

SENATE, No. 1865

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1997

By Senator SINAGRA

1 AN ACT prohibiting the performance of certain surgical procedures on  
2 females under 18 years of age and supplementing Title 45 of the  
3 Revised Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

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8 1. a. Except as otherwise provided in this section, a person who  
9 knowingly circumcises, excises or infibulates the whole or any part of  
10 the labia majora or labia minora or clitoris of a female under 18 years  
11 of age, is guilty of a crime of the fourth degree.

12 b. The provisions of subsection a. of this section shall not apply if  
13 the circumcision, excision or infibulation is:

14 (1) necessary to the health of the female on whom it is performed  
15 and it is performed by a licensed health care professional acting within  
16 the scope of the professional's license, provided that no account shall  
17 be taken of the effect on the female on whom the procedure is to be  
18 performed of any belief on the part of that female or any other person  
19 that the procedure is required as a matter of custom or ritual; or

20 (2) performed on a female in labor or who has just given birth and  
21 is performed for medical purposes connected with that labor or birth  
22 by a licensed health care professional acting within the scope of the  
23 professional's license or by a person in training to become such a  
24 licensed health care professional.

25 c. Any person who knowingly denies to any person medical care  
26 or services or otherwise discriminates against any person in the  
27 provision of medical care or services because that person has  
28 undergone female circumcision, excision or infibulation, or that person  
29 has requested that female circumcision, excision or infibulation be  
30 performed on any person, is guilty of a disorderly persons offense.

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32 2. This act shall take effect immediately.

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35 STATEMENT

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37 This bill, which is modeled after the "Federal Prohibition of Female

1 Genital Mutilation Act of 1996," prohibits the practice of female  
2 genital mutilation on females under the age of 18 in New Jersey.

3 The practice of female genital mutilation is carried out by members  
4 of certain cultural and religious groups in the United States and is  
5 typically performed on females at the age of seven. The procedure  
6 often results in the occurrence of physical and psychological health  
7 effects that harm the female involved. According to the American  
8 Medical Association, the international medical community as a whole  
9 agrees that female genital mutilation has no medical value and can only  
10 create opportunities for medical complications.

11 The bill provides that any person who knowingly circumcises,  
12 excises or infibulates the whole or any part of the labia major or labia  
13 minor or clitoris of a female under 18 years of age, is guilty of a crime  
14 of the fourth degree which provides for up to 18 months in prison and  
15 a fine of up to \$7,500.

16 The provisions of the bill shall not apply if the circumcision,  
17 excision or infibulation is:

18 (1) necessary to the health of the female on whom it is performed  
19 and it is performed by a licensed health care professional acting within  
20 the scope of the professional's license, provided that no account shall  
21 be taken of the effect on the female on whom the procedure is to be  
22 performed of any belief on the part of that female or any other person  
23 that the procedure is required as a matter of custom or ritual; or

24 (2) performed on a female in labor or who has just given birth and  
25 is performed for medical purposes connected with that labor or birth  
26 by a licensed health care professional acting within the scope of the  
27 professional's license or by a person in training to become such a  
28 licensed health care professional.

29 The bill further provides that any person who knowingly denies to  
30 any person medical care or services or otherwise discriminates against  
31 any person in the provision of medical care or services because that  
32 person has undergone female circumcision, excision or infibulation, or  
33 that person has requested that female circumcision, excision or  
34 infibulation be performed on any person, is guilty of a disorderly  
35 persons offense (which provides for up to six months in prison and a  
36 fine of up to \$1,000).

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41 Prohibits practice of female genital mutilation.