

SENATE BILL No. 347

May 2, 2017, Introduced by Senators COLBECK, EMMONS, MARLEAU, GREEN, NOFS, BRANDENBURG, PAVLOV, HANSEN, HUNE, BIEDA and SCHUITMAKER and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 136.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 136. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
2 PERSON SHALL NOT KNOWINGLY CIRCUMCISE, EXCISE, OR INFIBULATE ALL OR
3 ANY PART OF THE LABIA MAJORA OR LABIA MINORA OR CLITORIS OF ANOTHER
4 PERSON WHO IS LESS THAN 18 YEARS OF AGE. A PERSON WHO VIOLATES THIS
5 SECTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
6 MORE THAN 6 YEARS OR A FINE OF NOT MORE THAN \$250,000.00, OR BOTH.

7 (2) A SURGICAL OPERATION IS NOT A VIOLATION OF THIS SECTION IF
8 EITHER OF THE FOLLOWING CONDITIONS APPLIES:

9 (A) THE SURGICAL OPERATION IS NECESSARY TO THE HEALTH OF THE
10 PERSON ON WHOM IT IS PERFORMED, AND IT IS PERFORMED BY A LICENSED
11 MEDICAL PRACTITIONER.

1 (B) THE SURGICAL OPERATION IS PERFORMED ON A PERSON IN LABOR
2 OR WHO HAS JUST GIVEN BIRTH AND IS PERFORMED FOR MEDICAL PURPOSES
3 CONNECTED WITH THAT LABOR OR BIRTH BY A LICENSED MEDICAL
4 PRACTITIONER, MIDWIFE, OR PERSON IN TRAINING TO BECOME A LICENSED
5 MEDICAL PRACTITIONER OR LICENSED MIDWIFE.

6 (3) IT IS NOT A DEFENSE TO PROSECUTION UNDER THIS SECTION THAT
7 THE PERSON ON WHOM THE OPERATION IS PERFORMED OR IS TO BE
8 PERFORMED, OR ANY OTHER PERSON, BELIEVES THAT THE SURGICAL
9 OPERATION IS REQUIRED AS A MATTER OF CUSTOM OR RITUAL.

10 (4) AS USED IN THIS SECTION:

11 (A) "LICENSED MEDICAL PRACTITIONER" MEANS A MEDICAL PHYSICIAN
12 OR OSTEOPATHIC PHYSICIAN WHO IS LICENSED UNDER ARTICLE 15 OF THE
13 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO 333.18838.

14 (B) "LICENSED MIDWIFE" MEANS A MIDWIFE LICENSED UNDER ARTICLE
15 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO
16 333.18838.

17 (C) "PERSON IN TRAINING" MEANS AN INDIVIDUAL ACTING UNDER THE
18 DELEGATORY AUTHORITY AND SUPERVISION OF A PHYSICIAN UNDER SECTION
19 16215(2) OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16215.
20 PERSON IN TRAINING INCLUDES, BUT IS NOT LIMITED TO, AN INDIVIDUAL
21 DESCRIBED IN SECTION 16215(3) OF THE PUBLIC HEALTH CODE, 1978 PA
22 368, MCL 333.16215, BUT DOES NOT INCLUDE AN INDIVIDUAL WHOSE
23 LICENSE HAS BEEN SUSPENDED UNDER ARTICLE 15 OF THE PUBLIC HEALTH
24 CODE, 1978 PA 368, MCL 333.16101 TO 333.18838.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.