

State Legislation on Female Genital Mutilation

By: James Orlando, Chief Attorney
December 11, 2023 | 2023-R-0281

Issue

Provide information on other states' laws banning female genital mutilation (FGM) and Connecticut bills on this topic.

Summary

Connecticut does not have any laws specifically addressing FGM. Since 2018, various legislative committees have considered bills on this topic, but none became law.

Forty-one states have laws making it a crime to perform FGM on minors, subject to limited medical exceptions; some of these laws address adult FGM as well. Some of these laws similarly make it a crime (1) to transport a minor for purposes of FGM or (2) for a parent or guardian to consent to FGM being performed on their child. Some laws also address other related issues, such as (1) civil causes of actions for victims of FGM and (2) public education campaigns about FGM.

Female Genital Mutilation

According to the [World Health Organization](#) (WHO), FGM

“comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.”
The WHO reports that FGM is typically carried out on young girls between infancy and adolescence.

Below is an overview of FGM-specific laws in select states (Massachusetts, New York, Rhode Island, South Carolina, and Wyoming) and a brief summary of recent Connecticut bills on this topic.

Examples of Other States' Laws

Massachusetts

Under a 2020 Massachusetts law, it is a crime to knowingly commit FGM on a minor (under age 18). It is also a crime to knowingly (1) transport a minor within the state, or (2) send a minor out of state, with the intent that the person or another person commit FGM. The law defines FGM as “partially or totally removing the female genitalia or altering the structure or function of the female genitalia for non-medical purposes.” This includes, among other things, infibulation, the partial or total removal of the clitoris, or any other procedure that causes injury to the female genitalia for non-medical purposes. These crimes are punishable by (1) up to five years in prison or (2) a fine of up to \$10,000 and up to 2 ½ years in prison.

The law provides exceptions for procedures performed by licensed medical providers (1) to preserve or protect the person’s health in the course of medical treatment or (2) for gender reassignment as requested by the person.

Under this law, it is not a defense that the defendant believed his or her actions were conducted as a matter of custom or ritual or that the person (or the person’s parent or guardian) consented to the procedure ([Mass. Gen. Laws ch. 265, § 60](#)).

Massachusetts law also specifically allows a victim of FGM to bring a lawsuit for actual and compensatory damages, punitive damages, and injunctive or other relief. The court can award triple damages if the defendant’s actions were willful and malicious. The court must award attorney’s fees and costs to a prevailing plaintiff. The victim has 10 years to bring the lawsuit; for a minor, the 10-year period does not start until she turns age 18 ([Mass. Gen. Laws ch. 260, § 4E](#)).

Additionally, Massachusetts law requires the public health commissioner to develop and administer an education program for FGM prevention. The program must provide information about the health risks and emotional trauma inflicted by this practice, and the associated criminal penalties. The commissioner must also:

Related Federal Law

Since 1996, federal law generally has made it a crime to knowingly perform FGM on a minor. In November 2018, a federal court in Michigan ruled this law to be unconstitutional, finding that it exceeded congressional powers ([U.S. v. Nagarwala, 350 F. Supp. 3d 613](#) (E.D. Mich. 2018)).

Congress later amended the law to require a link to interstate or foreign commerce, through the Stop FGM Act of 2020 (signed into law in January 2021) ([P.L. 116-309](#)).

Among other things, the federal law also includes an annual reporting requirement on FGM statistics and related matters.

1. develop policies and procedures to promote partnerships between the department, various state agencies, and other government entities and non-governmental organizations to prevent FGM and to protect and provide assistance to victims;
2. make recommendations and develop procedures for ways to train health care providers on recognizing the risk factors associated with FGM and the signs that an individual may be a victim (subject to available appropriations, the commissioner may contract with outside entities or individuals to provide training and other services); and
3. develop implementing regulations ([Mass. Gen. Laws ch. 111, § 220A](#)).

New York

New York law generally makes it a crime to perform FGM on a minor. It is also a crime for a parent or other person legally responsible for the care or custody of a child under age 18 to knowingly consent to genital mutilation being performed on the child. The law provides exceptions for procedures by certain medical professionals that are (1) necessary to the health of the person on whom it was performed or (2) performed on a person in labor or who has just given birth and is performed for medical purposes connected to the labor or birth.

The law specifies that no account must be taken of any belief (by the minor or anyone else) that the procedure is required as a matter of custom or ritual. Violations are classified as class E felonies ([N.Y. Penal Law § 130.85](#)).

Additionally, New York law makes it a class A misdemeanor crime to facilitate the performance of FGM on a minor ([N.Y. Penal Law § 260.22](#)).

