

26:2-168

**LEGISLATIVE HISTORY CHECKLIST**  
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(Breast cancer--informational booklet)

**NJSA:** 26:2-168

**LAWS OF:** 1993 **CHAPTER:** 225

**BILL NO:** S363

**SPONSOR(S)** Bennett

**DATE INTRODUCED:** February 13, 1992

**COMMITTEE:** **ASSEMBLY:** Health & Human Services  
**SENATE:** Health

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
Second reprint enacted denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** May 13, 1993  
**SENATE:** November 9, 1992

**DATE OF APPROVAL:** August 6, 1993

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** Yes

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

[SECOND REPRINT]

SENATE, No. 363

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1992

By Senators BENNETT, PALAIA and Matheussen

1 AN ACT concerning the prevention, detection and treatment of  
2 breast cancer <sup>1</sup>[and] <sup>1</sup>supplementing <sup>2</sup>[Titles] Title<sup>2</sup> 26 <sup>2</sup>[and  
3 45]<sup>2</sup> of the Revised Statutes <sup>1</sup>and making an appropriation  
4 therefor<sup>1</sup>.

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6 BE IT ENACTED by the Senate and General Assembly of the  
7 State of New Jersey:

8 1. The Department of Health, in consultation with the <sup>2</sup>New  
9 Jersey Division of the<sup>2</sup> American Cancer Society<sup>2</sup>, the  
10 Radiological Society of New Jersey<sup>2</sup> and the <sup>2</sup>[State Board of  
11 Medical Examiners] American College of Obstetricians and  
12 Gynecologists, New Jersey Chapter<sup>2</sup>, shall prepare an  
13 informational booklet <sup>1</sup>in English and Spanish<sup>1</sup> which describes, in  
14 a manner easily understandable by the patient, recognized dietary  
15 and lifestyle implications for the prevention of breast cancer,  
16 advantages and methods of early detection, and the risks and  
17 procedures involved with alternative methods of breast cancer  
18 treatment. The department shall make a supply of booklets  
19 available to all licensed health care facilities engaged in the  
20 diagnosis or treatment of breast cancer, facilities which provide  
21 mammography services and physicians engaged in the diagnosis or  
22 treatment of breast cancer<sup>1</sup>, and social services agencies that  
23 primarily serve women<sup>1</sup>.

24 2. An attending physician shall give all patients who are  
25 referred for a routine mammogram or who are under the  
26 physician's care for treatment of breast cancer a copy of the  
27 informational booklet on breast cancer prepared by the  
28 Department of Health pursuant to section 1 of P.L. , c. (C. )  
29 (pending before the Legislature as this bill).

30 <sup>2</sup>[Upon receipt of the booklet, the patient shall sign a form  
31 which states that the patient has been given the booklet by the  
32 attending physician. The physician shall retain the form in the  
33 patient's medical record. In the case of a patient who may  
34 undergo a surgical procedure for treatment of breast cancer, the  
35 attending physician shall give the booklet to the patient and give  
36 the patient a reasonable opportunity to read it and ask questions  
37 in regard to its contents before the patient is asked to give  
38 written consent for the surgical procedure pursuant to P.L.1984,  
39 c.185 (C.45:9-22.2).]<sup>2</sup>

40 3. A physician who fails to <sup>2</sup>[comply with the provisions of  
41 section 2 of this act is subject to disciplinary action and civil  
42 penalties pursuant to sections 8, 9 and 12 of P.L.1978, c.73  
43 (C.45:1-21, 22 and 25)] provide a copy of the information booklet

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SHH committee amendments adopted October 29, 1992.

<sup>2</sup> Assembly AHH committee amendments adopted February 22, 1993.

1 on breast cancer to a patient shall not be liable for a civil penalty  
2 because of his failure to do so<sup>2</sup>.

3 <sup>1</sup>4. There is appropriated to the Department of Health from  
4 the General Fund \$35,000 to carry out the purposes of this act.<sup>1</sup>

5 <sup>1</sup>[4.] 5.<sup>1</sup> This act shall take effect on the 90th day after  
6 enactment.

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11 Requires DOH to prepare booklet on prevention, detection and  
12 treatment of breast cancer and appropriates \$35,000.

