

# HOUSE BILL NO. 1666

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JONES (63) (Sponsor), OXFORD, McDONALD, KIRKTON, PHILLIPS, HODGES, COLONA, HUMMEL, BARNES, McGEOGHEGAN, McCANN BEATTY, TAYLOR, CAUTHORN, McCAHERTY, BROWN (85), KELLEY (126), REDMON, BROWN (50), TORPEY, KELLY (24), ANDERS, ATKINS, PACE, SCHIEFFER, HUGHES, WETER, NASHEED, HUBBARD, ENTLICHER, SHUMAKE, FISHER, CARTER, WEBB, WELLS, WIELAND, WRIGHT, ELMER, CASEY AND KRATKY (Co-sponsors).

4719L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 143, RSMo, by adding thereto one new section relating to designation of tax refunds to the lupus revolving research trust fund.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 143, RSMo, is amended by adding thereto one new section, to be known as section 143.1022, to read as follows:

**143.1022. 1. For all taxable years beginning on or after January 1, 2012, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the lupus revolving research trust fund. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount the individual or corporation wishes to contribute. Such amounts shall be clearly designated for the fund.**

**2. There is hereby created in the state treasury the "Lupus Revolving Research Trust Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 treasurer may approve disbursements. The fund shall be a dedicated fund and, upon  
15 appropriation, money in the fund shall be used solely as provided in this section.  
16 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining  
17 in the fund at the end of the biennium shall not revert to the credit of the general revenue  
18 fund. The state treasurer shall invest moneys in the fund in the same manner as other  
19 funds are invested. Any interest and moneys earned on such investments shall be credited  
20 to the fund. All moneys credited to the trust fund shall be considered nonstate funds under  
21 section 15, article IV, Constitution of Missouri. The treasurer shall distribute all moneys  
22 deposited in the fund at times the treasurer deems appropriate to the department of health  
23 and senior services.

24       3. The director of revenue shall deposit at least monthly all contributions  
25 designated by individuals under this section to the state treasurer for deposit to the fund.  
26 The director of revenue shall deposit at least monthly all contributions designated by the  
27 corporations under this section, less an amount sufficient to cover the costs of collection  
28 and handling by the department of revenue, to the state treasury for deposit to the fund.  
29 A contribution designated under this section shall only be deposited in the fund after all  
30 other claims against the refund from which such contribution is to be made have been  
31 satisfied.

32       4. There is hereby established in the department of health and senior services a  
33 lupus research enhancement program, through which the department shall make grants  
34 to state academic medical institutions in this state that currently conduct or have an  
35 interest in conducting basic and clinical, social, translational, technological,  
36 epidemiological, and behavioral research on lupus. All research funds shall be awarded  
37 on the basis of research priorities established for the program and the scientific merit of  
38 the proposed research, as determined by an open, competitive peer review process that  
39 ensures objectivity, consistency, and high quality. All investigators, regardless of  
40 affiliation, shall have equal access and opportunity to compete for program funds. The  
41 peer review process for the selection of research grants awarded under this program shall  
42 be modeled generally on the process used by the National Institutes of Health in its grant-  
43 making process. Any institution awarded grants shall be awarded such grants for the full  
44 cost, both direct and indirect, of conducting the sponsored research consistent with federal  
45 guidelines governing all federal research grants and contracts. All intellectual property  
46 assets developed under the program shall be treated in accordance with state and federal  
47 law. In establishing its research priorities, the department of health and senior services  
48 shall consult with the lupus research advisory council and consider a broad range of cross-  
49 disciplinary lupus research, including but not limited to the following:

- 50           **(1) Research into the cause, cure and diagnosis of lupus;**  
51           **(2) Translational and technological research, including research to develop**  
52 **improved diagnostic tests;**  
53           **(3) Research regarding the cultural, economic, and legal barriers to accessing the**  
54 **health care system for early detection and treatment of lupus; and**  
55           **(4) Research examining the health disparities seen in the incidence and prevalence**  
56 **of lupus.**

57           **5. (1) There is hereby established within the department of health and senior**  
58 **services the lupus research advisory council, which shall consist of seven members**  
59 **appointed by the director of the department of health and senior services from employees**  
60 **of the department, four of which shall be individuals representing a broad range of**  
61 **expertise and experience in issues relating to lupus. Appointees shall include at least one**  
62 **individual representing the Lupus Foundation of America, Inc., at least two scientists or**  
63 **clinicians with experience with lupus and who participate in various fields of scientific**  
64 **endeavor, including but not limited to the fields of biomedical research, social,**  
65 **translational, behavioral and epidemiological research, and public health, and at least one**  
66 **ex officio member from the department. Any individual or organization may also submit**  
67 **nominations to the director for appointment to the council. The director shall appoint a**  
68 **chair from among the members of the council. Each member shall serve a term of two**  
69 **years. No member shall serve more than two terms. Members shall serve without**  
70 **compensation, but may be reimbursed for actual and necessary expenses incurred in the**  
71 **performance of their duties. The council shall meet at the call of the chair.**

72           **(2) The council shall have the following duties:**

73           **(a) To review submitted applications for grants from the lupus revolving research**  
74 **trust fund and make recommendations to the director, who shall at the director's discretion**  
75 **grant approval of applications for grants from the applications recommended by the**  
76 **council. No council member submitting an application for a grant shall review or make**  
77 **any recommendation on such application;**

78           **(b) To consult with the National Institutes of Health, Centers for Disease Control**  
79 **and Prevention, the Agency for Healthcare Research and Quality, the Institute of Medicine**  
80 **of the National Academies, lupus advocacy groups such as the Lupus Foundation of**  
81 **America, Inc., and other organizations or entities that may be involved in lupus research.**  
82 **Such consultation shall be to solicit both information regarding current lupus research**  
83 **projects being conducted and recommendations for future research projects;**

84           **(c) To submit on or before December thirty-first of each year a report to the**  
85 **general assembly on grants made, grants in progress, program accomplishments, and**

86 future program directions. The first report submitted shall include an evaluation and  
87 recommendations concerning the desirability and feasibility of requiring for-profit  
88 grantees to compensate the state in the event that a grant results in the development of a  
89 profit-making product. Such evaluation shall include at least the costs and benefits of  
90 requiring a for-profit grantee to repay the grant, to provide the product at cost to state  
91 programs serving low-income lupus patients, and to pay the state a percentage of the  
92 royalties derived from the product. Each report shall include at least the following  
93 information:

94 a. The number and dollar amounts of research grants, including the amount  
95 allocated to indirect costs;

96 b. The subject of research grants;

97 c. A summary of research findings, including discussion of promising new areas;

98 d. The institutions and campuses receiving grant awards.

99 6. Under section 23.253 of the Missouri sunset act:

100 (1) The provisions of the new program authorized under this section shall  
101 automatically sunset on December thirty-first six years after the effective date of this  
102 section unless reauthorized by an act of the general assembly; and

103 (2) If such program is reauthorized, the program authorized under this section  
104 shall automatically sunset on December thirty-first twelve years after the effective date of  
105 the reauthorization of this section; and

106 (3) This section shall terminate on September first of the calendar year immediately  
107 following the calendar year in which the program authorized under this section is sunset.

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