

Introduced by Senator Ortiz
(Coauthor: Senator Burton)

February 23, 2001

~~An act relating to public health.~~ *An act to add and repeal Chapter 8 (commencing with Section 104323) of Part 1 of Division 103 of the Health and Safety Code, relating to prostate cancer; making an appropriation therefor; and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 689, as amended, Ortiz. Public health: *prostate* cancer research.

Existing law requires that the State Department of Health Services is responsible for the administration and oversight of various health care programs, *including programs that provide for cancer research.*

This bill would make various legislative findings regarding prostate cancer and research developments involving cancer. This bill would also create the Prostate Cancer Research Project Act of 2001, which would require the State Department of Health Services to establish a prostate cancer research project to provide, among other things, comprehensive classification of prostate tumors and specialized drug treatment for prostate cancer.

This bill would be repealed on January 1, 2007.

This bill would appropriate \$3,000,000 from the General Fund to the department for the 2001–02 fiscal year for purposes of this bill.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law provides funds for cancer research which are earmarked to be expended for purposes of cancer research, as defined. The department may also contract with nonprofit organizations, foundations, or public entities to administer the Cancer Research Program.~~

~~The Cancer Research Program is administered in accordance with certain principles, including, but not limited to, the requirement that the department work closely with, and seek the advice of, the Cancer Research Council.~~

~~Existing law contains provisions for both the funding of treatment and screening for cancer and the actual treatment and screening of cancer.~~

~~This bill would express the intent of the Legislature to ensure the effectiveness and cost of cancer treatments as well as ensuring the quality and practice of the guidelines for clinical trials.~~

~~Vote: majority ²/₃. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.~~

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

1 SECTION 1. ~~(a) The Legislature finds and declares all of the~~
2 ~~following:~~

3 ~~(1) One in four deaths in the United States are due to cancer,~~
4 ~~causing an estimated 552,000 deaths annually, or more than 1,500~~
5 ~~persons per day.~~

6 ~~(2) The overall costs of cancer are estimated to exceed~~
7 ~~\$107,000,000,000 annually.~~

8 ~~(3) There were more than 1.4 million new cancers diagnosed~~
9 ~~in the year 2000.~~

10 ~~(4) The number of clinical research studies related to cancer~~
11 ~~have increased in recent years, involving numerous research~~
12 ~~institutions as well as clinicians.~~

13 ~~(5) The costs of medications to treat cancer have increased~~
14 ~~significantly.~~

15 ~~(b) It is the intent of the Legislature to enact legislation to~~
16 ~~review both of the following:~~

17 ~~(1) The effectiveness and cost of treatments for cancer.~~

18 ~~(2) The guidelines for clinical trials that apply to university and~~
19 ~~other research settings.~~



1 (a) Prostate cancer is the most frequently diagnosed cancer
2 among California men. Prostate cancer affects one man in six and,
3 in the year 2000, killed more than 4,500 Californians. The
4 National Cancer Institute estimates that prostate cancer annually
5 costs California \$1.8 billion in medical care, lost wages, and
6 productivity.

7 (b) Conventional prostate therapy consists primarily of surgery
8 and radiation which, although often successful in eradicating
9 cancerous cells, results in significant, lifelong side effects. No drug
10 currently approved by the federal Food and Drug Administration
11 has demonstrated substantial efficacy in controlling the disease.

12 (c) Very recent advancements in technology and human
13 genome research have dramatically accelerated the development
14 and applications of new therapies that have immense promise for
15 the treatment of prostate cancer. California researchers have just
16 developed the capacity to replicate the genetic structure of cancer
17 tumors, and with this new capacity, specific genes may be targeted
18 for treatment and new drug therapies may be designed to treat
19 particular tumor types. This recent comprehension of the
20 characteristics and genetic makeup of prostate tumors will make
21 possible the implementation of effective new drug therapies for the
22 treatment of prostate cancer.

23 SEC. 2. Chapter 8 (commencing with Section 104323) is
24 added to Part 1 of Division 103 of the Health and Safety Code, to
25 read:

26
27 Chapter 8. THE PROSTATE CANCER RESEARCH PROJECT ACT OF
28 2001
29

30 104323. (a) This chapter shall be known, and may be cited,
31 as the Prostate Cancer Research Project Act of 2001.

32 (b) The State Department of Health Services shall establish and
33 administer a prostate cancer research project to provide
34 comprehensive tumor classification and specialized drug
35 treatments for prostate cancers. The project shall, over a period of
36 five years, do all of the following:

37 (1) Develop a comprehensive classification system of prostate
38 tumor types by genetic structure.

39 (2) Facilitate the sharing of information among prostate
40 cancer researchers and institutions.

1 (3) Designate the most promising and beneficial therapies and
2 drug regimens for each tumor classification.

3 (4) Facilitate the development of effective therapeutics for all
4 classifications of prostate tumors.

5 (5) Design protocols and clinical trials to evaluate the
6 effectiveness of designated therapies.

7 (6) Ensure that all clinical trials be subject to, and in
8 compliance with, federal Food and Drug Administration safety
9 and efficacy standards.

10 (c) The department shall, by January 1, 2007, report to the
11 Legislature the results of this research. The report shall include,
12 but not be limited to:

13 (1) The number of genetic structures classified by the project
14 and any associated drug therapies developed for each structure.

15 (2) The medical benefits, if any, of the revised drug treatments
16 measured in terms of efficacy and reduced secondary effects in
17 comparison to conventional therapy.

18 (3) Any financial benefits to the state or private payers from the
19 new technology.

20 (4) An estimate of the potential for lives saved or enhanced by
21 the new therapies.

22 (5) Recommendations for additional research related to this
23 project.

24 (6) The extent of availability of the information and findings of
25 this project for other cancer research.

26 104323.5. This chapter shall remain in effect only until
27 January 1, 2007, and as of that date is repealed, unless a later
28 enacted statute, that is enacted before January 1, 2007, deletes or
29 extends that date.

30 SEC. 3. (a) The sum of three million dollars (\$3,000,000) is
31 hereby appropriated from the General Fund to the State
32 Department of Health Services for the 2001–02 fiscal year for the
33 purposes of Chapter 8 (commencing with Section 104323) of Part
34 1 of Division 103 of the Health and Safety Code.

35 (b) It is the intent of the Legislature that future appropriations
36 shall be made through the annual budget process and be subject
37 to all administrative reviews and oversight. It is the intent of the
38 Legislature that future budget appropriations shall be contingent
39 upon private or other public support for this program to the



1 *contracting organization, if any, in an amount equal to not less*
2 *than two times the budget appropriation in any given year.*

3 *SEC. 4. This act is an urgency statute necessary for the*
4 *immediate preservation of the public peace, health, or safety*
5 *within the meaning of Article IV of the Constitution and shall go*
6 *into immediate effect. The facts constituting the necessity are:*

7 *It is in the public interest that the science and therapies resulting*
8 *from the research provided pursuant to this act be available as*
9 *soon as possible to affected patients in order to alleviate the pain,*
10 *suffering, and deaths of these patients at the earliest possible time.*

