

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Prohibit the Practice of Female Genital Mutilation of a Minor**

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

**Sec. 1. 17-A MRSA §214** is enacted to read:

### **§ 214. Female genital mutilation of a minor; transportation; consent**

**1.** As used in this section, "female genital mutilation" means the circumcision, excision, mutilation or infibulation, in whole or in part, of the labia majora, labia minora or clitoris of a female individual.

"Female genital mutilation" does not include a medical procedure that is performed by a person licensed pursuant to Title 32, chapter 36 or 48, a midwife licensed pursuant to Title 32, chapter 31 or 113-B, subchapter 4 or 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 31 or chapter 113-B, subchapter 4, if the medical procedure is:

- A. Necessary to the health of the individual on whom the medical procedure is performed; or
- 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.

**2.** A person is guilty of female genital mutilation of a minor if that person performs female genital mutilation on a female individual under 18 years of age. Violation of this subsection is a Class A crime.

**3.** A person is guilty of transporting an individual for female genital mutilation of a minor if that person knowingly transports a female individual under 18 years of age outside of this State for the purpose of allowing another person to perform female genital mutilation on the female individual under 18 years of age. Violation of this subsection is a Class A crime.

**4.** A person is guilty of consenting to female genital mutilation of a minor if that person knowingly consents to female genital mutilation of a female individual under 18 years of age. Violation of this subsection is a Class A crime.

**5.** Notwithstanding section 106, subsection 7, it is not a defense to prosecution under this section that the female individual who is under 18 years of age or the parent, guardian or person who has immediate custody of the female individual under 18 years of age:

- A. Consented to the female genital mutilation; or
- B. Believed that the female genital mutilation was desirable as part of a social norm or required as part of custom, religion or ritual.

6. 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 31 or chapter 113-B, subchapter 4 is grounds for permanent revocation of that person's license.

7. Notwithstanding section 8, a prosecution for a violation of this section may be brought no later than the victim's 25th birthday.

8. To the extent existing resources are available, the Department of Health and Human Services shall develop and institute a community outreach program, referred to in this subsection as "the program," to address the crime of female genital mutilation of a minor. To the extent existing resources are available, the program may include the following components:

A. Community-based education and outreach services regarding female genital mutilation;

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

C. A training program relating to female genital mutilation of a minor for individuals required to report suspected abuse or neglect under Title 22, section 4011-A, that includes the provision of information regarding the types of female genital cosmetic surgery, including labiaplasty, that are considered female genital mutilation of a minor when not necessary to the health of the minor;

D. Distribution of educational materials regarding the health risks and emotional trauma inflicted by and relating to the practice of female genital mutilation, including information on nationally recognized professional standards relating to when female genital cosmetic surgery is considered medically necessary; and

E. Distribution of educational materials relating to the federal and state prohibition on and penalties for female genital mutilation of a minor.

## SUMMARY

This bill is reported out by a majority of the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Joint Order 2017, S.P. 709.

This bill defines "female genital mutilation" as the circumcision, excision, mutilation or infibulation, in whole or in part, of the labia majora, labia minora or clitoris of a female individual but excludes from the definition medical procedures that are 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, as long as the medical procedure was performed by a person licensed in the State by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or by a licensed midwife or a person in an approved training program under the supervision of a physician or midwife licensed in this State.

The bill makes it a Class A crime to perform female genital mutilation on a female individual under 18 years of age, to knowingly transport a female individual under 18 years of age outside of this State for purposes of female genital mutilation or to knowingly consent to female genital mutilation of a female individual under 18 years of age. Under the provisions of the bill, it is not a defense that the victim or

the parent, guardian or person who has immediate custody of the victim consented to the procedure or believed that it was desired as part of a social norm or was necessary for custom, religion or ritual.

The bill extends the statute of limitations for female genital mutilation offenses to the 25th birthday of a victim of female genital mutilation. Commission of a female genital mutilation offense 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.

This bill also requires the Department of Health and Human Services, to the extent existing resources are available, to develop and institute a community outreach program regarding female genital mutilation that provides support services, training and educational materials.

**FISCAL NOTE REQUIRED**  
**(See attached)**