

HB 712-FN - AS INTRODUCED

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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.

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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
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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
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable Increase more than \$10,000 to \$100,000 or less per fiscal year		
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$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

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

Common Civil Case Fees

Superior Court Fees	As of 2/12/2020
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