
By: **Delegates Branch, Fulton, Opara, Harrison, C. Davis, and Marriott**
Introduced and read first time: January 19, 1998
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Health - Female Genital Mutilation**

3 FOR the purpose of prohibiting female genital mutilation under certain
4 circumstances; imposing criminal penalties for certain persons convicted of
5 female genital mutilation; specifying certain exceptions; and generally relating
6 to the prohibition of female genital mutilation.

7 BY adding to

8 Article - Health - General

9 Section 20-601 through 20-603, inclusive, to be under the new subtitle "Subtitle

10 6. Female Genital Mutilation"

11 Annotated Code of Maryland

12 (1996 Replacement Volume and 1997 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Health - General**

16 **SUBTITLE 6. FEMALE GENITAL MUTILATION**

17 20-601.

18 (A) EXCEPT AS PROVIDED IN § 20-602 OF THIS SUBTITLE, A PERSON WHO
19 KNOWINGLY CIRCUMCISES, EXCISES, OR INFIBULATES THE WHOLE OR ANY PART OF
20 THE LABIA MAJORA OR LABIA MINORA OR CLITORIS OF AN INDIVIDUAL WHO IS
21 UNDER THE AGE OF 18 YEARS IS GUILTY OF FEMALE GENITAL MUTILATION.

22 (B) EXCEPT AS PROVIDED IN § 20-602 OF THIS SUBTITLE, A PARENT,
23 GUARDIAN, OR OTHER INDIVIDUAL IS GUILTY OF FEMALE GENITAL MUTILATION IF
24 THE INDIVIDUAL:

25 (1) IS LEGALLY RESPONSIBLE AND CHARGED WITH THE CARE OR
26 CUSTODY OF A CHILD UNDER THE AGE OF 18 YEARS; AND

1 (2) KNOWINGLY CONSENTS TO THE CIRCUMCISION, EXCISION, OR
2 INFIBULATION OF THE WHOLE OR ANY PART OF THE LABIA MAJORA OR LABIA
3 MINORA OR CLITORIS OF THE CHILD.

4 20-602.

5 (A) A SURGICAL OPERATION IS NOT A VIOLATION OF THIS SUBTITLE IF THE
6 OPERATION:

7 (1) IS NECESSARY TO THE HEALTH OF THE INDIVIDUAL ON WHOM IT IS
8 PERFORMED AND IS PERFORMED BY A PERSON LICENSED IN THE STATE AS A
9 MEDICAL PRACTITIONER; OR

10 (2) IS PERFORMED:

11 (I) ON AN INDIVIDUAL IN LABOR OR WHO HAS JUST GIVEN BIRTH;
12 AND

13 (II) FOR MEDICAL PURPOSES CONNECTED WITH THAT LABOR OR
14 BIRTH BY A PERSON LICENSED IN THE STATE AS A MEDICAL PRACTITIONER,
15 MIDWIFE, OR INDIVIDUAL IN TRAINING TO BECOME A MEDICAL PRACTITIONER OR
16 MIDWIFE.

17 (B) IN DETERMINING WHETHER AN OPERATION IS NECESSARY TO THE
18 HEALTH OF THE INDIVIDUAL, NO ACCOUNT MAY BE TAKEN OF THE BELIEF ON THE
19 PART OF ANY INDIVIDUAL THAT THE OPERATION IS REQUIRED AS A MATTER OF
20 CUSTOM OR RITUAL.

21 20-603.

22 A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBTITLE IS GUILTY OF A
23 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5
24 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1998.