

HOUSE BILL 161  
EMERGENCY BILL

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1998 Regular Session  
8r0964

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By: **Delegates Branch, Fulton, Opara, Harrison, C. Davis, and ~~Marriott~~  
Marriott, Watson, Klausmeier, Owings, Stull, Frush, Hubbard, Elliott,  
Weir, Nathan-Pulliam, Stup, McHale, Hammen, Redmer, Ciliberti, D.  
Davis, Mohorovic, Oaks, and Billings**

Introduced and read first time: January 19, 1998

Assigned to: Judiciary

Re-referred to: Environmental Matters, February 4, 1998

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 1998

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CHAPTER \_\_\_\_\_

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; making this Act an  
6 emergency measure; and generally relating to the prohibition of female genital  
7 mutilation.

8 BY adding to  
9 Article - Health - General  
10 Section 20-601 through 20-603, inclusive, to be under the new subtitle "Subtitle  
11 6. Female Genital Mutilation"  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 1997 Supplement)

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

1

**Article - Health - General**

2

## SUBTITLE 6. FEMALE GENITAL MUTILATION

3 20-601.

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

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

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

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

16 20-602.

17 (A) A SURGICAL OPERATION IS NOT A VIOLATION OF THIS SUBTITLE IF THE  
18 OPERATION ÷

19 (±) IS NECESSARY TO THE HEALTH OF THE INDIVIDUAL ON WHOM IT IS  
20 PERFORMED AND IS PERFORMED BY A PERSON LICENSED IN THE STATE AS A  
21 MEDICAL PRACTITIONER; ~~OR~~

22 (±) ~~IS PERFORMED:~~

23 (±) ~~ON AN INDIVIDUAL IN LABOR OR WHO HAS JUST GIVEN BIRTH;~~  
24 ~~AND~~

25 (±) ~~FOR MEDICAL PURPOSES CONNECTED WITH THAT LABOR OR~~  
26 ~~BIRTH BY A PERSON LICENSED IN THE STATE AS A MEDICAL PRACTITIONER,~~  
27 ~~MIDWIFE, OR INDIVIDUAL IN TRAINING TO BECOME A MEDICAL PRACTITIONER OR~~  
28 ~~MIDWIFE.~~

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

1 20-603.

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~  
6 ~~October 1, 1998~~ is an emergency measure, is necessary for the immediate  
7 preservation of the public health and safety, has been passed by a yea and nay vote  
8 supported by three-fifths of all the members elected to each of the two Houses of the  
9 General Assembly, and shall take effect from the date it is enacted.