

SENATE BILL No. 337

April 27, 2017, Introduced by Senators O'BRIEN, JONES 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 15 YEARS.

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

1 PERSON ON WHOM IT IS PERFORMED, AND IT IS PERFORMED BY A LICENSED
2 MEDICAL PRACTITIONER.

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

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

12 (4) AS USED IN THIS SECTION:

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

16 (B) "LICENSED MIDWIFE" MEANS A MIDWIFE LICENSED UNDER ARTICLE
17 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO
18 333.18838.

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

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