New York law also specifically allows the state Department of Health to conduct education and outreach programs on the physical, sexual, and psychological consequences of FGM, including the practice of “vacation cutting” in which girls are sent out of the state or country to undergo the procedure, typically during school vacations ([N.Y. Public Health Law § 207\(1\)\(k\)](#)).

Rhode Island

Rhode Island law specifically classifies FGM (regardless of the victim’s age) as a type of serious bodily injury for purposes of the felony assault statute, punishable by up to 20 years in prison ([R.I. Gen Laws § 11-5-2](#)).

South Carolina

South Carolina law generally makes it a crime to knowingly (1) mutilate (i.e., perform FGM) or attempt to mutilate a female who is under age 18 or unable to consent; (2) facilitate this mutilation

on such an individual; or (3) transport or facilitate the transportation of such an individual for the purpose of mutilation. The law provides an exception if the procedure is (1) necessary to the physical health of the person on whom it was performed or (2) performed on someone who has just given birth for medical purposes connected with that labor or birth.

It is not a defense that FGM is (1) required as a matter of belief, custom, or ritual or (2) consented to by the individual or her parent or legal guardian.

This crime is punishable by up to 20 years in prison, a fine of up to \$20,000, or both. In addition, if a medical professional performed, participated in, or facilitated the procedure and the exceptions listed above do not apply, that person's professional license or certification is permanently revoked ([S.C. Code §§ 16-3-2220 & -2230](#)).

South Carolina also specifies that child abuse or neglect includes when a parent, guardian, or someone else responsible for a child's welfare (1) commits or allows to be committed FGM against the child or (2) engages in acts or omissions that present a substantial risk that the crime of FGM would be committed against the child ([S.C. Code § 63-7-20\(6\)\(a\)](#)).

Wyoming

Under Wyoming law, it is generally aggravated assault and battery to intentionally, knowingly, or recklessly cause FGM to be performed on a person who is under age 18. The law excludes from the definition of FGM a procedure performed by a licensed health care provider that is medically necessary due to a medically recognized condition or medically advisable or necessary to preserve or protect the person's physical health.

It is not a defense that the individual herself, or her parent, guardian, or custodian, consented to the FGM procedure. Religion, ritual, custom, or standard practice is also not a defense. The crime is punishable by five to 25 years in prison ([Wy. Stat. §§ 6-1-104\(a\)\(xvii\) & 6-2-502](#)).

The law also specifically provides a civil cause of action for victims against someone who engages in this prohibited conduct, regardless of whether the person was charged or convicted. The victim may recover damages, exemplary damages, reasonable attorney's fees, costs, and any other appropriate relief. A victim may bring the lawsuit within 10 years after (1) the procedure or (2) her 18th birthday ([Wy. Stat. § 1-1-139](#)).

Additionally, the law requires the department of health, the attorney general's office division of victim services, or both together to develop a community education program on FGM. The program must include:

1. education, prevention, and outreach materials regarding the health risks and emotional trauma inflicted by this practice;
2. ways to develop and distribute information on recognizing associated risk factors; and
3. training materials (for law enforcement, teachers, and others who are mandated child abuse reporters) on related matters, such as signs that someone may be a victim of FGM and best practices to respond to victims.

Law enforcement, teachers, and mandated reporters must incorporate the training into their professional development programs and provide the training to employees and volunteers ([Wy. Stat. § 35-25-401](#)).

Connecticut Bills

Since 2018, three legislative committees have considered fully drafted bills on FGM. The Children's and Public Health Committee each considered a bill that would have made it a class D felony to perform FGM on a minor, subject to certain medical exceptions ([sSB 190](#) (2018) and [HB 5142](#) (2019), respectively). The Judiciary Committee considered similar bills, as well as bills that would have required the Department of Public Health (DPH) commissioner, in consultation with the UConn School of Public Health or UConn Health Center, to study and report on FGM in the state ([sSB 505](#) (2019); [SB 74](#) (2020); and [SB 1069](#) (2021)).

Two of the five bills referenced above were voted out of committee:

- [sSB 190](#) (2018) (banning FGM on minors, with certain medical exceptions): The Children's Committee favorably reported the bill. The Senate referred the bill to the Judiciary Committee, which took no action on it.
- [sSB 505](#) (2019) (requiring a DPH study): The Judiciary Committee favorably reported the bill (the substitute bill included the study provisions, replacing the earlier version which instead would have banned FGM on minors with certain medical exceptions). The bill was rejected by the Senate.

JO:co