



State Cancer Legislative Database

UPDATE

Issue 78

Summer 2009

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. The SCLD does not contain state-level regulations; executive orders; measures implemented by counties, cities, or other localities; Attorneys General opinions; or data addressing the implementation of state laws—all of which may vary significantly from the laws reported herein. Due to variations among states in the methods of identifying resolutions, potentially relevant resolutions from some states may not be reported. Although SCLD Program 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 youth access to tobacco products through vending machines.**

Enacted Legislation and Adopted Resolutions: April-June 2009

BREAST CANCER

Awareness

Two recently approved **Florida resolutions** (H.R. 9123 and S.R. 2774) recognize October 2009 as Breast Cancer Awareness Month and acknowledge that breast cancer is the most common cancer among Hispanic women and the second most common cause of cancer death in Caucasian, African

American, Asian American, and Native American women living in the United States.

A recently adopted **Oklahoma resolution** (S.R. 39) recognized April 21, 2009 as Breast Cancer Awareness Day.

Rhode Island's H.R. 6166 proclaimed May 4-11, 2009 as Pink Spirit Week in acknowledgment of the fact that breast cancer is the most common cancer diagnosed in women in the state and the second leading cause of cancer death.

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Public/Professional Education

For a summary of a **Florida law** (H.B. 1269) addressing breast cancer public and professional education, see the *Breast Cancer/Screening Programs* section on page 2.

Screening Information

Effective October 1, 2009, a new **Connecticut law** (S.B. 458) requires each mammography report provided to a patient to include information about breast density, based on the Breast Imaging Reporting and Data System established by the American College of Radiology.

The *SCLD Update* is now available for electronic delivery. To sign up, please visit www.sclid-nci.net/subscribe.cfml.

For a summary of a **Florida** law (H.B. 1269) addressing breast cancer screening information, see the *Breast Cancer/Screening Programs* section on page 2.

Screening Programs

In **Florida**, a new law (H.B. 1269) established a breast cancer early detection and treatment referral program within the state Department of Health. The program will, among other things: (1) promote referrals for the screening, detection, and treatment of breast cancer among unserved or underserved populations; (2) educate the public regarding breast cancer and the benefits of early detection; (3) develop professional education programs that include information regarding the recommended frequency for receiving a mammogram; and (4) establish a system to track and monitor all women screened for breast cancer in the program.

Third-Party Reimbursement

Alabama's H.B. 147 amends the medical eligibility requirements under the Breast and Cervical Cancer Prevention and Treatment Act to extend Medicaid eligibility and coverage to any woman who has been determined to be eligible to participate and has been screened for breast or cervical cancer by specified health care providers.

In **Colorado**, H.B. 1164 creates an Eligibility Expansion Account within the Breast and Cervical Cancer Treatment Fund, to be used to expand the eligibility criteria for participation in the Centers for Disease Control and Prevention's (CDC) National Breast and Cervical Cancer Early Detection Program to persons newly eligible for the state's Medical Assistance Plan. The law amends the coverage criteria for eligibility under the Plan to include women who have been screened for breast or cervical cancer by specified providers who do not receive funds through the Program. The law also requires the state Department of Public Health to request authority for federal financial participation for such persons.

Effective January 1, 2010, another **Colorado** law (H.B. 1204) requires specified individual and group insurers, including health maintenance organizations (HMOs), to provide coverage for preventive health care services for cervical

cancer screening and breast cancer screening with mammography. For additional summaries of this law, see the *Colorectal Cancer/Third-Party Reimbursement and Tobacco Use/Third-Party Reimbursement* sections on pages 6 and 14.

A recently enacted **Indiana** law (S.B. 554) expands the eligibility requirements for mandatory Medicaid coverage under the Breast and Cervical Cancer Screening Program to include women who are screened by other providers and entities to be identified by the state Department of Health for as long as the Department is a federal Title XV grant recipient.

Effective October 1, 2009, two recently passed **Maryland** laws (H.B. 41 and S.B. 173) require specified individual and group insurers, including HMOs, to provide coverage for the cost of inpatient hospitalization services for a minimum of 48 hours following a mastectomy. The law also permits patients to request a shorter length of stay if less time is needed for recovery and requires coverage for home visits after discharge of such patients. For patients who remain in the hospital for at least 48 hours, insurers must provide coverage for a home visit if prescribed by the attending physician. The law also prohibits insurers from impairing the participation of an attending physician for: (1) advocating the interest of a mastectomy patient through an insurer's utilization review or appeals system, (2) advocating more than 48 hours of inpatient hospital care for a patient with complications related to a mastectomy, or (3) prescribing a home visit.

Also effective October 1, 2009, another **Maryland** law (H.B. 405) requires specified insurers, including HMOs, to provide coverage for breast cancer screening in accordance with the latest screening guidelines issued by the American Cancer Society.

Nebraska's L.B. 445 allows specified policies or contracts—for individuals ineligible for income-based assistance programs—to include prescription drug benefit coverage and preventive health care coverage, including, but not limited to, primary care physician visits and preventive cancer screenings such as mammograms, cervical cancer screenings, and noninvasive colorectal and prostate screenings.

CANCER—GENERAL

Awareness

For a summary of an **Alabama** resolution (H.J.R. 209) related to general cancer awareness, see the Health Disparities/Awareness and Acknowledgment section on page 7.

Three states—**California, Hawaii, and Rhode Island**—adopted resolutions raising awareness of hepatitis and cancer. **California** lawmakers approved a *resolution* (A.C.R. 35) declaring May 19, 2009 as Viral Hepatitis Awareness Day and acknowledged that hepatitis can lead to liver cancer. Another **California** *resolution* (A.C.R. 64) declared May 2009 as Hepatitis B Awareness Month and acknowledged that chronic hepatitis B can lead to further complications, including liver cancer, and that chronic hepatitis B and liver cancer disproportionately affect Asians and Pacific Islanders. **Hawaii's** H.R. 269 acknowledges that liver cancer caused by hepatitis B in Asian Americans, native Hawaiians, and other Pacific Islanders comprises one of the most serious health disparities and urges the Hawaii Congressional delegation to seek increased federal funding for hepatitis B education, prevention, and treatment programs. In **Rhode Island**, a *resolution* (S.R. 911) proclaimed May 2009 as Viral Hepatitis Awareness Month in acknowledgment of the fact that hepatitis C infection is one of the principal causes of liver cancer.

For a summary of a **California** resolution (A.J.R. 11) related to general cancer awareness, see the Health Disparities/Awareness and Acknowledgment section on page 7.

A recent **Delaware** resolution (H.C.R. 9) designated May 2, 2009 as Brain Tumor Awareness Day 2009.

For a summary of a **Florida** resolution (S.R. 96) related to general cancer awareness, see the Health Disparities/Awareness and Acknowledgment section on page 7.

Two approved **Illinois** resolutions (H.R. 81 and S.R. 252) declare September 26 of each year to be Mesothelioma Awareness Day.

A recent **Illinois** resolution (H.R. 152) proclaimed May 2009 as Esophageal Cancer Awareness

Month and acknowledges that African Americans are twice as likely as Caucasians to have cancer of the esophagus.

For summaries of two **Kansas** resolutions (H.R. 6024 and S.R. 1871) related to general cancer awareness, see the Health Disparities/Awareness and Acknowledgment section on page 7.

Louisiana lawmakers approved two resolutions (H.R. 31 and S.R. 32) acknowledging that obesity and being overweight are associated with increased risks for costly chronic diseases, including certain cancers, and recognizing May 18, 2009 as Legislative Wellness Day.

In **Michigan**, S.R. 56 commemorated June 6, 2009 as Childhood Cancer Survivors Day.

New Jersey lawmakers approved resolution A.J.R. 92 recognizing the month of May as Brain Tumor Awareness Month in order to promote public awareness of brain tumors.

