

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: S2/11/99

## A Bill

SENATE BILL 349

5 By: Senators Scott, Bradford, Argue, Bearden, Bisbee, Canada, Critcher, DeLay, Dowd, Edwards,  
6 Everett, Fitch, Gordon, Gwatney, Harriman, Hill, Hoofman, Hopkins, Hunter, Kennedy, B. Lewellen,  
7 Mahony, D. Malone, Riggs, Roebuck, Ross, K. Smith, B. Walker, Walters, Webb, Wooldridge  
8 By: Representatives Horn, Laverty, Agee, Allison, Ammons, Angel, Bennett, Biggs, Bledsoe, Bond,  
9 Booker, Bookout, Broadway, Buchanan, Bush, Carson, Cleveland, Cook, Courtway, Creekmore, Davis,  
10 Dees, Duggar, Eason, Elliott, Faris, Ferguson, Ferrell, Files, French, Gillespie, Gipson, Glover, Green,  
11 Gullett, Haak, Hale, Harris, Hathorn, Hausam, Hendren, Hickinbotham, House, Hunt, Jacobs, J. Jeffress,  
12 G. Jeffress, Jones, Judy, King, Lancaster, J. Lewellen, Luker, Lynn, Madison, Magnus, P. Malone,  
13 Milligan, Milum, Minton, Morris, Napper, Oglesby, Pappas, Parks, Prater, Rackley, Rodgers, Salmon,  
14 Scrimshire, Seawel, Shoffner, Simmons, Simon, T. Smith, M. Smith, R. Smith, T. Steele, Taylor, Teague,  
15 T. Thomas, L. Thomas, Trammell, Vess, W. Walker, Weaver, Wilkinson, Willis, Womack, Wood, C.  
16 *Johnson, Wilkins, White*  
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### For An Act To Be Entitled

"THE PROSTATE CANCER ACT OF 1999."

### Subtitle

"THE PROSTATE CANCER ACT OF 1999."

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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. This act shall be known and may be cited as "The Prostate  
29 Cancer Act of 1999."  
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31 SECTION 2. (a) The General Assembly finds:

32 (1) Prostate cancer is the most common cancer and the second  
33 leading cause of cancer death among men, causing approximately one hundred  
34 eighty-four thousand five hundred (184,500) new cases and approximately  
35 thirty-nine thousand two hundred (39,200) deaths in the United States  
36 annually. This means that approximately two thousand four hundred (2,400)

1 Arkansas men will develop prostate cancer in any year and approximately five  
2 hundred (500) men will die of it.

3 (2) The elderly population and rural nature of Arkansas combine to  
4 make prostate cancer a greater problem here than in most states. Prostate  
5 cancer is rarely diagnosed in men younger than fifty (50) years of age and the  
6 rate of prostate cancer increases faster with age than does any other  
7 malignancy. The median age of diagnosis is seventy-two (72) years of age.  
8 Men living in rural areas are diagnosed with higher stage prostate cancer than  
9 men living in urban areas.

10 (3) In Arkansas, twenty-seven percent (27%) of African-American  
11 men are over the age of forty (40) and forty-seven percent (47%) live in rural  
12 areas. African-American men are less likely to participate in screening than  
13 men in other subpopulations, despite the fact that they have an increased  
14 risk. Only forty-two percent (42%) of African-American men aged fifty (50) to  
15 seventy (70) years have undergone digital rectal examination in their  
16 lifetime, versus fifty-nine percent (59%) of white men in the same age range.

17 (4) Men who have prostate cancer detected in the earlier stages  
18 have significantly better five-year survival rates, ninety-four percent (94%),  
19 compared to those man who have their cancer diagnosed in advanced states,  
20 thirty percent (30%). Despite this positive statistical finding, wide-spread  
21 prostate cancer screening remains controversial because of the variability of  
22 the growth of the disease, the slow-growing nature of many prostate cancers,  
23 the limited accuracy of screening tests and the significant side effects of  
24 treatment.

25 (5) Advocates of screening hope to save the lives of thousands of  
26 men dying of prostate cancer. Opponents to screening fear that needless  
27 suffering will result from the treatment of men with occult disease who are  
28 not destined to develop clinical symptoms.

