



State Cancer Legislative Database

# UPDATE

Issue 81

Spring 2010

The *State Cancer Legislative Database Update (SCLD Update)* is a product of the National Cancer Institute’s (NCI) State Cancer Legislative Database (SCLD) Program. The *SCLD Update* presents an overview of state cancer-related legislation enacted each quarter and includes a graphic illustration that summarizes a particular topic area. The SCLD contains information synthesized from state-level laws and resolutions. The SCLD does not contain state-level regulations; executive orders; measures implemented by counties, cities, or other localities; Attorneys General opinions; or data addressing the implementation of state laws—all of which may vary significantly from the laws reported herein. Due to variations among states in the methods of identifying resolutions, potentially relevant measures from some states may not be reported. Although SCLD Program coverage of Medicaid and Medicare law is not comprehensive, some SCLD records include these data. **This issue’s Legislative Data Byte highlights states with laws addressing private health insurance coverage for tobacco dependency treatment.**

**Enacted Legislation and Adopted Resolutions: January-March 2010**

## BREAST CANCER

### Awareness

**Mississippi’s** H.R. 55 designated March 10, 2010 as Mississippi Obesity Awareness Day and acknowledged that obesity and being overweight are associated with increased risks of breast, prostate, and colon cancers.

**West Virginia** lawmakers enacted legislation (H.B. 4172) allowing the state Division of Motor Vehicles to create

and issue special registration plates that recognize and honor breast cancer survivors and incorporate a pink ribbon emblem in the design.

### Screening and Treatment Information

**Colorado** lawmakers adopted a *resolution* (S.J.R. 11) rejecting the new breast cancer screening recommendations of the U.S. Preventive Services Task Force (USPSTF) and urging compliance with the recommendations of the American Cancer Society (ACS) and other reputable organizations specializing in cancer research. The *resolution* also recognizes that: (1) the new USPSTF recommendations may lead to women foregoing screening, specifically those with low income, or without access to healthcare; and (2) African American women are twice as likely to die of breast cancer as Caucasian women.

**Illinois** lawmakers adopted a *resolution* (H.R. 772) urging the state Department of Public Health to continue promoting breast cancer screening consistent with recommendations of the ACS.

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S.R. 1820, a *resolution* adopted in **Kansas**, reiterates support for the promotion of breast self-examinations and breast cancer screening through routine mammography and commends the commitment of the ACS to educating women about the benefits of such examinations.

A **Pennsylvania** *resolution* (H.R. 562) memorializes the U.S. Congress in its health care reform decisions to apply the ACS guidelines for breast cancer screening.

**Virginia** lawmakers adopted a *resolution* (H.J.R. 133) that acknowledges the new guidelines set forth by the USPSTF but requests the state Health Commissioner to promote yearly mammograms as an effective tool in breast cancer prevention. The *resolution* also recognizes that breast cancer is the most commonly diagnosed cancer among African American women.

### **Screening and Treatment Reimbursement**

**Rhode Island** lawmakers passed a law (H.B. 7914) urging the U.S. Congress to enact the Breast Cancer Patient Protection Act. The Act would require insurance companies to provide financial coverage for a minimum 48-hour hospital stay for patients undergoing a mastectomy.

## **CANCER—GENERAL**

### **Awareness**

*Resolutions* adopted in **Georgia**, H.R. 1333 and S.R. 963, recognized February 17, 2010 as Rural Health Day. The measures also acknowledged that rural areas have the highest cancer mortality rates and that the growing uninsured and elderly populations with multiple diseases far exceed the areas' health resources.

Two **Illinois** *resolutions* (H.R. 858 and S.R. 625) designated March 21-27, 2010 as Pediatric Cancer Survivorship Week. Another **Illinois** *resolution*, H.R. 859, designated November 2010 as Lung Cancer Awareness Month.