A newly adopted **Oklahoma** resolution (H.R. 1050) acknowledges that obesity is linked to chronic, yet preventable, diseases such as cancer. It further resolves to act to reverse negative health trends in Oklahoma's state government by promoting policies and by pursuing workplace changes that encourage healthy eating and promote active living. Such actions may include, but are not limited to, creating or modifying work environments at no cost to the state that are supportive of healthy eating and active living within fully smoke-free workplaces and campuses.

Pennsylvania lawmakers recently adopted a resolution (H.R. 352) designating the month of August 2009 as Kidney Cancer Awareness Month. Another **Pennsylvania** resolution (S.R. 30) designates the week of September 21-27, 2009 as Mitochondrial Disease Awareness Week and acknowledges that genetic defects in the mitochondria may be linked to many chronic diseases, including cancer.

A recent **Tennessee** resolution (H.J.R. 259) designated June 18, 2009 as Lymphedema Awareness Day and encourages all medical facilities in the state to dedicate more time, energy, and funding to the diagnosis and treatment of the disease.

A recently adopted **Texas** *resolution* (H.R. 4064) requires the state Department of Transportation to issue specialty license plates to raise awareness of cancer of unknown primary origins with a portion of the fees collected to be deposited into the state Cancer Prevention and Research Fund. Also in **Texas**, lawmakers recently adopted a *resolution* (S.R. 934) recognizing May 2009 as Fight Oral Cancer Month.

Research and Prevention

Alabama's H.R. 899 expresses agreement among state legislators that if a health benefit plan provides medical and prescription drug coverage for cancer chemotherapy treatment, the plan must provide coverage for a prescribed, orally administered anticancer medication on a basis no less favorable than intravenously administered or injected cancer medications that are covered as medical insurance benefits. The *resolution* also seeks to identify the extent to which co-pay disparities exist.

A recent **Illinois** *resolution* (H.J.R. 6) acknowledges that obesity and lack of physical activity are risk factors for several diseases, including certain cancers, and that very few children in the United States walk or bike to school. The resolution creates the School Transportation Task Force to study the possibility of enacting legislation making changes to current transportation programs offered in the state.

Louisiana's H.C.R. 103 acknowledges that advances in cancer treatments have led to the availability of oral chemotherapy drugs to treat certain types of cancers and urges the state Department of Insurance to study the disparities in the copayments between orally and intravenously administered chemotherapy medications.

In **Massachusetts**, a new law (S.B. 2087) requires the state Bureau of Environmental Health to conduct a comprehensive baseline study of the health effects of particulate air pollution from surface and air transportation. The study may include, but must not be limited to, cancer incidence that may be affected by exposure to traffic-related particles.

Texas lawmakers enacted a law (S.B. 1143) requiring the state Department of Insurance

to study the disparity in patient copayments between orally and intravenously administered chemotherapies, the reasons for the disparity, and the patient benefits in establishing copayment parity between oral and infused chemotherapy.

For a summary of a Vermont law (H.B. 444) related to general cancer research, see the Cancer—General/Third-Party Reimbursement section on page 4.

Third-Party Reimbursement

Three states—**Indiana** (S.B. 437), **Iowa** (S.B. 478), and **Vermont** (H.B. 444)—passed laws requiring specified insurers and HMOs to provide coverage for prescribed, orally administered anticancer medications on a basis no less favorable than the coverage of intravenously administered or injected cancer medications. The Iowa law also requires Medicare supplement policies and public employee health plans to comply with the law. In Vermont, the law is applicable to plans offered, issued, or renewed between April 1, 2010 and April 1, 2011 and requires the state Department of Banking, Insurance, Securities, and Health Care Administration to study the impact of implementing a requirement for health insurance coverage of orally administered anticancer medication.

CERVICAL CANCER

Awareness

Florida lawmakers adopted two *resolutions* (H.R. 9117 and S.R. 2214) recognizing April 16, 2009 as Cervical Cancer Awareness Day and urging all women to understand the risks associated with cervical cancer, take preventive steps to minimize those risks, and talk to their doctors about annual screening in compliance with the cervical cancer screening guidelines recommended by the American Cancer Society.

Two recently approved **Hawaii** *resolutions* (H.C.R. 51 and S.C.R. 56) request that the state Department of Health expand its educational programs to increase cervical cancer screening and awareness in both men and women and suggest new and innovative measures to better disseminate information in order to prevent, and eventually eradicate, cervical and related cancers.

Public/Professional Education

For summaries of two **Hawaii** resolutions (H.C.R. 51 and S.C.R. 56) related to cervical cancer public and professional education, see the *Cervical Cancer/Awareness* section on page 4.

Texas lawmakers adopted a *resolution* (H.C.R. 88) directing the Department of State Health Services and all other state agencies that provide information, services, or support to adolescents or their parents to seek out opportunities to educate them as to the importance of acquiring recommended immunizations. The *resolution* also acknowledges that immunizations have been licensed to provide protection for teens against illnesses including cervical cancer.

School Health

North Carolina's H.B. 88 requires local school administrations to provide reproductive health and safety education programs that include, among other things, information on resources for testing and medical care for sexually transmitted diseases as well as the effects of contracting human papillomavirus (HPV), including cervical cancer.

Third-Party Reimbursement

For a summary of an **Alabama** law (H.B. 147) related to cervical cancer third party reimbursement, see the *Breast Cancer/Third-Party Reimbursement* section on page 2.

For a summary of a **Colorado** law (H.B. 1164) related to cervical cancer third-party reimbursement, see the *Breast Cancer/Third-Party Reimbursement* section on page 2.

For a summary of a **Colorado** law (H.B. 1204) addressing cervical cancer third-party reimbursement, see the *Breast Cancer/Third-Party Reimbursement* section on page 2.

For a summary of an **Indiana** law (S.B. 554) related to cervical cancer third-party reimbursement, see the *Breast Cancer/Third-Party Reimbursement* section on page 2.

For a summary of a **Nebraska** law (L.B. 445) related to cervical cancer third-party reimbursement, see the *Breast Cancer/Third-Party Reimbursement* section on page 2.

COLORECTAL CANCER

Awareness

California's S.C.R. 22 designated March 2009 as Colorectal Cancer Awareness Month and acknowledged, among other things, that the uninsured, underinsured, and underserved are the least likely to get screening and treatment for colorectal cancer and that African Americans, Hispanics, and Asians and Pacific Islanders experience colorectal cancer disparities.

Pennsylvania's S.R. 91 recognizes May 12, 2009 as Colorectal Cancer Awareness Day.

For a summary of a **Tennessee** resolution (H.J.R. 454) related to colorectal cancer awareness, see the *Health Disparities/Awareness and Acknowledgment* section on page 7.

Public/Professional Education

For a summary of an **Arkansas** law (S.B. 947) related to colorectal cancer public and professional education, see the *Colorectal Cancer/Screening Programs* section on page 6.

Research and Prevention

A new **Arkansas** law (S.B. 947) establishes a colorectal cancer research program within the Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences in collaboration with the state Department of Health. The program may conduct: (1) research into the cause, cure, treatment, early detection, and prevention of colorectal cancer and the survivorship of individuals diagnosed with colorectal cancer; (2) examinations of behavioral and educational strategies to promote screening and early detection; and (3) research addressing health policies and legislative initiatives intended to promote early detection and reduce the burden of colorectal cancer. For an additional summary of this law, see the *Colorectal Cancer/Screening Programs* section on page 6.

Hawaii lawmakers approved two *resolutions* (H.R. 88 and H.C.R. 109) requesting that the state Auditor conduct an impact assessment report of the social and financial effects of mandating coverage for colorectal cancer screening by colonoscopy and screening tests and procedures.

Screening Programs

Alabama's S.J.R. 102 acknowledges that colorectal cancer is the second leading cause of cancer death among African Americans and that many Americans are not getting tested because they are not adequately insured and cannot afford screening. The *resolution* also notes that the state Department of Public Health will submit an application to integrate colorectal cancer screenings into the state Breast and Cervical Cancer Early Detection Program and urges the CDC to make an award to the Department to do so.

