

HOUSE BILL 466

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

INTRODUCED BY

Rod Montoya and Rebecca Dow and Harlan Vincent and Mark Duncan
and Andrea Reeb

AN ACT

RELATING TO CHILDREN; ENACTING THE HORMONE THERAPY AND PUBERTY
BLOCKER CHILD PROTECTION ACT; PROHIBITING CERTAIN MEDICAL
PROCEDURES FOR MINORS; PROHIBITING KNOWINGLY DISTRIBUTING
HORMONES OR PUBERTY BLOCKERS TO MINORS; REQUIRING PARENTAL
NOTIFICATION BY A HEALTH CARE PROVIDER OR A PUBLIC BODY IF A
MINOR TAKES GENDER-AFFIRMING ACTION; PROVIDING ENFORCEMENT AND
PENALTIES; PROVIDING A PRIVATE RIGHT OF ACTION; AMENDING THE
REPRODUCTIVE AND GENDER-AFFIRMING HEALTH CARE FREEDOM ACT;
REQUIRING PARENTAL NOTICE AND CONSENT FOR MINORS; ADDING
DEFINITIONS; REQUIRING PARENTAL NOTIFICATIONS; PROVIDING THAT A
PARENT OF A MINOR MAY BRING A CLAIM UNDER THAT ACT AGAINST A
PUBLIC BODY OR AN INDIVIDUAL; INCLUDING PARENTS AMONG THOSE
WITH A PRIVATE RIGHT OF ACTION UNDER THAT ACT; PROVIDING
PENALTIES FOR VIOLATION OF THAT ACT BY A LICENSED HEALTH CARE
PROVIDER; AMENDING THE REPRODUCTIVE AND GENDER-AFFIRMING HEALTH

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1 CARE PROTECTION ACT; PROHIBITING THAT ACT'S APPLICABILITY TO
2 MINORS EXCEPT FOR REQUIRED PARENTAL NOTIFICATIONS AND CERTAIN
3 REPRODUCTIVE HEALTH CARE ACTIVITIES WITH PARENTAL CONSENT.

4

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

6 SECTION 1. A new section of Chapter 24 NMSA 1978 is
7 enacted to read:

8 "[NEW MATERIAL] SHORT TITLE.--Sections 1 through 8 of this
9 act may be cited as the "Hormone Therapy and Puberty Blocker
10 Child Protection Act".

11 SECTION 2. A new section of Chapter 24 NMSA 1978 is
12 enacted to read:

13 "[NEW MATERIAL] DEFINITIONS.--As used in the Hormone
14 Therapy and Puberty Blocker Child Protection Act:

15 A. "congenital defect" means a physical or chemical
16 abnormality present in a minor that is inconsistent with the
17 normal development of a human being of the minor's sex,
18 including abnormalities caused by a medically verifiable
19 disorder of sex development, but does not include gender
20 dysphoria, gender identity disorder, gender incongruence or any
21 mental condition, disorder, disability or abnormality;

22 B. "gender-affirming action" means an act by a
23 minor that is intended to change that minor's sex or change how
24 others perceive the minor's sex, including the minor:

25 (1) using pronouns inconsistent with the

1 minor's sex;

2 (2) changing the minor's name or asking to be
3 called by a name other than the minor's given name that, based
4 on generally accepted norms, is inconsistent with that minor's
5 sex; or

6 (3) requesting counseling, mental health or
7 medical services or the use of medical equipment in order to
8 support the minor's gender identity or desire to live or
9 present as a different sex;

10 C. "health care provider" means an individual or
11 entity licensed in this state to administer or provide health
12 care services;

13 D. "hormone" means an androgen or estrogen;

14 E. "medical procedure" means conduct including:

15 (1) surgically removing, modifying, altering
16 or entering into an individual's body tissue, cavities or
17 organs; or

18 (2) prescribing, administering or dispensing
19 any puberty blocker or hormone to an individual;

20 F. "minor" means an individual who is younger than
21 eighteen years of age but does not include an emancipated
22 minor;

23 G. "parent" means a biological, legal or adoptive
24 parent of a minor or the minor's legal guardian;

25 H. "parental notification" means a written document

1 notifying a parent of a matter concerning that parent's minor
2 as required pursuant to the Hormone Therapy and Puberty Blocker
3 Child Protection Act prepared by a health care provider or a
4 public body and sent:

5 (1) in a manner that requires a signature
6 acknowledging receipt of the document; and

7 (2) to at least one parent of the minor;

8 I. "precocious puberty" means when a child's sexual
9 development begins before the typical age;

10 J. "puberty blocker" means a drug or device that,
11 when administered to a minor, suppresses the production of
12 hormones in the minor's body in order to stop, delay or
13 suppress pubertal development;

14 K. "public body" means a state or local government,
15 an advisory board, a commission, an agency or an entity created
16 by the constitution of New Mexico or a branch of government,
17 including a health care provider or entity acting on behalf of
18 or within the scope of the authority of a public body, that
19 receives public funding and includes political subdivisions,
20 special tax districts, school districts and institutions of
21 higher education; and

22 L. "sex" means an individual's immutable
23 characteristics of the human reproductive system that define
24 the individual as male or female, as determined by anatomy and
25 genetics existing in that individual at the time of birth."

