

# HOUSE BILL No. 4636

May 23, 2017, Introduced by Reps. Hoitenga, Hughes, Victory, Sheppard, Kesto, Hauck, Hornberger, Greimel, Chang, Farrington, Leutheuser, Lasinski, Faris, Griffin, Lucido, Rendon, Alexander, Whiteford, Kelly, Bizon, Kahle, VanderWall, Sabo, Sowerby, Moss, Hammoud, Brinks, Geiss, Ellison, Camilleri, Phelps, Jones, Chirkun, Durhal, Gay-Dagnogo, Clemente, Cochran, Peterson, Dianda, Love, Hoadley, Pagan, Garrett, Green, Yanez, Rabhi, Byrd, Schor, Neeley, Scott, Wittenberg, Zemke, Pagel, LaSata, Calley, Greig, Allor, Lower and Lilly and referred to the Committee on Law and Justice.

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) A PERSON SHALL NOT KNOWINGLY CIRCUMCISE, EXCISE,  
2        OR INFIBULATE THE WHOLE OR ANY PART OF THE LABIA MAJORA OR LABIA  
3        MINORA OR CLITORIS OF ANOTHER PERSON WHO IS LESS THAN 18 YEARS OF  
4        AGE.

5        (2) A SURGICAL OPERATION IS NOT A VIOLATION OF THIS SECTION IF  
6        THE OPERATION IS EITHER OF THE FOLLOWING:

7        (A) NECESSARY TO THE HEALTH OF THE PERSON ON WHOM IT IS  
8        PERFORMED AND IS PERFORMED BY A PERSON LICENSED TO PERFORM THAT  
9        OPERATION UNDER THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1101  
10       TO 333.25211.

11       (B) PERFORMED ON A PERSON IN LABOR OR WHO HAS JUST GIVEN BIRTH

1 AND IS PERFORMED FOR MEDICAL PURPOSES CONNECTED WITH THAT LABOR OR  
2 BIRTH BY A PERSON LICENSED TO PERFORM THAT OPERATION UNDER THE  
3 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1101 TO 333.25211.

4 (3) A PERSON SHALL NOT KNOWINGLY FACILITATE A VIOLATION OF  
5 SUBSECTION (1).

6 (4) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY  
7 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF  
8 NOT MORE THAN \$25,000.00, OR BOTH.

9 (5) IT IS NOT A DEFENSE TO PROSECUTION UNDER THIS SECTION THAT  
10 THE PERSON ON WHOM THE OPERATION IS PERFORMED, OR ANY OTHER PERSON,  
11 BELIEVES THAT THE OPERATION IS REQUIRED AS A MATTER OF CUSTOM OR  
12 RITUAL, OR THAT THE PERSON ON WHOM THE OPERATION IS PERFORMED, OR  
13 THAT PERSON'S PARENT OR GUARDIAN, CONSENTED TO THE OPERATION.

14 (6) A VIOLATION OF THIS SECTION BY A PERSON LICENSED UNDER THE  
15 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1101 TO 333.25211, IS  
16 GROUNDS FOR PERMANENT REVOCATION OF THAT LICENSE.

17 (7) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED  
18 WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW  
19 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS  
20 SECTION.

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

23 Enacting section 2. This amendatory act does not take effect  
24 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4639 (request no.  
25 02922'17 \*.