A newly enacted **Arkansas** law (S.B. 947) creates the Arkansas Colorectal Prevention, Early Detection, and Treatment Program in the state Department of Health, contingent on the availability of funds. In providing screenings for colorectal cancer, contracts are required to give priority to low-income individuals who lack adequate coverage under health insurance and health plans for such screenings. The law requires funded programs to, among other things: (1) provide screenings and diagnostic tests to individuals who are ages 50 years and older, or under age 50 and low income or at high risk for colorectal cancer; (2) provide appropriate case management and referrals; (3) ensure the full continuum of follow-up and cancer care for individuals screened in the program; and (4) develop public and professional education programs. *For an additional summary of this law, see the Colorectal Cancer/Research and Prevention section on page 5.*

Minnesota's H.F. 1362 requires the state Commissioner of Health to award grants to Hennepin County Medical Center and MeritCare Bemidji for a colorectal cancer screening demonstration project to provide screening to low-income uninsured and underinsured women and men who are ages 50 and older, or under age 50 and at high risk for colon cancer. *For additional summaries of this law, see the Surveillance/Cancer Registries and Tobacco Use/Research and Prevention sections on pages 11 and 12.*

Third-Party Reimbursement

With the enactment of H.B. 1204, effective January 1, 2010, **Colorado** now requires colorectal cancer screening coverage to be provided in

accordance with recommendations of the U.S. Preventive Services Task Force. *For additional summaries of this law, see the Breast Cancer/Third-Party Reimbursement and Tobacco Use/Third-Party Reimbursement sections on pages 2 and 14.*

*For a summary of two **Hawaii** resolutions (H.R. 88 and H.C.R. 109) related to colorectal cancer third-party reimbursement, see the Colorectal Cancer/Research and Prevention section on page 5.*

*For a summary of a **Nebraska** law (L.B. 445) related to colorectal cancer third-party reimbursement, see the Breast Cancer/Third-Party Reimbursement section on page 2.*

Effective October 1, 2009 a new **Vermont** law (H.B. 24) requires specified insurers, including HMOs, to provide coverage for colorectal cancer screening, including: (1) the offer of an annual fecal occult blood test plus one flexible sigmoidoscopy every 5 years, or one colonoscopy every 10 years for insured individuals ages 50 and older; and (2) screening examinations and laboratory tests as recommended by the treating physician for high-risk individuals.

Treatment Programs

*For a summary of an **Arkansas** law (S.B. 947) related to colorectal cancer treatment programs, see the Colorectal Cancer/Screening Programs section on page 6.*

GENETICS

Employment Discrimination

Nevada's S.B. 426 requires employers to comply with the provisions of the federal Genetic Information Nondiscrimination Act of 2008. *For an additional summary of this law, see the Genetics/Insurance Discrimination section on page 7.*

Wisconsin recently enacted a law (S.B. 20) allowing the state Department of Workforce Development or any person discriminated against or subjected to unfair genetic testing to bring an action in circuit court against offending entities to recover compensatory and punitive damages caused by the violation, plus reasonable costs and attorney fees.

Genetic Counselors

Effective June 30, 2010, a new **Indiana** law (H.B. 1573) requires genetic counselors to be licensed by the state Medical Licensing Board. The law also sets forth education and examination requirements for licensure, temporary license provisions, exemptions, and penalties for violators. *For an additional summary of this law, see the Skin Cancer/Tanning Facilities section on page 10.*

The **New Jersey** State Legislature passed a law (A.B. 269), enacting the Genetic Counselor's Licensing Act and establishing a Genetic Counseling Advisory Committee responsible for, among other things, establishing criteria and standards for education and experience required for licensure, ensuring proper conduct and standards of practice, and issuing and renewing licenses. The law also prohibits persons from engaging in the practice of genetic counseling or calling themselves genetic counselors unless they hold a license. The law specifies education and examination requirements for licensure, certain exemptions, and disciplinary actions for individuals who violate the law.

Effective August 1, 2010, a recently enacted **Washington** law (S.B. 5608) requires the state Secretary of Health to issue a genetic counseling license to anyone who meets the education, experience, and examination requirements specified in the law. The law also sets forth requirements for obtaining a provisional license as well as specifying exemptions to the licensing restrictions.

Insurance Discrimination

Recently enacted **Colorado** legislation (H.B. 1338) prohibits specified insurers, including HMOs and Medicare supplement plans that receive genetic information, from seeking, using, or keeping information from genetic testing for any nontherapeutic purpose or for any underwriting purpose. The law further: (1) prohibits insurers from requesting, or requiring, an individual or individual's family member to undergo a genetic test unless otherwise authorized by applicable state or federal law; and (2) allows insurers to obtain and use the results of a genetic test in making a determination regarding payment. The law specifies penalties, which may be recovered by individuals injured by an insurer's violation.

Lawmakers in **Maine** adopted a law (H.P. 821) that prohibits individual and group insurers, including HMOs, from requesting, requiring, or purchasing genetic information to determine eligibility for benefits, compute premium amounts, apply any preexisting condition exclusion or any other activities related to the creation, renewal, or replacement of a health insurance contract. The law also prohibits insurers from requiring or requesting individuals to undergo a genetic test, with specified exemptions.

The **Minnesota** State Legislature enacted a law (H.B. 1853) that prohibits an issuer of a Medicare supplement policy or certificate from: (1) denying or conditioning the issuance of benefits under the policy, including the imposition of any exclusion of benefits under the policy based on a preexisting condition, on the basis of an individual's genetic information; (2) discriminating in the pricing of an individual's policy or certificate on the basis of genetic information; (3) requesting or requiring an individual or family member to undergo a genetic test; and (4) requesting, requiring, or purchasing genetic information for underwriting purposes. In certain circumstances, an issuer of a Medicare supplement policy or certificate may request, but not require, that an individual or a family member undergo a genetic test.

Nevada's S.B. 426, effective October 9, 2009, requires individual and group insurers to comply with the provisions of the federal Genetic Information Nondiscrimination Act of 2008. *For an additional summary of this law, see the Genetics/Employment Discrimination section on page 6.*

HEALTH DISPARITIES

Awareness and Acknowledgment

Alabama lawmakers adopted a *resolution* (H.J.R. 209) recognizing April 19-26, 2009 as Minority Cancer Awareness Week and urging the medical community, the educational community, the insurance industry, and state and local government entities to work collectively to ensure equal access for minority and ethnic groups to quality medical care for cancer detection and treatment.

A recent **California** *resolution* (A.J.R. 11) designated the week of April 19-25, 2009 as

National Multicultural Cancer Awareness Week and encourages the promotion of policies and programs that seek to reduce cancer disparities and improve cancer prevention, detection, treatment, and follow-up care.

*For a summary of a **California** resolution (A.C.R. 64) related to health disparities awareness and acknowledgment, see the Cancer—General/Awareness section on page 3.*

*For a summary of a **California** resolution (S.C.R. 22) related to health disparities awareness and acknowledgment, see the Colorectal Cancer/Awareness section on page 5.*

*For summaries of two **Florida** resolutions (H.R. 9123 and S.R. 2774) related to health disparities awareness and acknowledgment, see the Breast Cancer/Awareness section on page 1.*

*For a summary of a **Florida** resolution (S.R. 970) related to health disparities awareness and acknowledgment, see the Prostate Cancer/Awareness section on page 9.*

Florida's S.R. 96 recognizes the week of April 12-18, 2009 as Minority Cancer Awareness Week.

*For a summary of a **Hawaii** resolution (H.R. 269) related to health disparities awareness and acknowledgment, see the Cancer—General/Awareness section on page 3.*

*For a summary of an **Illinois** resolution (H.R. 152) related to health disparities awareness and acknowledgment, see the Cancer—General/Awareness section on page 3.*

Two recently adopted **Kansas** resolutions (H.R. 6024 and S.R. 1871) designate April as Minority Health Awareness Month within the state and urge all Kansans to join in this observance.

*For a summary of a **Pennsylvania** resolution (S.R. 144) related to health disparities awareness and acknowledgment, see the Prostate Cancer/Awareness section on page 9.*

Tennessee's H.J.R. 454 designated June 15-21, 2009 as National Men's Health Week and encourages men and their families to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups. The resolution acknowledges, among other things that: (1) testicular cancer is one of the most common cancers in men ages 15 to 34, (2) the

number of cases of colon cancer among American men was almost 54,000 in 2008, and (3) African American men in the United States have the highest incidence of prostate cancer in the world.

