# STATE OF NEW YORK

2917--A

2023-2024 Regular Sessions

# IN SENATE

January 25, 2023

Introduced by Sens. CLEARE, ASHBY, COMRIE, FERNANDEZ, HOYLMAN-SIGAL, PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to allowing a notice of dense breast tissue to be considered a determination of medical necessity for coverage of a breast ultrasound

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Section 2404-c of the public health law, as added by chapter 265 of the laws of 2012, is amended to read as follows:

§ 2404-c. Breast cancer; duty of providers of mammography services to notify and inform. **1.** Every provider of mammography services shall, if a patient's mammogram demonstrates dense breast tissue, provide notification to such patient that shall include, but not be limited to, the following information, in any summary of the mammography report sent, pursuant to the federal mammography quality standards act, to the patient:

Your mammogram shows that your breast tissue is dense. Dense breast tissue is very common and is not abnormal. However, dense breast tissue can make it harder to find cancer on a mammogram and may also be associated with an increased risk of breast cancer.

This information about the result of your mammogram is given to you to raise your awareness. Use this information to talk to your doctor about your own risks for breast cancer. At that time, ask your doctor if more screening tests might be useful, based on your risk. A report of your results was sent to your physician.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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For the purposes of this section dense breast tissue shall mean heterogeneously dense or extremely dense tissue as defined in nationally recognized guidelines or systems for breast imaging reporting of mammography screening, including, but not limited to, the breast imaging reporting and data system of the American College of Radiology, and any equivalent new terms, as such guidelines or systems are updated.

**2. Where a provider of mammography services has provided notice to a patient under subdivision one of this section, the notice shall be considered a determination of medical necessity for purposes of coverage of a breast ultrasound.**

§ 2. This act shall take effect immediately.