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## HOUSE BILL NO. 549

INTRODUCED BY G. GUTSCHE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO INCREASE AWARENESS OF THE INCIDENCE OF, CURES FOR, AND ENVIRONMENTAL LINKS TO BREAST CANCER; PROVIDING FOR A BREAST CANCER AWARENESS RESEARCH, PREVENTION, AND ASSESSMENT GRANT PROGRAM; PROVIDING FOR A GRANTS ADVISORY BOARD; CREATING A STATE SPECIAL REVENUE ACCOUNT TO RECEIVE \$100,000 EACH BIENNIUM FROM TOBACCO TAX REVENUE FOR THE GRANT PROGRAM; AMENDING SECTION 16-11-119, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, breast cancer is the most common form of cancer in women and causes the death of a woman in the United States every 12 minutes; and

WHEREAS, in 1960, 1 woman in 20 developed breast cancer over the course of the woman's lifetime, while today the probability is 1 woman in 8; and

WHEREAS, breast cancer is detected in over 570 women in Montana and claims the lives of over 130 women each year; and

WHEREAS, traditional "cancer awareness" campaigns focus on early detection and cure and exclude the issue of real prevention; and

WHEREAS, detection methods, such as mammography, can only find cancers that already exist and thus have no impact on the rising numbers of people developing cancer; and

WHEREAS, health and environmental policies, as well as industrial and other business practices, should be guided by the precautionary principle, that "when an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not established with absolute scientific certainty", and in this context, the proponent of an activity or substance, rather than the public, should bear the burden of proof of harmlessness; and

WHEREAS, cancers cannot generally be "cured" but can potentially be prevented by eliminating the industrial emission of dioxins and other toxic agents into the air, soil, and water; and

WHEREAS, bioaccumulative and persistent chemicals, some with environmental half-lives of decades or longer, continue to be released into Montana waters, soils, air, and sediments where they are

1 expected to persist for many years to come, and many of these chemicals, such as mercury, cadmium,  
2 dioxins, dibenzofurans, and organochlorine pesticides, are known to cause birth defects, reproductive  
3 harm, or cancer; and

4 WHEREAS, the mission of the Chronic Disease Prevention and Health Promotion Section of the  
5 Department of Public Health and Human Services is to promote healthy living in Montana communities by  
6 preventing and reducing the burden of chronic disease.

7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9

10 NEW SECTION. **Section 1. Increased awareness of environmental links.** The department shall  
11 increase awareness of the incidences and possible cures for cancer and the environmental links to breast  
12 cancer by:

13 (1) developing or obtaining fact sheets on the links between breast cancer and carcinogenic  
14 chemicals, including dioxins and pesticides, and alternatives to carcinogenic chemicals and making the fact  
15 sheets available to:

16 (a) the patients and staff of medical clinics and hospitals;

17 (b) the consumers of businesses, such as nurseries, hardware and homeware stores, and others,  
18 that sell dioxins and pesticides to Montanans; and

19 (c) other state agencies;

20 (2) encouraging industries located in Montana to contribute to the health of their workers and all  
21 residents by implementing ways to attain a desired level of zero toxic emissions;

22 (3) creating a goal for the state of Montana to eliminate the use of PVC in new construction or  
23 renovation projects by requiring that each project avoid PVC to the maximum extent possible;

24 (4) encouraging hospitals and other health care facilities to eliminate PVC medical products, among  
25 other hazardous products, whenever possible and to replace them with safer alternatives as a condition  
26 of operations; and

27 (5) administering the grants program as provided in [section 2].

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29 NEW SECTION. **Section 2. Grants for breast cancer awareness research, prevention, and**  
30 **assessment.** (1) The department shall administer a grant program that provides grants to

1 community-based, nonprofit organizations for research, prevention, and assessment programs related to  
2 the environmental links to breast cancer, such as carcinogenic chemicals, dioxins, pesticides, toxic  
3 emissions, PVC and other building materials, and medical products and supplies.

4 (2) The department shall appoint a nine-member advisory board to screen the applications for  
5 grants and follow the board's recommendations for granting funds.

6 (3) The grants advisory board must include representatives of the following groups:

7 (a) epidemiologists;

8 (b) cancer prevention programs;

9 (c) public health officers; and

10 (d) breast cancer survivors.

11 (4) The department shall award grants in the amount of \$100,000 a biennium from the state  
12 special revenue account created in [section 3].

13 (5) The department shall adopt rules to provide for an application and granting process.

14

15 NEW SECTION. **Section 3. Breast cancer research and prevention account.** There is an account  
16 in the state special revenue fund to the credit of the department of public health and human services for  
17 the purposes of the breast cancer awareness research, prevention, and assessment grant program provided  
18 for in [section 2].

19

20 **Section 4.** Section 16-11-119, MCA, is amended to read:

21 **"16-11-119. Disposition of taxes.** Cigarette taxes collected under the provisions of 16-11-111  
22 must be allocated as follows:

23 (1) The amount of 11.11% of the cigarette tax collected on each package of cigarettes must be  
24 deposited in the state special revenue fund to the credit of the department of public health and human  
25 services for the operation and maintenance of state veterans' nursing homes.

26 (2) (a) The amount of 73.04%, less the amount provided in subsection (2)(b), must, in accordance  
27 with the provisions of 15-1-501, be deposited in the state general fund.

28 (b) The amount of \$50,000 in each fiscal year must be deposited in the state special revenue  
29 account provided for [section 3].

30 (3) The amount of 15.85% must, in accordance with the provisions of 15-1-501, be deposited

1 in the long-range building program account provided for in 17-7-205."

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3 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2001.

4 - END -