Research and Prevention

*For a summary of a **Minnesota** law (H.F. 1362) related to health disparities research and prevention, see the Tobacco Use/Research and Prevention section on page 12.*

In **Oregon**, H.B. 2009 establishes the Statewide Health Improvement Program to support evidence-based community efforts to prevent chronic disease and reduce the utilization of expensive and invasive acute treatments. The law authorizes the Oregon Health Authority, subject to funding, to award grants to support community-based primary and secondary prevention activities focused on chronic diseases. The law requires grant applicants to submit a proposal that, among other things: (1) is developed with community input, including the input of communities most affected by health disparities; (2) involves a range of community partners, including a range of multicultural community providers; (3) reduces health disparities among populations; and (4) contains performance criteria and measurable outcomes to demonstrate improvements in population health status and health education and reduction of chronic disease risk factors. The law also requires the Administrator of the Office for Oregon Health Policy and Research to establish and maintain a program that requires specified insurers, including HMOs, to report health care data for evaluating health disparities, including, but not limited to, disparities related to race and ethnicity.

Screening Programs

*For a summary of an **Alabama** resolution (S.J.R. 102) related to health disparities and screening programs, see the Colorectal Cancer/Screening Programs section on page 6.*

*For a summary of an **Arkansas** law (S.B. 947) related to health disparities and screening programs, see the Colorectal Cancer/Screening Programs section on page 6.*

*For a summary of a **Florida** law (H.B. 1269) related to health disparities and screening programs, see the*

Breast Cancer/Screening Programs section on page 2.

*For a summary of a **Minnesota** law (H.F. 1362) related to health disparities and screening programs, see the Colorectal Cancer/Screening Programs section on page 6.*

Third-Party Reimbursement

*For a summary of an **Alabama** law (H.B. 147) related to health disparities and third party reimbursement, see the Breast Cancer/Third-Party Reimbursement section on page 2.*

*For a summary of a **Colorado** law (H.B. 1164) related to health disparities and third-party reimbursement, see the Breast Cancer/Third-Party Reimbursement section on page 2.*

*For summaries of **Indiana** laws (H.B. 1382 and S.B. 554) related to health disparities and third-party reimbursement, see the State-of-the-Art Treatment/Clinical Trials section on page 10 and the Breast Cancer/Third-Party Reimbursement section on page 2.*

*For a summary of a **Nebraska** law (L.B. 445) related to health disparities and third-party reimbursement, see the Breast Cancer/Third-Party Reimbursement section on page 2.*

*For a summary of a **New Mexico** law (S.B. 42) related to health disparities and third-party reimbursement, see the State-of-the-Art Treatment/Clinical Trials section on page 10.*

*For a summary of two **New York** laws (A.B. 158 and S.B. 58) related to health disparities and third-party reimbursement, see the Tobacco Use/Third-Party Reimbursement section on page 14.*

*For a summary of a **Washington** law (H.B. 2341) related to health disparities and third-party reimbursement, see the Tobacco Use/Third-Party Reimbursement section on page 14.*

Treatment Programs

*For a summary of a **Colorado** law (H.B. 1164) related to health disparities and treatment programs, see the Breast Cancer/Third-Party Reimbursement section on page 2.*

Montana's H.B. 409, effective October 1, 2009, requires the state Board of Pharmacy to establish a Cancer Drug Repository Program for accepting donated cancer drugs and dispensing the

drugs and devices to qualified patients with prescriptions. The law also requires the Board to adopt rules addressing, among other things, eligibility criteria and other standards and procedures for participants that accept and distribute or dispense donated cancer drugs and devices.

OVARIAN CANCER

Awareness

Two adopted **Rhode Island** resolutions (H.R. 6339 and S.R. 1047) proclaim the month of September as Ovarian Cancer Awareness Month.

PROSTATE CANCER

Awareness

Lawmakers adopted resolutions in **Florida** (S.R. 970) and **Pennsylvania** (S.R. 144) recognizing September 2009 as Prostate Cancer Awareness Month. The Florida resolution acknowledges that the prostate cancer mortality rate of African American men is twice that of white men, while the Pennsylvania resolution acknowledges that prostate cancer is more prevalent among African American men than white men.

*For a summary of a **Tennessee** resolution (H.J.R. 454) related to prostate cancer awareness, see the Health Disparities/Awareness and Acknowledgment section on page 7.*

Public/Professional Education

*For a summary of an **Arkansas** law (S.B. 959) related to prostate cancer public and professional education, see the Prostate Cancer/Screening Programs section on page 9.*

Screening Programs

Arkansas' S.B. 959 repeals the Prostate Cancer Act of 1999, including provisions related to prostate and testicular cancer screening programs and health education, among others.

Third-Party Reimbursement

*For a summary of a **Nebraska** law (L.B. 445) related to prostate cancer third-party reimbursement, see the Breast Cancer/Third-Party Reimbursement section on page 2.*

SKIN CANCER

Awareness

Delaware's S.B. 103 and **Nevada's** S.C.R. 28 recognized May as Melanoma and Skin Cancer Detection and Prevention Month. Nevada's *resolution* also declares the second week of May as Melanoma and Skin Cancer Prevention Week. A recent **Pennsylvania** *resolution* (S.R. 125) recognized May 2009 as Melanoma and Skin Cancer Detection and Prevention Month.

In **Oregon** lawmakers approved a *resolution* (H.J.R. 12) recommending that everyone use sunscreen when participating in outdoor activities and urging all parents to be aware of the known health hazards of intentional cosmetic tanning of the skin. The *resolution* further urges parents to encourage their teenagers to restrict the use of tanning devices in an effort to reduce the increase in the incidence of melanoma in young people.

Tanning Facilities

Effective June 30, 2010, a new **Indiana** law (H.B. 1573) specifies that a tanning facility seeking to obtain a license may be subject to a facility inspection by the state Board of Cosmetology. *For an additional summary of this law, see the Genetics/Genetic Counselors section on page 7.*

Maine legislators passed a law (S.P. 137) requiring the state Department of Health and Human Services to prohibit the use of tanning devices for minors under the age of 14. For minors ages 14 and older, the law requires the tanning facility operator to confirm the identification of the minor and the minor's legal guardian, obtain the written consent of the minor's legal guardian, and, for minors ages 14 and 15, require the presence of the guardian during tanning machine use.

Effective January 1, 2010, a recently enacted **Texas** law (H.B. 1310) increases the age at which a person is prohibited from using a tanning device from 13 to 16.5. The law prohibits persons younger than 18 from using a tanning device unless the legal guardian, in person at the facility, provides written consent for the person to use the device. The law also requires any person younger than 18 who is using a tanning facility device for the first time to complete a written informed consent statement signed and dated by the person and the person's legal guardian.

STATE-OF-THE-ART TREATMENT

Clinical Trials

A new **Colorado** law (H.B. 1059) requires specified insurers, including HMOs, to provide coverage for routine patient care costs incurred during a clinical trial.

Indiana lawmakers passed a law (H.B. 1382) requiring state employee health plans, the state Medicaid program, and specified insurers, including HMOs, to provide coverage for routine care costs that are incurred in the course of a clinical trial if the insurer would provide coverage for the same routine care costs not incurred in a clinical trial.

The **New Mexico** State Legislature enacted a law (S.B. 42) requiring specified insurers, including HMOs and the state's medical assistance program, to provide coverage for routine patient care costs incurred through participation in a clinical trial. The law also requires insurers to provide coverage if data provide a reasonable expectation that the medical treatment provided in the clinical trial will be at least as effective as any other medical treatment.

In **Oregon**, a new law (S.B. 316) requires specified insurers, including HMOs, to provide coverage for the routine costs of care of patients participating in qualifying clinical trials. The law specifies eligibility criteria for qualifying clinical trials, as well as items and services that are excluded from coverage.