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1 SECTION 3. A new section of Chapter 24 NMSA 1978 is
2 enacted to read:

3 "[NEW MATERIAL] PROHIBITED CONDUCT--MEDICAL PROCEDURES
4 CONDUCTED ON MINORS.--

5 A. Except as provided in Subsection B or C of this
6 section, a health care provider or a public body shall not
7 knowingly perform or offer to perform on a minor, or administer
8 or offer to administer to a minor, a medical procedure if the
9 purpose of the performance or administration of the medical
10 procedure is to:

11 (1) enable the minor to identify with, or live
12 or present as, a purported identity inconsistent with that
13 minor's sex; or

14 (2) treat the minor's purported discomfort or
15 distress from a discordance between the minor's sex and the
16 minor's asserted or perceived identity.

17 B. It is not a violation of Subsection A of this
18 section if the performance or administration of the medical
19 procedure on the minor is to treat the minor's congenital
20 defect, precocious puberty, disease or physical injury.

21 C. It is not a violation of Subsection A of this
22 section if the performance or administration of the medical
23 procedure on the minor began prior to the effective date of the
24 Hormone Therapy and Puberty Blocker Child Protection Act and
25 the performance or administration of the medical procedure

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1 concludes on or before December 31, 2025; provided, however,
2 that:

3 (1) the health care provider or public body
4 treating the minor shall provide written certification that, in
5 the health care provider's medical judgment or the medical
6 judgment of the public body and based upon the facts known to
7 the health care provider or the public body at the time, ending
8 the medical procedure would be harmful to the minor. The
9 certification shall include the findings supporting the
10 certification and shall be included in the minor's medical
11 record; and

12 (2) the health care provider or public body
13 shall not perform or administer a subsequent medical procedure
14 that is different from the medical procedure performed prior to
15 the effective date of the Hormone Therapy and Puberty Blocker
16 Child Protection Act if the sole purpose of the subsequent
17 medical procedure is to:

18 (a) enable the minor to identify with,
19 or live or present as, a purported identity inconsistent with
20 the minor's sex; or

21 (b) treat purported discomfort or
22 distress from a discordance between the minor's sex and the
23 minor's asserted or perceived identity.

24 D. For purposes of this section, "disease" does not
25 include gender dysphoria, gender identity disorder, gender

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1 incongruence or any mental condition, disorder, disability or
2 abnormality.

3 E. It is not a defense to legal liability incurred
4 as a result of a violation of this section that the minor or a
5 parent of the minor consented to the medical procedure that
6 constitutes the violation.

7 F. This section supersedes any common law rule
8 regarding a minor's ability to consent to a medical procedure
9 that is performed or administered for the purpose of:

10 (1) enabling the minor to identify with, or
11 present or live as, a purported identity inconsistent with the
12 minor's sex; or

13 (2) treating purported discomfort or distress
14 from a discordance between the minor's sex and the minor's
15 perceived or asserted identity.

16 G. A minor upon whom a medical procedure pursuant
17 to Subsection A of this section is performed or administered
18 shall not be liable for violating the Hormone Therapy and
19 Puberty Blocker Child Protection Act.

20 H. Nothing in the Hormone Therapy and Puberty
21 Blocker Child Protection Act prohibits or restricts the
22 licensed practice of psychology, psychiatry, counseling or
23 social work in this state."

24 SECTION 4. A new section of Chapter 24 NMSA 1978 is
25 enacted to read:

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1 "[NEW MATERIAL] PROHIBITION--DISTRIBUTION OF HORMONES OR
2 PUBERTY BLOCKERS TO A MINOR.--An individual, a health care
3 provider or a public body shall not knowingly provide a hormone
4 or a puberty blocker to a minor if the provision of the hormone
5 or puberty blocker is not lawfully permitted pursuant to the
6 Hormone Therapy and Puberty Blocker Child Protection Act."

