

CHAPTER 48
FORMERLY
SENATE BILL NO. 37
AS AMENDED BY
SENATE AMENDMENT NO. 3

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO MAMMOGRAMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 16 of the Delaware Code as follows:

“CHAPTER 32A. BREAST DENSITY NOTIFICATION ACT

§3201A. Provision of information relating to mammography reports.

(a) On completion of a mammogram, a mammography facility certified by the United States Food and Drug Administration shall provide to each patient a notice containing the results of the mammogram, including information about the patient’s breast density based on the Breast Imaging Reporting and Data System established by the American College of Radiology. The form of the notice shall be based on the guidance established by the American College of Radiology. The Delaware Radiological Society shall work with mammogram facilities in this State regarding the content of the notice and shall provide mammogram facilities with any updated language based on guidance from the American College of Radiology. The notice shall include a statement that a report of the results has been sent to the patient’s physician, and the patient should discuss the report, including the findings regarding breast density, with her physician.

(b) Notwithstanding any other law, this section does not create a cause of action or create a standard of care, obligation, or duty that provides a basis for a cause of action.

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

(d) This section may not be construed to require a notice regarding breast density to be sent to a patient that is inconsistent with the provisions of the Federal Mammography Quality Standards Act of 1992, or regulations adopted under the Act.

(e) This notice may be sent with the patient’s mammogram results or as a separate communication to the patient.”

Section 2. The Provisions of this Act shall take effect 180 days following enactment.

Approved June 24, 2015