

State of New Mexico  
Senate

FIFTY-SIXTH LEGISLATURE  
FIRST SESSION

March 7, 2023

SENATE FLOOR AMENDMENT number 1 to HOUSE BILL 7, as amended

Amendment sponsored by Senator Gregg Schmedes

1. Strike House Judiciary Committee Amendment 2.
2. Strike Senate Judiciary Committee Amendments 5, 7, 8 and 9.
3. On page 1, line 12, strike "GENDER-AFFIRMING HEALTH" and insert in lieu thereof "HOLISTIC GENDER-RELATED".
4. On page 1, line 19, strike "Gender-Affirming Health" and insert in lieu thereof "Holistic Gender-Related".
5. On page 1, line 23, strike "Gender-Affirming Health" and insert in lieu thereof "Holistic Gender-Related".
6. On page 1, strike lines 24 and 25 in their entirety, on page 2, strike line 1 in its entirety and strike line 2 up to the semicolon and insert in lieu thereof the following new subsection:  

"A. "holistic gender-related care" means psychological, behavioral, surgical, pharmaceutical and medical care, services and supplies provided to a person with gender dysphoria and gender incongruence".
7. On page 3, line 4, after "care", insert "or holistic gender-related care".
8. On page 3, line 8, strike "gender-affirming health" and insert in lieu thereof "holistic gender-related".
9. On page 3, line 18, strike "Gender-Affirming Health" and insert in lieu thereof "Holistic Gender-Related".

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10. On page 3, line 18, strike the closing quotation mark and between lines 18 and 19, insert the following new subsections:

"E. Nothing in the Reproductive and Holistic Gender-Related Care Freedom Act shall be construed to require a health care provider or entity to provide care:

(1) that the health care provider or entity does not otherwise provide or have a duty to provide under state or federal law;

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

(3) when an individual does not provide payment or a source of payment for the service when it is required in the ordinary course of business, unless the health care provider has a duty to provide services under state or federal law, regardless of the ability to pay.

F. Nothing in the Reproductive and Holistic Gender-Related Care Freedom Act shall be construed to require a managed care organization or health insurance company to cover claims that are not otherwise required to be covered by the terms and conditions of an insurance contract, managed care contract or state or federal law."".

11. On page 4, line 1, strike "Gender-Affirming Health" and insert in lieu thereof "Holistic Gender-Related".

12. On page 4, between lines 14 and 15, insert the following new subsection:

"C. Claims pursuant to the Reproductive and Holistic Gender-Related Care Freedom Act may be brought against public bodies

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and entities acting in the course and scope of authority of a public body, but not against an individual."".

13. On page 4, line 19, strike "Gender-Affirming Health" and insert in lieu thereof "Holistic Gender-Related".

14. On page 4, line 22, strike the period, strike line 23 in its entirety, strike line 24 up to the period and insert in lieu thereof ", or the sum of five thousand dollars (\$5,000) for each violation of the Reproductive and Holistic Gender-Related Care Freedom Act, whichever is greater".

15. On page 5, strike lines 3 through 12 in their entirety and insert in lieu thereof the following new subsection:

"C. Claims pursuant to the Reproductive and Holistic Gender-Related Care Freedom Act may be brought against public bodies and entities acting in the course and scope of authority of a public body, but not against an individual."".

  
Gregg Schmedes

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_