7 SECTION 5. A new section of Chapter 24 NMSA 1978 is
8 enacted to read:

9 "[NEW MATERIAL] GENDER-AFFIRMING ACTION BY MINOR--HEALTH
10 CARE PROVIDER OR PUBLIC BODY--PARENTAL NOTIFICATION
11 REQUIREMENT.--A health care provider or public body shall
12 provide parental notification to at least one parent of a minor
13 no later than seven calendar days after the health care
14 provider or public body observes or has reasonable cause to
15 believe that the parent's minor has taken a gender-affirming
16 action while in the presence of the health care provider or
17 while on the premises of the public body or while interacting
18 with individuals employed by or representing the health care
19 provider or public body."

20 SECTION 6. A new section of Chapter 24 NMSA 1978 is
21 enacted to read:

22 "[NEW MATERIAL] PRIVATE RIGHT OF ACTION.--

23 A. Except as provided in Subsection B of this
24 section, a minor or the parent of a minor injured as a result
25 of a violation of the Hormone Therapy and Puberty Blocker Child
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1 Protection Act may bring a civil cause of action for
2 appropriate relief, including temporary, preliminary or
3 permanent injunctive relief, compensatory or punitive damages
4 and reasonable attorney fees, court costs and expenses, against
5 the health care provider or other person alleged to have
6 violated that act; provided, however, the parent of a minor
7 injured as a result of a violation of that act may not bring a
8 civil cause of action against a health care provider or another
9 person if the parent consented on behalf of the minor to the
10 action that constitutes the violation.

11 B. The parent or next of kin of a deceased minor
12 may bring a wrongful death action against a health care
13 provider, an individual or a public body alleged to have
14 violated the Hormone Therapy and Puberty Blocker Child
15 Protection Act if:

16 (1) the minor's death is the result of the
17 physical or emotional harm inflicted upon the minor as a result
18 of the violation; and

19 (2) the parent of the minor did not consent on
20 behalf of the minor to the conduct that constituted the
21 violation.

22 C. In an action brought against a health care
23 provider pursuant to this section, if the plaintiff prevails,
24 the plaintiff shall provide a certified copy of the final
25 judgment in favor of the plaintiff to the licensing authority

1 responsible for the regulation of the health care provider's
2 license. Upon receipt of the certified final judgment in favor
3 of the plaintiff, pursuant to the provisions of the Uniform
4 Licensing Act, the licensing authority shall:

5 (1) issue a notice of contemplated action for
6 revocation of the health care provider's license if the final
7 judgment includes a finding that the health care provider
8 knowingly violated the Hormone Therapy and Puberty Blocker
9 Child Protection Act; or, if the final judgment does not
10 include a finding that the health care provider knowingly
11 violated that act, the licensing authority shall issue a notice
12 of contemplated action for suspension of the health care
13 provider's license for a period of up to two years; and

14 (2) send the health care provider a copy of
15 the notice of contemplated action along with information
16 regarding the process to file for a hearing before the
17 licensing authority to contest the contemplated action.

18 D. For purposes of this section, "compensatory
19 damages" may include:

20 (1) reasonable economic losses caused by the
21 emotional, mental or physical effects of the violation,
22 including:

23 (a) the cost of counseling,
24 hospitalization and any other medical expenses connected with
25 treating the harm caused by the violation;

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1 (b) any out-of-pocket costs of the minor
2 paid by the minor to the health care provider or public body
3 for the prohibited medical procedure; or

4 (c) any loss of income caused by the
5 violation; or

6 (2) noneconomic damages caused by the
7 violation, including psychological and emotional anguish.

8 E. An action commenced pursuant to the Hormone
9 Therapy and Puberty Blocker Child Protection Act shall be
10 brought:

11 (1) within thirty days from the date the minor
12 reaches eighteen years of age; or

13 (2) if the minor is deceased, within ten years
14 of the minor's death."

15 SECTION 7. A new section of Chapter 24 NMSA 1978 is
16 enacted to read:

17 "[NEW MATERIAL] ENFORCEMENT--PENALTIES.--

18 A. The attorney general or a district attorney may
19 institute a civil action in district court if the attorney
20 general or district attorney has reasonable cause to believe
21 that a violation has occurred or to prevent a violation of the
22 Hormone Therapy and Puberty Blocker Child Protection Act.

23 B. In any action brought pursuant to this section,
24 the court may award appropriate relief, including temporary,
25 preliminary or permanent injunctive relief. The court may

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1 assess a civil penalty for a violation of the Hormone Therapy
2 and Puberty Blocker Child Protection Act in the amount of five
3 thousand dollars (\$5,000) or actual damages resulting from each
4 violation, whichever is greater."

5 SECTION 8. A new section of Chapter 24 NMSA 1978 is
6 enacted to read:

7 "[NEW MATERIAL] SEVERABILITY.--If any part or application
8 of the Hormone Therapy and Puberty Blocker Child Protection Act
9 is held invalid, the remainder of its application to other
10 situations or persons shall not be affected."

