A bill to be entitled
An act relating to informed consent for mammograms;
creating s. 381.934, F.S.; requiring certain
facilities to provide each patient with an informed
consent form before performing a mammogram; requiring
that the form be signed by patients; requiring the
facility to notify patients of the form at a specified
time; requiring the facility to post the form on its
website; providing requirements for the form;
requiring the facility to include a certain statement
on the summary of a patient's mammography report;
requiring the Department of Health to develop the
form; providing an effective date.

WHEREAS, breast cancer is the second leading cause of
cancer-related deaths among women in the United States, and
WHEREAS, when detected and treated early, women diagnosed
with breast cancer have been shown to have a 93 percent or
higher survival rate in the first 5 years after diagnosis, and
WHEREAS, early detection and best practices for detecting
breast cancer are key to increasing the chances for successful
treatment, and
WHEREAS, each woman's breast tissue is unique and may
appear similar to cancerous tissue and as normal breast tissue,
WHEREAS, mammograms are the best primary tool for breast cancer screening, and
WHEREAS, the Florida Cancer Control and Research Advisory Council within the H. Lee Moffitt Cancer Center and Research Institute, Inc., created the 2020-2025 Florida Cancer Plan, which includes a goal to "reduce breast cancer mortality through early detection of breast cancer," and
WHEREAS, the Legislature finds that the early detection of breast cancer and establishing best practices for breast cancer screenings may reduce breast cancer mortality, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 381.934, Florida Statutes, is created to read:

381.934 Informed consent for mammograms.—
(1)(a) Before performing a mammogram, a facility, as defined in 21 C.F.R. s. 900.2(q), as that definition exists on the effective date of this act, shall provide each patient with an informed consent form that must be signed by the patient.
(b) The facility must notify a patient of the informed consent form at the time of scheduling the patient's appointment. The facility shall also post the form on its website in a location readily accessible to patients and designated for scheduling appointments.
(2) The informed consent form must include, but need not be limited to, all of the following:

(a) A statement explaining that in 2011, the United States Food and Drug Administration approved three-dimensional (3-D) advanced mammography devices that provide informative images of breast tissue and may be helpful in evaluating dense breast tissue.

(b) A statement explaining that, compared to two-dimensional (2-D) digital mammography, studies have shown that 3-D digital mammography has improved breast cancer detection rates and has reduced the number of patients who may be required to return to a facility for unnecessary followup tests.

(c) Information regarding the differences between a standard 2-D digital mammogram and a 3-D digital mammogram.

(d) A statement indicating whether a patient will be receiving a 2-D digital mammogram or a 3-D digital mammogram.

(e) A statement emphasizing the importance of receiving an annual mammogram, regardless of whether the patient receives a 2-D digital mammogram or a 3-D digital mammogram.

(f) A statement recommending a patient to follow the advice of his or her health care provider.

(3) A facility must also include a statement on the summary of a patient's mammography report sent in accordance with 21 C.F.R. s. 900.12(c) which indicates whether or not the patient's mammogram was interpreted by a fellowship-trained
(4) The Department of Health shall develop the patient informed consent form required under this section.

Section 2. This act shall take effect July 1, 2022.