**Kentucky** lawmakers adopted a *resolution* (H.C.R. 15) designating March as Kidney Cancer Awareness Month.

H.R. 195, adopted in **Michigan**, declared January 2010 as Radon Action Month and recognizes that radon is the second leading cause of lung cancer deaths in the United States and the number one

cause of lung cancer deaths among non-smokers.

Members of the **New Jersey** General Assembly adopted a *resolution* (A.C.R. 219) that designates April 2010 as Oral and Oropharyngeal Cancer Awareness Month. The *resolution* recognizes that African American males and other minority groups have a disproportionately higher rate of such cancers in the advanced stages at the time of diagnosis.

H.B. 27, a *resolution* adopted in **Ohio**, authorizes owners of specified vehicle classes to apply to the state Registrar of Motor Vehicles for pediatric brain tumor awareness plates.

**Virginia** lawmakers adopted a *resolution* (H.J.R. 56) to establish the Cancer Plan Action Coalition to develop the Virginia Cancer Plan for the statewide prevention and control of cancer. Another **Virginia** *resolution* (H.J.R. 198) designates April 25 of this, and each succeeding year, as Youth Fitness Day and recognizes that children who suffer from obesity face health risks such as cancer.

H.C.R. 47, adopted in **West Virginia**, requests the state Division of Highways to designate a specified section of highway in Mercer County as the Childhood Cancer Survivor and Memorial Highway.

### **Research and Prevention**

Lawmakers in **New Jersey** passed a law (S.B. 2502) that establishes the New Jersey Lung Cancer Research Fund and requires the Legislature to appropriate monies from the Fund for lung cancer research projects. The law also requires that state tax forms contain an area for taxpayers to make contributions to the fund from anticipated tax refunds.

**Utah's** H.B. 130 establishes the Cancer Research Restricted Account and provides the state Department of Health with the authority to distribute monies to specified non-profit organizations for cancer research. The law also authorizes the issuance of special group license plates for programs that conduct or support cancer research.

## **CERVICAL CANCER**

### **Awareness**

Lawmakers in **Alabama** adopted a *resolution* (H.J.R. 146) that designates January as Cervical Cancer Awareness Month and urges the state

Department of Public Health to provide free cervical cancer education, screening, and vaccination. The *resolution* also recognizes that factors associated with poverty and race contribute to substantial differences in cervical cancer incidence and mortality, and that Hispanic and African American women are less likely to be screened and are more likely to be diagnosed with later stage cancers, which are less likely to respond to treatment.

**Kentucky's** H.R. 125 encourages the state Department for Public Health to educate parents on the importance of adolescent well-health physicals in order to prevent chronic disease. The *resolution* also encourages parents to appropriately intervene to better treat chronic disease and to update immunizations. It further acknowledges immunizations that have been recently licensed to provide protection for teens against diseases such as cervical cancer. See the additional summary of this resolution in the Tobacco Use/Awareness section on page 4.

## COLORECTAL CANCER

### Awareness

For a summary of a **Mississippi** resolution (H.R. 55) related to colorectal cancer awareness, see the Breast Cancer/Awareness section on page 1.

Resolutions in **Oklahoma** (S.C.R. 46) and **Pennsylvania** (H.R. 641) recognized March 2010 as National Colon Cancer Awareness Month.

**Tennessee's** H.J.R. 281 recognizes the importance of early detection of colorectal cancer and supports regular screening for the disease. The *resolution* also acknowledges that African Americans have a higher incidence of colorectal cancer.

## GENETICS

### Insurance Discrimination

The **Michigan** Senate passed a law (S.B. 744) that prohibits Medicare supplement policy insurers from: (1) excluding benefits, or denying or conditioning the issuance of the policy due to a pre-existing condition based on genetic information; (2) adjusting the price of a policy based on genetic information; (3) requesting or requiring an individual or a family member

of an individual to undergo a genetic test; or (4) requesting, requiring, or purchasing genetic information about an individual prior to that individual's enrollment or for underwriting purposes. The law also authorizes such insurers to request, but not require, that an individual or a family member of that individual undergo a genetic test under specified conditions.

