

By: Parker

H.B. No. 3721

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of the Cancer Prevention and Research
3 Institute of Texas to administer the Texas Cancer Clinical Trials
4 Program.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. (a) This Act shall be known as the Improve
7 Patient Access to Cancer Clinical Trials Act.

8 (b) The legislature finds that:

9 (1) the ability to translate medical findings from
10 research to practice relies largely on having robust patient
11 participation and a diverse participation pool during cancer
12 clinical trials;

13 (2) diverse patient participation in cancer clinical
14 trial depends, in part, on whether a participant can afford
15 ancillary costs like transportation and lodging during the course
16 of the patient's participation;

17 (3) there are significant health disparities that
18 exist among socioeconomic, racial, ethnic, and regional groups in
19 Texas; and

20 (4) this disparity threatens one of the most basic
21 ethical underpinnings of clinical research, the requirements that
22 the benefits of research be made available equitably among all
23 eligible individuals.

24 (c) It is the intent of the legislature to:

1 (1) establish a program in the state that encourages
2 greater patient access to cancer clinical trials;

3 (2) assist patients facing financial barriers that
4 inhibit their participation in cancer clinical trials, or assist
5 patients who have been identified as priorities for health services
6 to participate in cancer clinical trials by reimbursing direct
7 patient incurred expenses; and

8 (3) ensure these trials are widely accessible, improve
9 the development of therapies, and enhance innovation.

10 SECTION 2. Chapter 102.051, Health and Safety Code, is
11 amended to read as follows:

12 Sec. 102.051. POWERS AND DUTIES. (a) The institute:

13 (1) may make grants to provide funds to public or
14 private persons to implement the Texas Cancer Plan, and may make
15 grants to institutions of learning and to advanced medical research
16 facilities and collaborations in this state for:

17 (A) research into the causes of and cures for all
18 types of cancer in humans;

19 (B) facilities for use in research into the
20 causes of and cures for cancer;

21 (C) research, including translational research,
22 to develop therapies, protocols, medical pharmaceuticals, or
23 procedures for the cure or substantial mitigation of all types of
24 cancer in humans; ~~and~~

25 (D) cancer prevention and control programs in
26 this state to mitigate the incidence of all types of cancer in
27 humans; and

1 (E) programs to encourage access to and
2 participation in clinical trials and associated research and
3 community outreach.

4 (2) may support institutions of learning and advanced
5 medical research facilities and collaborations in this state in all
6 stages in the process of finding the causes of all types of cancer
7 in humans and developing cures, from laboratory research to
8 clinical trials and including programs to address the problem of
9 access to advanced cancer treatment;

10 (3) may establish the appropriate standards and
11 oversight bodies to ensure the proper use of funds authorized under
12 this chapter for cancer research and facilities development;

13 (4) may employ necessary staff to provide
14 administrative support;

15 (5) shall continuously monitor contracts and
16 agreements authorized by this chapter and ensure that each grant
17 recipient complies with the terms and conditions of the grant
18 contract;

19 (6) shall ensure that all grant proposals comply with
20 this chapter and rules adopted under this chapter before the
21 proposals are submitted to the oversight committee for approval;
22 and

23 (7) shall establish procedures to document that the
24 institute, its employees, and its committee members appointed under
25 this chapter comply with all laws and rules governing the peer
26 review process and conflicts of interest.

27 (b) The institute shall work to implement the Texas Cancer

1 Plan and continually monitor and revise the Texas Cancer Plan as
2 necessary.

3 (c) The institute shall employ a chief compliance officer to
4 monitor and report to the oversight committee regarding compliance
5 with this chapter and rules adopted under this chapter.

6 (d) The chief compliance officer shall:

7 (1) ensure that all grant proposals comply with this
8 chapter and rules adopted under this chapter before the proposals
9 are submitted to the oversight committee for approval; and

10 (2) attend and observe the meetings of the program
11 integration committee to ensure compliance with this chapter and
12 rules adopted under this chapter.

13 SECTION 3. Chapter 102.155, Health and Safety Code, is
14 amended to read as follows:

15 Sec. 102.155. AD HOC ADVISORY COMMITTEE. (a) The oversight
16 committee shall create ~~an~~ ad hoc committees of experts to address
17 issues including childhood cancers and access to clinical trials.
18 The oversight committee, as necessary, may create additional ad hoc
19 committees of experts to advise the oversight committee on issues
20 relating to cancer.

21 (b) Ad hoc committee members shall serve for a period
22 determined by the oversight committee.

23 SECTION 4. Chapter 102.203, Health and Safety Code, is
24 amended to read as follows:

25 Sec. 102.203. AUTHORIZED USE OF FUNDS. (a) A person
26 awarded money from the cancer prevention and research fund or from
27 bond proceeds under this subchapter may use the money for research

1 consistent with the purpose of this chapter and in accordance with a
2 contract between the person and the institute.

3 (b) Except as otherwise provided by this section, money
4 awarded under this subchapter may be used for authorized expenses,
5 including honoraria, salaries and benefits, travel, conference
6 fees and expenses, consumable supplies, other operating expenses,
7 contracted research and development, capital equipment, ~~and~~
8 construction or renovation of state or private facilities, and
9 financial assistance for costs related to participation in
10 clinical trials such as transportation and lodging.

11 (c) A person receiving money under this subchapter for
12 cancer research may not spend more than five percent of the money
13 for indirect costs. For purposes of this subsection, "indirect
14 costs" means the expenses of doing business that are not readily
15 identified with a particular grant, contract, project, function, or
16 activity, but are necessary for the general operation of the
17 organization or the performance of the organization's activities.

18 (d) Not more than five percent of the money awarded under
19 this subchapter may be used for facility purchase, construction,
20 remodel, or renovation purposes during any year. Expenditures of
21 money awarded under this subchapter for facility purchase,
22 construction, remodel, or renovation projects must benefit cancer
23 prevention and research.

24 (e) Not more than 10 percent of the money awarded under this
25 subchapter may be used for cancer prevention and control programs
26 during any year.

27 SECTION 5. This Act takes effect September 1, 2017.