

1 HB170
2 216395-2
3 By Representatives Scott and Hall
4 RFD: Judiciary
5 First Read: 18-JAN-22

1 ENGROSSED

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3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 Relating to crimes and offenses; to establish the
9 crime of female genital mutilation; to provide criminal
10 penalties; and in connection therewith would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds within the meaning of Amendment 621
13 of the Constitution of Alabama of 1901, as amended by
14 Amendment 890, now appearing as Section 111.05 of the Official
15 Recompilation of the Constitution of Alabama of 1901, as
16 amended.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. (a) This act shall be known and may be
19 cited as The Dr. Groesbeck Parham Act.

20 (b) A person commits the crime of female genital
21 mutilation if he or she does any of the following:

22 (1) ~~Commits~~ Knowingly commits female genital
23 mutilation on a person under the age of 19 years.

24 (2) Is parent or legal guardian, or has immediate
25 custody or control of, a person under the age of 19 years and
26 knowingly allows, authorizes, or directs another to commit
27 female genital mutilation on the person.

1 (3) Knowingly removes or causes or permits the
2 removal of a person under the age of 19 years from this state
3 for the purpose of committing or allowing, authorizing, or
4 directing another to commit female genital mutilation on the
5 person.

6 (c) A person who violates this section is guilty of
7 a Class B felony.

8 (d) A person under the age of 19 years is incapable
9 of consenting to female genital mutilation.

10 (e) It is not a defense to a violation of this
11 section that the prohibited conduct is required as a matter of
12 religion, custom, ritual, or standard practice, or that the
13 person on whom the conduct is performed, or the parent or
14 legal guardian of the person, consented to the act.

15 (f) This section does not apply to either of the
16 following:

17 (1) Procedures necessary to the health of the person
18 on whom it is performed when the procedure is performed by a
19 physician licensed to practice in this state at a licensed
20 medical facility.

21 (2) Procedures performed on a person who is in labor
22 or who has just given birth, and performed for medical
23 purposes connected with that labor or birth, by a physician
24 licensed to practice in this state or a certified registered
25 nurse practitioner, certified nurse midwife, or licensed
26 midwife.

1 (g) Nothing in this section shall be construed to
2 establish a standard of care for hospitals or physicians or
3 otherwise modify, amend, or supersede any provision of the
4 Alabama Medical Liability Act of 1987 or the Alabama Medical
5 Liability Act of 1996, or any amendment or judicial
6 interpretation of either act.

7 (h) As used in this section, "female genital
8 mutilation" means to remove, cut, circumcise, excise, or
9 infibulate, in whole or in part, the labia majora, labia
10 minora, or clitoris of a person under the age of 19 years. The
11 term also includes any other harmful procedure to the female
12 genitalia for non-medical purposes, including incising,
13 piercing, scraping, nicking, cauterizing, burning, and
14 scarring.

15 Section 2. Although this bill would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds, the bill is excluded from further
18 requirements and application under Amendment 621 of the
19 Constitution of Alabama of 1901, as amended by Amendment 890,
20 now appearing as Section 111.05 of the Official Recompilation
21 of the Constitution of Alabama of 1901, as amended, because
22 the bill defines a new crime or amends the definition of an
23 existing crime.

24 Section 3. This act shall become effective
25 immediately following its passage and approval by the
26 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 18-JAN-22

Read for the second time and placed
on the calendar 1 amendment 09-FEB-22

Read for the third time and passed
as amended..... 16-FEB-22

Yeas 100, Nays 0, Abstains 0

Jeff Woodard
Clerk