**Pennsylvania's** S.B. 237 requires individual and group insurers to comply with the provisions of the federal Genetic Information Nondiscrimination Act of 2008.

## HEALTH DISPARITIES

### Awareness and Acknowledgment

For a summary of an **Alabama** resolution (H.J.R. 146) related to health disparities awareness, see the Cervical Cancer/Awareness section on page 2.

For a summary of a **Colorado** resolution (S.J.R. 11) related to health disparities awareness, see the Breast Cancer/Screening and Treatment Information section on page 1.

For a summary of two **Georgia** resolutions (H.R. 1333 and S.R. 963) related to health disparities awareness, see the Cancer—General/Awareness section on page 2.

Two **Georgia** resolutions (H.R. 1363 and S.R. 1020) designate February 11, 2010 as Community Health Centers Day and acknowledge that health centers located in medically underserved communities provide high-quality primary and preventive health services to uninsured, underinsured, elder, and other vulnerable populations.

For a summary of a **New Jersey** resolution (A.C.R. 219), related to health disparities awareness, see the Cancer—General/Awareness section on page 2.

For a summary of a **Tennessee** resolution (H.J.R. 281) related to health disparities awareness, see the Colorectal Cancer/Awareness section on page 3.

For a summary of a **Virginia** resolution (H.J.R. 133) related to health disparities awareness, see the Breast Cancer/Screening and Treatment Information section on page 1.

### State Capacity

S.B. 387, enacted in **Indiana**, establishes the Office of Minority Health within the state Department of Health to perform specified minority health initiative duties.

## PROSTATE CANCER

### Awareness

For a summary of a **Mississippi** resolution (H.R. 55) related to prostate cancer awareness, see the *Breast Cancer/Awareness* section on page 1.

## SKIN CANCER

### Awareness

**Georgia** lawmakers adopted two resolutions (H.R. 1759 and S.R. 1063) that recognize February 24, 2010 as Skin Cancer Awareness Day. H.R. 1759 also encourages all citizens to have a greater awareness of the risks of skin cancer and the need for early diagnosis.

### Tanning Facilities

H.B. 63, enacted in **Wyoming**, prohibits a person other than a minor's parent or guardian from allowing a minor under age 15 to use a tanning device without both written consent and physical presence of a parent or guardian during the time of use. Consent is also required for minors between ages 15 and 18. Tanning facility operators must demand proof of age prior to allowing the use of an ultraviolet tanning device. A violation of this law is a misdemeanor and punishable by a fine of up to \$250.

## STATE-OF-THE-ART TREATMENT

### Clinical Trials

A new law enacted in **Iowa**, H.F. 2075, requires public employee health plans and individual or group insurers, including health maintenance organizations, to provide coverage benefits for routine patient care costs incurred for cancer treatment in an approved cancer clinical trial to the same extent as covered for any other disease or condition covered under the policy as long as the insured has been referred for such cancer treatment by two physicians who specialize in oncology.

**Kentucky** lawmakers passed a law (S.B.18) prohibiting health benefit plans from excluding coverage for routine patient health care costs incurred in the course of a cancer clinical trial if the health benefit plan would provide coverage for these same costs had they not been incurred in a cancer clinical trial.

*Resolutions* in **New Mexico** (H.M. 36 and S.J.M. 19) acknowledge that patients for whom standard cancer treatments are no longer effective are best served through clinical trials. The measures request that the Chronic Disease Prevention and Control Bureau of the state Department of Health and the New Mexico Cancer Care Alliance convene a working group to investigate methods to expand cancer clinical trials.

## TOBACCO USE

### Awareness

Two **Kansas** resolutions, H.R. 6037 and S.R. 1862, proclaim April 5-11 as National Public Health Week and recognize that many illnesses caused by tobacco use are potentially preventable.