A new **Texas** law (S.B. 39) requires specified insurers, including HMOs, state employees' health plans, and Medicaid, to provide coverage for routine patient care costs of participants in Phase I, II, III, or IV clinical trials when specified criteria are met. The law also sets forth excluded items and services.

General

Legislation in **Florida** (S.B. 1868) and **Louisiana** (H.B. 175) amended the definition of standard or established reference compendia for insurers' required coverage for the off-label use of prescription drugs for cancer treatment to mean any authoritative compendia as recognized by the Secretary of the United States Department of Health and Human Services (DHHS). Similar legislation in **Maryland** (H.B. 456 and S.B. 985,

effective October 1, 2009) redefined its list of standard reference compendia to include authoritative compendia recognized by either the Secretary of DHHS or the state Insurance Commissioner. Recently enacted **North Carolina** legislation (H.B. 896) replaced the list of established reference compendia for the off-label use of drugs and included, among others, authoritative compendia recognized by the DHHS Secretary.

SURVEILLANCE

Cancer Registries

Minnesota's H.F. 1362 requires the state Commissioner of Health to provide a grant to the Hennepin County Medical Center for a 1-year feasibility pilot project to collect occupational, residential, and military service history data from newly diagnosed cancer patients at its Cancer Center. The law permits the data collection expansion to include the cancer patient's possible toxic environmental exposure history. *For additional summaries of this law, see the Colorectal Cancer/Screening Programs and Tobacco Use/Research and Prevention sections on pages 6 and 12.*

TESTICULAR CANCER

Awareness

*For a summary of a **Tennessee** resolution (H.J.R. 454) related to testicular cancer awareness, see the Health Disparities/Awareness and Acknowledgment section on page 7.*

Screening Programs

*For a summary of an **Arkansas** law (S.B. 959) related to testicular cancer screening programs, see the Prostate Cancer/Screening Programs section on page 9.*

TOBACCO USE

Awareness

Louisiana's S.C.R. 33 designated May 12, 2009 as Youth Tobacco Legislative Day and urges all citizens to take positive steps to help change tobacco awareness for the state's youth.

*For a summary of an **Oklahoma** resolution (H.R. 1050) related to tobacco use awareness, see the Cancer—General/Awareness section on page 3.*

Delivery Sales

Colorado's H.B. 1173 requires the state Department of Revenue to publish, and update within 7 days of any changes, a list of all licensed tobacco wholesalers and distributors on its Web site.

Lawmakers in **Florida** passed a law (S.B. 1840) that requires a retailer to obtain a license from the state Division of Alcoholic Beverages and Tobacco before accepting an order for a delivery sale. The person accepting an order for a delivery sale must comply with specific requirements for each of the following: (1) age verification; (2) disclosure; (3) shipping; (4) registration and reporting; (5) tax collection; and (6) all other laws applicable to the sale of tobacco products, including excise taxes. The law prohibits a person from making a delivery sale of tobacco products to any individual who is not an adult. The law also sets forth enforcement provisions. *For an additional summary of this law, see the Tobacco Use/Excise Taxes section on page 12.*

Effective January 1, 2010, a recent **Illinois** law (S.B. 801) prohibits the delivery sale of cigarettes to individuals under the legal minimum age. The law also prohibits any person, other than a delivery service, from mailing, shipping, or otherwise causing delivery of a shipping package in context with a delivery sale unless that person fulfills specified age verification, disclosure, tax collection, and shipping requirements. Penalties will be imposed for violations of the law.

Maine's H.P. 850, effective October 1, 2009, prohibits the shipping or acceptance of delivery of tobacco products, except premium cigars, to anyone other than a licensed tobacco distributor or licensed tobacco retailer and specifies penalties for violations.

Lawmakers in **New Mexico** enacted a new law (S.B. 219) that requires each person, prior to making a delivery sale, to file with the state Department of Taxation and Revenue and Attorney General a statement setting forth the person's name, trade name, the address of the person's principal place of business, and any other place of business.

Virginia lawmakers passed a law (S.B. 1302) requiring persons engaging in delivery sales to file a report with the Attorney General as well as the Virginia Alcoholic Beverage Control Board. The law specifies penalties for violations.

In **Washington**, S.B. 5340 prohibits a person from shipping, transporting, or causing to be shipped or transported, any tobacco product ordered or purchased by mail or through the Internet to anyone in the state other than a licensed wholesaler or retailer. The law also sets forth penalties for violations.

Excise Taxes

A new law (S.B. 1840) in **Florida** adds a surcharge of \$1.00 to the sale, receipt, purchase, possession, consumption, handling, or distribution of a package of cigarettes, in addition to all other taxes of every kind levied by law. A surcharge is also levied upon all tobacco products in the state and upon tobacco products distributors at the rate of 60 percent of the wholesale sales price. *For an additional summary of this law, see the Tobacco Use/Delivery Sales section on page 11.*

Hawaii's H.B. 895 increases the tax on tobacco products, except cigars, from 40 to 70 percent of the wholesale price and establishes an excise tax of 50 percent of the wholesale price on cigars.

Another recently passed **Hawaii** law (H.B. 1175) increases the excise tax on cigarettes to: (1) \$2.60, effective July 1, 2009; (2) \$2.80, effective July 1, 2010; and (3) \$3.00, effective July 1, 2011.

Lawmakers in **Maine** passed a law (H.P. 274) to impose a tax on smokeless tobacco, including chewing tobacco and snuff, at the rate of \$2.02 per ounce.

The **Mississippi** legislature recently enacted a law (H.B. 364) to increase the tax on cigarettes from 18 cents to 68 cents.

Recently enacted **New Hampshire** legislation (H.B. 2) increases the tax on cigarettes from \$1.33 to \$1.78 and the tax on other tobacco products from 19 percent to 48.59 percent of the wholesale sales price. The law also adds snuff and cigars, except premium cigars, to the definition of tobacco products.

A recently enacted **New Jersey** law (A.B. 4103) increases the tax on cigarettes from \$2.575 to \$2.70.

New York's A.B. 157 increases the tax on tobacco products, other than cigarettes or snuff, from 37 to 46 percent of the wholesale price.

Rhode Island lawmakers passed a law (H.B. 5019) increasing the tax on cigarettes from \$2.46 to \$3.46 and increasing the tax on cigars, pipe tobacco, and smokeless tobacco other than snuff from 40 percent to 80 percent of the wholesale cost.

A law (H.B. 2154) in **Texas** was enacted to increase the excise tax rate for each can or package of a tobacco product, other than cigarettes or cigars, to: (1) \$1.10 per ounce, effective September 1, 2009; (2) \$1.13 per ounce, effective September 1, 2010; (3) \$1.16 per ounce, effective September 1, 2011; (4) \$1.19 per ounce, effective September 1, 2012; and (5) \$1.22 per ounce, effective December 2, 2013.

A new **Vermont** law (H.B. 441) increases the tax on cigarettes from \$1.79 to \$2.24 and the tax on tobacco products, except snuff, to 92 percent of the wholesale price.

Out-of-Package Sales

West Virginia legislators recently passed a law (H.B. 2360) prohibiting a person or business entity from selling or offering to sell cigarettes: (1) in any form other than an original factory-wrapped package, (2) in a package that contains fewer than 20 cigarettes, (3) individually, or (4) in any form that does not display the required warnings. Any person or business entity in violation of this law is guilty of a misdemeanor and is subject to a fine of \$250.

Research and Prevention

Minnesota's H.F. 1362 requires the state Commissioner of Health to prioritize smoking prevention and smoking cessation activities in low-income, indigenous, and minority communities in their collaboration with specified organizations. *For additional summaries of this law, see the Colorectal Cancer/Screening Programs and Surveillance/Cancer Registries sections on pages 6 and 11.*

Recently enacted **Mississippi** legislation (H.B. 1505) creates a special fund in the State Treasury to provide funds for the ACT Center for Tobacco Treatment, Education, and Research at the University of Mississippi Medical Center.

