrent Resolution	L.R.	Legislative Resolution	S.R.	Senate Resolution
H.J.R.	House Joint Resolution	S.B.	Senate Bill		
H.P.	House Paper	S.C.R.	Senate Concurrent Resolution		

Legislative Data Byte

States with Laws Addressing Youth Exposure to Tobacco Smoke in Vehicles (as of March 31, 2008)



Exposure to tobacco smoke in automobiles remains a significant source of secondhand smoke for adults and youth.¹ This can be a potentially serious health hazard to children because of the concentrated, prolonged exposure and because of their small size.² Many states have attempted to reduce minors' exposure to secondhand smoke by prohibiting smoking in public school buses or vehicles used to transport students to schools. Far fewer states have enacted laws related to smoking in vehicles used for childcare or daycare transportation, and three states have enacted laws governing smoking in private vehicles.

Laws addressing smoking in public school buses have been enacted by 22 states. Twenty-one states explicitly prohibit smoking in public school buses or vehicles when occupied by students. Provisions of the law in **Wisconsin** restrict smoking to designated areas of public school buses. Seven states—**Colorado, Delaware, Louisiana, Maine, Maryland, Rhode Island, and Tennessee**—prohibit or restrict smoking in vehicles when being used to transport children as part of daycare or childcare programs or activities.

In 2006, **Arkansas** became the first state to prohibit smoking in private vehicles when children are present. Since that time, **California** and **Louisiana** have followed suit with similar laws, and more than 15 other states have introduced related legislation. **Arkansas** law bans smoking in motor vehicles when children are onboard who are younger than age six,

weigh less than 60 pounds, and are restrained in a child safety seat. Similarly, in **Louisiana**, smoking is prohibited when a child who is required to be restrained in a child safety seat is present in the vehicle. **California** law prohibits smoking in a motor vehicle when a minor is present. Penalties for violations are specified in each of these laws and range from proof of entry in a smoking cessation program to \$150 or 24 hours of community service.

Although laws prohibiting smoking in private vehicles when children are present remain scarce, the introduction and passage of such laws is expected to increase in the states.

Provisions set forth in state and local government regulations and school board measures are not included because they fall outside the scope of the SCLD Program. In addition, a number of states not included in this analysis have enacted laws prohibiting smoking in vehicles owned by private employers. Depending on state interpretation, these prohibitions may include vehicles used in the course of employment by daycare or childcare providers.

1. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. *The health consequences of involuntary exposure to tobacco smoke: A report of the Surgeon General*. Washington, DC: U.S. Government Printing Office.
2. Sendzik, T., Fong, G.T., Travers, M.J., & Hyland, A. (2000, March). *An experimental investigation of tobacco smoke pollution in cars* (Special Report). Toronto ON: Ontario Tobacco Research Unit.

ABOUT SCLD

The SCLD Program maintains a database of state cancer-related legislation and serves as an important resource for research and analysis of cancer-related health policy. The SCLD Program also monitors the role of state legislation in public health and the application of cancer control science. Because of the volume of enacted laws, minor amendments to laws are not reported. Information about state legislative actions related to cancer prevention and control is provided through the *SCLD Update*, the SCLD Program Web Site, and the National Cancer Institute's Cancer Information Service (1-800-4-CANCER).

VISIT THE SCLD WEB SITE

Visit the SCLD Program Web Site at: www.sclد-nci.net and select "Search Database" to access abstracts of more than 6,500 enacted laws and adopted resolutions. While you are there, see the other Web site features and sign up for e-mail notification of Web site updates.

The SCLD Program Web Site also includes a brief overview of the SCLD Program; access to current fact sheets and current and archived editions of the *SCLD Update*; data and information related to the tobacco ratings project; copies of SCLD presentations; information about submitting inquiries to the SCLD Program; and contacts and e-mail addresses for additional information. In addition, links are provided to the Web sites of the National Institutes of Health, the National Cancer Institute (NCI), NCI's Office of Government and Congressional Relations, and NCI's Center to Reduce Cancer Health Disparities.

For subscription information/address changes, contact:

Regina el Arculli, M.A.
Director, State Cancer Legislative Database Program
National Cancer Institute
Office of Government and Congressional Relations
Building 31, Room 10A48
31 Center Drive, MSC 2580
Bethesda, MD 20892-2580
301.496.5217, 301.402.1225 FAX
e-mail: elarculli@nih.gov

For additional copies of the *SCLD Update*, contact:

SCLD Program
c/o The MayaTech Corporation
Center for Health Policy and Legislative Analysis
1100 Wayne Avenue
Suite 900
Silver Spring, MD 20910
301.587.1600, 301.587.0709 FAX
e-mail: sclد@mayatech.com

State Cancer Legislative Database Program

National Cancer Institute

Building 31, Room 10A48
31 Center Drive, MSC 2580
Bethesda, MD 20892-2580