11 SECTION 9. Section 24-34-2 NMSA 1978 (being Laws 2023,
12 Chapter 11, Section 2) is amended to read:

13 "24-34-2. DEFINITIONS.--As used in the Reproductive and
14 Gender-Affirming Health Care Freedom Act:

15 A. "adult" means an individual who is eighteen
16 years of age or older;

17 B. "emancipated minor" means an individual who is
18 sixteen years of age or older who:

19 (1) has entered into a valid marriage;

20 (2) is on active duty with any of the armed
21 services in the United States; or

22 (3) has received a declaration of emancipation
23 pursuant to the Emancipation of Minors Act;

24 [A.] C. "gender-affirming health care" means
25 psychological, behavioral, surgical, pharmaceutical and medical

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1 care, services and supplies provided to support ~~[a person's]~~ an
2 adult's or emancipated minor's gender identity;

3 D. "health care provider" means an individual or
4 entity licensed in this state to administer or provide health
5 care services;

6 E. "minor" means an individual who is younger than
7 eighteen years of age;

8 F. "parent" means a biological, legal or adoptive
9 father or mother or legal guardian of another person;

10 G. "parental consent" means a notarized written
11 document that is signed by at least one parent of a minor and
12 provides permission for a public body to:

13 (1) engage or meet with, contact or speak to
14 or provide information to the minor regarding reproductive
15 health care; or

16 (2) provide the minor with access to
17 reproductive health care;

18 H. "parental notification" means a written document
19 notifying a parent of a matter concerning that parent's minor
20 as required pursuant to the Reproductive and Gender-Affirming
21 Health Care Freedom Act that is prepared by a health care
22 provider or a public body and is sent:

23 (1) in a manner that requires a signature
24 acknowledging receipt of the document; and

25 (2) to at least one parent of the minor;

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1 [~~B-~~] I. "public body" means a state or local
2 government, an advisory board, a commission, an agency or an
3 entity created by the constitution of New Mexico or any branch
4 of government, including an individual or entity acting on
5 behalf of or within the scope of the authority of a public
6 body, that receives public funding [~~including~~] and includes
7 political subdivisions, special tax districts, school districts
8 and institutions of higher education; and

9 [~~G-~~] J. "reproductive health care" means
10 psychological, behavioral, surgical, pharmaceutical and medical
11 care, services and supplies that relate to the human
12 reproductive system [~~including~~] but does not include gender-
13 affirming health care. "Reproductive health care" services
14 include services related to:

- 15 (1) preventing a pregnancy;
- 16 (2) abortion;
- 17 (3) managing a pregnancy loss;
- 18 (4) prenatal, birth, perinatal and postpartum
19 health;
- 20 (5) managing perimenopause and menopause;
- 21 (6) managing fertility;
- 22 (7) treating cancers of the reproductive
23 system; or
- 24 (8) preventing or treating sexually
25 transmitted infections."

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1 SECTION 10. Section 24-34-3 NMSA 1978 (being Laws 2023,
2 Chapter 11, Section 3) is amended to read:

3 "24-34-3. PUBLIC BODY PROHIBITED ACTION--MINORS--PARENTAL
4 NOTIFICATION AND CONSENT.--

5 A. A public body [~~or an entity or individual acting~~
6 ~~on behalf of or within the scope of the authority of a public~~
7 ~~body~~] shall not discriminate against a [~~person~~] health care
8 provider, an adult or an emancipated minor based on that
9 [~~person's~~] health care provider's, adult's or emancipated
10 minor's use of or refusal to use reproductive health care or
11 gender-affirming health care services.

12 B. A public body [~~or an entity or individual acting~~
13 ~~on behalf of or within the scope of the authority of a public~~
14 ~~body~~] shall not deny, restrict or interfere with a [~~person's~~]
15 health care provider's, an adult's or an emancipated minor's
16 ability to access or provide reproductive health care or
17 gender-affirming health care within the medical standard of
18 care.

19 C. A public body [~~or an entity or individual acting~~
20 ~~on behalf of or within the scope of the authority of a public~~
21 ~~body~~] shall not deprive, through prosecution, punishment or
22 other means, [~~a person's~~] an adult's or an emancipated minor's
23 ability to act or refrain from acting during the [~~person's~~]
24 adult's or emancipated minor's pregnancy based on the
25 potential, actual or perceived effect on the pregnancy.

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1 D. A public body [~~or an entity or individual acting~~
2 ~~on behalf of or within the scope of the authority of a public~~
3 ~~body~~] shall not impose or continue in effect any law,
4 ordinance, policy or regulation that violates or conflicts with
5 the provisions of the Reproductive and Gender-Affirming Health
6 Care Freedom Act.

