

1 HOUSE BILL 490

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 John Block and Rod Montoya and Harlan Vincent and
5 Alan T. Martinez and James G. Townsend
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10 AN ACT

11 RELATING TO HEALTH CARE; REQUIRING PARENTAL CONSENT FOR THE
12 PROVISION OF GENDER AFFIRMING PROCEDURES TO MINORS.
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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. [NEW MATERIAL] REQUIRING PARENTAL CONSENT FOR
16 THE PROVISION OF GENDER AFFIRMING PROCEDURES TO MINORS.--

17 A. Any health care provider that provides gender
18 affirming procedures to a minor shall be subject to civil
19 liability and discipline from the health care provider's
20 respective licensing board unless the health care provider has
21 obtained informed written consent that has been signed by:

22 (1) both of the minor's parents;

23 (2) one of the minor's parents if the other
24 parent is dead, unknown, found by a court to be mentally
25 incompetent or has had parental rights terminated; or

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1 (3) the person or persons who have legal
2 custody of the minor if both of the minor's parents are dead,
3 unknown, found by a court to be mentally incompetent or have
4 had their parental rights terminated.

5 B. For the purposes of this section:

6 (1) "gender affirming procedure" means any
7 gender-related surgical or nonsurgical procedure, including
8 hormone treatments and gender affirmation surgeries;

9 (2) "health care provider" means any licensed
10 professional in the health care industry that provides services
11 to patients;

12 (3) "legal custody" means a legal status that
13 vests in a person, department or agency the rights and
14 obligations that would otherwise vest by law in a parent; and

15 (4) "minor" means any person who has not
16 reached eighteen years of age and has not been emancipated
17 pursuant to the Emancipation of Minors Act.