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ASSEMBLY BILL NO. 147—ASSEMBLYMEN OHRENSCHALL, PIERCE, KIRKPATRICK, DONDERO LOOP, KIRNER; AIZLEY, ELLIOT ANDERSON, BENITEZ-THOMPSON, BOBZIEN, BUSTAMANTE ADAMS, CARLTON, CARRILLO, COHEN, DALY, DIAZ, FIORE, FRIERSON, HAMBRICK, HEALEY, HICKEY, HORNE, MARTIN, MUNFORD, NEAL, SPIEGEL AND SWANK

FEBRUARY 18, 2013

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JOINT SPONSORS: SENATORS SEGERBLOM, DENIS, MANENDO, JONES, SPEARMAN; FORD, KIHUEN AND WOODHOUSE

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Referred to Committee on Health and Human Services

SUMMARY—Requires the notification to certain patients regarding supplementary mammographic screening tests. (BDR 40-172)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to mammography; requiring a notice regarding supplementary mammographic screening tests to be included in a report provided to a patient if the patient is categorized as having dense breasts; authorizing an administrative fine for failure to provide such notice; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under federal law, a facility that performs a mammogram must provide directly  
2 to each patient a summary report describing the results of the mammogram written  
3 in terms that are easily understood by a lay person. (42 U.S.C. § 263b) Existing  
4 state law imposes certain requirements on the operation of a machine used to  
5 perform mammography and further provides for the imposition of an administrative  
6 fine for operation in violation of those requirements. (NRS 457.182-457.187) This  
7 bill expresses the sense of the Legislature as to the importance of the awareness of a  
8 person’s breast density. This bill also requires the owner, lessee or other person  
9 responsible for the radiation machine for mammography that was used to perform a  
10 mammogram to ensure that the summary report required by federal law includes a  
11 notice stating that the patient may benefit from supplementary screening tests if the



\* A B 1 4 7 \*

12 patient is categorized as having heterogeneously dense breasts or extremely dense  
13 breasts. In addition, this bill authorizes the Health Division of the Department of  
14 Health and Human Services to impose an administrative fine for failure to provide  
15 such notice. (NRS 457.187)

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1 WHEREAS, Forty percent of women have dense breast tissue;  
2 and

3 WHEREAS, Breast density is one of the strongest predictors of  
4 the failure of mammography to detect cancer; and

5 WHEREAS, Breast density is a greater risk factor for breast  
6 cancer than having two first-degree relatives with breast cancer; and

7 WHEREAS, The vast majority of women are unaware of the  
8 density of their breasts; and

9 WHEREAS, Less than 1 in 10 women with dense breast tissue  
10 learn about their dense breast tissue from their doctors; and

11 WHEREAS, Several states, including Connecticut, Texas,  
12 Virginia, New York and California, have enacted legislation relating  
13 to notification of breast density; now, therefore,

14

15 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
16 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

17

18 **Section 1.** Chapter 457 of NRS is hereby amended by adding  
19 thereto a new section to read as follows:

20 *If a patient undergoes mammography and, on the basis of that*  
21 *mammography, the patient is categorized as having*  
22 *heterogeneously dense breasts or extremely dense breasts based*  
23 *on the Breast Imaging Reporting and Database System established*  
24 *by the American College of Radiology, or its successor*  
25 *organization, the owner, lessee or other person responsible for the*  
26 *radiation machine for mammography that was used to perform*  
27 *the mammography must ensure that each report provided to the*  
28 *patient pursuant to 42 U.S.C. § 263b(f)(1)(G)(ii)(IV) includes the*  
29 *following notice:*

30

31 *Because your mammogram demonstrates that you have*  
32 *dense breast tissue, which could hide small abnormalities,*  
33 *you might benefit from supplementary screening tests,*  
34 *depending on your individual risk factors. A report of your*  
35 *mammography results, which contains information about*  
36 *your breast density, has been sent to your physician's office.*  
37 *You should contact your physician if you have any*  
38 *questions or concerns about this notice.*



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1       **Sec. 2.** NRS 457.182 is hereby amended to read as follows:  
2       457.182 As used in NRS 457.182 to 457.187, inclusive, *and*  
3 *section 1 of this act*, unless the context otherwise requires:

4       1. "Mammography" means radiography of the breast to enable  
5 a physician to determine the presence, size, location and extent of  
6 cancerous or potentially cancerous tissue in the breast.

7       2. "Radiation" means radiant energy which exceeds normal  
8 background levels and which is used in radiography.

9       3. "Radiography" means the making of a film or other record  
10 of an internal structure of the body by passing X rays or gamma rays  
11 through the body to act on film or other receptor of images.

12       **Sec. 3.** NRS 457.187 is hereby amended to read as follows:

13       457.187 1. The Health Division may impose an  
14 administrative fine, not to exceed \$5,000, against the owner, lessee  
15 or other person responsible for a radiation machine for  
16 mammography for a violation of the provisions of NRS 457.182 to  
17 457.186, inclusive, *and section 1 of this act*, or for a violation of a  
18 regulation adopted pursuant thereto.

19       2. Any money collected as a result of an administrative fine  
20 imposed pursuant to subsection 1 must be deposited in the State  
21 General Fund.

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