

Chapter 29

(House Bill 1389)

AN ACT concerning

Public Health – Female Genital Mutilation

FOR the purpose of altering the definition of “abuse” to include female genital mutilation for the purposes of a provision of law requiring certain persons to provide notice of suspected abuse or neglect of a child or make a written report of suspected abuse or neglect of a child; altering the actions regarding female genital mutilation in which a person is prohibited from engaging; increasing the penalties for a violation of certain provisions related to female genital mutilation; requiring, under certain circumstances, a health occupations licensing board to revoke the license of an individual who commits a violation of certain provisions of this Act; authorizing an individual who is subject to female genital mutilation to bring a civil action for certain relief; requiring the Maryland Department of Health, in collaboration with certain government agencies and public and private organizations, to develop, publish, and distribute certain educational materials regarding female genital mutilation; and generally relating to female genital mutilation.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–701(a) and 5–704
Annotated Code of Maryland
(2019 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–701(b)
Annotated Code of Maryland
(2019 Replacement Volume and 2025 Supplement)

BY adding to
Article – Health – General
Section 20–601 and 20–605 through 20–607
Annotated Code of Maryland
(2023 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 20–601 through 20–603
Annotated Code of Maryland
(2023 Replacement Volume and 2025 Supplement)

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

Article – Family Law

5–701.

(a) Except as otherwise provided in § 5–705.1 of this subtitle, in this subtitle the following words have the meanings indicated.

(b) (1) “Abuse” means:

(i) the physical or mental injury of a child under circumstances that indicate that the child’s health or welfare is harmed or at substantial risk of being harmed by:

1. a parent;
2. a household member or family member;
3. a person who has permanent or temporary care or custody of the child;
4. a person who has responsibility for supervision of the child; or
5. a person who, because of the person’s position or occupation, exercises authority over the child;

(ii) sexual abuse of a child, whether physical injuries are sustained or not; or

(iii) labor trafficking of a child by any individual.

(2) **“ABUSE” INCLUDES FEMALE GENITAL MUTILATION, AS DEFINED IN § 20–601 OF THE HEALTH – GENERAL ARTICLE.**

(3) “Abuse” does not include the physical injury of a child by accidental means.

5–704.

(a) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State who has reason to believe that a child has been subjected to abuse or neglect:

(1) shall notify the local department or the appropriate law enforcement agency; and

(2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

(b) (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

(i) an oral report, by telephone or direct communication, as soon as possible to the local department or appropriate law enforcement agency; and

(ii) a written report:

1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and

2. with a copy to the local State's Attorney.

(2) (i) An agency to which an oral report of suspected abuse or neglect is made under paragraph (1) of this subsection shall immediately notify the other agency.

(ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the child;

(2) the name and home address of the child's parent or other person who is responsible for the child's care;

(3) the whereabouts of the child;

(4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and

(5) any other information that would help to determine:

(i) the cause of the suspected abuse or neglect; and

- (ii) the identity of any individual responsible for the abuse or neglect.

Article – Health – General

20–601.

IN THIS SUBTITLE, “FEMALE GENITAL MUTILATION” MEANS A PROCEDURE PERFORMED FOR NONMEDICAL REASONS THAT INVOLVES PARTIAL OR TOTAL REMOVAL OF OR OTHER INJURY TO THE EXTERNAL FEMALE GENITALIA, INCLUDING:

(1) A CLITORIDECTOMY OR THE PARTIAL OR TOTAL REMOVAL OF THE CLITORIS, PREPUCE, OR CLITORAL HOOD;

(2) EXCISION OR THE PARTIAL OR TOTAL REMOVAL, WITH OR WITHOUT EXCISION OF THE CLITORIS, OF THE LABIA MINORA, WITH OR WITHOUT REMOVAL OF THE LABIA MAJORA;

(3) INFIBULATION OR THE NARROWING OF THE VAGINAL OPENING, WITH OR WITHOUT EXCISION OF THE CLITORIS; OR

(4) ANY OTHER PROCEDURE THAT IS HARMFUL TO THE EXTERNAL FEMALE GENITALIA, INCLUDING PRICKING, PIERCING, INCISING, SCRAPING, OR CAUTERIZING THE GENITAL AREA.

[20–601.] 20–602.

(a) Except as provided in [§ 20–602] **§ 20–603** of this subtitle, a person [who circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of an individual who is under the age of 18 years is guilty of] **MAY NOT:**

(1) KNOWINGLY PERFORM, ATTEMPT TO PERFORM, OR CONSPIRE TO PERFORM female genital mutilation ON AN INDIVIDUAL WHO IS UNDER THE AGE OF 18 YEARS; OR

(2) TRANSPORT AN INDIVIDUAL WHO IS UNDER THE AGE OF 18 YEARS OUT OF THE STATE FOR THE PURPOSE OF PERFORMING OR FACILITATING THE PERFORMANCE OF FEMALE GENITAL MUTILATION ON THE INDIVIDUAL.

(b) Except as provided in [§ 20–602] **§ 20–603** of this subtitle, a parent, guardian, or other individual is guilty of female genital mutilation if the individual:

(1) Is legally responsible and charged with the care or custody of a child under the age of 18 years; and

(2) Knowingly consents to [the circumcision, excision, or infibulation of the whole or any part of the labia majora or labia minora or clitoris of] **THE PERFORMANCE OF FEMALE GENITAL MUTILATION ON** the child.

