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

B. A health facility may direct a patient who
receives a diagnostic or screening mammogram to information
about breast density. This informative material may include
the American college of radiology's most current brochure on
the subject of breast density available on the American
college of radiology's website. Patients and health care
providers can be further informed by materials from
educational and advocacy organizations related to cancer or
mammography.

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