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SENATE BILL 500

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

David M. Gallegos and Jay C. Block

AN ACT

RELATING TO HEALTH CARE; ENACTING THE DETRANSITIONER PROTECTION ACT; PROVIDING DEFINITIONS; PROVIDING PENALTIES AND ENFORCEMENT; PROVIDING A PRIVATE RIGHT OF ACTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new Section 24-36-1 NMSA 1978 is enacted to read:

"24-36-1. [NEW MATERIAL] SHORT TITLE.--Chapter 24, Article 36 NMSA 1978 may be cited as the "Detransitioner Protection Act"."

SECTION 2. A new Section 24-36-2 NMSA 1978 is enacted to read:

"24-36-2. [NEW MATERIAL] DEFINITIONS.--As used in the Detransitioner Protection Act:

A. "department" means the department of health;

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1           B. "detransition" means a temporary or permanent  
2 cessation or reversal of a transgender identification or a  
3 gender transition, through social, legal or medical means;

4           C. "detransition procedure" means a treatment,  
5 including mental health treatment, medical interventions or  
6 surgery, that is intended to:

7                   (1) stop or reverse the effects of a prior  
8 gender transition procedure; or

9                   (2) help an individual cope with the effects  
10 of a prior gender transition procedure;

11          D. "detransitioner" means:

12                   (1) an individual who began or completed a  
13 gender transition procedure but later sought treatment to  
14 reverse the effects of the gender transition treatment or  
15 procedure; or

16                   (2) an individual who began a gender  
17 transition procedure but has ceased that procedure;

18          E. "female" means an individual human who has, had,  
19 will have or would have, but for a developmental or genetic  
20 anomaly or historical accident, the reproductive system that at  
21 some point produces, transports and uses eggs for  
22 fertilization;

23          F. "gender" means the psychological, behavioral,  
24 social and cultural aspects of being male or female;

25          G. "gender clinic" means a health care entity,

1 including a public body, that provides or prescribes gender  
2 transition procedures or refers individuals for gender  
3 transition procedures;

4 H. "gender dysphoria" means a diagnosis as provided  
5 under the *Diagnostic and Statistical Manual of Mental*  
6 *Disorders*, fifth edition, that occurs when a person is  
7 distressed or impaired due to a difference between that  
8 person's gender identity and the person's assigned gender at  
9 birth;

10 I. "gender incongruence" means a diagnosis as  
11 provided under the world health organization's *International*  
12 *Classification of Diseases*, eleventh revision, when a person's  
13 gender identify differs from the person's assigned sex at  
14 birth;

15 J. "gender transition procedure" means a  
16 pharmaceutical or surgical intervention to alter an  
17 individual's body as a treatment to address an inconsistency  
18 between a minor's sex and that minor's perceived gender or  
19 perceived sex;

20 K. "health care provider" means an individual or  
21 entity licensed to administer or provide health care services  
22 in this state;

23 L. "informed notice" means a verbal and written  
24 notice provided to a minor or the minor's parent by a health  
25 care provider or public body whom the minor or parent contacts

1 for information about or access to a gender transition  
2 procedure for the minor. The informed notice shall be stated  
3 or written verbatim as provided in Subsection B of Section 3 of  
4 the Detransitioner Protection Act;

5 M. "male" means an individual human who has, had,  
6 will have, or would have but for a developmental or genetic  
7 anomaly or historical accident, the reproductive system that at  
8 some point produces, transports and uses sperm for  
9 fertilization;

10 N. "mental health professional" means a health care  
11 provider whose scope of practice includes diagnosing and  
12 treating mental health conditions;

13 O. "minor" means a child who is younger than  
14 eighteen years of age and who is not an emancipated minor;

15 P. "parent" means a biological, legal or adoptive  
16 father, mother or legal guardian of another individual;

17 Q. "perceived gender" means an individual's  
18 internal sense of that individual's gender;

19 R. "perceived sex" means an individual's internal  
20 sense of that individual's sex;

21 S. "public body" means a state or local government,  
22 an advisory board, a commission, an agency or an entity created  
23 by the constitution of New Mexico or a branch of government,  
24 including a health care provider or entity acting on behalf of  
25 or within the scope of the authority of a public body, that

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1 receives public funding and includes political subdivisions,  
2 special tax districts, school districts and institutions of  
3 higher education; and

4 T. "sex" means the biological indication of an  
5 individual at the time of birth as male or female in the  
6 context of reproductive potential or capacity, such as sex  
7 chromosomes, naturally occurring sex hormones, gonads and  
8 nonambiguous internal and external genitalia present at birth,  
9 including secondary sex characteristics, without regard to the  
10 individual's psychological, chosen or subjective experience or  
11 perception of the individual's gender."

