

HB 712-FN - AS AMENDED BY THE HOUSE

27Mar2025... 1138h

2025 SESSION

25-0438  
05/09

HOUSE BILL            **712-FN**

AN ACT                limiting breast surgeries for minors.

SPONSORS:            Rep. Mazur, Hills. 44; Rep. Kofalt, Hills. 32; Rep. Reinfurt, Hills. 29; Rep. Seidel, Hills. 29; Rep. DeVito, Rock. 8; Rep. Litchfield, Rock. 32; Rep. Notter, Hills. 12; Rep. Noble, Hills. 2; Rep. Colcombe, Hills. 30; Rep. Layon, Rock. 13; Sen. Murphy, Dist 16; Sen. Sullivan, Dist 18

COMMITTEE:          Health, Human Services and Elderly Affairs

---

ANALYSIS

This bill limits breast surgeries for minors and provides a private right of action against the surgeon for violation of the statute.

-----

Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT limiting breast surgeries for minors.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Subdivision; Limitations on Breast Surgeries for Minors. Amend RSA 329 by inserting  
2 after section 50 the following new subdivision:

3 Limitations on Breast Surgeries for Minors

4 329:51 Limitations on Breast Surgery for Minors. This subdivision is intended to limit  
5 permissible breast surgeries on people under the age of 18 to only those procedures needed to treat  
6 malignancy, injury, infection, or malformation and those needed to reconstruct the breasts after such  
7 procedures.

8 329:52 Definitions. In this subdivision:

9 I. "Abnormal development" means:

10 (a) "Gynecomastia" which is the abnormal development of breast tissue in biologic  
11 males;

12 (b) "Macromastia" which is excessive development of breast tissue in biologic females  
13 and includes juvenile hypertrophy of the breast and gigantomastia; or

14 (c) "Symptomatic macromastia" is macromastia which causes pain, deformity and/or  
15 recurrent skin infection.

16 II. "Breast surgery" includes:

17 (a) "Mammoplasty" which means surgery to reshape or reside the breasts by removing  
18 or transplanting tissue or inserting implants;

19 (b) "Mastectomy" which means surgery to remove all breast tissue; and/or

20 (c) "Mastopexy" which means surgery to lift the breast.

21 III. "Malignant" means cancerous or otherwise dangerous to the physical health of the  
22 person including physiology compromised by infection, lack of blood flow, or physical injury.

23 VI. "Margin" means the healthy tissue removed around malignant tissue to ensure that all  
24 malignancy has been removed, and any additional tissue as recommended by relevant medical  
25 guidelines.

26 VI. "Transgender chest surgery" means surgery to remove the breasts of a biologic female  
27 through mastectomy or to increase the size of breasts of a biologic male through augmentation  
28 mammoplasty.

29 329:53 Prohibitions and Enforcement.

30 I. Pursuant to this subdivision and RSA 332-M, no physician shall perform transgender  
31 chest surgery on a person under 18 years of age.

1 II. No physician shall perform breast surgery on a person under 18 years of age unless one  
2 or more of the following conditions are met:

3 (a) The procedure is subsequent to a diagnosis of cancer which necessitates such a  
4 procedure as part of a treatment plan;

5 (b) The procedure is needed to remove malignant tissue and an appropriate margin, and  
6 lymph nodes as indicated;

7 (c) Reconstruction of breast tissue to restore the breasts after injury or infection which  
8 requires the removal of breast tissue to restore the physical health of the person;

9 (d) The procedure is needed to correct gynecomastia and symptomatic macromastia; or

10 (e) Treatment of congenital deformities of the breast and/or chest wall.

11 III. A violation of this subdivision is unprofessional conduct and is subject to discipline by  
12 the board of medicine and/or the office of professional licensure and certification.

13 IV. Any person who negligently or willfully violates, or assists in the violation of the  
14 provisions of this section, may be subject to liability for damages as provided by law.

