

114TH CONGRESS  
1ST SESSION

# S. 370

To require breast density reporting to physicians and patients by facilities that perform mammograms, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2015

Mrs. FEINSTEIN (for herself, Ms. AYOTTE, Mrs. GILLIBRAND, Mrs. BOXER, Ms. HEITKAMP, Ms. BALDWIN, Mr. BROWN, Ms. MIKULSKI, Ms. STABENOW, Mrs. CAPITO, Mrs. SHAHEEN, Mr. CASEY, Ms. HIRONO, Mrs. MCCASKILL, Ms. WARREN, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To require breast density reporting to physicians and patients by facilities that perform mammograms, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Breast Density and  
5 Mammography Reporting Act of 2015”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

1           (1) The National Cancer Institute estimates  
2           that 1 in 8 women in the United States will develop  
3           a cancer of the breast in their lifetime.

4           (2) The Centers for Disease Control and Pre-  
5           vention reports that breast cancer is the number one  
6           cause of cancer death among Hispanic women, and  
7           the number two cause of cancer death among White,  
8           Black, Asian/Pacific Islander, and American Indian/  
9           Alaska Native women.

10          (3) Individuals receiving mammograms are not  
11          currently required to receive medical summaries or  
12          reports from their mammogram providers which ad-  
13          dress breast density or its correlation to masking the  
14          presence of breast cancer on mammograms, despite  
15          the fact that the radiologist interpreting the mam-  
16          mogram makes an assessment of the patient's breast  
17          density.

18 **SEC. 3. BREAST DENSITY REPORTING BY FACILITIES THAT**  
19                   **PERFORM MAMMOGRAMS TO PHYSICIANS**  
20                   **AND PATIENTS.**

21          (a) IN GENERAL.—Clause (ii) of section 354(f)(1)(G)  
22 of the Public Health Service Act (42 U.S.C.  
23 263b(f)(1)(G)) is amended—

24           (1) in each of subclauses (III) and (IV), by  
25           striking “and” at the end; and

1 (2) by adding at the end the following:

2 “(V) the report under subclause (I)  
3 and the summary under subclause (IV)  
4 shall include information about breast den-  
5 sity, as specified by the Secretary based  
6 upon—

7 “(aa) current scientific knowl-  
8 edge;

9 “(bb) technological advances; or

10 “(cc) other updated medical pro-  
11 cedures where the use of such screen-  
12 ing developments is consistent with  
13 the practice of medical experts in the  
14 field;

15 “(VI) the summary under subclause  
16 (IV) shall convey the effect of breast den-  
17 sity in masking the presence of breast can-  
18 cer on mammography, using the provider’s  
19 qualitative assessment of the patient’s  
20 breast density; and

21 “(VII) the summary under subclause  
22 (IV) shall include language, developed by  
23 the Secretary in consultation with leading  
24 experts and leading cancer organizations,  
25 communicating that individuals with dense

1                   breasts should talk with their physicians  
2                   about—

3                                 “(aa) any questions or concerns  
4                                 regarding the summary; and

5                                 “(bb) whether the individuals  
6                                 would benefit from additional tests.”.

7           (b) **RULE OF CONSTRUCTION.**—This section and the  
8 amendments made by this section shall not be construed  
9 to alter in any way Federal requirements relating to finan-  
10 cial obligations of any person in connection with health  
11 insurance.

12 **SEC. 4. ENHANCING RESEARCH RELATING TO BREAST DEN-**  
13 **SITY.**

14           Title III of the Public Health Service Act is amended  
15 by inserting after section 354 (42 U.S.C. 263b) the fol-  
16 lowing:

17 **“SEC. 354A. ENHANCING RESEARCH RELATING TO BREAST**  
18 **DENSITY.**

19           “The Secretary shall expand and intensify the pro-  
20 grams and activities of the Department of Health and  
21 Human Services for conducting or supporting—

22                                 “(1) applied research on breast density;

23                                 “(2) research on the cost-effectiveness, effec-  
24 tiveness, and feasibility of reimbursement models for  
25 supplemental imaging relating to breast density; and

1           “(3) research in support of clinical guidelines  
2           and best practices concerning use of mammograms  
3           and supplemental screening for women with dense  
4           breasts.”.

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