MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1822

H.P. 1264

House of Representatives, February 6, 2018

An Act To Amend the Laws Governing Offenses against the Person

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative CARDONE of Bangor.

Cosponsored by Senator HILL of York and

Representatives: BAILEY of Saco, NADEAU of Winslow, TALBOT ROSS of Portland,

WARREN of Hallowell.

3	§214. Female genital mutilation of a minor
4 5 6	1. As used in this section, "female genital mutilation" means the circumcision, excision or infibulation, in whole or in part, of the labia majora, labia minora or clitoris of a female individual.
7 8 9	2. A person is guilty of female genital mutilation of a minor if that person, for nonmedical purposes, performs female genital mutilation on a female individual who has not attained 18 years of age. Violation of this subsection is a Class A crime.
10	3. It is not a violation of this section if the circumcision, excision or infibulation is:
11 12	A. Necessary to the health of the individual on whom the circumcision, excision or infibulation is performed and is performed by:
13	(1) A person licensed pursuant to Title 32, chapter 36 or 48;
14	(2) A midwife licensed pursuant to Title 32, chapter 113-B, subchapter 4; or
15 16 17	(3) A person in an approved training program under the supervision of a person licensed pursuant to Title 32, chapter 36 or 48 or a midwife licensed pursuant to Title 32, chapter 113-B, subchapter 4; or
18 19 20	B. Performed on an individual in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person specified in paragraph A.
21 22 23	4. A violation of this section by a person licensed pursuant to Title 32, chapter 36 or 48 or a midwife licensed pursuant to Title 32, chapter 113-B, subchapter 4 is grounds for permanent revocation of that person's license.
24 25 26	5. It is not a defense to prosecution under this section that the female individual who has not attained 18 years of age or the parent, guardian or person who has immediate custody of the female individual who has not attained 18 years of age:
27	A. Consented to the circumcision, excision or infibulation; or
28 29	B. Believed that the circumcision, excision or infibulation was required as part of custom, religion or ritual.
30 31 32 33	6. The Department of Health and Human Services may develop and institute a community outreach program, referred to in this subsection as "the program," to address occurrences in this State of the crime of female genital mutilation of a minor. The program must include the following components:
34 35 36	A. Community-based education and outreach services regarding female genital mutilation that provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced;

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA $\S 214$ is enacted to read:

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- B. Outreach and provision of culturally specific support services to victims of female genital mutilation in the State;

 C. A culturally sensitive training program relating to female genital mutilation;

 D. Distribution of educational materials regarding the health risks and emotional trauma inflicted by and relating to the practice of female genital mutilation; and
 - E. Distribution of educational materials relating to the federal and state prohibition on and penalties for female genital mutilation of a minor.

8 SUMMARY

This bill defines "female genital mutilation" and makes it a Class A crime to perform female genital mutilation on a female individual under 18 years of age for nonmedical purposes. A violation of female genital mutilation of a minor by a person licensed by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or a midwife licensed in Maine is grounds for permanent revocation of the license of that person or midwife.

Under the provisions of the bill it is not a defense that the female individual, or the parent, guardian or person who has immediate custody of the female individual, consented to the procedure or believed that it was necessary for custom, religion or ritual. It is a defense that the procedure was necessary to the health of the female individual or performed for medical purposes on a female individual in labor or who has just given birth and was performed by a person licensed in this State by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or a midwife or a person in an approved training program under the supervision of a physician or midwife licensed in this State.

This bill also authorizes the Department of Health and Human Services to institute a community outreach program regarding female genital mutilation for specific communities in which female genital mutilation of minors might be practiced that provides support services, training and educational materials.