

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

FILED SENATE
Jan 31, 2019
S.B. 9
PRINCIPAL CLERK

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SENATE BILL DRS45008-ML-19A

Short Title: Female Genital Mutilation/Clarify Prohibition. (Public)

Sponsors: Senators Krawiec, Sawyer, and Ballard (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE PROHIBITION ON THE MUTILATION OF THE GENITALS
3 OF A FEMALE UNDER THE AGE OF 18 YEARS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 8 of Chapter 14 of the General Statutes is amended by adding
6 a new section to read:

7 **"§ 14-28.1. Female genital mutilation.**

8 (a) Violation; Penalty. – Except as provided in subsection (b) of this section, it is a Class
9 C felony to do any of the following:

10 (1) Knowingly circumcise, excise, or infibulate the whole or any part of the labia
11 majora, labia minora, or clitoris of another person who has not attained the
12 age of 18 years.

13 (2) For a parent, guardian, or other person responsible for the care of a minor,
14 consent to the circumcision, excision, or infibulation, in whole or in any part,
15 of the labia majora, labia minora, or clitoris of the minor.

16 (3) For a parent, guardian, or other person responsible for the care of a minor,
17 knowingly remove or cause or permit the removal of the minor from the State
18 for the purpose of having the minor's labia majora, labia minora, or clitoris
19 circumcised, excised, or infibulated.

20 (b) Exception. – A surgical operation is not a violation of subsection (a) of this section if
21 the operation meets either of the following requirements:

22 (1) The operation is necessary to the health of the person on whom it is performed
23 and is performed by a person licensed in the State as a medical practitioner.

24 (2) The operation is performed on a person in labor who has just given birth and
25 is performed for medical purposes connected with that labor or birth by a
26 person licensed in this State as a medical practitioner or certified nurse
27 midwife, or a person in training to become licensed as a medical practitioner
28 or certified nurse midwife.

29 (c) No Defense. – It is not a defense to prosecution under subsection (a) of this section
30 that the person on whom the circumcision, excision, or infibulation is performed, or any other
31 person, believes that the circumcision, excision, or infibulation is required as a matter of custom
32 or ritual, or that the person on whom the circumcision, excision, or infibulation is performed
33 consented to the circumcision, excision, or infibulation."

34 SECTION 2. If any provision of this act or its application is held invalid, the
35 invalidity does not affect other provisions or applications of this act that can be given effect



1 without the invalid provisions or application, and to this end the provisions of this act are
2 severable.
3 **SECTION 3.** This act becomes effective December 1, 2019, and applies to offenses
4 committed on or after that date.