[20-602.] 20-603.

(a) A surgical operation is not a violation of this subtitle if the operation is necessary to the health of the individual on whom it is performed and is performed by a person licensed in the State as a medical practitioner.

(b) In determining whether an operation is necessary to the health of the individual, no account may be taken of the belief on the part of any individual that the operation is required as a matter of custom or ritual.

[20-603.] 20-604.

(A) A person who violates the provisions of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding [5] **10** years or a fine not exceeding [\$5,000] **\$10,000** or both.

(B) IF AN INDIVIDUAL WHO HOLDS A LICENSE ISSUED UNDER THE HEALTH OCCUPATIONS ARTICLE IS CONVICTED OF, ENTERS A PLEA OF GUILTY OR OF NOLO CONTENDERE FOR, OR RECEIVES PROBATION BEFORE JUDGMENT FOR A VIOLATION OF THIS SUBTITLE, THE APPLICABLE HEALTH OCCUPATIONS BOARD SHALL REVOKE THE LICENSE OF THE INDIVIDUAL.

20-605.

(A) A VICTIM OF FEMALE GENITAL MUTILATION PERFORMED IN VIOLATION OF THIS SUBTITLE MAY FILE AN ACTION IN THE CIRCUIT COURT IN THE COUNTY IN WHICH THE VIOLATION OCCURRED OR THE VICTIM RESIDES.

(B) IF THE COURT FINDS THAT A PERSON VIOLATED THIS SUBTITLE, THE COURT MAY AWARD THE PLAINTIFF:

- (1) ACTUAL DAMAGES;**
- (2) COMPENSATORY DAMAGES;**
- (3) PUNITIVE DAMAGES;**

(4) REASONABLE ATTORNEY’S FEES, COURT COSTS, AND LITIGATION EXPENSES, INCLUDING EXPERT WITNESS FEES AND EXPENSES; AND

(5) ANY OTHER APPROPRIATE RELIEF.

(C) AN ACTION BROUGHT UNDER SUBSECTION (A) OF THIS SECTION SHALL BE FILED THE LATER OF:

(1) NOT MORE THAN 10 YEARS AFTER THE DATE ON WHICH THE VIOLATION OCCURRED; OR

(2) THE DATE ON WHICH THE VICTIM OF THE VIOLATION REACHES 28 YEARS OF AGE.

20–606.

(A) ON OR BEFORE DECEMBER 1 EACH YEAR, BEGINNING IN 2027, THE DEPARTMENT, IN CONSULTATION WITH THE SOCIAL SERVICES ADMINISTRATION, STATE AND LOCAL LAW ENFORCEMENT AGENCIES, AND OTHER APPROPRIATE GOVERNMENT AGENCIES AND PUBLIC AND PRIVATE ORGANIZATIONS, SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, CONTAINING DE-IDENTIFIED AND DISAGGREGATED DATA ON THE NUMBER OF:

(1) REPORTS OF FEMALE GENITAL MUTILATION SUBMITTED IN ACCORDANCE WITH § 5–704 OF THE FAMILY LAW ARTICLE;

(2) INDIVIDUALS PROSECUTED FOR A VIOLATION OF THIS SUBTITLE;

(3) INDIVIDUALS CONVICTED OF A VIOLATION OF THIS SUBTITLE;

(4) CIVIL ACTIONS FILED IN ACCORDANCE WITH THIS SUBTITLE; AND

(5) CIVIL ACTIONS UNDER THIS SUBTITLE IN WHICH A JUDGMENT WAS ENTERED, WHETHER BY SETTLEMENT OR ADJUDICATION.

(B) THE DEPARTMENT SHALL MAKE THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION AVAILABLE TO THE PUBLIC.

20–607.

THE DEPARTMENT, IN COLLABORATION WITH COMMUNITY-BASED ORGANIZATIONS, SHALL:

(1) DEVELOP AND PUBLISH CULTURALLY AND LINGUISTICALLY APPROPRIATE EDUCATIONAL MATERIALS ON FEMALE GENITAL MUTILATION, INCLUDING:

(I) THE SIGNS THAT AN INDIVIDUAL HAS BEEN SUBJECTED TO FEMALE GENITAL MUTILATION;

(II) THE PHYSICAL AND MENTAL HEALTH RISKS CAUSED BY FEMALE GENITAL MUTILATION; AND

(III) THE CRIMINAL PENALTIES FOR A VIOLATION OF THIS SUBTITLE; AND

(2) DISTRIBUTE THE EDUCATIONAL MATERIALS DESCRIBED UNDER ITEM (1) OF THIS SECTION TO:

(I) HEALTH CARE PROVIDERS;

(II) LAW ENFORCEMENT AGENCIES;

(III) SCHOOLS;

(IV) THE PUBLIC; AND

(V) ANY OTHER PROFESSIONAL OR COMMUNITY-BASED ORGANIZATIONS THAT MAY WORK OR INTERACT WITH INDIVIDUALS WHO ARE AT RISK OF FEMALE GENITAL MUTILATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, April 14, 2026.