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
the form to be signed by the patient; requiring
facilities to notify patients of the form at a
specified time; requiring facilities to post the form
on their websites; providing requirements for the
form; 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 the disease is 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 keys to increasing the chances for successful
treatment, and
WHEREAS, each woman’s breast tissue is unique and may
appear similar to both cancerous tissue as well as normal breast
tissue, and
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,
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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.
   (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 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
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(c) Information regarding the differences between a standard two-dimensional (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 recommending that a patient follow the advice of his or her primary care physician.

(3) 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.