7 E. A health care provider or a public body shall:

8 (1) provide parental notification to at least
9 one parent of a minor before engaging or meeting with,
10 contacting or speaking to or providing information to the minor
11 regarding the use of or access to reproductive health care; and

12 (2) obtain parental consent at least fourteen
13 days prior to engaging or meeting with, contacting or speaking
14 to or providing information to the minor regarding the use of
15 or access to reproductive health care.

16 F. A health care provider or a public body:

17 (1) shall not provide gender-affirming health
18 care to a minor;

19 (2) shall not engage or meet with, contact or
20 speak to or provide information to a minor regarding the use of
21 or access to gender-affirming health care; and

22 (3) if contacted by a minor seeking
23 information about or access to gender-affirming health care,
24 shall, within seven calendar days from the initial date of
25 contact with the minor, provide parental notification to at

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1 least one parent of the minor advising the parent that the
2 minor was seeking information about or access to gender-
3 affirming health care.

4 ~~[E.]~~ G. Nothing in the Reproductive and Gender-
5 Affirming Health Care Freedom Act shall be construed to require
6 a health care provider ~~[or entity]~~ to provide care:

7 (1) that the health care provider ~~[or entity]~~
8 does not otherwise provide or have a duty to provide under
9 state or federal law;

10 (2) when the provision of service is against
11 the medical judgment of the treating health care provider while
12 acting within the standard of care; or

13 (3) when an ~~[individual]~~ adult or emancipated
14 minor does not provide payment or a source of payment for the
15 service when it is required in the ordinary course of business,
16 unless the health care provider has a duty to provide services
17 under state or federal law, regardless of the ability to pay.

18 ~~[F.]~~ H. Nothing in the Reproductive and Gender-
19 Affirming Health Care Freedom Act shall be construed to require
20 a managed care organization or health insurance company to
21 cover claims that are not otherwise required to be covered by
22 the terms and conditions of an insurance contract, managed care
23 contract or state or federal law."

24 **SECTION 11.** Section 24-34-4 NMSA 1978 (being Laws 2023,
25 Chapter 11, Section 4) is amended to read:

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1 "24-34-4. ENFORCEMENT--PENALTIES.--

2 A. The attorney general or a district attorney may
3 institute a civil action in district court if the attorney
4 general or district attorney has reasonable cause to believe
5 that a violation has occurred or to prevent a violation of the
6 Reproductive and Gender-Affirming Health Care Freedom Act from
7 occurring.

8 B. In any action brought under Subsection A of this
9 section, the court may award appropriate relief, including
10 temporary, preliminary or permanent injunctive relief. The
11 court may assess a civil penalty for a violation of the
12 Reproductive and Gender-Affirming Health Care Freedom Act in
13 the amount of five thousand dollars (\$5,000) or actual damages
14 resulting from each violation, whichever is greater.

15 C. Claims pursuant to the Reproductive and Gender-
16 Affirming Health Care Freedom Act may be brought against public
17 bodies [~~and entities acting in the course and scope of~~
18 ~~authority of a public body~~], but not against an individual,
19 except that a parent of a minor may bring a claim against any
20 health care provider for violation of that act."

21 SECTION 12. Section 24-34-5 NMSA 1978 (being Laws 2023,
22 Chapter 11, Section 5) is amended to read:

23 "24-34-5. PRIVATE RIGHT OF ACTION.--

24 A. A person, including a parent of a minor,
25 claiming to be aggrieved by a violation of the Reproductive and

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1 Gender-Affirming Health Care Freedom Act may maintain an action
2 in district court for appropriate relief, including temporary,
3 preliminary or permanent injunctive relief, compensatory
4 damages or punitive damages, or the sum of five thousand
5 dollars (\$5,000) for each violation of the Reproductive and
6 Gender-Affirming Health Care Freedom Act, whichever is greater.

7 B. In any action brought pursuant to [~~Subsection A~~
8 ~~of~~] this section, the court shall award a prevailing plaintiff
9 reasonable attorney fees and costs to be paid by the defendant.

10 C. Claims pursuant to the Reproductive and Gender-
11 Affirming Health Care Freedom Act may be brought against public
12 bodies [~~and entities acting in the course and scope of~~
13 ~~authority of a public body~~], but not against an individual,
14 except that a parent of a minor may bring a claim against any
15 health care provider.

