EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

JUN 05 2018

GHJ 34-18-1963

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Speaker Benjamin J.F. Cruz

JUN 06 2018
Time: 924 [ ] AM [ ] PM File No. ____
Received By: ____

Dear Mr. Speaker:

Transmitted herewith is Bill No. 227-34 (COR), **"AN ACT TO *ADD* A NEW § 181003 TO ARTICLE 10 OF CHAPTER 18, TITLE 22, GUAM CODE ANNOTATED; AND TO *REPEAL* SUBSECTION (e) OF § 4301, ARTICLE 3, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING BREAST CANCER SCREENING COVERAGE IN HEALTH INSURANCE BENEFIT PLANS SOLD ON GUAM, AND BY MEDICAID AND THE MEDICALLY INDIGENT PROGRAM (MIP),"** which was signed on June 5, 2018, as **Public Law 34-109.**

Senseramente,

RAY TENORIO
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

2018 JUN -6 AM 9:01

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN*

This is to certify that **Bill No. 227-34 (COR), "AN ACT TO *ADD* A NEW § 181003 TO ARTICLE 10 OF CHAPTER 18, TITLE 22, GUAM CODE ANNOTATED; AND TO *REPEAL* SUBSECTION (e) OF § 4301, ARTICLE 3, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING BREAST CANCER SCREENING COVERAGE IN HEALTH INSURANCE BENEFIT PLANS SOLD ON GUAM, AND BY MEDICAID AND THE MEDICALLY INDIGENT PROGRAM (MIP),"** was on the 23rd day of May 2018, duly and regularly passed.

Benjamin J.F. Cruz
Speaker

Attested:

Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 24 day of May 2018, at 4:30 o'clock P .M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

RAYMOND S. TENORIO
Acting Governor of Guam

Date: JUN 05 2018

Public Law No. 34-109

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. 227-34 (COR)
As amended on the Floor.

Introduced by:

Louise B. Muña
Telena Cruz Nelson
Therese M. Terlaje
Mary Camacho Torres
Régine Biscoe Lee
Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
B. J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Tommy Morrison
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Michael F.Q. San Nicolas

AN ACT TO *ADD* A NEW § 181003 TO ARTICLE 10 OF CHAPTER 18, TITLE 22, GUAM CODE ANNOTATED; AND TO *REPEAL* SUBSECTION (e) OF § 4301, ARTICLE 3, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING BREAST CANCER SCREENING COVERAGE IN HEALTH INSURANCE BENEFIT PLANS SOLD ON GUAM, AND BY MEDICAID AND THE MEDICALLY INDIGENT PROGRAM (MIP).

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that breast cancer is the most common non-skin cancer in women, and the second leading cause of cancer death of women in the United States (lung cancer is the leading cause

of cancer death for both sexes). Every woman is at risk, and this risk increases with age. Breast cancer usually can be treated successfully if it is detected early.

I Liheslatura further finds that Public Law 21-33, which was signed into law on May 17, 1991, required health insurance companies who provide coverage for Government of Guam employees and retirees to cover mammograms for women on the following schedule: one (1) base-line mammogram at age thirty-five (35), and annual mammograms beginning at age forty (40). This benefit is subject to co-payments or deductibles depending on the plan the employee opted for.

I Liheslatura further finds that the breast cancer screening recommendations for the Affordable Care Act compliant policies are based on the United States Preventive Services Task Force (USPSTF) recommendations, which are that Grade B begins biennial screening at age fifty (50), and Grade C begins screening at ages younger than fifty (50). These screenings are free from co-payments or deductibles.

I Liheslatura further finds that the breast cancer screening recommendation of the American Cancer Society is annual mammograms for women ages forty-five (45) to fifty-five (55), and biennial mammograms at age fifty-six (56) and older.

I Liheslatura further finds that the breast cancer screening for Medicare patients is for women forty (40) years of age and older, and are eligible for a screening mammogram every twelve (12) months. Medicare covers screening mammograms and digital technologies to check for breast cancer before a patient or a doctor may be able to find it manually. Medicare also covers one (1) baseline mammogram for women between the ages of thirty-five (35) to thirty-nine (39).

I Liheslatura further finds that the screening recommendation of the National Comprehensive Cancer Network (NCCN) recommends that men at higher risk for breast cancer, starting at age forty (40): (1) have a clinical breast exam every year; (2) learn how to do breast self-exam; and (3) have mammography screening. Men at higher risk (those with a relative, within one [1] degree of consanguinity, who were diagnosed

with breast cancer under the age of forty [40], or with a BRCA1 or BRCA2 [breast cancer 1 or 2] gene mutation) for breast cancer should also be aware of the warning signs of and screen for breast cancer.

Therefore, it is the intent of *I Liheslatura* to expand the Government of Guam mammogram coverage mandates to all health insurance policies sold on Guam, but to include the recommendations for Medicare, the American Cancer Society, and the USPSTF for screenings that are free of co-payments and deductibles. It is also the intent of *I Liheslatura* to extend mammogram coverage to men who are at higher risks for breast cancer.

Section 2. A new § 181003 is *added* to Article 10 of Chapter 18, Title 22, Guam Code Annotated, to read as follows:

"**§ 181003. Breast Cancer Screening Benefit in Every Health Insurance Policy.**

(a) Every policy of health insurance issued or renewed to a resident of Guam on or after January 1, 2019, except a policy that provides coverage only for specified and limited benefits, *shall* provide coverage for screening by low-dose mammography for occult breast cancer as follows:

(1) for women thirty-five (35) to thirty-nine (39) years of age, one (1) baseline mammogram;

(2) for women forty (40) years of age and older, an annual mammogram; and

(3) for a woman of any age, and for men beginning at age forty (40) who have a first-degree consanguineous relative that was diagnosed to have developed breast cancer at forty (40) years of age or younger, mammogram screening may be performed as recommended by the patient's physician, but not more than once annually.

The services provided in this Section are *not* subject to any coinsurance or deductible provisions which may be in force in such policies, contracts, plans or agreements for routine x-ray examinations.

(b) The term, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including, but not limited to, the x-ray tube, filter, compression device, screens, films, and cassettes, with an average radiation exposure delivery of less than one (1) rad mid-breast, with two (2) views for each breast, or digital breast tomosynthesis (DBT), or full-field digital mammography (FFDM). Digital breast tomosynthesis (DBT) is a form of breast imaging, or mammography, that uses a low-dose x-ray system and computer reconstructions to create three-dimensional images of the breasts. Full-field digital mammography (FFDM) is a mammography system in which the x-ray film is replaced by electronics that convert x-rays into mammographic pictures of the breast.

(c) To the extent permitted by federal law, rules, and regulations, the provisions of this Section, *supra, shall* apply to persons covered by Medicaid without the requirement for precertification. The provisions of this Section, *supra, shall* also apply to persons covered by the Medically Indigent Program (MIP) without the requirement for precertification."

Section 3. Subsection (e) of § 4301, Article 3, Chapter 4, Title 4, Guam Code Annotated, is *repealed.*