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AB-1386 Genomic cancer testing information. (2017-2018)

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Assembly Bill No. 1386

CHAPTER 693

An act to add Section 109276 to the Health and Safety Code, relating to public health.

[Approved by Governor October 12, 2017. Filed with Secretary of State October 12, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1386, Waldron. Genomic cancer testing information.

Existing law requires a physician and surgeon, as defined, to give a patient diagnosed with breast cancer a standardized written summary, made available to physicians and surgeons by the Medical Board of California, containing recommendations of the Cancer Advisory Council, to inform the patient of the advantages, disadvantages, risks, and descriptions of the procedures with regard to medically viable and efficacious alternative methods of breast cancer treatment. The summary is required to be revised every 3 years and include any new or revised information, as specified.

This bill would require the State Department of Health Care Services, in the first revision of the summary made following the effective date of the bill, to include information relating to breast cancer susceptibility gene (BRCA) mutations, in order to achieve increased genetic counseling and screening rates of individuals for whom BRCA test results can inform treatment decisions, as specified. The bill would also make related findings and declarations.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Genetic testing involves taking a sample of blood, cheek swab, or tissue in order to analyze a person's genes. Genetic testing can be used to determine if someone has a change in his or her genes (mutation) that makes him or her more likely to develop certain diseases such as cancer.

(b) Breast cancer susceptibility genes (BRCA), including BRCA1 and BRCA2, are the most common genes involved in hereditary breast and ovarian cancers. Testing does not detect whether a person has cancer or not; it indicates whether a person carries a change in one of these genes that can increase cancer risk.

(c) A study in the Journal of the American Medical Association found that women newly diagnosed with breast or ovarian cancer who are at high risk for having a BRCA mutation that raises cancer risk often do not get genetic testing, or even a chance to speak with a genetic counselor who would help them weigh the necessity of such a test.

(d) Awareness of, and the ability to obtain, recommended breast cancer genetic testing will increase the quality of life for hundreds of people in the state by detecting and preventing death from late-stage breast or ovarian cancer and will lessen the

physical, emotional, and financial burden that comes with a cancer diagnosis.

SEC. 2. Section 109276 is added to the Health and Safety Code, to read:

109276. In the first revision of the standardized written summary required under subdivision (c) of Section 109275 made following the effective date of the act that added this section, the State Department of Health Care Services shall incorporate information relating to breast cancer susceptibility gene (BRCA) mutations, in order to achieve increased genetic counseling and screening rates of individuals for whom BRCA test results can inform treatment decisions, consistent with evidence-based national recommendations.