12 SECTION 3. A new Section 24-36-3 NMSA 1978 is enacted to  
13 read:

14 "24-36-3. ~~[NEW MATERIAL]~~ GENDER TRANSITION PROCEDURE FOR  
15 MINOR PROHIBITED--INFORMED NOTICE REQUIRED--VIOLATIONS--  
16 PENALTIES--ENFORCEMENT.--

17 A. A health care provider or public body shall not  
18 provide a gender transition procedure on or provide gender  
19 transition information to a minor.

20 B. A health care provider or public body shall  
21 provide informed notice to a minor or that minor's parent who  
22 requests information about or access to a gender transition  
23 procedure for the minor. The written notice shall be in at  
24 least fourteen point font in a proportionally spaced typeface  
25 and provided during every discussion, medical visit or

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1 interaction with the minor or that minor's parent.

2 The informed notice shall be both written and stated  
3 exactly as follows:

4 "1. No reliable studies have shown that these  
5 treatments reduce the risk of suicide in children or  
6 adolescents with gender dysphoria.

7 2. The United States food and drug  
8 administration has not approved the use of puberty blockers or  
9 cross-sex hormones for the purpose of treating gender dysphoria  
10 or gender incongruence. In other words, using these  
11 medications to treat gender dysphoria or gender incongruence is  
12 considered "off-label" use because the medications are not  
13 being used for their approved purposes.

14 3. European governments, including the United  
15 Kingdom, Sweden and Finland, have studied these treatments and  
16 have concluded there is no reliable evidence showing that the  
17 potential benefits of puberty blockers and cross-sex hormones  
18 for this purpose outweigh the risks. Those governments instead  
19 recommend psychotherapy as the first line of treatment for  
20 children and adolescents with gender dysphoria.

21 4. The use of puberty blockers and cross-sex  
22 hormones for this purpose increases the risk of a child or an  
23 adolescent being sterilized, meaning that the child will never  
24 be able to have children.

25 5. The use of puberty blockers and cross-sex

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1 hormones for this purpose carries numerous other risks of  
2 physical harm, including severely decreased bone density, heart  
3 disease, stroke and cancer.

4 6. The effect of these treatments on the brain  
5 development of a child or an adolescent is entirely unknown."

6 C. It is a violation of the Detransitioner  
7 Protection Act to fail to comply with the requirements of  
8 Subsection A of this section. A health care provider found to  
9 have knowingly violated Subsection A of this section:

10 (1) has engaged in unprofessional conduct and  
11 is subject to discipline by the licensing authority responsible  
12 for the regulation of the health care provider's license.  
13 Licensing discipline pursuant to this section shall include  
14 revocation and suspension of the health care provider's license  
15 for at least one year; and

16 (2) is subject to a private right of action by  
17 the parent of the minor subject to that violation for damages  
18 and such equitable relief as the court may determine  
19 appropriate. The court may award reasonable attorney fees and  
20 court costs to a prevailing party.

21 D. Notwithstanding any contrary provision of law, a  
22 health care provider shall not deny a parent access to the  
23 medical records or medical information of that parent's minor.  
24 This subsection does not require a health care provider or  
25 other person delegated with access to the health care

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1 provider's patients' records to provide access to a minor's  
2 medical records when:

3 (1) the medical records or medical information  
4 relate to harm resulting from abuse, neglect or domestic  
5 violence;

6 (2) the person denying access reasonably  
7 believes the minor's parent is responsible for the abuse,  
8 neglect or other injury resulting from domestic violence; and

9 (3) the person denying access reasonably  
10 believes that informing the parent would not be in the best  
11 interests of the minor.

12 E. For the purposes of this section, "abuse,  
13 neglect or domestic violence" does not include:

14 (1) a parent's refusal to permit the parent's  
15 minor to seek gender-transition information or treatment to  
16 address an inconsistency between the minor's sex and the  
17 minor's perceived gender or perceived sex;

18 (2) a parent's refusal to address the parent's  
19 minor using pronouns that are inconsistent with the minor's  
20 sex; or

21 (3) a parent's refusal to address the parent's  
22 minor with a name other than the minor's legal name.

