

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred House Bill
3 No. 83 entitled “An act relating to female genital cutting” respectfully reports
4 that it has considered the same and recommends that the Senate propose to the
5 House that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 Sec. 1. 13 V.S.A. chapter 70 is added to read:

8 CHAPTER 70. FEMALE GENITAL MUTILATION OR CUTTING

9 § 3151. FEMALE GENITAL MUTILATION OR CUTTING PROHIBITED

10 (a) Definitions. As used in this section:

11 (1) “Health care professional” means an individual, partnership,
12 corporation, facility, or institution licensed or certified or authorized by law to
13 provide professional health care services.

14 (2) “Midwife” means a midwife licensed pursuant to 26 V.S.A.
15 chapter 85.

16 (b) Female genital mutilation or cutting prohibited. Except as provided in
17 subsection (c) of this section, no person shall:

18 (1) Knowingly circumcise, excise, or infibulate the whole or any part of
19 the labia majora or labia minora or clitoris of another person who has not
20 attained 18 years of age.

1 (2) Knowingly incise, prick, scrape, or cauterize any part of the labia
2 majora or labia minora or clitoris of another person who has not attained
3 18 years of age.

4 (c) Exceptions. A medical procedure is not a violation of this section if it
5 is:

6 (1) necessary to the health of the person on whom it is performed and is
7 performed by a health care professional; or

8 (2) performed on a person in labor or who has just given birth and is
9 performed for medical purposes connected with that labor or birth by a health
10 care professional, midwife, or person in training to become a health care
11 professional or midwife.

12 (d) Defense. It is not a defense to a charge under this section that the
13 person on whom the procedure is performed, or any other person, believes that
14 the procedure is required as a matter of custom or ritual or that the person on
15 whom the procedure is performed, or that person's parent or guardian,
16 consented to the procedure.

17 (e) Transportation prohibited. A person shall not knowingly transport a
18 person into or out of this State for the purpose of conduct that would be a
19 violation of this section.

20 (f) Penalty. A person who violates subdivision (b)(2) of this section shall
21 be imprisoned not more than two years or fined not more than \$500.00, or

1 both. A person who violates subdivision (b)(1) or subsection (e) of this section
2 shall be imprisoned not more than 10 years or fined not more than \$20,000.00,
3 or both.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on passage.

6 and that after passage the title of the bill be amended to read: “An act
7 relating to prohibiting female genital mutilation or cutting”
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13 (Committee vote: _____)

14 _____

15 Senator _____

16 FOR THE COMMITTEE