SENATE, No. 363  
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1992

By Senator BENNETT

1 AN ACT concerning the prevention, detection and treatment of  
2 breast cancer and supplementing Titles 26 and 45 of the  
3 Revised Statutes.

4

5 BE IT ENACTED by the Senate and General Assembly of the  
6 State of New Jersey:

7 1. The Department of Health, in consultation with the  
8 American Cancer Society and the State Board of Medical  
9 Examiners, shall prepare an informational booklet which  
10 describes, in a manner easily understandable by the patient,  
11 recognized dietary and lifestyle implications for the prevention  
12 of breast cancer, advantages and methods of early detection, and  
13 the risks and procedures involved with alternative methods of  
14 breast cancer treatment. The department shall make a supply of  
15 booklets available to all licensed health care facilities engaged in  
16 the diagnosis or treatment of breast cancer, facilities which  
17 provide mammography services and physicians engaged in the  
18 diagnosis or treatment of breast cancer.

19 2. An attending physician shall give all patients who are  
20 referred for a routine mammogram or who are under the  
21 physician's care for treatment of breast cancer a copy of the  
22 informational booklet on breast cancer prepared by the  
23 Department of Health pursuant to section 1 of P.L. , c. (C. )  
24 (pending before the Legislature as this bill).

25 Upon receipt of the booklet, the patient shall sign a form which  
26 states that the patient has been given the booklet by the  
27 attending physician. The physician shall retain the form in the  
28 patient's medical record. In the case of a patient who may  
29 undergo a surgical procedure for treatment of breast cancer, the  
30 attending physician shall give the booklet to the patient and give  
31 the patient a reasonable opportunity to read it and ask questions  
32 in regard to its contents before the patient is asked to give  
33 written consent for the surgical procedure pursuant to P.L.1984,  
34 c.185 (C.45:9-22.2).

35 3. A physician who fails to comply with the provisions of  
36 section 2 of this act is subject to disciplinary action and civil  
37 penalties pursuant to sections 8, 9 and 12 of P.L.1978, c.73  
38 (C.45:1-21, 22 and 25).

39 4. This act shall take effect on the 90th day after enactment.

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STATEMENT

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44 This bill requires the Department of Health, in consultation  
45 with the American Cancer Society and the State Board of

1 Medical Examiners, to prepare an informational booklet  
2 summarizing recognized dietary and lifestyle implications for the  
3 prevention of breast cancer, advantages and methods of early  
4 detection, and the risks and procedures involved with alternative  
5 methods of breast cancer treatment. The bill directs the  
6 department to supply copies of the booklet to all licensed health  
7 care facilities, facilities which provide mammography services  
8 and physicians engaged in the diagnosis or treatment of breast  
9 cancer.

10 The bill also requires all attending physicians to give the  
11 booklet to all patients under their care for breast cancer or who  
12 have been referred for a mammogram. In the case of a patient  
13 who may undergo surgery for breast cancer, the attending  
14 physician is required to discuss any questions the patient may  
15 have about the contents of the booklet before she is asked to give  
16 written consent for the surgical procedure. In all cases, the  
17 patient is required to sign a form indicating that she received the  
18 booklet and the physician is directed to retain the signed form in  
19 the patient's medical record.

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24 Requires DOH to prepare booklet on prevention, detection and  
25 treatment of breast cancer.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 363

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 1993

The Assembly Health and Human Services Committee favorably reports Senate Bill No. 363 (1R) with committee amendments.

As amended by the committee, this bill requires the Department of Health, in consultation with the New Jersey Division of the American Cancer Society, the Radiological Society of New Jersey and the American College of Obstetricians and Gynecologists, New Jersey Chapter, to prepare an informational booklet in English and Spanish summarizing recognized dietary and lifestyle implications for the prevention of breast cancer, advantages and methods of early detection, and the risks and procedures involved with alternative methods of breast cancer treatment. The amended bill directs the department to supply copies of the booklet to all licensed health care facilities, facilities which provide mammography services, physicians engaged in the diagnosis or treatment of breast cancer and social services agencies that primarily serve women.

The amended bill also requires all attending physicians to give the booklet to all patients under their care for breast cancer or who have been referred for a mammogram.

The bill appropriates \$35,000 to the Department of Health for the preparation of the booklet.