23 F. A parent who is denied access to medical records  
24 or medical information in violation of this section has a  
25 private right of action for damages and such equitable relief

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1 as the court may determine is appropriate. The court may  
2 award reasonable attorney fees and court costs to a prevailing  
3 party.

4 G. The attorney general or a district attorney may  
5 investigate a potential violation of the Detransitioner  
6 Protection Act and may seek production of documents or  
7 testimony through a civil investigative demand and may bring an  
8 action to enforce the provisions of that act."

9 SECTION 4. A new Section 24-36-4 NMSA 1978 is enacted to  
10 read:

11 "24-36-4. [NEW MATERIAL] DETRANSITIONER--RIGHT TO  
12 EFFECTIVE CARE.--A health care provider or public body shall  
13 not:

14 A. prohibit the provision of mental health therapy  
15 to help a minor address an inconsistency between the minor's  
16 sex and the minor's perceived gender or perceived sex; or

17 B. prohibit a parent from consenting to or  
18 withholding consent from the provision of mental health therapy  
19 to help that parent's minor address an inconsistency between  
20 the minor's sex and the minor's perceived gender or perceived  
21 sex."

22 SECTION 5. A new Section 24-36-5 NMSA 1978 is enacted to  
23 read:

24 "24-36-5. [NEW MATERIAL] PUBLIC TRANSPARENCY--GENDER  
25 CLINIC REQUIRED REPORTS.--

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1           A. Every gender clinic operating in this state  
2 shall provide a report of statistics regarding each gender  
3 transition procedure prescribed or provided by the clinic or,  
4 in the case of a minor, any interaction with a minor or that  
5 minor's parent seeking information or access to a gender  
6 transition procedure to the department on a form prescribed by  
7 the department. The statistics reported shall include:

8                   (1) the date on which the gender transition  
9 procedure was prescribed or the referral was made for the  
10 gender transition procedure;

11                   (2) the age and sex of the person to whom the  
12 gender transition procedure was prescribed or for whom the  
13 gender transition procedure referral was made;

14                   (3) whether a drug was prescribed as part of a  
15 gender transition procedure and, if so, the:

16                           (a) name of the drug;

17                           (b) dosage, dosage frequency and  
18 duration; and

19                           (c) method by which the drug will be  
20 administered;

21                   (4) for a surgical procedure provided or for a  
22 referral made for a surgical procedure as part of a gender  
23 transition procedure, the type of surgical procedure,  
24 identified by the system code listed in the American medical  
25 association's current procedural technology code set;

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1 (5) the state and county of residence of the  
2 person receiving the gender transition procedure;

3 (6) the name, contact information and medical  
4 specialty of the health care provider who prescribed the gender  
5 transition procedure or made the referral for the gender  
6 transition procedure; and

7 (7) a description of any other neurological,  
8 behavioral or mental health conditions that the person has been  
9 diagnosed with or exhibits symptoms of, including autism  
10 spectrum disorder, depression, anxiety or bipolar disorder.

11 B. The form required pursuant to this section shall  
12 be:

13 (1) completed by each gender clinic at which a  
14 gender transition procedure is prescribed or a referral is made  
15 for a gender transition procedure;

16 (2) signed by the health care provider who  
17 prescribes the gender transition procedure or makes a referral  
18 for a gender transition procedure; and

19 (3) transmitted by the gender clinic to the  
20 department within fifteen days after the end of the calendar  
21 month during which the gender transition procedure was  
22 prescribed or the referral was made for a gender transition  
23 procedure.

24 C. Reporting forms required under this section  
25 shall not contain the following personal information of the

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1 person receiving a gender transition procedure or a referral  
2 for a gender transition procedure:

3 (1) the name of the person;

4 (2) common identifiers of the person,  
5 including a social security number, a driver's license number  
6 or other identifying information from a state-issued  
7 identification card; or

8 (3) other information that would make it  
9 reasonably possible to identify the person.

10 D. The department shall prepare a comprehensive  
11 annual statistical report for the legislative finance committee  
12 and the legislative health and human services committee based  
13 upon the data gathered from forms submitted under this section.  
14 The report shall include a detailed summary of the information  
15 obtained. The report shall not disclose the identity of any  
16 person or entity that is the subject of a report. The report  
17 shall be published on the department's website and made  
18 independently available to the public by the department in a  
19 downloadable format.

