

Introduced by Senator Mitchell

February 8, 2018

An act to amend Section 123222.3 of the Health and Safety Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1034, as introduced, Mitchell. Health care: mammograms.

Existing law requires, until January 1, 2019, a health facility at which a mammography examination is performed to include a prescribed notice on breast density in the summary of the written report that is sent to a patient, if specified circumstances apply.

This bill would extend the operation of that provision indefinitely. The bill would also make technical and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 123222.3 of the Health and Safety Code
2 is amended to read:
3 123222.3. (a) A health facility at which a mammography
4 examination is performed shall, if a patient is categorized by the
5 facility as having heterogeneously dense breasts or extremely dense
6 breasts, based on the Breast Imaging Reporting and Data System
7 established by the American College of Radiology, include in the
8 summary of the written report that is sent to the patient, as required
9 by federal law, the following notice:
10

1 Your mammogram shows that your breast tissue is dense. Dense
2 breast tissue is common and is not abnormal. However, dense
3 breast tissue can make it harder to evaluate the results of your
4 mammogram and may also be associated with an increased risk
5 of breast cancer.

6 This information about the results of your mammogram is given
7 to you to raise your awareness and to inform your conversations
8 with your doctor. Together, you can decide which screening options
9 are right for you. A report of your results was sent to your
10 physician.

11
12 ~~(b) This section shall become operative on April 1, 2013.~~

13 ~~(e) (1) Nothing in this section shall be construed to create or~~
14 ~~impose liability on a health care facility for failing to comply with~~
15 ~~the requirements of this section prior to April 1, 2013.~~

16 ~~(2)~~
17 ~~(b) (1) Nothing in this section shall be deemed to create a duty~~
18 ~~of care or other legal obligation beyond the duty to provide notice~~
19 ~~as set forth in this section.~~

20 ~~(3)~~
21 ~~(2) Nothing in this section shall be deemed to require a notice~~
22 ~~that is inconsistent with the provisions of the federal~~
23 ~~Mammography Quality Standards Act (42 U.S.C. Sec. 263b) or~~
24 ~~any regulations promulgated pursuant to that act.~~

25 ~~(d) This section shall remain in effect only until January 1, 2019,~~
26 ~~and as of that date is repealed, unless a later enacted statute, that~~
27 ~~is enacted before January 1, 2019, deletes or extends that date.~~