**Kentucky's** H.R. 125 encourages the state Department of Public Health to educate parents on the importance of adolescent well-health physicals to prevent chronic disease and appropriately intervene to better treat chronic disease. The resolution acknowledges that many adolescents struggle to adopt behaviors that could decrease their risk of developing chronic diseases in adulthood, including choosing not to use tobacco. See the *additional summary of this resolution in the Cervical Cancer/Awareness* section on page 2

H.R. 209, adopted in **Michigan**, designated March 2010 as Parenting Awareness Month to raise awareness of individuals and community groups to be involved in the prevention of tobacco use.

**Virginia** lawmakers adopted a resolution (S.J.R. 124) that designated January 20 of this and each succeeding year, as Healthy Youth Day. The resolution acknowledges that most adult smokers start using tobacco products as teens.

### Excise Taxes

**New Mexico's** H.B. 3a increases the excise tax on cigarettes from 91 cents to \$1.66. A portion of the tax must be distributed to the Cancer Research

and Treatment Center at the University of New Mexico Health Sciences Center.

S.B. 259 raises taxes on tobacco products in **Utah**, effective July 1, 2010, as follows: (1) cigarettes, from 69.5 cents to \$1.70; (2) moist snuff, from 75 cents to \$1.83 per ounce; and (3) other tobacco products, from 35 percent to .86 multiplied by the manufacturer's sales price. The law also requires a portion of the revenue from cigarette taxes to be deposited in the Cigarette Tax Restricted Account for tobacco prevention, reduction, cessation, and control programs, as well as cancer research.

### Smoke-Free Air

**Kansas'** H.B. 2221 prohibits smoking in an enclosed area, public place, or at a public meeting. The law requires employers who maintain an enclosed place of employment to provide a smoke-free workplace for all employees. Employers are prohibited from retaliating against any individual who reports or attempts to prosecute a violation. Violators are subject to a \$100 fine for the first violation, \$200 for a second, and \$500 for a third violation. *See the additional summary of this law in the Tobacco Use/Tobacco Access by Minors' section on page 5.*

Legislation recently enacted in **New Jersey** (A.B. 4227/4228) prohibits inhaling or exhaling the smoke or vapor from an electronic smoking device in indoor places and workplaces. *See the additional summary of this law in the Tobacco Use/Tobacco Access by Minors section on page 5.*

**Utah** lawmakers adopted a *resolution* (H.R. 3) that prohibits smoking or the use of an electronic cigarette in the state House chamber or other House controlled areas.

### Tobacco Access by Minors

**Kansas'** H.B. 2221 prohibits the sale of cigarettes or tobacco products by means of self-service display in any establishment, except displays located in a tobacco specialty store or through a vending machine in compliance with existing statutory location restrictions. *See the additional summary of this law in the Tobacco Use/Smoke-Free Air section on page 5.*

A new **Nebraska** law, L.B. 261, authorizes a retailer who sells tobacco products to scan machine-readable information on an operator's license or state identification card for compliance and enforcement purposes.

**New Jersey's** A.B. 4227/4228 prohibits the retail and vending machine sale of electronic smoking devices to any person under age 19. *See the additional summary of this law in the Tobacco Use/Smoke-Free Air section on page 5.*

**Utah** lawmakers enacted H.B. 88 to prohibit: (1) the purchase, use, possession, or provision of electronic cigarettes to minors; (2) self-service displays or non face-to-face sales of electronic cigarettes, except through vending machines operated under the terms of the law; (3) free distribution of electronic cigarettes; (4) the use, possession, or distribution of electronic cigarettes by students or staff while in the classroom, on school property, or during school sponsored activities; (5) provision or sale of electronic cigarettes to an offender in custody of a correctional facility; and (6) knowingly acquiring, using, displaying, or transferring a false or altered driver's license or identification card to procure electronic cigarettes.

Another **Utah** law, H.B. 206, prohibits any person from providing tobacco paraphernalia to any person under age 19.

