

HOUSE BILL 202

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Elizabeth "Liz" Thomson and Joanne J. Ferrary

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. ~~[NEW MATERIAL]~~ 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

.209834.1

underscoring material = new  
[bracketed material] = delete

underscoring material = new  
~~[bracketed material] = delete~~

1 tissue, the summary of the mammography report shall include the  
2 following notice:

3 "Your mammogram indicates that you have dense breast tissue.  
4 Dense breast tissue is common and is not abnormal. However,  
5 dense breast tissue may make it harder to evaluate the results  
6 of your mammogram. It may also be associated with an increased  
7 risk of breast cancer. This information is being provided to  
8 raise your awareness and to inform your conversation with your  
9 health care provider. Together, you can decide if additional  
10 screening options may be right for you. A report of your  
11 results was sent to your health care provider."

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

20 C. Nothing in this section shall be deemed to  
21 create a duty of care or other legal obligation beyond the duty  
22 to provide notice as set forth in Subsection A of this section.  
23 Nothing in this section shall be deemed to require a notice  
24 that is inconsistent with the provisions of the federal  
25 Mammography Quality Standards Act of 1992 or any regulations

.209834.1

underscoring material = new  
~~[bracketed material] = delete~~

1 promulgated pursuant to that act.

2 - 3 -

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

.209834.1

