

CHAPTER 287
HB 712-FN - FINAL VERSION

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2025 SESSION

25-0438
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HOUSE BILL **712-FN**

AN ACT limiting breast surgeries for minors, relative to residential care and health facility licensing, and relative to the collection and reporting of abortion statistics by health care providers and medical facilities.

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

AMENDED ANALYSIS

This bill:

I. Limits breast surgeries for minors to only those procedures needed to treat malignancy, injury, infection, or malformation and those needed to reconstruct the breasts after such procedures.

II. Requires the collection and reporting of certain abortion statistics by health care providers, medical facilities, and the department of health and human services. The reporting requirement replaces a provision in the fetal life protection act stating that nothing in the subdivision shall be construed as creating or recognizing a right to abortion.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 287
HB 712-FN - FINAL VERSION
- Page 2 -

1 therapies essential for maintaining or restoring normal physiological function, preventing life-threatening
2 conditions, or ensuring survival by addressing critical bodily needs, such as stabilizing vital systems,
3 correcting severe imbalances, or supporting essential biological processes.

4 329:53 Prohibitions and Enforcement.

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

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

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

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

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

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

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

17 III. A violation of this subdivision is unprofessional conduct and is subject to discipline by the
18 board of medicine under RSA 329, in conjunction with the office of professional licensure and certification
19 under RSA 310. A violation of this subdivision shall not be grounds for additional civil liability, except as
20 allowable by this subdivision and shall not be grounds for criminal liability.

21 IV. An individual under 18 years of age aggrieved by a violation of this subdivision may bring an
22 action in the superior court for damages and injunctive relief against any person who has committed a
23 violation of this subdivision.

24 V. An individual under 18 years of age may bring an action during their minority through a parent
25 or next friend, or may bring an action in their own name upon reaching majority. A person shall bring a
26 claim for a violation of this subdivision no later than 2 years after the minor aggrieved by the violation
27 reaches the age of majority.

28 VI. Notwithstanding any other provision of law, an action under this subdivision may be
29 commenced, and relief may be granted, in a judicial proceeding without regard to whether the person
30 commencing the action has sought or exhausted available administrative remedies.

31 VII. Notwithstanding RSA 507-E or any other provision of law, the plaintiff may recover damages
32 for all injuries, including but not limited to any costs incurred for any subsequent procedures, therapies,
33 prescriptions, or other treatments related to the unlawful medical procedure or treatment.

34 VIII. In any action or proceeding to enforce a provision of this subdivision, a prevailing party who
35 establishes a violation of this subdivision shall recover reasonable attorneys' fees.

36 IX.(a) The attorney general shall have authority to bring suit to enforce compliance with this
37 subdivision.

CHAPTER 287
HB 712-FN - FINAL VERSION
- Page 3 -

1 (b) This subdivision shall not be construed to deny, impair, or otherwise affect any right or
2 authority of the attorney general, the State of New Hampshire, or any agency, officer, or employee of the
3 state, acting under any law other than this chapter, to institute or intervene in any proceeding.

4 287:2 Title Change. Amend the title of RSA 332-M to read as follows:

5 CHAPTER 332-M

6 PROHIBITING [GENITAL] GENDER [REASSIGNMENT] SURGERY ON MINORS

7 287:3 Definition of Gender Reassignment Surgery Added. Amend RSA 332-M:2 by inserting after
8 paragraph III the following new paragraph:

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

13 287:4 Prohibition of Gender Surgery on Minors. Amend RSA 332-M:3 to read as follows:

14 332-M:3 Prohibition of [Genital] Gender [Reassignment] Surgery on Minors.

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

17 II. Physicians are not prohibited from performing:

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

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

21 (c) Genital surgeries on minors with disorders of sex development; [~~or~~]

22 (d) Male circumcision; *or*

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

24 287:5 Enforcement. Amend RSA 332-M:4, I to read as follows:

25 I. Any [~~referral for or~~] provision of [genital] gender [reassignment] surgery to an individual under
26 18 years of age is unprofessional conduct and is subject to discipline by the appropriate licensing entity or
27 disciplinary review board with competent jurisdiction in this state.

28 287:6 Residential Care and Health Facility Licensing; Proceedings of Residential Care Facility
29 Quality Assurance Program; Confidentiality. Amend RSA 151:5-c, I to read as follows:

30 I. To help assure quality care of residents in licensed residential care facilities, such facilities
31 [~~may voluntarily~~] *shall* maintain a quality assurance program for its residents as set forth in this section.

32 287:7 Residential Care and Health Facility Licensing; Investigations and Consultations. Amend RSA
33 151:6, I to read as follows:

34 I. The department of health and human services may investigate, in response to a complaint
35 alleging a violation of this chapter or when it has good reason to believe that the provisions of this chapter
36 or rules adopted under this chapter have been violated by any facility licensed under this chapter *or*
37 *agency required to be licensed in accordance with RSA 151:2, I* or any facility providing *services beyond*
38 room and board to 2 or more individuals unrelated to the owner or manager. Such investigations shall be
39 conducted in accordance with rules adopted by the commissioner of the department of health and human

CHAPTER 287
HB 712-FN - FINAL VERSION
- Page 4 -

1 services under RSA 151:9. The commissioner of the department of health and human services shall,
2 when necessary, seek the assistance of local and state law enforcement authorities in order to complete
3 its investigation. *Investigation results*
4 *shall be provided as a written report that identifies any noncompliance with this chapter and applicable*
5 *rules adopted under this chapter. The results of investigations shall be posted on the department's*
6 *website in the manner determined by the commissioner of the department of health and human services.*
7 *The results so posted shall indicate the facilities and services investigated and the results for each such*
8 *facility or service. Investigation results shall not be subject to RSA 151:13.*

9 287:8 Residential Care and Health Facility Licensing; Annual Inspection. Amend RSA 151:6-a, II(c)
10 to read as follows:

11 (c) Facilities shall ~~not~~ be required to post notices to correct issued under subparagraph (a)
12 of this paragraph.

