

SENATE BILL 334

J3, J1

3lr1610
CF 3lr0844

By: **Senators Jones–Rodwell, Benson, Brinkley, Conway, Currie, Ferguson, Forehand, Frosh, Garagiola, Jacobs, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Muse, Peters, Pinsky, Pugh, Raskin, Reilly, Robey, Rosapepe, Stone, and Zirkin**

Introduced and read first time: January 23, 2013

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Mammograms – Dense Breast Tissue – Notification**

3 FOR the purpose of requiring certain centers that produce, develop, or interpret
4 mammograms to provide a certain notice to certain patients under certain
5 circumstances; altering a certain definition; defining a certain term; and
6 generally relating to mammograms, dense breast tissue, and notification.

7 BY repealing and reenacting, with amendments,
8 Article – Health – General
9 Section 20–115
10 Annotated Code of Maryland
11 (2009 Replacement Volume and 2012 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Health – General**

15 20–115.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) (i) “Center” means any facility that produces, develops, or
18 interprets:

19 1. Screening **MAMMOGRAMS; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2. Diagnostic mammograms[; or

2 3. Both].

3 (ii) "Center" includes a hospital, outpatient department, medical
4 laboratory, clinic, radiology practice, office of a health care provider, or other testing
5 facility conducting mammography testing.

6 (iii) "Center" does not include a facility of the federal
7 Department of Veterans Affairs.

8 (3) "DENSE BREAST TISSUE" MEANS HETEROGENEOUSLY DENSE
9 OR EXTREMELY DENSE TISSUE AS DEFINED IN NATIONALLY RECOGNIZED
10 GUIDELINES OR SYSTEMS FOR BREAST IMAGING REPORTING OF MAMMOGRAPHY
11 SCREENING, INCLUDING THE BREAST IMAGING REPORTING AND DATA SYSTEM
12 OF THE AMERICAN COLLEGE OF RADIOLOGY.

13 [(3)] (4) "Mammogram" means a radiographic image produced
14 through mammography.

15 [(4)] (5) "Mammography testing" means the imaging of the breast
16 with ionizing radiation.

17 (b) On or after July 1, 1992, a person may not perform mammography
18 testing unless:

19 (1) The individual performing mammography testing is qualified
20 under Title 14 of the Health Occupations Article; and

21 (2) The center where the mammography testing is performed:

22 (i) Is accredited or has applied for accreditation under the
23 American College of Radiology Screening Mammography Accreditation Program; and

24 (ii) Has obtained a certificate of approval from the federal Food
25 and Drug Administration as specified in the federal Mammography Quality Standards
26 Act of 1992.

27 (C) IF A MAMMOGRAM OF A PATIENT DEMONSTRATES DENSE BREAST
28 TISSUE, THE CENTER WHERE THE MAMMOGRAPHY TESTING WAS PERFORMED
29 SHALL PROVIDE WRITTEN NOTIFICATION TO THE PATIENT THAT INCLUDES THE
30 FOLLOWING STATEMENT: "YOUR MAMMOGRAM SHOWS THAT YOUR BREAST
31 TISSUE IS DENSE. DENSE BREAST TISSUE IS VERY COMMON AND IS NOT
32 ABNORMAL. HOWEVER, DENSE BREAST TISSUE CAN MAKE IT HARDER TO FIND

1 CANCER ON A MAMMOGRAM AND MAY ALSO BE ASSOCIATED WITH AN
2 INCREASED RISK OF BREAST CANCER.

3 THIS INFORMATION ABOUT THE RESULT OF YOUR MAMMOGRAM IS GIVEN
4 TO YOU TO RAISE YOUR AWARENESS. USE THIS INFORMATION TO TALK TO YOUR
5 DOCTOR ABOUT YOUR OWN RISKS FOR BREAST CANCER. AT THAT TIME, ASK
6 YOUR DOCTOR IF MORE SCREENING TESTS MIGHT BE USEFUL, BASED ON YOUR
7 RISK. A REPORT OF YOUR RESULTS WAS SENT TO YOUR DOCTOR.”.

8 [(c)] (D) Notwithstanding any other provision of this title, the penalty for a
9 violation of SUBSECTION (B) OF this section may not exceed \$1,000.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2013.