Smoke-Free Air

Arkansas' H.B. 2007 establishes the Clean Indoor Air on Campus Act of 2009, prohibiting smoking on each campus of state-supported institutions of higher education. The Act also sets forth sign posting and nonretaliation provisions, and specified penalties for violations, as well as identifying those authorized to enforce the Act.

A new **Hawaii** law (S.B. 1073) authorizes employees and volunteers of a correctional facility to smoke in an area outside the secure confines of the facility, restricted from access by inmates or detainees, which has been designated by the facility's warden.

Maine's H.P. 556 prohibits smoking in an outdoor eating area if that area or any portion of it is open and available for dining and beverage service. The law also requires the establishment to post signs notifying its patrons of the prohibition and request all persons within an outdoor eating area to comply with this law. Another recently enacted **Maine** law (S.P. 26) prohibits smoking tobacco in, on, or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place, or restroom in a state park or state historic site. The law also requires the state Center for Disease Control and Prevention, to the extent possible within existing budgeted resources, to erect signs and undertake public education initiatives regarding this prohibition. Also in **Maine**, a new law (S.P. 513) requires written smoking policies for business facilities, including residential facilities, nursing homes, and hospitals. The policy must: (1) prohibit smoking indoors, (2) prevent environmental tobacco smoke from circulating into enclosed areas, and (3) prohibit smoking outdoors except in designated smoking areas. The law permits the policy to prohibit smoking in outdoor areas of the business facility.

In **Nebraska**, L.B. 355 exempts cigar bars from the prohibition on smoking in indoor places and places of employment under the Nebraska Clean Indoor Air Act.

Effective December 9, 2009, a recently enacted **Nevada** law (A.B. 309) exempts the area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, from the prohibition on smoking in indoor places of employment, if

the event: (1) is not open to the public, (2) is being produced or organized by a business related to tobacco or a professional association for convenience stores, and (3) involves the display of tobacco products.

Recently enacted **North Carolina** legislation (H.B. 2) prohibits smoking in all enclosed areas of restaurants and bars, with specified exemptions. The law also sets forth sign posting requirements and enabling provisions. The legislation specifies penalties for individuals and employers in violation of the law. **North Carolina** lawmakers also approved a *resolution* (H.R. 990) prohibiting smoking on the floor or in the galleries of the state House of Representatives.

Oregon lawmakers enacted a law (H.B. 2135) to require rental agreements for specified types of dwelling units to include a disclosure of the smoking policy for the premises. The disclosure must state whether smoking is prohibited on the premises, allowed on the entire premises, or allowed in limited areas on the premises. If the smoking policy allows smoking in limited areas on the premises, the disclosure must identify the areas on the premises where smoking is allowed.

A recently enacted **Rhode Island** *resolution* (S.R. 792) prohibits smoking in all state Senate areas including, but not limited to, the chamber, gallery, lounge, committee rooms, offices, restrooms, and hallways.

Vermont's S.B. 7 prohibits the use of lighted tobacco products in workplaces, with the exception of the designated indoor smoking area of the Vermont Veterans' Home.

Washington legislators recently passed S.B. 5513 to restrict to an area designated and authorized by the transit authority the carrying or smoking of a lighted or smoldering pipe, cigar, or cigarette, while in or on a transit vehicle or at a municipal transit station.

Effective July 5, 2010, **Wisconsin's** S.B. 181 prohibits smoking in enclosed areas, including daycare centers, educational facilities, correctional facilities, restaurants and taverns, hotels, sports arenas, and public conveyances and school buses. The law also establishes exemptions from the prohibition, including private residences, specified rooms in assisted living facilities, and retail tobacco stores in existence on June 3, 2009.

The law also sets forth sign posting requirements, monetary penalties, and enabling provisions.

Third-Party Reimbursement

A recently enacted **Colorado** law (H.B. 1012) allows carriers offering an individual health coverage plan to offer incentives or rewards to encourage the individual and other covered persons under the plan to participate in wellness and prevention programs, including tobacco cessation programs. Also in **Colorado**, H.B. 1204, effective January 1, 2010, requires specified individual and group insurers, including HMOs, to provide coverage for tobacco use screening of adults and tobacco cessation interventions by primary care providers. *For additional summaries of this law, see the Breast Cancer/Third-Party Reimbursement and Colorectal Cancer/Third-Party Reimbursement sections on pages 2 and 6.*

Newly enacted legislation in **North Carolina** (S.B. 287) requires the State Health Plan for Teachers and State Employees to develop a Comprehensive Wellness Initiative that includes a focus on smoking cessation, effective July 1, 2010.

Effective January 1, 2010, two newly enacted **New York** laws (A.B. 158 and S.B. 58) require the state Medical Assistance for Needy Persons Program to provide smoking cessation counseling services for: (1) specified pregnant women and women with infants; and (2) children and adolescents ages 10 to 19, when provided by a medical professional as specified in the law. The provision of services for adolescents will take effect only when all necessary approvals under federal law and regulation have been obtained to receive federal financial participation in the cost of such services. *See the additional summary of these laws in the Tobacco Use/Tobacco Access by Minors section on page 14.*

Effective June 1, 2010, a new **Oregon** law (S.B. 734) will require health benefits plans to provide payment, coverage, or reimbursement of at least \$500 for a tobacco use cessation program for plan enrollees ages 15 and older.

Washington's H.B. 2341 requires the Washington Basic Health Plan Administrator to encourage Plan enrollees who have been continually enrolled for a period of 1 year or more to complete a health risk assessment and participate in programs

approved by the Administrator that may include wellness, smoking cessation, and chronic disease management programs. Specified low-income individuals may qualify for a subsidy to obtain coverage under the Plan.

Tobacco Access by Minors

Alabama legislators passed a law (H.B. 391) to prohibit tobacco products from being distributed by use of a vending machine unless the machine: (1) is located in an area where minors are not permitted access, or (2) dispenses tobacco or tobacco products through the operation of a device that requires the tobacco permit holder or an employee to control the distribution of the product. The law prohibits tobacco self-service displays unless the display is an allowed vending machine or is located in a tobacco specialty store. The law also prohibits minors from presenting false identification to obtain, or attempt to obtain, tobacco products. The law specifies sign posting requirements and penalties for minors who violate the law.

Lawmakers in **Arkansas** enacted a new law (H.B. 1858) to prohibit a minor from: (1) possessing, purchasing, or attempting to purchase tobacco or cigarette papers; or (2) falsely representing himself or herself to be age 18 or older by displaying a false proof of age for the purpose of obtaining or attempting to obtain tobacco or cigarette papers. Any person violating the law is subject to a fine not to exceed \$100 per violation.

In order to prevent persons under age 18 from purchasing or receiving tobacco products, **Louisiana** legislators enacted a law (H.B. 368) to prohibit the sale or delivery of tobacco products through self-service displays unless the machine is a vending machine that is inaccessible to minors. The law also specifies exemptions for tobacconist outlets and retail tobacco businesses.

Two recently enacted **New York** laws (A.B. 158 and S.B. 58) increase the penalties for retail dealers or vending machine owners/operators who violate registration requirements. *See the additional summary of these laws in the Tobacco Use/Third-Party Reimbursement section on page 14.*

Oklahoma legislators recently enacted S.B. 595, effective November 1, 2009, which establishes the Juvenile Justice Public Works Act. This Act

prohibits any person from bringing into or having in his or her possession in a certified secure facility or certified juvenile detention facility cigarettes, cigars, snuff, chewing tobacco, or any other form of tobacco product. The law identifies authorities to enforce this Act and specifies penalties for violations.

In **Oregon**, lawmakers enacted H.B. 2136, effective January 1, 2010, to prohibit a person from selling or dispensing tobacco products from a vending machine, except in an establishment where the premises are posted as permanently and entirely off-limits to minors.

Tobacco Education

Recently adopted **Hawaii** resolutions (H.R. 212 and S.R. 61) express the importance of giving the public access to strategies for improving individual health through lifestyle change, including strategies relating to diet, exercise, smoking cessation, and stress reduction.