16 D. In an action brought against a health care
17 provider pursuant to Subsection C of this section by a parent
18 of a minor, if the plaintiff prevails, the plaintiff shall
19 provide a certified copy of the final judgment in favor of the
20 plaintiff to the licensing authority responsible for the
21 regulation of the health care provider's license. Upon receipt
22 of the certified final judgment in favor of the plaintiff,
23 pursuant to the requirements of the Uniform Licensing Act, the
24 licensing authority shall:

25 (1) issue a notice of contemplated action for

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1 revocation of the health care provider's license if final
2 judgment includes a finding of gross negligence or willful or
3 egregious misconduct, or if the final judgment does not include
4 a finding of gross negligence or willful or egregious
5 misconduct, the licensing authority shall issue a notice of
6 contemplated action for suspension of the health care
7 provider's license for a period of up to two years; and

8 (2) send the health care provider a copy of
9 the notice of contemplated action along with the information
10 regarding the process to file for a hearing before the
11 licensing authority to contest the contemplated action."

12 SECTION 13. Section 24-35-2 NMSA 1978 (being Laws 2023,
13 Chapter 167, Section 2) is amended to read:

14 "24-35-2. DEFINITIONS.--As used in the Reproductive and
15 Gender-Affirming Health Care Protection Act:

16 A. "adult" means an individual who is eighteen
17 years of age or older;

18 B. "emancipated minor" means an individual who is
19 sixteen years of age or older who:

20 (1) has entered into a valid marriage;

21 (2) is on active duty with any of the armed
22 services in the United States; or

23 (3) has received a declaration of emancipation
24 pursuant to the Emancipation of Minors Act;

25 ~~[A.]~~ C. "gender-affirming health care" means

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1 psychological, behavioral, surgical, pharmaceutical and medical
2 care, services and supplies provided to support an individual's
3 gender identity;

4 D. "health care provider" means an individual or
5 entity licensed to administer or provide health care services
6 in this state pursuant to Chapter 61 NMSA 1978 by a board,
7 commission or agency that administers a profession or
8 occupation that is licensed to administer or provide health
9 care or health-care-related services;

10 E. "minor" means a child who is younger than
11 eighteen years of age and is not an emancipated minor;

12 F. "minor with parental consent" means a child who
13 is younger than eighteen years of age and whose parent has
14 provided a public body or health care provider with a notarized
15 written document signed by at least one parent of the minor
16 that provides permission to a public body or a health care
17 provider to:

18 (1) engage or meet with, contact or speak or
19 provide information to the minor regarding a reproductive
20 health care activity; or

21 (2) provide the minor with access to a
22 reproductive health care activity;

23 G. "parent" means a biological, legal or adoptive
24 parent of a minor or the minor's legal guardian;

25 ~~[B.]~~ H. "protected health care activity" means:

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1 (1) an adult, an emancipated minor or a health
2 care provider seeking access to, providing or receiving
3 reproductive health care or gender-affirming health care; or

4 (2) assisting an [~~individual~~] adult, an
5 emancipated minor or a health care provider who is seeking
6 access to, receiving or providing reproductive health care or
7 gender-affirming health care, including providing:

8 (a) information;

9 (b) transportation;

10 (c) lodging; or

11 (d) material support;

12 [~~E.~~] I. "public body" means a state or local
13 government, an advisory board, a commission, an agency or an
14 entity created by the constitution of New Mexico or a branch of
15 government, including a health care provider or an entity
16 acting on behalf of or within the scope of the authority of a
17 public body, that receives public funding [~~including~~] and
18 includes political subdivisions, special tax districts, school
19 districts and institutions of higher education; [~~and~~]

20 [~~D.~~] J. "reproductive health care" means
21 psychological, behavioral, surgical, pharmaceutical and medical
22 care, services and supplies that relate to the human
23 reproductive system [~~including~~] but does not include
24 gender-affirming health care services. "Reproductive health
25 care" services include services related to:

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- 1 (1) preventing a pregnancy;
- 2 (2) abortion;
- 3 (3) managing a pregnancy loss;
- 4 (4) prenatal, birth, perinatal and postpartum
- 5 health;
- 6 (5) managing perimenopause and menopause;
- 7 (6) managing infertility;
- 8 (7) treating cancers of the reproductive
- 9 system; or
- 10 (8) preventing sexually transmitted
- 11 infections; and

12 K. "sex" means an individual's immutable
13 characteristics of the human reproductive system that define
14 the individual as male or female, as determined by anatomy and
15 genetics existing in that individual at the time of birth."

16 SECTION 14. Section 24-35-3 NMSA 1978 (being Laws 2023,
17 Chapter 167, Section 3) is amended to read:

18 "24-35-3. PUBLIC BODY--PROHIBITED RELEASE OF INFORMATION
19 RELATED TO A PROTECTED HEALTH CARE ACTIVITY.--

20 A. A public body [~~or an individual or entity acting~~
21 ~~on behalf of or within the scope of the authority of a public~~
22 ~~body]~~ shall not release information or use resources available
23 to it in furtherance of a foreign investigation or proceeding
24 that seeks to impose civil or criminal liability or
25 professional disciplinary action upon an [~~individual~~] adult, an

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1 emancipated minor or [~~entity~~] a health care provider for
2 engaging in a protected health care activity.

