

Amendment to HB 712-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Subdivision; Limitations on Breast Surgeries for Minors. Amend RSA 329 by inserting
4 after section 50 the following new subdivision:

5 Limitations on Breast Surgeries for Minors

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

10 329:52 Definitions. In this subdivision:

11 I. "Abnormal development" means:

12 (a) "Gynecomastia" which is the abnormal development of breast tissue in biological
13 males;

14 (b) "Macromastia" which is excessive development of breast tissue in biological females
15 and includes juvenile hypertrophy of the breast and gigantomastia; or

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

18 II. "Breast surgery" includes:

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

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

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

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

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

28 VI. "Transgender chest surgery" means surgery to remove the breasts of a biological female
29 through mastectomy or to increase the size of breasts of a biological male through augmentation
30 mammoplasty, only in such cases where there is no medical diagnosis recommending such surgery to
31 remove the breasts or increase the size of breasts.

32 329:53 Prohibitions and Enforcement.

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

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

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

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

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

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

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

13 III. A violation of this subdivision is unprofessional conduct and is subject to discipline by
14 the board of medicine under RSA 329, in conjunction with the office of professional licensure and
15 certification under RSA 310. A violation of this subdivision shall not be grounds for additional civil
16 or criminal liability.

17 2 Title Change. Amend the title of RSA 332-M to read as follows:

18 CHAPTER 332-M

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

20 3 Definition of Gender Reassignment Surgery Added. Amend RSA 332-M:2 by inserting after
21 paragraph III the following new paragraph:

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

26 4 Prohibition of Gender Surgery on Minors. Amend RSA 332-M:3 to read as follows:

27 332-M:3 Prohibition of ~~[Genital]~~ Gender ~~[Reassignment]~~ Surgery on Minors.

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

30 II. Physicians are not prohibited from performing:

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

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

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

35 (d) Male circumcision; *or*

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

37 5 Enforcement. Amend RSA 332-M:4, I to read as follows:

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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.