

1 Committee of Conference Report on HB 712-FN, limiting breast surgeries for minors.

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3 Recommendation:

4 That the House recede from its position of nonconcurrence with the Senate amendment, and
5 concur with the Senate amendment, and

6 That the Senate and House adopt the following new amendment to the bill as amended by the
7 Senate, and pass the bill as so amended:

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9 Amend RSA 359:52, VI as inserted by section 1 of the bill by replacing it with the following:

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11 VI. "Transgender chest surgery" means surgery to remove the breasts of a biological female
12 through mastectomy or to increase the size of breasts of a biological male through augmentation
13 mammoplasty, except in cases where such surgery is physiologically necessary, or is reconstructive
14 in nature. In this paragraph, "physiologically necessary" refers to interventions, procedures,
15 medications, or therapies essential for maintaining or restoring normal physiological function,
16 preventing life-threatening conditions, or ensuring survival by addressing critical bodily needs, such
17 as stabilizing vital systems, correcting severe imbalances, or supporting essential biological
18 processes.

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20 Amend RSA 329:53, III as inserted by section 1 of the bill by replacing paragraph III with the
21 following:

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

27

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

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

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

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

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

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

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

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50 Amend the bill by replacing section 14 with the following:

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52 14 New Section; Collection and Reporting of Abortion Statistics. Amend RSA 329 by inserting
53 after section 49 the following new section:

54 329:49-a Collection and Reporting of Abortion Statistics.

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

- 57 (a) Date when the abortion was performed;
- 58 (b) County where the abortion was performed;
- 59 (c) Age group of the pregnant patient when the abortion was performed;
- 60 (d) Residence of patient as "in-state" or "out-of-state" when the abortion was performed;
- 61 (e) Method used to perform the abortion; and
- 62 (f) Estimated gestational age when the abortion was performed.

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

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

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

73 (a) The form in which data shall be filed under paragraph I.

74 (b) The cadence of reporting from medical facilities.

75 (c) Confidentiality of data collected and disclosed under this section subject to the
76 provisions of this section.

77 (d) Procedures and written requirements for obtaining, using, and protecting data
78 provided by the department of health and human services under this section.

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

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84 Amend paragraph III of section 15 of the bill by replacing it with the following:

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

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The signatures below attest to the authenticity of this Report on HB 712-FN, limiting breast surgeries for minors.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Rochefort, Dist. 1

Rep. W. MacDonald, Rock. 16

Sen. Birdsell, Dist. 19

Rep. Kesselring, Hills. 18

Sen. Abbas, Dist. 22

Rep. Kofalt, Hills. 32

Rep. Drew, Hills. 19