

SENATE No. 2097

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

relative to breast density notification.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws is hereby amended by inserting after
2 section 5Q the following section:-

3 Section 5Q ½. (a) On completion of a mammogram, a mammography facility licensed by
4 the department of public health shall provide to the patient the following notice:

5 “If your mammogram demonstrates that you have dense breast tissue, which could hide
6 abnormalities, and you have other risk factors for breast cancer that have been identified, you
7 might benefit from supplemental screening tests that may be suggested by your ordering
8 physician.

9 Dense breast tissue, in and of itself, is a relatively common condition. Therefore, this
10 information is not provided to cause undue concern, but rather to raise your awareness and to
11 promote discussion with your physician regarding the presence of other risk factors, in addition
12 to dense breast tissue.

13 A report of your mammography results will be sent to you and your physician. You
14 should contact your physician if you have any questions or concerns regarding this report. You
15 may also find more information about breast density at the website of the American College of
16 Radiology, www.acr.org.”

17 (b) If the department finds significant differences between the content of the notice that is
18 required to be provided pursuant to this section and current medical evidence on breast density or
19 the notice is inconsistent with the provisions of the federal Mammography Quality Standards Act
20 (42 U.S.C § 263b) or any regulations promulgated pursuant to this act, the department may adopt
21 regulations that change the contents of this notice.

22 (c) Notwithstanding any special or general law to the contrary, this section does not
23 create a cause of action or create a standard of care, obligation, or duty that provides a basis for a
24 cause of action.

25 (d) The information required by this section or evidence that a person violated this
26 section is not admissible in a civil, judicial, or administrative proceeding.