

MINA' TRENTAI DOS NA LIHESLATURAN GUAHAN
2014 (SECOND) Regular Session

Bill No. 406-32 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

**AN ACT TO EXPAND THE AUTHORIZED PROGRAMS OF
THE GUAM CANCER TRUST FUND, BY AMENDING
SUBSECTION (d)(2) AND (e)(2) OF §26603 OF ARTICLE 6,
CHAPTER 26, TITLE 11, GUAM CODE ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent: *I Liheslaturan Guåhan* finds that the Guam Cancer Trust Fund can support additional essential program activities germane to the intent of the trust, and which are critical components in combating cancer. Public Law 30-80, codified in Chapter 26 of Title 11, Guam Code Annotated, restricts the use of the Guam Cancer Trust Fund to only non-profit and charitable organizations providing cancer screenings, treatment and support services. In accordance with this law, it is unclear whether education and outreach programs and activities that seek to increase prevention and awareness of cancer issues can be funded through the trust fund. As a result, vital programs, trainings, and events used to combat cancer may be forced to find alternate sources of funding.

I Liheslaturan Guåhan takes due notice that cancer remains the second leading cause of death on Guam, although cancer incidences are rising. With nearly 316 people being diagnosed with cancer, almost half of them succumb to this disease. Many of the diagnoses are detected during the late stages, where the survival rate decreases dramatically due to the aggressiveness or extensive spread

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1 of the cancer in those patients. To reverse this trend, many programs that provide
2 free or low cost screenings and coverage for cancer treatment options are
3 increasing through the support of the Guam Cancer Trust Fund. However, these
4 programs are not able to provide funding for cancer education and outreach to the
5 Guam community.

6 *I Liheslaturan Guåhan* further finds that cancer education and outreach is a
7 major component of every public health campaign. Without a cancer education
8 and outreach program, no matter how great a service is to the community, unless
9 there is a proactive effort to publicize that service, it will likely be underutilized.
10 Many cancer patient organizations focus on education and outreach to promote
11 screening and treatment services, as well as cancer prevention strategies that could
12 reduce the cancer burden on Guam. All of these programs provide a vital role to
13 eliminating cancer in our community.

14 It is the intent of *I Liheslaturan Guåhan* to provide an expanded
15 authorization for cancer education and outreach programs to promote prevention,
16 early detection and advanced treatment options that may not be considered direct
17 services for cancer screening, treatment and support. It is further the intent to
18 amend the cap imposed on the use of grant funds for administrative purposes from
19 5%- to 15%, in anticipation of the expanded programs organizations will take on in
20 cancer education and outreach efforts.

21 **Section 2.** Paragraph (2) of Subsection (d) of § 26603 of Article 6, Chapter
22 26, Title 11, Guam Code Annotated, is hereby *AMENDED*, to read:

23 “(2) Fifteen percent (15%) of the taxes collected and any subsequent
24 gains shall be transferred into the Guam Cancer Trust Fund for programs

1 supporting cancer screening, treatment, ~~and~~ support services cancer
2 education, and outreach programs;”

3 **Section 4.** Paragraph (2) of Subsection (e) of § 26603 of Article 6, Chapter
4 26, Title 11, Guam Code Annotated, is hereby *AMENDED*, to read:

5 “(e) Creation of the Guam Cancer Trust Fund. There is hereby created the
6 Guam Cancer Trust Fund, which shall be used to provide financial assistance to
7 organizations that provide patient directed services for the prevention of cancers,
8 its treatment, diagnosis, and other services that may be required to access
9 treatment, including, but not limited to, off-island transportation and temporary
10 housing. The Guam Cancer Trust Fund shall be subject to the following:

11 (1) Fifteen percent (15%) of the Healthy Futures Fund into the Guam
12 Cancer Trust Fund, which shall be held in an account at a Guam financial
13 institution separate and apart from all other accounts and funds of the
14 government of Guam and shall not be subject to the transfer authority of I
15 Maga'láhen Guáhan.

16 (2) The University of Guam, for each fiscal year, may allocate up to
17 seventy-five percent (75%) of the funds balance to non-profit and charitable
18 organizations providing cancer screenings, treatment, ~~and~~ support services
19 cancer education, and outreach programs; provided, however, no more than
20 ten percent (10%) of the available funds shall be utilized for cancer
21 education and outreach programs. The University of Guam shall promulgate
22 rules and regulations pursuant to Title 5 GCA, Chapter 9 regarding the
23 administration of the Guam Cancer Trust Fund, as well as the application,

1 distribution, review and investigation of such funds. Such rules and
2 regulations shall be posted on the University's website.

3 (A) The initial rules and regulations governing the Guam
4 Cancer Trust Fund shall be submitted to *I Liheslatura* within ninety
5 (90) days from the effective date of this Act.

6 (3) The Guam Cancer Trust Fund may receive additional
7 appropriations, contributions, endowments, or gifts in cash or otherwise
8 from any source, including the Territory of Guam, corporations or other
9 businesses, individuals, and interested parties.

10 (4) The aggregate principal sum deposited in the Guam Cancer Trust
11 Fund shall be invested by the University of Guam, subject to its investment
12 policy as established by the Board of Regents.

13 (5) If the Guam Cancer Trust Fund is terminated, the monies
14 remaining in the Trust Fund shall revert back to the Healthy Futures Funds.

15 (6) The President of the University of Guam shall submit a report on a
16 quarterly basis to the Speaker of I Liheslaturan Guåhan of the revenues
17 collected, gained, and expended from the Guam Cancer Trust Fund and shall
18 post such report on the University's website.”

19 **Section 5. Amendment of Guam Cancer Trust Fund Rules and**
20 **Regulations.** Section .07 of the Guam Cancer Trust Fund Rules and Regulations,
21 established pursuant to the authority of P.L. 30-80, is hereby amended, to read:

22 **“.07 Allowable Uses of the Grant Funds.**

1 A. A grantee that is funded by the GCTF may use the grant funds only for
2 cancer programs consistent with the purposes of P.L. 30-80, for the prevention of
3 cancer (includes screenings), diagnosis, treatment, and services that may be
4 required to access treatment, in accordance with the contract between a grantee
5 and the University.

6 B. A grantee must use the grant funds solely for authorized expenses.
7 Authorized expenses are determined by the terms of the agreement between the
8 grantee and the University.

9 C. While these funds may not be budgeted for indirect costs, a grantee may
10 propose up to fifteen ~~five~~ percent (15%) (~~5%~~) of the amount requested in order to
11 administer the funds and comply with reporting requirements.”

12 **Section 6. Severability.** *If* any provision of this Act or its application to
13 any person or circumstance is found to be invalid or contrary to law, such
14 invalidity shall not affect other provisions or applications of this Act which can be
15 given effect without the invalid provisions or application, and to this end the
16 provisions of this Act are severable.

17 **Section 7. Effective Date.** This Act shall become immediately effective
18 upon enactment.