3 B. A public body [~~or an individual or entity acting~~
4 ~~on behalf of or within the scope of the authority of a public~~
5 ~~body~~] that receives a request for information related to a
6 protected health care activity shall notify the [~~individual~~]
7 adult, emancipated minor or [~~entity~~] health care provider that
8 is the subject of the information request and shall move to
9 modify or quash the subpoena to prevent the release of
10 protected health care activity information. Any request for
11 information related to a protected health care activity shall
12 be made in writing.

13 C. The provisions of this section shall not apply
14 if the [~~individual~~] adult, emancipated minor or [~~entity~~] health
15 care provider that is the subject of the investigation or
16 proceeding provides affirmative written consent to release the
17 requested information.

18 D. A public body that receives a request for
19 information related to the reproductive health care activities
20 of a minor with parental consent:

21 (1) shall not release information or use
22 resources available to the public body in furtherance of a
23 foreign investigation or proceeding that seeks to impose civil
24 or criminal liability upon a minor with parental consent for
25 engaging in reproductive health care activities;

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1 (2) shall notify in writing within seven
2 calendar days of receiving the request for information at least
3 one parent of the minor with parental consent who is the
4 subject of the request; and

5 (3) shall as soon as practicable move to quash
6 the subpoena to prevent the release of the minor with parental
7 consent's reproductive health care activity.

8 ~~[D.]~~ E. This section shall not apply to an
9 investigation or proceeding in which the conduct subject to
10 potential liability would be subject to liability under the
11 laws of this state."

12 SECTION 15. Section 24-35-4 NMSA 1978 (being Laws 2023,
13 Chapter 167, Section 4) is amended to read:

14 "24-35-4. FOREIGN SUBPOENAS AND SUMMONSES.--

15 A. A party shall not submit a foreign subpoena or
16 summons for discovery or a witness to provide testimony related
17 to an interstate investigation or proceeding that seeks to
18 impose civil or criminal liability or professional disciplinary
19 action related to a protected health care activity unless the
20 requesting party submits an attestation, signed under the
21 penalty of perjury, that the foreign subpoena or summons
22 relates to an out-of-state action for which the same claim
23 exists under the laws of this state.

24 B. An ~~[individual]~~ adult, an emancipated minor, a
25 minor with parental consent or the parent of a minor with

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1 parental consent or [~~entity~~] a health care provider served with
2 a subpoena that is in violation of this section shall notify
3 the issuing court and the moving party of the defect and shall
4 not comply with the subpoena until the defect is cured by order
5 of the issuing court.

6 C. A party that omits or submits a false
7 attestation pursuant to this section shall be subject to the
8 jurisdiction of the courts of this state in a suit for damages,
9 penalties or both arising out of the omission or false
10 attestation. A court shall assess a statutory penalty of ten
11 thousand dollars (\$10,000) per violation if the court finds the
12 omission or false attestation was made intentionally,
13 knowingly, willingly or recklessly."

14 SECTION 16. Section 24-35-5 NMSA 1978 (being Laws 2023,
15 Chapter 167, Section 5) is amended to read:

16 "24-35-5. ABUSIVE LITIGATION--INTERFERENCE WITH A
17 PROTECTED HEALTH CARE ACTIVITY--CIVIL ACTIONS.--

18 A. For purposes of this section, "abusive
19 litigation" means legal action initiated to deter, prevent,
20 sanction or penalize an individual or entity for engaging in a
21 protected health care activity by initiating a legal action in
22 another state where civil or criminal liability is based on
23 engaging in a protected health care activity in this state or
24 attempting to enforce an order or judgment issued in connection
25 with such legal action.

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1 B. An ~~[individual]~~ adult, an emancipated minor, a
2 minor with parental consent or ~~[entity]~~ a health care provider
3 claiming to be aggrieved by abusive litigation may file an
4 action in district court and seek relief pursuant to Section [8
5 ~~of the Reproductive and Gender-Affirming Health Care Protection~~
6 ~~Act]~~ 24-35-8 NMSA 1978, as well as the amount of a judgment
7 issued in connection with the abusive litigation.

8 C. This section shall not apply to a lawsuit or
9 judgment entered in another state that is based on conduct for
10 which a cause of action exists under the laws of New Mexico."

