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SENATE DRS75225-MG-85 (03/12)

Short Title: Breast Density Notification & Awareness. **(Public)**

(Public)

Sponsors: Senators Robinson, Wade, and Barringer (Primary Sponsors).

Referred to:

Whereas, the National Cancer Institute estimates that one in eight women will develop breast cancer in their lifetime; and

Whereas, women with dense breast tissue (DBT) have a four to six times greater risk of developing breast cancer than other women of the same age and health; and

Whereas, 40% of women who undergo a mammography examination have DBT; and

Whereas, research has shown that up to 75% of cancer is undetected in women with DBT by mammography examination alone; and

Whereas, according to the National Cancer Institute, the presence of DBT is the main reason a mammography examination fails to detect cancer; and

Whereas, a May 2010 national survey by Harris Interactive found that 95% of women do not know if they have dense breast tissue; and

Whereas, although DBT is recorded as part of a mammography examination, it is estimated that physicians have spoken to less than one in ten women, or 9%, about DBT; and

Whereas, requiring information about a woman's DBT will lead to more women surviving breast cancer due to early detection when the cancer is most treatable and a woman has the best prognosis; Now, therefore,

24 The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Chapter 130A of the General Statutes is amended by adding a new section to read:

§ 130A-215.5. Breast density notification and awareness.

28 (a) Each health care facility that performs mammography examinations shall, if a
29 patient is categorized by the facility as having heterogeneously dense breasts or extremely
30 dense breasts, based on the Breast Imaging Reporting and Data System established by the
31 American College of Radiology, include in the summary of the written report of the
32 mammography examination required by the federal Mammography Quality Standards Act to be
33 sent to the patient in terms easily understood by a lay person, the following notice: "Your
34 mammogram indicates that you have dense breast tissue. Dense breast tissue is a relatively
35 common condition. Although common, both cancerous and noncancerous abnormalities may be
36 more difficult to distinguish against a background of dense breast tissue. Dense breast tissue



1 may be associated with an increased risk of breast cancer and you may benefit from
2 supplemental screening tests as suggested by your physician. This information about the results
3 of your mammogram is being provided to you to raise your awareness and to inform your
4 conversations with your physician. Together, you can decide which screening options are right
5 for you. A report of your results was sent to your physician."

6 (b) This section shall not be construed to do any of the following:

- 7 (1) Create or impose liability on a health care facility for failing to comply with
8 the requirements of this section prior to October 1, 2013.
9 (2) Create a duty of care or other legal obligation beyond the duty to provide
10 notice as set forth in this section.
11 (3) Require a notice that is inconsistent with 42 U.S.C. § 263b(f)(1)(G)(ii) of the
12 federal Mammography Quality Standards Act, as from time to time
13 amended, or any regulations adopted pursuant to that act."

14 **SECTION 2.** G.S. 130A-211 reads as rewritten:

15 **"§ 130A-211. Immunity of persons who report cancer.**

16 A person who makes a report pursuant to G.S. 130A-209 or 130A-210 to the central cancer
17 registry shall be immune from any civil or criminal liability that might otherwise be incurred or
18 imposed."

19 **SECTION 3.** This act becomes effective October 1, 2013.