20 E. A health care provider or public body in  
21 violation of this section:

22 (1) has engaged in unprofessional conduct and  
23 is subject to discipline by the appropriate licensing entity or  
24 disciplinary review board with competent jurisdiction in this  
25 state. That discipline shall include suspension of the ability

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1 to administer health care or practice medicine for at least one  
2 year; and

3 (2) the gender clinic where the health care  
4 provider is employed shall pay a civil fine not to exceed two  
5 hundred fifty thousand dollars (\$250,000).

6 F. The attorney general or a district attorney may  
7 investigate a potential violation of this section, may seek  
8 production of documents or testimony through a civil  
9 investigative demand and may bring an action to enforce  
10 compliance with this section."

11 SECTION 6. A new Section 24-36-6 NMSA 1978 is enacted to  
12 read:

13 "24-36-6. [NEW MATERIAL] PUBLIC BODY--GENDER CLINIC--  
14 REQUIREMENT TO PROVIDE CERTAIN DETRANSITION PROCEDURES--RIGHT  
15 TO INSURANCE COVERAGE.--

16 A. A public body or gender clinic that uses state  
17 funds to directly or indirectly provide or pay for the  
18 performance of gender transition procedures shall, as a  
19 condition of receiving the state funds, agree to provide or pay  
20 for the performance of detransition procedures for any person  
21 for whom the public body or gender clinic provides or has  
22 provided a gender transition procedure.

23 B. If an insurance policy includes coverage in this  
24 state for gender transition procedures, the policy shall also  
25 include coverage in this state for detransition procedures.

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1           C. Any entity providing insurance coverage for  
2 detransition procedures shall provide statistics in a form  
3 prescribed by the department regarding insurance claims for  
4 detransition procedures in this state. The department shall  
5 develop the form and shall include the required reporting of  
6 the following:

7                   (1) the number of insurance claims made for a  
8 detransition procedure in this state;

9                   (2) the age and sex of the individual  
10 receiving the detransition procedure;

11                   (3) if known, the date that the individual  
12 initially began a prior gender transition procedure; and

13                   (4) the state and county of residence of the  
14 person receiving the gender transition procedure.

15           D. The form completed pursuant to this section  
16 shall be transmitted by the gender clinic to the department  
17 within fifteen days after the end of the calendar month during  
18 which the claim for the detransition procedure was filed.

19           E. Reporting forms required under this section  
20 shall not contain any of the following regarding the person  
21 receiving a detransition procedure:

22                   (1) the name of the person;

23                   (2) common identifiers of the person,  
24 including a social security number or a driver's license  
25 number; or

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1 (3) other information that would make it  
2 possible to identify the person.

3 F. The department shall prepare a comprehensive  
4 annual statistical report for the legislative finance committee  
5 and the legislative health and human services committee based  
6 upon the data gathered from forms submitted under this section.  
7 The report shall include a detailed summary of the information  
8 obtained and shall not disclose the identity of a person or  
9 entity that is the subject of a report. The report shall be  
10 made independently available to the public by the department in  
11 a downloadable format.

12 G. The attorney general or a district attorney may  
13 investigate a potential violation of this section, may seek  
14 production of documents or testimony through a civil  
15 investigative demand and may bring an action to enforce  
16 compliance with this section."

17 SECTION 7. A new Section 24-36-7 NMSA 1978 is enacted to  
18 read:

19 "24-36-7. [NEW MATERIAL] RIGHT TO LEGAL RESTORATION.--

20 A. Within thirty days of the effective date of the  
21 Detransitioner Protection Act, the department shall develop an  
22 expedited process for changing the sex, name, pronouns and any  
23 other information recorded on a birth certificate, driver's  
24 license or other legal document when the information had been  
25 previously changed to align with an individual's perception of

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1 that individual's gender or sex at a time when that perception  
2 was inconsistent with the individual's sex.

3 B. Any requirement of a court order for changing a  
4 person's name in legal documents in this state as provided in  
5 Section 40-8-1 NMSA 1978 is waived for changes made pursuant to  
6 the Detransitioner Protection Act. To facilitate the expedited  
7 process and the waiver of a court order, the vital records and  
8 health statistics bureau of the department under the direction  
9 of the state registrar shall maintain copies of original legal  
10 documents, including certificates and reports of birth, when  
11 those documents are changed to align with an individual's  
12 perception of that individual's gender or sex when that  
13 perception is inconsistent with the individual's sex."