13 287:9 New Subparagraph; Residential Care and Health Facility Licensing: Annual Inspection.
14 Amend RSA 151:6-a, II by inserting after subparagraph (e) the following new subparagraph:

15 (f) The results of all inspections under this paragraph shall be posted to the department's
16 website in the manner determined by the commissioner of the department of health and human services.
17 The results so posted shall indicate the facilities and services inspected and the results for each such
18 facility or service. Inspection results shall not be subject to RSA 151:13.

19 287:10 Residential Care and Health Facility Licensing; Civil Fines. Amend RSA 151:16-b to read as
20 follows:

21 151:16-b Civil Fines. All ~~administrative fines and other~~ civil monetary penalties collected by the
22 department from facilities licensed under this chapter shall be kept by the state treasurer in a separate,
23 non-lapsing, interest bearing account. Interest earned on moneys deposited in the account shall be
24 deposited into the account. The moneys in the account shall be used by the department for the protection
25 of the health and property of residents of facilities licensed under this chapter.

26 287:11 Residential Care and Health Facility Licensing; Patients' Bill of Rights. Amend RSA 151:21,
27 XXIII(b)(1)(D) to read as follows:

28 (D) Visitors are noncompliant with written ~~hospital~~ *facility* policy.

29 287:12 Residential Care and Health Facility Licensing; Patients' Bill of Rights. Amend RSA 151:21,
30 XXIII(f)(3) to read as follows:

31 (3) ~~Hospital~~ *Facility* visitation policy detailing the rights and responsibilities specified in
32 this paragraph, and the limitations placed upon those rights by written ~~hospital~~ *facility* policy on its
33 website.

34 287:13 Residential Care and Health Facility Licensing; Dementia Training for Direct Care Staff in
35 Residential Facilities; Continuing Education. Amend RSA 151:50 to read as follows:

36 151:50 Continuing Education. The commissioner shall adopt rules to require at least 6 hours of initial
37 ~~continuing~~ education for covered administrative staff members and covered direct service staff members
38 and shall require at least 4 hours of ~~ongoing training~~ *continuing education* each calendar year. Such

CHAPTER 287
HB 712-FN - FINAL VERSION
- Page 5 -

1 continuing education shall include new information on best practices in the treatment and care of persons
2 with dementia.

3 287:14 New Section; Collection and Reporting of Abortion Statistics. Amend RSA 329 by inserting
4 after section 49 the following new section:

5 329:49-a Collection and Reporting of Abortion Statistics.

6 I. Any health care provider who performs an abortion as defined in RSA 132:32, I, shall report the
7 following information in writing to the medical facility in which the abortion is performed:

- 8 (a) Date when the abortion was performed;
- 9 (b) County where the abortion was performed;
- 10 (c) Age group of the pregnant patient when the abortion was performed;
- 11 (d) Residence of patient as "in-state" or "out-of-state" when the abortion was performed;
- 12 (e) Method used to perform the abortion; and
- 13 (f) Estimated gestational age when the abortion was performed.

14 II. The aggregated report containing the information and data required by this section shall be
15 transmitted by the medical facility to the department of health and human services. These reports shall
16 not identify the patient or health care provider by name or include other personally identifiable information.

17 III. The commissioner of the department of health and human services shall prepare from these
18 data such aggregated statistical trends and tables with respect to maternal health, abortion methods, and
19 estimated gestational age, and shall make an annual aggregated report thereof to the general court.

20 IV. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A,
21 relative to:

- 22 (a) The form in which data shall be filed under paragraph I.
- 23 (b) The cadence of reporting from medical facilities.
- 24 (c) Confidentiality of data collected and disclosed under this section subject to the provisions
25 of this section.
- 26 (d) Procedures and written requirements for obtaining, using, and protecting data provided by
27 the department of health and human services under this section.

28 V. Any medical facility that willfully fails to comply with the provisions of this section shall be
29 subject to an administrative fine of \$100 for each business day the facility remains in noncompliance. Any
30 individual who knowingly and willfully provides false information pursuant to this section shall be guilty of a
31 misdemeanor under RSA 638:3.

32 287:15 Effective Date.

33 I. Sections 10, 11, 12, and 13 of this act shall take effect July 1, 2025.

34 II. Sections 1, 6, 7, 8, and 9 of this act shall take effect 60 days after its passage.

35 III. Section 14 of this act shall take effect January 1, 2027.

36 IV. The remainder of this act shall take effect January 1, 2026.

CHAPTER 287
HB 712-FN - FINAL VERSION
- Page 6 -

Approved: August 01, 2025

Effective Date:

- I. Sections 10, 11, 12 & 13 effective July 1, 2025
- II. Sections 1,6,7,8 &9 effective September 30, 2025
- III. Section 14 effective January 1, 2027
- IV. Remainder effective January 1, 2026

