

**NOTICE OF ISSUANCE OF EMERGENCY RULE
13.10.41 NMAC COVERAGE FOR SPECIFIED SEX TRAIT MODIFICATION PROCEDURE**

Effective Date: May 5, 2026

The New Mexico Office of Superintendent of Insurance (OSI) will issue 13.10.41 NMAC, *Coverage for Specified Sex Trait Modification Procedure*, as an emergency rule pursuant to NMSA 1978, Section 14-4-5.6 on May 5, 2025. As 13.10.41 NMAC will be a temporary rule, OSI will subsequently adopt a final rule that will follow the regular statutory requirements of the State Rules Act, NMSA 1978, 14-4-1 *et seq.*, within 180 days.

Recent updates to federal regulations created ambiguity about whether health insurers needed to cover aspects of gender-affirming health care described as specified sex trait modification procedures. OSI determined that this emergency rule was necessary to reinforce that existing state law under Sections 59A-16-11 and 59A-23E-11 NMSA 1978, prohibits discrimination. A health insurer who is required to provide any specified sex trait modification procedure under this rule shall do so without discriminating against the covered person on the basis of race, color, national origin, sex, sexual orientation, gender identity, marital status, age, citizenship, immigration status, or disability. This emergency rule requires health insurers to cover any specified sex trait modification procedure that an insured's provider determines to be medically necessary in consultation with the health insurer. It will also establish parameters for health insurers to receive defrayal of costs for plans sold on BeWell.

**A copy of the rule and related information is available on the on the OSI eDocket at
Docket No. 2026-0115.**

Please send any questions regarding this notice to this email address: osi.rulemaking@osi.nm.gov