

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

S

1

SENATE BILL 519

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

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

Referred to: Health Care.

April 1, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT REQUIRING HEALTH CARE FACILITIES THAT PERFORM  
3 MAMMOGRAPHY EXAMINATIONS TO NOTIFY EACH PATIENT WITH DENSE  
4 BREAST TISSUE OF THE SIGNIFICANCE OF BREAST DENSITY LEVELS IN THE  
5 SUMMARY OF THE WRITTEN MAMMOGRAPHY EXAMINATION REPORT  
6 PROVIDED TO THE PATIENT.

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

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

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

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

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

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

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

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

24 The General Assembly of North Carolina enacts:

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

27 **"§ 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.