

Veto No. 1977-2

HB 274

December 16, 1977

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 274, Printer's No. 2330, entitled "An act requiring advice of the need of a cytology (Papanicolaou) test for uterine cancer detection of certain women receiving hospital care, for the purpose of detecting uterine cancer early and reducing the morbidity and mortality therefrom."

This bill mandates that any female 18 years or older, who is an inpatient in any hospital or clinic, must be advised of tests for the detection of uterine cancer. The bill specifically requires that the patient be informed of the purpose and availability of the Papanicolaou test, most commonly used for the early detection of uterine cancer.

The bill requires that patients receive information about uterine cancer tests but omits to explain how much information is to be conveyed, how it is to be conveyed, or who conveys it. Is an extensive lecture or one sentence explanation envisioned? Is a pamphlet or oral lecture intended? Who delivers the lecture? Does the bill anticipate that the "lecturer" be someone at least qualified to answer questions?

House Bill No. 274 does not mandate that the hospital or clinic in which the woman is a patient make the test available—only that the patient be informed that the test is available somewhere. The bill mandates, in short, education in the place that may be the most inappropriate forum. Women who are sick, or recovering from surgery, or under medication may require peace and quiet. A lecture on uterine cancer tests may do nothing more than arouse fears, thereby impeding recovery.

While I certainly recognize the great value of the early detection of cancer, I must balance this concern with feelings for the personal privacy of women in hospitals. Patients there should not by law be told of the availability of cancer tests: this information, given in an uncaring way — could do more harm than good.

The purpose of the bill is the early detection of uterine cancer, thereby reducing the "morbidity and mortality therefrom." House Bill No. 274 will afford education only to a random selection of hospitalized patients. Women in a hospital are in a class more likely to be under the regular care of a physician and to have undergone these tests. There are more rational ways to promote an early detection of uterine cancer; if the General Assembly is concerned with the availability of tests, it might undertake to subsidize free testing.

Finally, I must protest this further intrusion of government into the private life of the general population. The bill is simply one more intrusive regulation of private conduct. This law would generate further Health Department regulations, checks by hospital inspectors and an administrative burden bound to increase the cost of health care. In the final analysis, this bill represents a decent concern for the proper practice of preventive medicine, but it is not a fit subject for the law.

For these reasons, I must withhold my approval of this bill.

MILTON J. SHAPP