29 (6) The high death rates from this disease in African-Americans  
30 suggests a need for special attention to reduce this mortality rate. In  
31 November, 1997, the American Cancer Society, the National Cancer Institute and  
32 the Centers for Disease Control and Prevention sponsored a leadership  
33 conference on prostate cancer. The resulting Prostate Cancer National  
34 Blueprint for Action calls for (1) research in basic and behavioral science,  
35 (2) health promotion and education based on science, (3) education and support  
36 for patients and (4) public policy action. The Blueprint also recommends that

1 primary care practitioners be educated to interact with patients and  
2 participate in discussions that will lead to informed decisions.

3 (7) The State of Arkansas should take the lead in combating  
4 prostate cancer because of our population's characteristics and the high risk  
5 of prostate cancer.

6 (b) It is the intent of the legislature in enacting this act to fund  
7 essential research with respect to the cause, cure, detection and prevention  
8 of prostate cancer, to provide educational services to the men of Arkansas  
9 regarding prostate cancer and to evaluate large population screening for  
10 prostate cancer.

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12 SECTION 3. (a) The Oversight Committee on Prostate Cancer is created.  
13 The committee shall be composed of seven (7) members.

14 (b)The Governor shall appoint the members, subject to confirmation by  
15 the Senate.

16 (c) No more than two (2) of the members shall be appointed from any one  
17 (1) of the four (4) congressional districts of the state:.

18 (1) One (1) practicing urologist from the private medical  
19 communi ty;

20 (2) One (1) practicing radiation therapist from the private  
21 medi cal communi ty;

22 (3) One (1) practicing medical oncologist from the private medical  
23 communi ty;

24 (4) Three (3) faculty members from the Arkansas Cancer Research  
25 Center of the University of Arkansas for Medical Sciences; and

26 (5) One men's health advocate.

27 (d) (1)The members of the Oversight Committee on Prostate Cancer shall  
28 serve for a term of four (4) years, except that the initial members shall draw  
29 lots to result in:

30 (i) Two (2)to serve until January 1, 2002;

31 (ii) Two (2) to serve until January 1, 2003; and

32 (iii) Three (3) to serve until January 1, 2004.

33 (e) The Chancellor of UAMS, with the concurrence of the Oversight  
34 Committee, shall designate one (1) of the committee members as the chairman.

35 (f) In case of vacancy occurring in any of said offices, by death,  
36 resignation or otherwise, the Governor shall, subject to confirmation by the

1 Senate, fill said office by appointment for the unexpired term.

2 (g) A quorum of the board shall consist of four (4) members.

3 (h) Members of the committee shall not be entitled to compensation for  
4 their services but shall be eligible to receive reimbursement for mileage and  
5 reimbursement for expenses in accordance with § 25-16-902.

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7 SECTION 4. (a) The Oversight Committee on Prostate Cancer shall:

8 (1) Financially support research efforts into the cause, cure,  
9 prevention, detection and treatment of prostate cancer;

10 (2) Develop, formulate and distribute information related to prostate  
11 cancer including guidelines for detection, treatment and overall management;

12 (3) Coordinate a large-scale screening program in Arkansas to gather  
13 data regarding the validity of such a program and then expand the screening  
14 program it proves to be valuable;

15 (4) Fund innovative biomedical and behavioral research with emphasis on  
16 complementing existing research efforts rather than duplicating research  
17 already funded by the federal government or other entities; and

18 (5) Fund endowed academic chairs, professorships, symposia and other  
19 special projects related to prostate cancer.

20 (b)(1) All research, public education, professional education and  
21 treatment grants pertaining to prostate cancer shall be awarded on the basis  
22 of the priorities established for the program and the scientific and social  
23 merit of the proposed research as determined by a peer review process governed  
24 by the committee.

25 (2) The peer review process for the selection of research grants  
26 awarded under this program shall be generally modeled on that used by the  
27 National Institutes of Health in its grant making process;

28 (c) Recipients of Arkansas State Cancer Program support may include not-  
29 for-profit organizations, including public and private groups in the community  
30 and higher education.

31 (d) Awardees may be awarded grants for the full or partial cost of  
32 conducting sponsored research grants and contracts.

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34 SECTION 5. All provisions of this act of a general and permanent nature  
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
36 Revision Commission shall incorporate the same in the Code.

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SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

EMERGENCY CLAUSE: It is hereby found and determined by the General Assembly of the State of Arkansas that prostate cancer is a leading cause of death among Arkansans; that there is a lack of funding for prostate cancer research in the state; and that there is a crucial need for a program which will provide screening, diagnostic and treatment services for men at risk of developing prostate cancer and assure continuing research with respect to the causes, cures and prevention of prostate cancer. Therefore an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace health and safety shall be in full force and effect from and after July 1, 1999.

/s/ Scott