### Table of Enacted Legislation and Adopted Resolutions, 1st Quarter, 2010

State	Measure No.	Content Area
Alabama	H.J.R. 146	Cervical Cancer/Awareness Health Disparities/Awareness and Acknowledgment
Colorado	S.J.R. 11	Breast Cancer/Screening and Treatment Information Health Disparities/Awareness and Acknowledgment
Georgia	H.R. 1333/S.R. 963 H.R. 1363/S.R. 1020 H.R. 1759/S.R. 1063	Cancer—General/Awareness Health Disparities/Awareness and Acknowledgment Health Disparities/Awareness and Acknowledgment Skin Cancer/Awareness

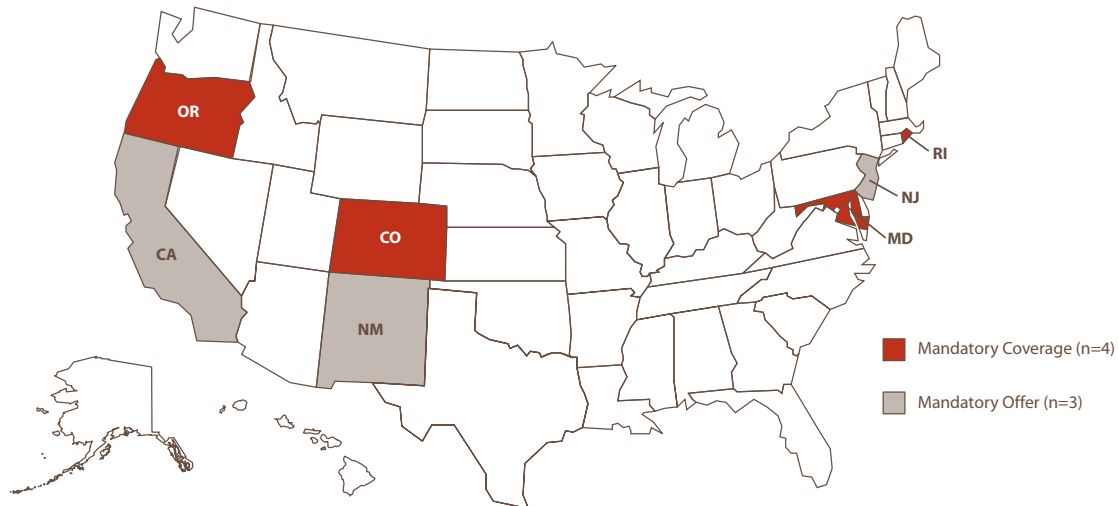
State	Measure No.	Content Area
Illinois	H.R. 772 H.R. 858/S.R. 625 H.R. 859	Breast Cancer/Screening and Treatment Information Cancer—General/Awareness Cancer—General/Awareness
Indiana	S.B. 387	Health Disparities/State Capacity
Iowa	H.F. 2075	State-of-the-Art Treatment/Clinical Trials
Kansas	H.B. 2221  H.R. 6037/S.R. 1862 S.R. 1820	Tobacco Use/Smoke-Free Air Tobacco Use/Tobacco Access by Minors Tobacco Use/Awareness Breast Cancer/Screening and Treatment Information
Kentucky	H.C.R. 15 H.R. 125  S.B. 18	Cancer—General/Awareness Cervical Cancer/Awareness Tobacco Use/Awareness State-of-the-Art Treatment/Clinical Trials
Michigan	H.R. 195 H.R. 209 S.B. 744	Cancer—General/Awareness Tobacco Use/Awareness Genetics/Insurance Discrimination
Mississippi	H.R. 55	Breast Cancer/Awareness Colorectal Cancer/Awareness Prostate Cancer/Awareness
Nebraska	L.B. 261	Tobacco Use/Tobacco Access by Minors
New Jersey	A.B. 4227/4228  A.C.R. 219  S.B. 2502	Tobacco Use/Smoke-Free Air Tobacco Use/Tobacco Access by Minors Cancer—General/Awareness Health Disparities/Awareness and Acknowledgment Cancer—General/Research and Prevention
New Mexico	H.B. 3a H.M. 36/S.J.M. 19	Tobacco Use/Excise Taxes State-of-the-Art Treatment/Clinical Trials
Ohio	H.B. 27	Cancer—General/Awareness
Oklahoma	S.C.R. 46	Colorectal Cancer/Awareness
Pennsylvania	H.R. 562 H.R. 641 S.B. 237	Breast Cancer/Screening and Treatment Information Colorectal Cancer/Awareness Genetics/Insurance Discrimination
Rhode Island	H.B. 7914	Breast Cancer/Screening and Treatment Reimbursement
Tennessee	H.J.R. 281	Colorectal Cancer/Awareness Health Disparities/Awareness and Acknowledgment
Utah	H.B. 88 H.B. 130 H.B. 206 H.R. 3 S.B. 259	Tobacco Use/Tobacco Access by Minors Cancer—General/Research and Prevention Tobacco Use/Tobacco Access by Minors Tobacco Use/Smoke-Free Air Tobacco Use/Excise Taxes
Virginia	H.J.R. 56 H.J.R. 133  H.J.R. 198 S.J.R. 124	Cancer—General/Awareness Breast Cancer/Screening and Treatment Information Health Disparities/Awareness and Acknowledgment Cancer—General/Awareness Tobacco Use/Awareness
West Virginia	H.B. 4172 H.C.R. 47	Breast Cancer/Awareness Cancer—General/Awareness
Wyoming	H.B. 63	Skin Cancer/Tanning Facilities

