

BILL ANALYSIS

S.B. 1084
By: Campbell
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The federal Mammography Quality Standards Act (MQSA) requires mammography facilities to provide breast density information to patients and their health care providers. The bill sponsor has informed the committee that the FDA issued a final rule to amend the MQSA on March 10, 2023, with which facilities had to comply by September 10, 2024, and that Texas already has the existing "Henda's Law" language in statute, a law that requires mammography facilities to inform patients with dense breast tissue about the potential risks of breast cancer and the need for supplemental screening. S.B. 1084 seeks to update the state Henda's Law statute and conform the disclosure with the new federal requirements for standardized language relating to dense breast tissue and associated increased risk of breast cancer.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1084 amends the Health and Safety Code to revise the requirement for a mammography facility certified by the FDA or by a certification agency approved by the FDA to provide to a patient a notice with information on supplemental breast cancer screenings. The bill requires the facility to be aware of and comply with all applicable federal and state "dense breast" reporting requirements and on completion of a mammogram, to provide to a patient based on the patient's reported breast density notice that includes one of the following:

- for a mammography report identifying the patient's breast density as "The breasts are almost entirely fatty" or "There are scattered areas of fibroglandular density," the statement: "Breast tissue can be either dense or not dense. Dense tissue makes it harder to find breast cancer on a mammogram and also raises the risk of developing breast cancer. Your breast tissue is not dense. Talk to your healthcare provider about breast density, risks for breast cancer, and your individual situation."; or
- for a mammography report identifying the patient's breast density as "The breasts are heterogeneously dense, which may obscure small masses" or "The breasts are extremely dense, which lowers the sensitivity of mammography," the statement: "Breast tissue can be either dense or not dense. Dense tissue makes it harder to find breast cancer on a mammogram and also raises the risk of developing breast cancer. Your breast tissue is dense. In some people with dense tissue, other imaging tests in addition to a mammogram may help find cancers. Talk to your health care provider about breast density, risks for breast cancer, and your individual situation."

The bill requires the facility to provide to the patient notice that includes the statement: "A report of your mammography results will be sent to you and your physician. You should contact your physician if you have any questions or concerns regarding this report."

S.B. 1084 removes the following statements from the required notice:

- "If your mammogram demonstrates that you have dense breast tissue, which could hide abnormalities, and you have other risk factors for breast cancer that have been identified, you might benefit from supplemental screening tests that may be suggested by your ordering physician."; and
- "Dense breast tissue, in and of itself, is a relatively common condition. Therefore, this information is not provided to cause undue concern, but rather to raise your awareness and to promote discussion with your physician regarding the presence of other risk factors, in addition to dense breast tissue."

EFFECTIVE DATE

September 1, 2025.