

ASSEMBLY BILL NO. 580—ASSEMBLYMEN ANGLE, GUSTAVSON,
BERMAN, VON TOBEL AND GIBBONS

MARCH 15, 1999

JOINT SPONSORS: SENATORS O'CONNELL, O'DONNELL,
RAWSON AND WASHINGTON

Referred to Committee on Health and Human Services

SUMMARY—Requires dissemination of information concerning scientific link between induced abortion and increased rate of breast cancer. (BDR 40-1055)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to public health; requiring certain information to be provided to each woman considering an abortion; requiring the health division of the department of human resources to publish information concerning the significant risk factors linked to breast cancer; and providing other matters properly relating thereto.

- 1 WHEREAS, Breast cancer is the leading form of cancer among women in
- 2 the United States, with more than 180,000 new cases reported each year;
- 3 and
- 4 WHEREAS, Approximately one in every nine women will develop breast
- 5 cancer in their lifetimes; and
- 6 WHEREAS, Controlling the risk factors linked to breast cancer, early
- 7 detection and prompt treatment of breast cancer are crucial to limiting the
- 8 devastating effects of breast cancer, including death; and
- 9 WHEREAS, The American Cancer Society has identified several risk
- 10 factors that contribute to the likelihood that a woman will develop breast
- 11 cancer; and
- 12 WHEREAS, Some of the risk factors identified by the American Cancer
- 13 Society cannot be controlled, including the age of the woman, her personal
- 14 history of breast cancer, her family history of breast cancer and her
- 15 biological reproductive history; and

1 WHEREAS, Some of the risk factors identified by the American Cancer
2 Society can be controlled, including alcohol consumption, diet, exercise
3 and smoking; and

4 WHEREAS, Breast cancer is a life-threatening illness that may be
5 precipitated by an induced abortion even years after the abortion is
6 performed; and

7 WHEREAS, There have been at least 22 scientific studies from 1957 to
8 the present on induced abortion and breast cancer, and a majority of these
9 scientific studies show that aborting any pregnancy, regardless of a
10 woman's age, increases her risk of developing breast cancer later in life;
11 and

12 WHEREAS, If a pregnant woman is under the age of 30 years and has
13 never had a full-term pregnancy, having an abortion also raises her breast
14 cancer risk by precluding the natural lifetime reduction in breast cancer
15 risk that the woman would have obtained if she had carried the child to
16 term; and

17 WHEREAS, The study published by Janet Daling, Kathleen Malone,
18 Lynda Voight, Emily White and Noel Weiss in an article entitled "Risk of
19 Breast Cancer Among Young Women: Relationship to Induced Abortion"
20 in the Journal of the National Cancer Institute in November 1994
21 concludes that for many minors, developing breast cancer later in life is too
22 remote a risk to evaluate effectively when deciding whether to have an
23 abortion and, therefore, a physician's duty to warn minors is crucial,
24 especially considering the medical research that has found an extremely
25 elevated risk of breast cancer among girls under 18 years who have had an
26 abortion; and

27 WHEREAS, According to that 1994 study, having an induced abortion
28 raises a woman's risk of getting breast cancer before the age of 45 years
29 from 10 percent to 15 percent, which equals an increased factor of 50
30 percent; and

31 WHEREAS, An even more alarming statistic is that for a woman with
32 any family history of breast cancer who had her first abortion after the age
33 of 30 years, the risk of breast cancer rose 270 percent; and

34 WHEREAS, These scientific studies require the conclusion that every
35 woman who is considering an abortion should be informed of this medical
36 risk because it is essential in making a fully informed choice and giving
37 truly informed consent for the procedure; and

38 WHEREAS, The Nevada Legislature desires to increase the awareness of
39 the significant risk factors linked to breast cancer so that women in this
40 state will have a better opportunity to reduce the risk factors that are within
41 their control; now, therefore,

1 THE PEOPLE OF THE STATE OF NEVADA,
2 REPRESENTED IN SENATE AND ASSEMBLY, DO
3 ENACT AS FOLLOWS:
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5 **Section 1.** NRS 442.253 is hereby amended to read as follows:

6 442.253 1. The attending physician or a person meeting the
7 qualifications established by regulations adopted by the health division
8 shall accurately and in a manner which is reasonably likely to be
9 understood by the pregnant woman:

10 (a) Explain that, in his professional judgment, she is pregnant and a
11 copy of her pregnancy test is available to her.

12 (b) Inform her of the number of weeks which have elapsed from the
13 probable time of conception.

14 (c) Explain the physical and emotional implications of having the
15 abortion ~~H~~, *including specifically the scientifically reported link between*
16 *an induced abortion and an increased risk of developing breast cancer*
17 *later in life.*

18 (d) Describe the medical procedure to be used, its consequences and the
19 proper procedures for her care after the abortion.

20 2. The attending physician shall verify that all material facts and
21 information, which in his professional judgment are necessary to allow the
22 woman to give her informed consent, have been provided to her and that
23 her consent is informed.

24 3. If the woman does not understand English, the form indicating
25 consent must be written in a language understood by her, or the attending
26 physician shall certify on the form that the information required to be
27 given has been presented in such a manner as to be understandable by her.
28 If an interpreter is used, the interpreter must be named and reference to this
29 use must be made on the form for consent.

30 **Sec. 2.** Chapter 457 of NRS is hereby amended by adding thereto a
31 new section to read as follows:

32 *1. The health division, in conjunction with the American Cancer*
33 *Society and other informed organizations, shall prepare and publish an*
34 *informational pamphlet that identifies the significant risk factors that are*
35 *reported in scientific studies to be linked to breast cancer.*

36 *2. The health division shall disseminate the pamphlet to:*

37 *(a) Health care facilities, including, without limitation:*

38 *(1) Clinics where abortions are performed or related information is*
39 *provided; and*

40 *(2) Schools and other locations where instruction on human*
41 *sexuality is provided;*

- 1 ***(b) County health officers; and***
- 2 ***(c) Upon request, members of the general public.***

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