Vendor Licensure

Arkansas' H.B. 1913 authorizes the Director of the Arkansas Tobacco Control Board to seize and hold for disposition of the courts or the Board

all tobacco products found in the possession of a retail establishment that does not possess a current Arkansas retail cigarette and tobacco permit.

*For a summary of two **New York** laws (A.B. 158 and S.B. 58) related to tobacco use vendor licensure, see the Tobacco Use/Tobacco Access by Minors section on page 14.*

Lawmakers in **Washington** enacted a new law (H.B. 1435) that transfers administration of licensure of cigarette retailers and vending machine operators from the Department of Revenue to the state Liquor Control Board. The Board is required to adopt rules regarding the regulation of licenses and is allowed to revoke or suspend the license or permit of any retail cigarette dealer for a violation of the law.

Tobacco Settlement

Laws enacted this quarter related to the utilization of tobacco settlement monies or compliance with certain tobacco settlement terms are presented in tabular format below.

**State Legislative Actions Related to Tobacco Settlements
(April through June 2009)**

State	Measure Number(s)	ENACTED LEGISLATION ¹		Provides penalties for manufacturers who fail to comply with tobacco settlement terms
		Fund Establishment		
		Establishes or modifies fund(s) to receive revenues from state tobacco settlements	Specifies intended uses of tobacco settlement monies ²	
Maryland	S.B. 12			•
Nebraska	L.B. 316	•	TC, H	
Nevada	S.B. 340	•	TC	
Totals		2	TC=2 TG=0 C=0 H=1 O=0 U=0	1

¹Does not include appropriations legislation.

²Intended uses of tobacco settlement monies specified:

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

Table of Enacted Legislation and Adopted Resolutions, 2nd Quarter, 2009

State	Measure No.	Content Area	
Alabama	H.B. 147	Breast Cancer/Third-Party Reimbursement Cervical Cancer/Third-Party Reimbursement Health Disparities/Third-Party Reimbursement	
	H.B. 391 H.J.R. 209	Tobacco Use/Tobacco Access by Minors Cancer—General/Awareness Health Disparities/Awareness and Acknowledgment	
	H.R. 899 S.J.R. 102	Cancer—General/Research and Prevention Colorectal Cancer/Screening Programs Health Disparities/Screening Programs	
	Arkansas	H.B. 1858 H.B. 1913 H.B. 2007 S.B. 947	Tobacco Use/Tobacco Access by Minors Tobacco Use/Vendor Licensure Tobacco Use/Smoke-Free Air Colorectal Cancer/Public/Professional Education Colorectal Cancer/Research and Prevention Colorectal Cancer/Screening Programs Colorectal Cancer/Treatment Programs Health Disparities/Screening Programs
		S.B. 959	Prostate Cancer/Public/Professional Education Prostate Cancer/Screening Programs Testicular Cancer/Screening Programs
California		A.C.R. 35 A.C.R. 64	Cancer—General/Awareness Cancer—General/Awareness Health Disparities/Awareness and Acknowledgment
		A.J.R. 11	Cancer—General/Awareness Health Disparities/Awareness and Acknowledgment
		S.C.R. 22	Colorectal Cancer/Awareness Health Disparities/Awareness and Acknowledgment
	Colorado	H.B. 1012 H.B. 1059 H.B. 1164	Tobacco Use/Third-Party Reimbursement State-of-the-Art Treatment/Clinical Trials Breast Cancer/Third-Party Reimbursement Cervical Cancer/Third-Party Reimbursement Health Disparities/Third-Party Reimbursement Health Disparities/Treatment Programs
H.B. 1173 H.B. 1204		Tobacco Use/Delivery Sales Breast Cancer/Third-Party Reimbursement Cervical Cancer/Third-Party Reimbursement Colorectal Cancer/Third-Party Reimbursement Tobacco Use/Third-Party Reimbursement	
H.B. 1338		Genetics/Insurance Discrimination	
Connecticut		S.B. 458	Breast Cancer/Screening Information
Delaware		H.C.R. 9 S.B. 103	Cancer—General/Awareness Skin Cancer/Awareness
		Florida	H.B. 1269
H.R. 9117/S.R. 2214 H.R. 9123/S.R. 2774			Cervical Cancer/Awareness Breast Cancer/Awareness Health Disparities/Awareness and Acknowledgment
S.B. 1840	Tobacco Use/Delivery Sales Tobacco Use/Excise Taxes		
S.B. 1868 S.R. 96	State-of-the-Art Treatment/General Cancer—General/Awareness Health Disparities/Awareness and Acknowledgment		
S.R. 970	Health Disparities/Awareness and Acknowledgment Prostate Cancer/Awareness		
Hawaii	H.B. 895 H.B. 1175 H.C.R. 51/S.C.R. 56		Tobacco Use/Excise Taxes Tobacco Use/Excise Taxes Cervical Cancer/Awareness Cervical Cancer/Public/Professional Education
	H.R. 88/H.C.R. 109	Colorectal Cancer/Research and Prevention Colorectal Cancer/Third-Party Reimbursement	
	H.R. 212/S.R. 61 H.R. 269	Tobacco Use/Tobacco Education Cancer—General/Awareness Health Disparities/Awareness and Acknowledgment	
	S.B. 1073	Tobacco Use/Smoke-Free Air	

Illinois	H.J.R. 6 H.R. 81/S.R. 252 H.R. 152 S.B. 801	Cancer—General/Research and Prevention Cancer—General/Awareness Cancer—General/Awareness Health Disparities/Awareness and Acknowledgment Tobacco Use/Delivery Sales
Indiana	H.B. 1382 H.B. 1573 S.B. 437 S.B. 554	Health Disparities/Third-Party Reimbursement State-of-the-Art Treatment/Clinical Trials Genetics/Genetic Counselors Skin Cancer/Tanning Facilities Cancer—General/Third-Party Reimbursement Breast Cancer/Third-Party Reimbursement Cervical Cancer/Third-Party Reimbursement Health Disparities/Third-Party Reimbursement
Iowa	S.B. 478	Cancer—General/Third-Party Reimbursement
Kansas	H.R. 6024/S.R. 1871	Cancer—General/Awareness Health Disparities/Awareness and Acknowledgment
Louisiana	H.B. 175 H.B. 368 H.C.R. 103 H.R. 31/S.R. 32 S.C.R. 33	State-of-the-Art Treatment/General Tobacco Use/Tobacco Access by Minors Cancer—General/Research and Prevention Cancer—General/Awareness Tobacco Use/Awareness
Maine	H.P. 274 H.P. 556 H.P. 821 H.P. 850 S.P. 26 S.P. 137 S.P. 513	Tobacco Use/Excise Taxes Tobacco Use/Smoke-Free Air Genetics/Insurance Discrimination Tobacco Use/Delivery Sales Tobacco Use/Smoke-Free Air Skin Cancer/Tanning Facilities Tobacco Use/Smoke-Free Air
Maryland	H.B. 41/S.B. 173 H.B. 405 H.B. 456/S.B. 985 S.B. 12	Breast Cancer/Third-Party Reimbursement Breast Cancer/Third-Party Reimbursement State-of-the-Art Treatment/General Tobacco Use/Tobacco Settlement
Massachusetts	S.B. 2087	Cancer—General/Research and Prevention
Michigan	S.R. 56	Cancer—General/Awareness
Minnesota	H.F. 1362 H.B. 1853	Colorectal Cancer/Screening Programs Health Disparities/Research and Prevention Health Disparities/Screening Programs Surveillance/Cancer Registries Tobacco Use/Research and Prevention Genetics/Insurance Discrimination
Mississippi	H.B. 364 H.B. 1505	Tobacco Use/Excise Taxes Tobacco Use/Research and Prevention
Montana	H.B. 409	Health Disparities/Treatment Programs
Nebraska	L.B. 316 L.B. 355 L.B. 445	Tobacco Use/Tobacco Settlement Tobacco Use/Smoke-Free Air Breast Cancer/Third-Party Reimbursement Cervical Cancer/Third-Party Reimbursement Colorectal Cancer/Third-Party Reimbursement Health Disparities/Third-Party Reimbursement Prostate Cancer/Third-Party Reimbursement
Nevada	A.B. 309 S.B. 340 S.B. 426 S.C.R. 28	Tobacco Use/Smoke-Free Air Tobacco Use/Tobacco Settlement Genetics/Employment Discrimination Genetics/Insurance Discrimination Skin Cancer/Awareness
New Hampshire	H.B. 2	Tobacco Use/Excise Taxes
New Jersey	A.B. 269 A.B. 4103 A.J.R. 92	Genetics/Genetic Counselors Tobacco Use/Excise Taxes Cancer—General/Awareness
New Mexico	S.B. 42 S.B. 219	Health Disparities/Third-Party Reimbursement State-of-the-Art Treatment/Clinical Trials Tobacco Use/Delivery Sales

