

SUBSTITUTE FOR
SENATE BILL NO. 337

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 PERFORM A SURGICAL OPERATION TO
3 CIRCUMCISE, INCISE, EXCISE, OR INFIBULATE ALL OR ANY PART OF THE
4 LABIA MAJORA OR LABIA MINORA, CLITORIS, OR CONTIGUOUSLY SURROUNDING
5 TISSUE ON ANOTHER PERSON WHO IS LESS THAN 18 YEARS OF AGE,
6 REGARDLESS OF WHETHER THE SURGICAL OPERATION CAUSES PHYSICAL
7 DEFORMITY, RESIDUAL PAIN, OR LOSS OF SENSATION.

8 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A FELONY
9 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS.

10 (3) A SURGICAL OPERATION IS NOT A VIOLATION OF THIS SECTION IF

1 EITHER OF THE FOLLOWING CONDITIONS APPLIES:

2 (A) IT IS NECESSARY TO THE HEALTH OF THE PERSON ON WHOM IT IS
3 PERFORMED, AND IT IS PERFORMED BY A LICENSED MEDICAL PRACTITIONER.

4 (B) IT IS PERFORMED ON A PERSON IN LABOR OR WHO HAS JUST GIVEN
5 BIRTH AND IS PERFORMED FOR MEDICAL PURPOSES CONNECTED WITH THAT
6 LABOR OR BIRTH BY A LICENSED MEDICAL PRACTITIONER, MIDWIFE, OR
7 PERSON IN TRAINING TO BECOME A LICENSED MEDICAL PRACTITIONER.

8 (4) IN A PROSECUTION UNDER THIS SECTION, IT IS NOT A DEFENSE
9 THAT THE DEFENDANT BELIEVED EITHER OF THE FOLLOWING CONCERNING THE
10 SURGICAL OPERATION:

11 (A) THAT THE PERSON ON WHOM THE SURGICAL OPERATION WAS
12 PERFORMED OR WAS TO BE PERFORMED WAS 18 YEARS OF AGE OR OLDER.

13 (B) THAT THE SURGICAL OPERATION IS OR WAS REQUIRED AS A MATTER
14 OF CUSTOM OR RITUAL.

15 (5) AS USED IN THIS SECTION:

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

19 (B) "LICENSED MIDWIFE" MEANS A MIDWIFE LICENSED UNDER ARTICLE
20 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO
21 333.18838.

22 (C) "PERSON IN TRAINING" MEANS AN INDIVIDUAL ACTING UNDER THE
23 DELEGATORY AUTHORITY AND SUPERVISION OF A PHYSICIAN UNDER SECTION
24 16215(2) OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16215.
25 PERSON IN TRAINING INCLUDES, BUT IS NOT LIMITED TO, AN INDIVIDUAL
26 DESCRIBED IN SECTION 16215(3) OF THE PUBLIC HEALTH CODE, 1978 PA
27 368, MCL 333.16215, BUT DOES NOT INCLUDE AN INDIVIDUAL WHOSE

1 **LICENSE HAS BEEN SUSPENDED UNDER ARTICLE 15.**

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