

1 HOUSE BILL 243

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Elizabeth "Liz" Thomson

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10 AN ACT

11 RELATING TO HEALTH; REQUIRING HEALTH FACILITIES THAT PERFORM
12 MAMMOGRAPHIES TO PROVIDE CERTAIN INFORMATION RELATING TO BREAST
13 DENSITY TO PATIENTS.

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

16 SECTION 1. [NEW MATERIAL] MAMMOGRAPHIES--HEALTH
17 FACILITIES--BREAST DENSITY DISCLOSURE.--

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

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1 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 found in more than fifty
5 percent of women and is not abnormal. However, dense breast
6 tissue may make it more difficult to detect breast cancer and
7 may be associated with an increased risk of breast cancer.
8 This information is being provided to raise your awareness and
9 to encourage you and your health care provider to discuss this
10 and other breast cancer risk factors. Together, you and your
11 health care provider can decide if additional screening options
12 may be right for you. A report of your results was sent to
13 your health care provider."

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

22 C. Nothing in this section shall be deemed to
23 create a duty of care or other legal obligation beyond the duty
24 to provide notice as set forth in Subsection A of this section.
25 Nothing in this section shall be deemed to require a notice

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1 that is inconsistent with the provisions of the federal
2 Mammography Quality Standards Act or any regulations
3 promulgated pursuant to that act.

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