### Legislative Abbreviations

A.B.	Assembly Bill	H.J.R.	House Joint Resolution	S.C.R.	Senate Concurrent Resolution
A.C.R.	Assembly Concurrent Resolution	H.M.	House Memorial	S.J.M.	Senate Joint Memorial
H.B.	House Bill	H.R.	House Resolution	S.J.R.	Senate Joint Resolution
H.C.R.	House Concurrent Resolution	L.B.	Legislative Bill	S.R.	Senate Resolution
H.F.	House File	S.B.	Senate Bill		

## Legislative Data Byte

## States with Laws Addressing Coverage for Tobacco Dependency Treatment by Private Health Insurance Plans (enacted as of March 31, 2010)



Among current U.S. adult smokers, 70 percent report that they want to quit completely, and millions have attempted to quit smoking.<sup>1</sup> The *2008 Clinical Practice Guidelines on Treating Tobacco Dependence*<sup>2</sup> (*Guidelines*), published by the U.S. Department of Health and Human Services Public Health Service, recommends various counseling and medication treatment options for tobacco dependence. Regarding counseling, the *Guidelines* specify that intense individual, group, and telephone counseling are effective for tobacco cessation. In addition, the guidelines recommend seven medications that are proven to reliably treat tobacco dependence and sustain long-term smoking abstinence.

Of the medications recommended, two are prescription drug treatments (bupropion SR and varenicline) and five are nicotine replacement therapies (NRTs):

- nicotine gum
- lozenge
- patch
- inhaler
- nasal spray

Although counseling services and medications are proven to be independently effective, the *Guidelines* suggest that clinicians consider and promote the use of both as the most effective tobacco dependency treatment. Guidance from the American Cancer Society Web site to help smokers manage the physical aspects of addiction states that pairing NRTs with a program that provides support for behavior modification can double the chances of permanently quitting the smoking habit.<sup>3</sup>

While counseling and cessation aids have been proven to help smokers quit, tobacco dependence is a chronic condition that often requires repeated intervention.<sup>2</sup> NRTs, prescription medications, and counseling can be expensive, and treatment is generally not provided under individual health insurance plans.

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For this and other reasons, smokers often do not obtain initial or subsequent treatment.