The committee amended the bill at the sponsor's request to:

- provide a consultative role for the Radiological Society of New Jersey and the American College of Obstetricians and Gynecologists, New Jersey Chapter, rather than the State Board of Medical Examiners, in the preparation of the booklet;

- delete the requirement that the patient sign a form acknowledging receipt of the booklet from the attending physician; that the physician retain the form in the patient's medical record; and that in the case of a patient who may undergo a surgical procedure for treatment of breast cancer, the attending physician give the booklet to the patient and provide a reasonable opportunity to read, and ask questions regarding its contents before asking the patient to give written consent for the procedure; and

- delete those provisions of the bill which would have subjected a physician who fails to comply with the requirements of the bill to disciplinary action and civil penalties, and instead provide a physician with immunity from civil liability because of a failure to give a patient a copy of the booklet.

According to a fiscal note to the bill prepared by the Office of Legislative Services, the Department of Health and the Office of Management and Budget have estimated that it would cost \$69,000, \$57,000 and \$57,000, respectively, in each of the next three fiscal years to print an estimated 400,000 breast cancer information booklets annually.

As reported by the committee, this bill is identical to Assembly Bill No. 1264 Aca (Derman), which the committee also reported on this date.

SENATE HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

**SENATE, No. 363**

with committee amendments

**STATE OF NEW JERSEY**

DATED: October 29, 1992

The Senate Health and Human Services Committee favorably reports Senate Bill No. 363 with committee amendments.

As amended by committee, this bill requires the Department of Health, in consultation with the American Cancer Society and the State Board of Medical Examiners, to prepare an informational booklet in English and Spanish summarizing recognized dietary and lifestyle implications for the prevention of breast cancer, advantages and methods of early detection, and the risks and procedures involved with alternative methods of breast cancer treatment. The bill directs the department to supply copies of the booklet to all licensed health care facilities, facilities which provide mammography services, physicians engaged in the diagnosis or treatment of breast cancer and social services agencies that primarily serve women.

The bill also requires all attending physicians to give the booklet to all patients under their care for breast cancer or who have been referred for a mammogram. In the case of a patient who may undergo surgery for breast cancer, the attending physician is required to discuss any questions the patient may have about the contents of the booklet before she is asked to give written consent for the surgical procedure. In all cases, the patient is required to sign a form indicating that she received the booklet and the physician is directed to retain the signed form in the patient's medical record.

A physician who does not comply with the provisions of the bill is subject to disciplinary action and civil penalties pursuant to sections 8, 9 and 12 of P.L.1978, c.73 (C.45:1-21, 22 and 25).

The bill appropriates \$35,000 to the department for the preparation of the booklet.

The committee amended the bill to require that the booklet be prepared in English and Spanish and that it shall be distributed at social services agencies, as well as at health care facilities. The amendments also add the \$35,000 appropriation.

FISCAL NOTE TO  
SENATE, No. 363  
STATE OF NEW JERSEY

DATED: July 7, 1992

Senate Bill No. 363 of 1992 requires the Department of Health (DOH), in consultation with the American Cancer Society and the State Board of Medical Examiners, to prepare an informational booklet summarizing recognized dietary and lifestyle implications for the prevention of breast cancer and the methods of breast cancer treatment. DOH will supply copies of the booklet to all licensed health care facilities, facilities which provide mammography services and physicians engaged in the diagnosis or treatment of breast cancer. All attending physicians would be required to give the booklet to all patients under their care for breast cancer or who have been referred for a mammogram; attending physicians would be required to discuss any questions a patient may have about the contents of the booklet before the patient gives written consent for any surgical procedures. The physician would be required to have the patient sign a form indicating that she received the information; such form will be retained by the physician as part of the patient's record. Failure to comply with these provisions would subject a physician to disciplinary action and civil penalties.

The Department of Health and the Office of Management and Budget have estimated the cost of this legislation at \$69,000, \$57,000 and \$57,000, respectively, in each of the next three fiscal years to print an estimated 400,000 booklets annually.

The Office of Legislative Services concurs that the estimates are reasonable. However, OLS notes that information of a similar nature is currently made available to women by health care providers. It is further noted that enforcement costs of the State Board of Medical Examiners to assure that physicians comply with the bill's requirements are not known. Furthermore, affected physicians may increase their fees in order to comply with the various administrative requirements.

This fiscal note has been prepared pursuant to P.L.1980, c.67.