11 **SECTION 17.** Section 24-35-6 NMSA 1978 (being Laws 2023,
12 Chapter 167, Section 6) is amended to read:

13 "24-35-6. HEIGHTENED PROTECTION FOR ELECTRONICALLY
14 TRANSMITTED INFORMATION RELATED TO A PROTECTED HEALTH CARE
15 ACTIVITY.--

16 A. For purposes of this section, "third party"
17 means an individual or entity who transmits information related
18 to a protected health care activity, in the normal course of
19 business, in an electronic format. "Third party" does not mean
20 a covered entity or business associate as defined by the
21 federal Health Insurance Portability and Accountability Act of
22 1996 and related regulations.

23 B. It shall be a violation of the Reproductive and
24 Gender-Affirming Health Care Protection Act to request from a
25 third party, or for a third party to transmit, information

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1 related to ~~[an individual's]~~ any protected health care activity
2 of an adult, an emancipated minor or ~~[entity's protected health~~
3 ~~care activity]~~ a health care provider or information related to
4 the reproductive health care activity of a minor with parental
5 consent with the intent to:

6 (1) harass, humiliate or intimidate that
7 ~~[individual]~~ adult, emancipated minor, minor with parental
8 consent or ~~[entity]~~ health care provider;

9 (2) incite another to harass, humiliate or
10 intimidate that ~~[individual]~~ adult, emancipated minor, minor
11 with parental consent or ~~[entity]~~ health care provider;

12 (3) cause that ~~[individual]~~ adult, emancipated
13 minor, minor with parental consent or health care provider to
14 reasonably fear for ~~[that individual's own or family members']~~
15 the safety of:

16 (a) that adult or that adult's family;

17 (b) that emancipated minor or that
18 emancipated minor's family;

19 (c) that minor with parental consent or
20 the family of that minor with parental consent; or

21 (d) that health care provider or that
22 health care provider's family;

23 (4) cause that ~~[individual]~~ adult, emancipated
24 minor, minor with parental consent or health care provider to
25 suffer unwanted physical contact or injury;

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1 (5) cause that [~~individual~~] adult, emancipated
2 minor, minor with parental consent or health care provider to
3 suffer substantial emotional distress; [~~or~~]

4 (6) deter, prevent, sanction or penalize an
5 [~~individual~~] adult, an emancipated minor or [~~entity~~] a health
6 care provider for engaging in a protected health care activity;
7 or

8 (7) deter, prevent, sanction or penalize a
9 minor with parental consent or the parent of that minor for the
10 minor engaging in a reproductive health care activity.

11 C. This section shall not apply to a lawsuit or
12 judgment entered in another state that is based on conduct for
13 which a cause of action exists under the laws of New Mexico."

14 SECTION 18. Section 24-35-8 NMSA 1978 (being Laws 2023,
15 Chapter 167, Section 8) is amended to read:

16 "24-35-8. PRIVATE RIGHT OF ACTION.--

17 A. An [~~individual~~] adult, an emancipated minor, a
18 minor with parental consent or that minor's parent or [~~entity~~]
19 a health care provider claiming to be aggrieved by a violation
20 of the Reproductive and Gender-Affirming Health Care Protection
21 Act may file an action in district court for appropriate
22 relief, including temporary, preliminary or permanent
23 injunctive relief, compensatory damages or punitive damages, or
24 for the sum of ten thousand dollars (\$10,000) per violation,
25 whichever is greater. Claims may be brought against a public

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1 body or third party that intentionally, knowingly, willingly or
2 recklessly released information related to a protected health
3 care activity.

4 B. In an action brought against a health care
5 provider pursuant to this section by a parent of a minor, if
6 the plaintiff prevails, the plaintiff shall provide a certified
7 copy of the final judgment in favor of the plaintiff to the
8 licensing authority responsible for the regulation of the
9 health care provider's license. Upon receipt of the certified
10 final judgment in favor of the plaintiff, pursuant to the
11 requirements of the Uniform Licensing Act, the licensing
12 authority shall:

13 (1) issue a notice of contemplated action for
14 revocation of the health care provider's license if the final
15 judgment includes a finding of gross negligence, knowingly
16 violating or willful or egregious misconduct, or if the final
17 judgment does not include a finding of gross negligence,
18 knowingly violating or willful or egregious misconduct, issue a
19 notice of contemplated action for suspension of the health care
20 provider's license for a period of up to two years; and

21 (2) send the health care provider a copy of
22 the notice of contemplated action along with the information
23 regarding the process to file for a hearing before the
24 licensing authority to contest the contemplated action.

25 [~~B.~~] C. In an action brought pursuant to

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1 ~~[Subsection A of]~~ this section, the district court shall award
2 a prevailing plaintiff reasonable attorney fees and costs."

3 SECTION 19. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2025.

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