Some state lawmakers have begun to address access to affordable treatment for tobacco dependence by enacting laws that require insurers to provide coverage for cessation treatments and services. As of March 31, 2010, 21 states have laws addressing third-party coverage or reimbursement for treatment of tobacco use dependency. Of those 21 states, only 4—**Colorado, Maryland, Oregon, and Rhode Island**—have laws that require private insurers to cover smoking cessation treatment. The law in **Maryland** specifies that coverage must be provided for prescription NRTs and prescription drugs and **Rhode Island's** law specifies that coverage must include prescription drugs and counseling services. The laws in **Colorado** and **Oregon** do not specify covered treatments. Three states—**California, New Jersey, and New Mexico**—require private insurers to offer coverage for tobacco dependency treatment. Laws in other states vary, but generally: (1) require coverage for smoking cessation by state Medicaid or state employee health plans, or (2) authorize health plans to offer incentives or rewards for participation in tobacco cessation programs.

- Centers for Disease Control and Prevention. (2002). Cigarette smoking among adults—United States, 2000 [Electronic version]. *Morbidity and Mortality Weekly Report* 51(29), 642–645.
- Fiore, M.C., Jaen, C.R., Baker, T.B., et al. (2008, May) Treating tobacco use and dependence: 2008 update. *Clinical Practice Guideline*. Rockville, MD: U.S. Department of Health and Human Services. Public Health Service.
- American Cancer Society (2009, November 23). *Guide to quitting smoking*. Retrieved April 14, 2010, from [http://www.cancer.org/docroot/PED/content/PED\\_10\\_13X\\_Guide\\_for\\_Quitting\\_Smoking.asp](http://www.cancer.org/docroot/PED/content/PED_10_13X_Guide_for_Quitting_Smoking.asp).

## ABOUT SCLD

The SCLD Program maintains a database of state cancer-related legislation and serves as an important resource for research and analysis of cancer-related health policy. The SCLD Program also monitors the role of state legislation in public health and the application of cancer control science. Because of the volume of enacted laws, minor amendments to laws are not reported. Information about state legislative actions related to cancer prevention and control is provided through the *SCLD Update*, the SCLD Program Web site, and the National Cancer Institute's Cancer Information Service (1-800-4-CANCER).

## VISIT THE SCLD WEB SITE

Visit the SCLD Program Web site at: [www.sclد-nci.net](http://www.sclد-nci.net) and select "Search Database" to access more than 7,400 abstracts of enacted laws and adopted resolutions. While you are there, view additional Web site features and sign up for e-mail notification of Web site updates.

The SCLD Program Web site also includes a brief overview of the SCLD Program; access to current fact sheets and current and archived editions of the *SCLD Update*; data and information related to the tobacco ratings project; copies of SCLD presentations; information about submitting inquiries to the SCLD Program; and contacts and e-mail addresses for additional information. In addition, links are provided to the Web sites of the National Institutes of Health, the National Cancer Institute (NCI), NCI's Office of Government and Congressional Relations, and NCI's Center to Reduce Cancer Health Disparities.

### For subscription information/address changes, contact:

Regina el Arculli, M.A.  
Director, State Cancer Legislative Database Program  
National Cancer Institute  
Office of Government and Congressional Relations  
Building 31, Room 10A48  
31 Center Drive, MSC 2580  
Bethesda, MD 20892-2580  
301.496.5217, 301.402.1225 FAX  
e-mail: [elarculli@nih.gov](mailto:elarculli@nih.gov)

### For additional copies of the *SCLD Update*, contact:

SCLD Program  
c/o The MayaTech Corporation  
Center for Health Policy and Legislative Analysis  
1100 Wayne Avenue  
Suite 900  
Silver Spring, MD 20910  
301.587.1600, 301.587.0709 FAX  
e-mail: [sclد@mayatech.com](mailto:sclد@mayatech.com)

### State Cancer Legislative Database Program

#### National Cancer Institute

Building 31, Room 10A48  
31 Center Drive, MSC 2580  
Bethesda, MD 20892-2580