

Rep. Layon, Rock. 13
Rep. Mazur, Hills. 44
Rep. Cushman, Hills. 28
November 13, 2023
2023-2451h
02/08

Amendment to HB 619-FN

1 Amend title to read as follows:

2

3 AN ACT to require a person to attain the age of majority for genital gender reassignment
4 surgery.
5

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

7

8 1 New Chapter; Prohibiting Genital Gender Reassignment Surgery on Minors. Amend RSA by
9 inserting after chapter 332-L the following new chapter:

10

CHAPTER 332-M

11

PROHIBITING GENITAL GENDER REASSIGNMENT SURGERY ON MINORS

12

332-M:1 Purpose.

13

14 I. The legislature finds that the following facts and circumstances exist, which make the
15 enactment of this statute necessary for the protection of minors and the furtherance of the public
16 interest:

16

(a) Physicians have an ethical and legal duty to obtain patients' informed consent before
17 ordering testing and treatment.

18

(b) Older children and adolescents should be asked to provide their assent for treatment
19 in addition to their parents' permission.

20

(c) A patient's informed consent requires adequate information, capacity to decide, and
21 absence of coercion.

22

(d) Best practices urge shared decision making between parent(s) and child and, in
23 general preferring alternatives that will not foreclose important future choices by the adolescent and
24 the adult the patient will become.

25

(e) Multivariate analyses of published studies between 2015 and 2022 showed no
26 decrease in suicidality after gender affirming surgery, with some studies showing a significant
27 increase in psychiatric hospitalizations and suicide after surgical transition.

28

(f) There is a lack of high quality clinical trials which provide data on outcomes for
29 adolescent genital gender reassignment surgeries or young adult genital gender reassignment
30 surgeries, particularly after pubertal suppression and cross sex hormones.

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1 II. Adolescent genital gender reassignment surgery generally lacks both adequate
2 information for informed consent and involves a high risk of coercion for parental consent when
3 parents believe that they are faced with a choice between their child committing suicide or
4 consenting to their child's genital gender reassignment surgeries.

5 III. In the absence of high quality data to prove safety and efficacy, including long term
6 outcomes, only people over the age of majority should receive genital gender reassignment surgery in
7 the state of New Hampshire.

8 332-M:2 Definitions. In this chapter:

9 I. "Ambiguous genitalia" means a malformation in which a person is not born with clearly
10 male or clearly female external genitalia.

11 II. "Disorders of sex development" includes:

- 12 (a) Forty-six XX chromosomes with or without virilization,
- 13 (b) Presence of both ovarian and testicular tissue,
- 14 (c) Other abnormal sex chromosome structure,
- 15 (d) Abnormal sex steroid hormone production or action, or
- 16 (e) Ambiguous genitalia.

17 III. "Female genitalia" means

18 (a) Internal female genitalia which are the ovaries, Fallopian tubes, uterus, cervix and
19 vagina; and

20 (b) External female genitalia which are the labia minora and majora, also known as the
21 vulva, and the clitoris.

22 IV. "Genital" and "genitalia" means the male or female reproductive organs, in singular and
23 plural form.

24 V. "Genital gender reassignment surgery" means surgical procedures in people born without
25 disorders of sex development including but not limited to metoidioplasty, phalloplasty, or
26 vaginoplasty which seek to change genitalia:

- 27 (a) From male genitalia to female genitalia;
- 28 (b) From female genitalia to male genitalia;
- 29 (c) To form a combination of male and female genitalia or absence of genitalia in those
30 born with exclusively male or exclusively female genitalia; or
- 31 (d) By removing non-malignant genitalia.

32 VI. "Male circumcision" means surgery which removes all or a portion of the foreskin
33 covering the glans of the penis, performed for religious, cultural or health reasons.

34 VII. "Male genitalia" means:

- 35 (a) Internal male genitalia which are the testes, epididymis, and vas deferens; and
- 36 (b) External male genitalia which are the penis and scrotum.

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

3 IX. "Malformation" means a structural defect in the body due to abnormal embryonic or fetal
4 development.

5 X. "Metoidioplasty" means a surgery to transform the clitoris into a penis.

6 XI. "Minor" means a person who has not reached the age of majority.

7 XII. "Phalloplasty" means the surgical construction of a penis from other parts of the body.

8 XIII. "Physician" means a person who is licensed to practice medicine in this state under
9 RSA 329.

10 XIV. "Reconstructive surgery" means surgery to restore normal form and function of tissue
11 after it has been compromised by malformation, infection, trauma, cancer or other physical
12 pathologies.

13 XV. "Vaginoplasty" means the surgical creation of a vagina from other parts of the body and
14 includes but is not limited to:

15 (a) Penile inversion vaginoplasty, which is a first-line "gold standard" approach for those
16 with sufficient penile tissue;

17 (b) Peritoneal vaginoplasty, which is an emerging surgical approach using the
18 membrane that lines the abdominopelvic cavity and surrounds the abdominal organs, for people with
19 insufficient penile tissue including those with a history of puberty blocking medications.

20 (c) Rectosigmoid vaginoplasty, which uses a section of the sigmoid colon to create the
21 vaginal lining, providing an option for those without sufficient penile tissue or as a revision for failed
22 vaginoplasty.

23 332-M:3 Prohibition of Genital Gender Reassignment Surgery on Minors.

24 I. A physician shall not perform genital gender reassignment surgery on minors in the state
25 of New Hampshire.

26 II. Physicians are not prohibited from performing:

27 (a) Reconstructive surgeries on the genitalia of minors to correct malformation,
28 malignancy, injury or physical disease;

29 (b) Removal of malignant, malformed, or otherwise damaged genitalia;

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

31 (d) Male circumcision.

32 332-M:4 Enforcement.

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

36 II. A minor or the parent of such minor aggrieved by a violation of this chapter may bring an
37 action in the superior court for damages and injunctive relief against any person who has committed

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1 or attempted or threatened to commit such violation or any person who has aided or abetted the
2 same.

3 III.(a) A person shall bring a claim for a violation of this chapter no later than 2 years after
4 the day the cause of action accrues.

5 (b) An individual under 18 years of age may bring an action during their minority
6 through a parent or next friend, and may bring an action in their own name upon reaching majority
7 at any time from that point until 20 years after reaching the age of majority.

8 IV. Notwithstanding any other provision of law, an action under this chapter may be
9 commenced, and relief may be granted, in a judicial proceeding without regard to whether the person
10 commencing the action has sought or exhausted available administrative remedies.

11 V. In any action or proceeding to enforce a provision of this chapter, a prevailing party who
12 establishes a violation of this chapter shall recover reasonable attorneys' fees.

13 VI.(a) The attorney general shall have authority to bring suit to enforce compliance with this
14 chapter.

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

18 332-M:4 Severability. Should any part of this chapter be declared invalid the remaining
19 portions shall continue in full force and effect.

20 2 Effective Date. This act shall take effect January 1, 2025.

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AMENDED ANALYSIS

The bill prohibits gender reassignment surgery for minors under 18 years of age.