15 2 Title Change. Amend the title of RSA 332-M to read as follows:

16 CHAPTER 332-M

17 PROHIBITING ~~[GENITAL]~~ GENDER ~~[REASSIGNMENT]~~ SURGERY ON MINORS

18 3 Definition of Gender Reassignment Surgery Added. Amend RSA 332-M:2 by inserting after  
19 paragraph III the following new paragraph:

20 III-a. "Gender surgery" includes genital gender reassignment surgery, transgender chest  
21 surgery as defined in RSA 329:52, VI, facial feminization or masculinization surgery, and/or removal  
22 of the reproductive organs for the purposes of gender identity including hysterectomy, oophorectomy,  
23 salpingo-oorphorectomy, and/or orchiectomy.

24 4 Prohibition of Gender Surgery on Minors. Amend RSA 332-M:3 to read as follows:

25 332-M:3 Prohibition of ~~[Genital]~~ Gender ~~[Reassignment]~~ Surgery on Minors.

26 I. A physician shall not perform ~~[genital]~~ gender ~~[reassignment]~~ surgery on minors in the  
27 state of New Hampshire.

28 II. Physicians are not prohibited from performing:

29 (a) Reconstructive surgeries on ~~[the genitalia of]~~ minors to correct malformation,  
30 malignancy, injury or physical disease;

31 (b) Removal of malignant, malformed, or otherwise damaged ~~[genitalia]~~ *tissue*;

32 (c) Genital surgeries on minors with disorders of sex development; or

33 (d) Male circumcision; *or*

34 (e) *Breast surgery subject to the conditions of RSA 329:53, II.*

35 5 Enforcement. Amend RSA 332-M:4, I to read as follows:

**HB 712-FN - AS AMENDED BY THE HOUSE**

**- Page 3 -**

1           I. Any referral for or provision of [~~genital~~] gender [~~reassignment~~] surgery to an individual  
2 under 18 years of age is unprofessional conduct and is subject to discipline by the appropriate  
3 licensing entity or disciplinary review board with competent jurisdiction in this state.

4           6 Effective Date.

5           I. Section 1 of this act shall take effect 60 days after its passage.

6           II. The remainder of this act shall take effect January 1, 2026.

**HB 712-FN- FISCAL NOTE  
AS AMENDED BY THE HOUSE (AMENDMENT #2025-1138h)**

AN ACT limiting breast surgeries for minors.

**FISCAL IMPACT:** This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	Indeterminable Increase more than \$10,000 to \$100,000 or less per fiscal year		
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

**METHODOLOGY:**

This bill places limitations on permissible breast surgeries on people under the age of 18 to only those procedures needed to treat malignancy, injury, infection, or malformation and those needed to reconstruct the breasts after such procedures.

The Department of Health and Human Services (DHHS) states this bill could lead to an uncertain increase in General Fund expenditures, given that gender surgery for individuals under 19 is an extremely rare occurrence. Furthermore, DHHS suggests that the bill might result in minimal, if any, savings to Medicaid expenditures, as prohibiting breast surgery for minors could lead to the substitution of other services, potentially offsetting or exceeding any anticipated savings. The indeterminable increase in expenditures is anticipated to be more than \$10,000 to \$100,000 or less.

The Department of Justice (DOJ) states that the bill incorporates prohibitions in RSA 332-M which includes a provision to authorize the Attorney General to bring legal action to enforce the law, as well as other private rights actions. However, the fiscal impact is likely to be under \$10,000 although it is indeterminable as the amount of cases is unknown. Additionally, the DOJ could potentially be involved in any complaints of unprofessional conduct to the Office of Professional Licensure and Certification for legal guidance.

The Judicial Branch indicates that this bill would result in an increase of litigation under \$10,000.

This could possibly result in an increase in civil cases in the Superior Court, however, there is no way to predict how many such actions would occur so any such increase is indeterminable. The Judicial Branch has provided average cost information for civil cases in the Superior Court:

**NH Judicial Branch Average Civil Case Estimates**

<b>Judicial Branch Average Cost</b>	<b>FY 2025</b>	<b>FY 2026</b>
Superior Court Complex Civil Case	\$1,430	\$1,473
Superior Court Routine Civil Case	\$535	\$552

**Common Civil Case Fees**

<b>Superior Court Fees</b>	<b>As of 2/12/2020</b>
Original Entry Fee	\$280
Third-Party Claim	\$280
Motion to Reopen	\$160

It is assumed that any fiscal impact would occur after FY 2025.

**AGENCIES CONTACTED:**

Department of Health and Human Services, Department of Justice, and Judicial Branch