

1 HB170  
2 216395-1  
3 By Representatives Scott and Hall  
4 RFD: Judiciary  
5 First Read: 18-JAN-22

8 SYNOPSIS: This bill would create the Dr. Groesbeck  
9 Parham Act to create the crime of female genital  
10 mutilation and provide criminal penalties for a  
11 violation.

12 Amendment 621 of the Constitution of Alabama  
13 of 1901, as amended by Amendment 890, now appearing  
14 as Section 111.05 of the Official Recompilation of  
15 the Constitution of Alabama of 1901, as amended,  
16 prohibits a general law whose purpose or effect  
17 would be to require a new or increased expenditure  
18 of local funds from becoming effective with regard  
19 to a local governmental entity without enactment by  
20 a 2/3 vote unless: it comes within one of a number  
21 of specified exceptions; it is approved by the  
22 affected entity; or the Legislature appropriates  
23 funds, or provides a local source of revenue, to  
24 the entity for the purpose.

25 The purpose or effect of this bill would be  
26 to require a new or increased expenditure of local  
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local  
2 governmental entity or enactment by a 2/3 vote to  
3 become effective because it comes within one of the  
4 specified exceptions contained in the amendment.

5  
6 A BILL  
7 TO BE ENTITLED  
8 AN ACT

9  
10 Relating to crimes and offenses; to establish the  
11 crime of female genital mutilation; to provide criminal  
12 penalties; and in connection therewith would have as its  
13 purpose or effect the requirement of a new or increased  
14 expenditure of local funds within the meaning of Amendment 621  
15 of the Constitution of Alabama of 1901, as amended by  
16 Amendment 890, now appearing as Section 111.05 of the Official  
17 Recompilation of the Constitution of Alabama of 1901, as  
18 amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) This act shall be known and may be  
21 cited as The Dr. Groesbeck Parham Act.

22 (b) A person commits the crime of female genital  
23 mutilation if he or she does any of the following:

24 (1) Commits female genital mutilation on a person  
25 under the age of 19 years.

26 (2) Is parent or legal guardian, or has immediate  
27 custody or control of, a person under the age of 19 years and

1 knowingly allows, authorizes, or directs another to commit  
2 female genital mutilation on the person.

3 (3) Knowingly removes or causes or permits the  
4 removal of a person under the age of 19 years from this state  
5 for the purpose of committing or allowing, authorizing, or  
6 directing another to commit female genital mutilation on the  
7 person.

8 (c) A person who violates this section is guilty of  
9 a Class B felony.

10 (d) A person under the age of 19 years is incapable  
11 of consenting to female genital mutilation.

12 (e) It is not a defense to a violation of this  
13 section that the prohibited conduct is required as a matter of  
14 religion, custom, ritual, or standard practice, or that the  
15 person on whom the conduct is performed, or the parent or  
16 legal guardian of the person, consented to the act.

17 (f) This section does not apply to either of the  
18 following:

19 (1) Procedures necessary to the health of the person  
20 on whom it is performed when the procedure is performed by a  
21 physician licensed to practice in this state at a licensed  
22 medical facility.

23 (2) Procedures performed on a person who is in labor  
24 or who has just given birth, and performed for medical  
25 purposes connected with that labor or birth, by a physician  
26 licensed to practice in this state or a certified registered

1 nurse practitioner, certified nurse midwife, or licensed  
2 midwife.

3 (g) Nothing in this section shall be construed to  
4 establish a standard of care for hospitals or physicians or  
5 otherwise modify, amend, or supersede any provision of the  
6 Alabama Medical Liability Act of 1987 or the Alabama Medical  
7 Liability Act of 1996, or any amendment or judicial  
8 interpretation of either act.

9 (h) As used in this section, "female genital  
10 mutilation" means to remove, cut, circumcise, excise, or  
11 infibulate, in whole or in part, the labia majora, labia  
12 minora, or clitoris of a person under the age of 19 years. The  
13 term also includes any other harmful procedure to the female  
14 genitalia for non-medical purposes, including incising,  
15 piercing, scraping, nicking, cauterizing, burning, and  
16 scarring.

17 Section 2. Although this bill would have as its  
18 purpose or effect the requirement of a new or increased  
19 expenditure of local funds, the bill is excluded from further  
20 requirements and application under Amendment 621 of the  
21 Constitution of Alabama of 1901, as amended by Amendment 890,  
22 now appearing as Section 111.05 of the Official Recompilation  
23 of the Constitution of Alabama of 1901, as amended, because  
24 the bill defines a new crime or amends the definition of an  
25 existing crime.

1                   Section 3. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.