

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

875B0261

HOUSE BILL NO. 1124

Introduced by: Representatives Howard, Bartels, Beal, Borglum, Brunner, Chaffee, Chase, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Greenfield (Lana), Gross, Hansen, Haugaard, Healy, Hunhoff, Johns, Johnson (Chris), Karr, Koth, Lake, Latterell, Lesmeister, Livermont, Mills, Milstead, Mulally, Otten (Herman), Perry, Peterson (Kent), Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Schoenfish, Smith (Jamie), St John, Steele, Sullivan, Wiese, Willadsen, and York and Senators Soholt, Blare, DiSanto, Greenfield (Brock), Heinert, Jensen (Phil), Kennedy, Kolbeck, Langer, Nelson, Nesiba, Otten (Ernie), Rusch, Russell, Solano, Stalzer, Steinhauer, Sutton, White, Wiik, Wismer, and Youngberg

1 FOR AN ACT ENTITLED, An Act to require health care facilities that perform mammography
2 to inform mammography patients on breast density.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 34-12 be amended by adding a NEW SECTION to read:

5 Any health care facility as defined in § 34-12-1.1 that performs mammography services shall
6 include information on breast density in the mammogram report that is required to be sent to
7 each mammography patient under the Federal Mammography Quality Standards Act (42 U.S.C.
8 Section 263b), as amended to January 1, 2019. The information shall identify the patient's
9 individual breast density classification as determined by the interpreting physician based on the
10 breast imaging reporting and data system standards established by the American College of
11 Radiology. If the interpreting physician determines that a patient has heterogeneously or



1 extremely dense breasts, the mammogram report shall include the following notice:

2 "Your mammogram indicates that you have dense breast tissue. Dense breast tissue is
3 common and is not abnormal. It is found in more than forty percent of women. However, dense
4 breast tissue may make it harder to detect cancer on a mammogram and may also be associated
5 with an increased risk of breast cancer. This information is given to you and your health care
6 provider to raise your awareness of breast density. We encourage you to talk with your health
7 care provider about this and other breast cancer risk factors. Together, you can decide if
8 additional breast imaging would be beneficial based on your mammogram results, risk factors,
9 and physical examination."

10 Notwithstanding any other provision of law, this section does not create a cause of action
11 or create a standard of care, obligation, or duty beyond the duty to provide notice as set forth in
12 this section.

13 This section does not require a notice that is inconsistent with the provisions of the Federal
14 Mammography Quality Standards Act or any regulations adopted under the act.