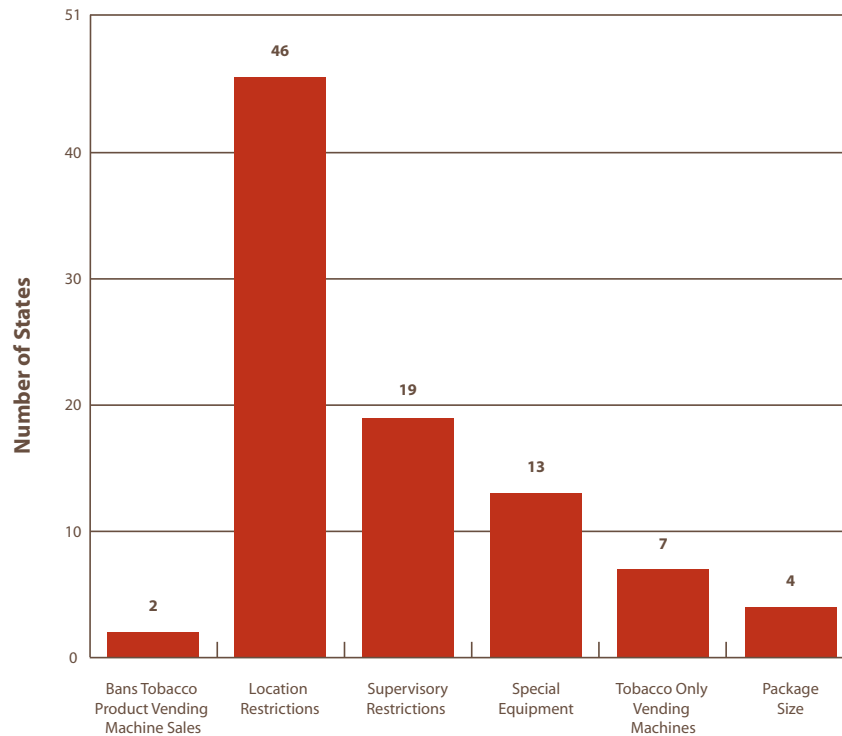
New York	A.B. 157 A.B. 158/S.B. 58	Tobacco Use/Excise Taxes Health Disparities/Third-Party Reimbursement Tobacco Use/Third-Party Reimbursement Tobacco Use/Tobacco Access by Minors Tobacco Use/Vendor Licensure
North Carolina	H.B. 2 H.B. 88 H.B. 896 H.R. 990 S.B. 287	Tobacco Use/Smoke-Free Air Cervical Cancer/School Health State-of-the-Art Treatment/General Tobacco Use/Smoke-Free Air Tobacco Use/Third-Party Reimbursement
Oklahoma	H.R. 1050 S.B. 595 S.R. 39	Cancer—General/Awareness Tobacco Use/Awareness Tobacco Use/Tobacco Access by Minors Breast Cancer/Awareness
Oregon	H.B. 2009 H.B. 2135 H.B. 2136 H.J.R. 12 S.B. 316 S.B. 734	Health Disparities/Research and Prevention Tobacco Use/Smoke-Free Air Tobacco Use/Tobacco Access by Minors Skin Cancer/Awareness State-of-the-Art Treatment/Clinical Trials Tobacco Use/Third-Party Reimbursement
Pennsylvania	H.R. 352 S.R. 30 S.R. 91 S.R. 125 S.R. 144	Cancer—General/Awareness Cancer—General/Awareness Colorectal Cancer/Awareness Skin Cancer/Awareness Health Disparities/Awareness and Acknowledgment Prostate Cancer/Awareness
Rhode Island	H.B. 5019 H.R. 6166 H.R. 6339/S.R. 1047 S.R. 792 S.R. 911	Tobacco Use/Excise Taxes Breast Cancer/Awareness Ovarian Cancer/Awareness Tobacco Use/Smoke-Free Air Cancer—General/Awareness
Tennessee	H.J.R. 259 H.J.R. 454	Cancer—General/Awareness Colorectal Cancer/Awareness Health Disparities/Awareness and Acknowledgment Prostate Cancer/Awareness Testicular Cancer/Awareness
Texas	H.B. 1310 H.B. 2154 H.C.R. 88 H.R. 4064 S.B. 39 S.B. 1143 S.R. 934	Skin Cancer/Tanning Facilities Tobacco Use/Excise Taxes Cervical Cancer/ Public/Professional Education Cancer—General/Awareness State-of-the-Art Treatment/Clinical Trials Cancer—General/Research and Prevention Cancer—General/Awareness
Vermont	H.B. 24 H.B. 441 H.B. 444 S.B. 7	Colorectal Cancer/Third-Party Reimbursement Tobacco Use/Excise Taxes Cancer—General/Third-Party Reimbursement Cancer—General/Research and Prevention Tobacco Use/Smoke-Free Air
Virginia	S.B. 1302	Tobacco Use/Delivery Sales
Washington	H.B. 1435 H.B. 2341 S.B. 5340 S.B. 5513 S.B. 5608	Tobacco Use/Vendor Licensure Health Disparities/Third-Party Reimbursement Tobacco Use/Third-Party Reimbursement Tobacco Use/Delivery Sales Tobacco Use/Smoke-Free Air Genetics/Genetic Counselors
West Virginia	H.B. 2360	Tobacco Use/Out-of-Package Sales
Wisconsin	S.B. 20 S.B. 181	Genetics/Employment Discrimination Tobacco Use/Smoke-Free Air

Legislative Abbreviations

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

Legislative Data Byte

State Laws Addressing Youth Access to Tobacco Products through Vending Machines (Enacted as of June 30, 2009)



With the exception of **Alabama** and **Massachusetts**, all states and the **District of Columbia** (collectively, states) have enacted laws that impose specific restrictions on youth access to tobacco through vending machines. Laws in these states vary from establishing location restrictions, requiring employee operation of the machine or special equipment, or mandating the size of packages sold in vending machines. As of June 30, 2009, two states—**Idaho** and **Vermont**—ban the sale of all tobacco products through vending machines.

Forty-six states have laws that limit the placement of tobacco products vending machines to specified locations. Vending machines may be restricted to places inaccessible to minors, such as bars, businesses that do not employ minors, or other adult-only locations. Other states restrict the placement of vending machines to

locations such as employee break rooms, restricted areas of factories, fraternal organizations, or businesses not open to the general public. Nineteen states have enacted laws that mandate supervision of tobacco product vending machines by an adult or an establishment's employees. Thirteen states have laws that require employees to operate vending machines or require the use of special equipment to prevent minors from obtaining tobacco products. Special equipment includes lock-out devices and token-operated machines that prevent direct access.

Seven states specify that tobacco products cannot be sold from vending machines that also contain non-tobacco products. Four states—**Maryland**, **New Jersey**, **Rhode Island**, and **Tennessee**—prohibit the sale of packs of less than 20 cigarettes in vending machines.

The SCLD contains information synthesized from state-level laws and resolutions, although resolutions not designated as such by the states are not captured. It does not contain state-level regulations; executive orders; measures implemented by counties, cities, or other localities; opinions of Attorneys General; or data addressing the implementations 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.

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 more than 7,100 abstracts of enacted laws and adopted resolutions. While you are there, view additional 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.

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