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AN ACT

RELATING TO HEALTH; REQUIRING HEALTH FACILITIES THAT PERFORM
MAMMOGRAMS TO PROVIDE CERTAIN INFORMATION RELATING TO BREAST
DENSITY TO PATIENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. MAMMOGRAMS--HEALTH FACILITIES--BREAST
DENSITY DISCLOSURE.--

A. A health facility that performs a mammogram examination shall include in the summary of the mammography report that is required pursuant to federal law to be provided to a patient information that identifies the patient's individual breast density classification based on the breast imaging reporting and data system established by the American college of radiology. If the health facility determines that a patient has heterogeneously dense or extremely dense breast tissue, the summary of the mammography report shall include the following notice:

"Your mammogram indicates that you have dense breast tissue. Dense breast tissue is common and is not abnormal. However, dense breast tissue may make it harder to evaluate the results of your mammogram. It may also be associated with an increased risk of breast cancer. This information is being provided to raise your awareness and to inform your conversation with your health care provider. Together, you

1 can decide if additional screening options may be right for
2 you. A report of your results was sent to your health care
3 provider.".

4 B. A health facility may direct a patient who
5 receives a diagnostic or screening mammogram to information
6 about breast density, which may include:

7 (1) the American college of radiology's most
8 current brochure on the subject of breast density available
9 on the American college of radiology's website;

10 (2) materials related to cancer or
11 mammography produced by an educational institution; or

12 (3) materials related to cancer or
13 mammography produced by an advocacy organization.

14 C. Nothing in this section shall be deemed to
15 create a duty of care or other legal obligation beyond the
16 duty to provide notice as set forth in Subsection A of this
17 section. Nothing in this section shall be deemed to require a
18 notice that is inconsistent with the provisions of the federal
19 Mammography Quality Standards Act of 1992 or any regulations
20 promulgated pursuant to that act. _____

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