A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To prohibit female genital mutilation of a person under care, to expand mandated reporter reporting requirements to include female genital mutilation, and to provide for a civil action for female genital mutilation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Female Genital Mutilation Prohibition Act of 2019”.

TITLE I. PROHIBITION ON FEMALE GENITAL MUTILATION.

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) “Conservator” shall have the same meaning as provided in D.C. Official Code § 21-2401.02(2).
(2) “Female genital mutilation” means any procedure that results in the partial or total removal of the external female genitalia or any procedure harmful to the female genitalia, including:

(A) A clitoridectomy;

(B) The partial or total removal of the clitoris or the prepuce;

(C) The excision or the partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora;

(D) The infibulation or narrowing of the vaginal orifice with the creation of a covering seal by cutting and appositioning the labia minora or the labia majora, with or without excision of the clitoris;

(E) Pricking, piercing, incising, scraping, or cauterizing the genital area; or

(F) Any other action to purposely alter the structure or function of the female genitalia for a nonmedical reason.

(3) “Guardian” shall have the same meaning as provided in D.C. Official Code § 21-2401.02(3).

(4) “Person under care” means an individual under a conservatorship or guardianship.

Sec. 102. Prohibition on female genital mutilation.

(a) A person commits the offense of unlawful female genital mutilation if her or she:

(1) Knowingly performs female genital mutilation on a person under care;

(2) Is a parent or guardian, or has immediate custody or control of a person under care and knowingly consents to, permits, or otherwise facilitates female genital mutilation of the person under care; or
(3) Knowingly removes or facilitates the removal of a person under care from the
District for the purpose of facilitating the female genital mutilation of the person under care.

(b) Any person who violates this section shall be guilty of a felony and shall be punished
by imprisonment for not more than 10 years or a fine of not more than the amount set forth in §
22-3571.01, or both.

(c) It is not a defense under this section that:

(1) The unlawful conduct is required as a matter of religion, custom, ritual, or
other standard practice; or

(2) The person under care’s parent, guardian, or custodian consented to the female
genital mutilation.

(d) It shall not be a violation of this section if the acts or conduct that otherwise would be
considered female genital mutilation occurred in the furtherance of a surgical or other lawful
medical procedure, performed by a licensed medical professional, and:

(1) The acts or conduct were necessary to preserve or protect the physical health
of the patient upon whom the medical procedure was being performed; or

(2) Was part of a sex reassignment procedure requested by the person under care
on whom the surgery is to be performed.

(e) The statute of limitations for an offense under this section shall not begin to toll until
the victim of the offense reaches 18 years of age.

Sec. 103. Civil action.

(a) A person under care may bring a civil action against a person for a violation of section
102.
(b)(1) If a court determines that an individual violated section 102, the court may award
the payment of actual, compensatory, and punitive damages, and any other appropriate relief.

(2) A prevailing plaintiff shall be awarded attorney’s fees and costs.

Sec. 104. Education for community members and mandated reporters.

(a) The Director of the Department of Health shall develop a community education
program regarding female genital mutilation, to include informational materials on:

(1) The health risks caused by female genital mutilation, including the emotional
trauma inflicted;

(2) Recognizing the signs that an individual may be a victim of female genital
mutilation, or at risk of female genital mutilation; and

(3) How to report that an individual has been or is in imminent danger of being
subjected to female genital mutilation.

(b) The Director of the Department of Health, in coordination with other, relevant District
agencies, shall develop trainings and informational materials, or integrate information into
existing trainings or informational materials, on mandated reporters’ obligation to report that a
person under care known to him or her in his or her professional or official capacity has been
subjected to, or is in imminent danger of being subjected to, female genital mutilation.

TITLE II. CONFORMING AMENDMENTS.

Sec. 201. Section 16-2301(9)(A) of the District of Columbia Official Code is amended as
follows:

(a) Sub-subparagraph (ix) is amended by striking the phrase “; or” and inserting a
semicolon in its place.
(b) Sub-subparagraph (x) is amended by striking the period and inserting the phrase "; or"

in its place.

(c) A new sub-subparagraph (xi) is added to read as follows:

"(xi) who has been subjected to, or is in imminent danger of being

subjected to, female genital mutilation pursuant to Title I of the Female Genital Mutilation

Prohibition Act of 2019, as introduced on DATE, 2019 (Bill 23-XXX).”.

TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal

impact statement required by section 4a of the General Legislative Procedures Act of 1975,


Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the

Mayor, action by the Council to override the veto), a 30-day period of congressional review as

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of

Columbia Register.