

105TH CONGRESS
1ST SESSION

H. R. 366

To require the surgical removal of silicone gel and saline filled breast implants, to provide for research on silicone and other chemicals used in the manufacture of breast implants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. TRAFICANT (for himself, Mr. HASTINGS of Florida, Mr. THOMPSON, Mr. RANGEL, Mr. Menendez, Ms. JACKSON-LEE, Ms. MOLINARI, Mr. HINCHEY, Mr. LIPINSKI, Mr. HYDE, Ms. NORTON, Mr. DELLUMS, and Ms. DELAURO) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To require the surgical removal of silicone gel and saline filled breast implants, to provide for research on silicone and other chemicals used in the manufacture of breast implants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Breast Implant Ac-
5 countability Act”.

1 **SEC. 2. SURGICAL REMOVAL OF BREAST IMPLANT.**

2 (a) IN GENERAL.—Each manufacturer of a breast
3 implant shall notify each individual who has had a silicone
4 gel or saline filled breast implant implanted before Janu-
5 ary 1, 1994, that the manufacturer—

6 (1) will provide funds for medical, surgical, hos-
7 pital expenses related to the surgical removal of such
8 breast implant at the request of the individual who
9 has had such an implant implanted, and

10 (2) will allow the notice recipient to select the
11 physician and hospital or surgery center for the re-
12 moval.

13 A breast implant which is removed is the property of the
14 individual from whom it was removed and it shall be given
15 to such individual in an appropriate condition.

16 (b) NOTICE.—The notice required by subsection (a)
17 shall be published in national publications and newspapers
18 of general circulation. The notice shall set forth necessary
19 information for notice recipients to locate and obtain ap-
20 propriate medical care and treatment.

21 (c) EXPENSES.—The medical, surgical, and hospital
22 expenses related to the surgical removal of a breast im-
23 plant which a manufacturer will provide shall include pre-
24 and post-operative care and treatment, including subse-
25 quent surgery to remove residual silicone, scar capsules,
26 and granulomas, mammograms, and medication.

1 **SEC. 3. RESEARCH.**

2 (a) IN GENERAL.—The Secretary of Health and
3 Human Services shall conduct, or contract to have con-
4 ducted, research on the physiological, neurological, and
5 immunological effects of silicone toxicity and toxicity of
6 other chemicals found in, or used in the process of manu-
7 facturing, breast implants.

8 (b) SUBJECTS.—The research under subsection (a)
9 shall include as subjects individuals who are included in
10 the class action designated, in silicone gel breast implant
11 product liability litigation designated MDL 926, Northern
12 District of Alabama, if they volunteer for such research.

13 **SEC. 4. CONSENT.**

14 No physician may implant a breast implant which in-
15 cludes silicone unless the patient to receive such implant
16 has executed a consent form, prescribed by the Secretary
17 of Health and Human Services by regulation, which states
18 that the patient has been informed of all the health risks
19 associated with breast implants and exposure to silicone
20 oil, silica, and other chemicals used in the manufacture
21 of breast implants.

22 **SEC. 5. PHYSICIAN SERVICES.**

23 No physician may refuse the treatment of a patient
24 because the patient has received a breast implant.

1 **SEC. 6. ORGAN AND BLOOD DONATIONS.**

2 (a) ORGAN DONATIONS.—The Secretary of Health
3 and Human Services may not make a grant under section
4 371 of the Public Health Service Act (42 U.S.C. 271) to
5 an organ procurement organization if such organization
6 has allowed an individual who has a breast implant in
7 their body to donate an organ of the individual's body.

8 (b) BLOOD DONATION.—The Secretary of Health
9 and Human Services may not license any entity engaged
10 in the collection of blood under section 351 of the Public
11 Health Service Act (42 U.S.C. 262) if such entity receives
12 blood from an individual who has a breast implant in their
13 body.

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