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H.83

Introduced by Representatives Till of Jericho, Anthony of Barre City, Austin
of Colchester, Bock of Chester, Burke of Brattleboro, Campbell
of St. Johnsbury, Chesnut-Tangerman of Middletown Springs,
Cina of Burlington, Copeland-Hanzas of Bradford, Donovan of
Burlington, Gardner of Richmond, Hooper of Burlington,
Houghton of Essex, Killacky of South Burlington, Kornheiser
of Brattleboro, LaLonde of South Burlington, Macaig of
Williston, Masland of Thetford, McCullough of Williston,
Mrowicki of Putney, Ode of Burlington, O’Sullivan of
Burlington, Redmond of Essex, Scheu of Middlebury, Sullivan
of Burlington, Troiano of Stannard, Walz of Barre City, and
Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Crimes; female genital mutilation

Statement of purpose of bill as introduced: This bill proposes to prohibit
female genital mutilation.

~~An act relating to female genital mutilation, cutting~~
*An act relating to
prohibiting female genital mutilation or cutting*

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 ~~Sec. 1. 13 V.S.A. chapter 70 is added to read:~~

3 CHAPTER 70. FEMALE GENITAL MUTILATION

4 § 3151. FEMALE GENITAL MUTILATION PROHIBITED

5 (a) Definitions. As used in this section:

6 (1) "Medical practitioner" means a person licensed to practice his or her
7 medical profession by his or her respective professional board under the
8 applicable laws of this State or licensed by the Board of Health under
9 18 V.S.A. § 4206.

10 (2) "Midwife" means a midwife licensed pursuant to 26 V.S.A.
11 chapter 85.

12 (b) Female genital mutilation prohibited. Except as provided in subsection
13 (c) of this section, no person shall knowingly circumcise, excise, or infibulate
14 the whole or any part of the labia majora or labia minora or clitoris of another
15 person who has not attained 18 years of age.

16 (c) Exceptions. A surgical operation is not a violation of this section if it is
17 performed absent consideration of any belief that it is necessary as a matter of
18 custom or ritual and the operation is:

19 (1) necessary to the health of the person on whom it is performed and is
20 performed by a medical practitioner; or

1 ~~(2) performed on a person in labor or who has just given birth and is~~
2 performed for medical purposes connected with that labor or birth by a
3 medical practitioner, midwife, or person in training to become a medical
4 practitioner or midwife.

5 (d) Transportation prohibited. A person shall not knowingly transport a
6 person into or out of this State for the purpose of conduct that would be a
7 violation of this section.

8 (e) Penalty. A person who violates subsection (b) or (d) of this section
9 shall be imprisoned not more than five years or fined not more than
10 \$25,000.00, or both.

11 Sec. 2. EFFECTIVE DATE

12 ~~This act shall take effect on passage.~~

~~Sec. 1. 13 V.S.A. chapter 70 is added to read:~~

CHAPTER 70. FEMALE GENITAL CUTTING

§ 3151. FEMALE GENITAL CUTTING PROHIBITED

(a) Definitions. As used in this section:

(1) "Health care professional" means an individual, partnership,
corporation, facility, or institution licensed or certified or authorized by law to
provide professional health care services.

(2) "Midwife" means a midwife licensed pursuant to 26 V.S.A.
chapter 85

~~(b) Female genital cutting prohibited. Except as provided in subsection (c) of this section, no person shall:~~

~~(1) Knowingly circumcise, excise, or infibulate the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained 18 years of age.~~

~~(2) Knowingly incise, prick, scrape, or cauterize any part of the labia majora or labia minora or clitoris of another person who has not attained 18 years of age.~~

~~(c) Exceptions. A medical procedure is not a violation of this section if it is:~~

~~(1) necessary to the health of the person on whom it is performed and is performed by a health care professional; or~~

~~(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a health care professional, midwife, or person in training to become a health care professional or midwife.~~

~~(d) Defense. It is not a defense to a charge under this section that the person on whom the procedure is performed, or any other person, believes that the procedure is required as a matter of custom or ritual, or that the person on whom the procedure is performed, or that person's parent or guardian, consented to the procedure.~~

~~(e) Transportation prohibited. A person shall not knowingly transport a person into or out of this State for the purpose of conduct that would be a violation of this section.~~

~~(f) Penalty. A person who violates subdivision (b)(2) of this section shall be imprisoned not more than two years or fined not more than \$500.00, or both. A person who violates subdivision (b)(1) or subsection (e) of this section shall be imprisoned not more than 10 years or fined not more than \$20,000.00, or both.~~

Sec. 2. EFFECTIVE DATE

~~This act shall take effect on passage.~~

Sec. 1. 13 V.S.A. chapter 70 is added to read:

CHAPTER 70. FEMALE GENITAL MUTILATION OR CUTTING

§ 3151. FEMALE GENITAL MUTILATION OR CUTTING PROHIBITED

(a) Definitions. As used in this section:

(1) "Health care professional" means an individual, partnership, corporation, facility, or institution licensed or certified or authorized by law to provide professional health care services.

(2) "Midwife" means a midwife licensed pursuant to 26 V.S.A. chapter 85.

(b) Female genital mutilation or cutting prohibited. Except as provided in subsection (c) of this section, no person shall:

(1) Knowingly circumcise, excise, or infibulate the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained 18 years of age.

(2) Knowingly incise, prick, scrape, or cauterize any part of the labia majora or labia minora or clitoris of another person who has not attained 18 years of age.

(c) Exceptions. A medical procedure is not a violation of this section if it is:

(1) necessary to the health of the person on whom it is performed and is performed by a health care professional; or

(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a health care professional, midwife, or person in training to become a health care professional or midwife.

(d) Defense. It is not a defense to a charge under this section that the person on whom the procedure is performed, or any other person, believes that the procedure is required as a matter of custom or ritual or that the person on whom the procedure is performed, or that person's parent or guardian, consented to the procedure.

(e) Transportation prohibited. A person shall not knowingly transport a person into or out of this State for the purpose of conduct that would be a violation of this section.

(f) Penalty. A person who violates subdivision (b)(2) of this section shall be imprisoned not more than two years or fined not more than \$500.00, or both. A person who violates subdivision (b)(1) or subsection (e) of this section shall be imprisoned not more than 10 years or fined not more than \$20,000.00, or both.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.