14 SECTION 8. A new Section 24-36-8 NMSA 1978 is enacted to  
15 read:

16 "24-36-8. [NEW MATERIAL] HEALTH CARE PROVIDER OR PUBLIC  
17 BODY--LIABILITY TO DETRANSITIONER--CAUSE OF ACTION--PENALTIES--  
18 ENFORCEMENT.--

19 A. A health care provider or public body that  
20 provides a minor with a gender transition procedure is strictly  
21 and personally liable for all costs associated with subsequent  
22 detransition procedures sought by the minor within twenty-five  
23 years after the commencement of a gender transition procedure.

24 B. An individual who undergoes a detransition  
25 procedure may bring a civil action either within twenty-five

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1 years from the day the individual becomes eighteen years of age  
2 or within four years from the time the cost of a detransition  
3 procedure is incurred, whichever date is later, against a  
4 health care provider or a public body as provided in this  
5 section in a court of competent jurisdiction for:

6 (1) the real value of the costs of any  
7 detransition procedures;

8 (2) any other appropriate relief; and

9 (3) attorney fees and costs.

10 C. A health care provider or public body that  
11 provides a minor with a gender transition procedure is strictly  
12 liable to that minor if the procedure or the after-effects of  
13 the procedure, including a subsequent detransition procedure,  
14 result in any injury, including physical, psychological,  
15 emotional or physiological harm, within twenty-five years of  
16 the latest procedure provided by that health care provider.

17 D. An individual who suffers an injury as provided  
18 in this section, or that individual's legal representative, may  
19 bring a civil action either within twenty-five years from the  
20 day the individual becomes eighteen years of age or within four  
21 years from the time of discovery by the injured party of both  
22 the injury and the causal relationship between the treatment  
23 and the injury, whichever date is later, against the offending  
24 health care provider or public body in a court of competent  
25 jurisdiction for:

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- 1 (1) declaratory or injunctive relief;
- 2 (2) compensatory damages, including pain and
- 3 suffering, loss of reputation, loss of income or loss of
- 4 consortium, which includes the loss of expectation of sharing
- 5 parenthood;
- 6 (3) punitive damages;
- 7 (4) any other appropriate relief; and
- 8 (5) attorney fees and costs.

9 E. Exceptions to the limitations period in  
10 Subsections B and C of this section include:

11 (1) if, at the time the individual subjected  
12 to treatment attains the age of eighteen years of age, the  
13 individual is under legal disability, the limitation period in  
14 Subsections B and C of this section does not begin to run until  
15 the removal of the disability; and

16 (2) the limitation period in Subsections B and  
17 C of this section does not run during a time period when the  
18 individual is subject to threats, intimidation, manipulation,  
19 fraudulent concealment or fraud perpetrated by the health care  
20 provider or public body that provided the treatment described  
21 in Subsection A or C of this section or by any person acting in  
22 the interest of the health care provider or the public body.

23 F. A health care provider or public body shall not  
24 seek a contractual waiver of liability for a violation of  
25 Subsection A or C of this section. Any attempted waiver is

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1 contrary to the public policy and is null and void.

2 G. Section 41-4-19 NMSA 1978 does not apply to  
3 actions for damages under this section.

4 H. The attorney general or a district attorney may  
5 investigate a potential violation of this section, may seek  
6 production of documents or testimony through a civil  
7 investigative demand and may bring an action to enforce  
8 compliance with this section.

9 I. This section does not deny, impair or affect any  
10 right or authority of the attorney general, this state or any  
11 agency, officer or employee of this state, acting under any law  
12 other than this section, to institute or intervene in any  
13 proceeding."

14 SECTION 9. A new Section 24-36-9 NMSA 1978 is enacted to  
15 read:

16 "24-36-9. [NEW MATERIAL] SEVERABILITY.--If any part or  
17 application of the Detransitioner Protection Act is held  
18 invalid, the remainder or its application to other situations  
19 or persons shall not be affected."

20 SECTION 10. EFFECTIVE DATE.--The effective date of the  
21 provisions of this act is July 1, 2025.

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