

SUBSTITUTE FOR
SENATE BILL NO. 368

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.

1 (3) A SURGICAL OPERATION IS NOT A VIOLATION OF THIS SECTION IF
2 EITHER OF THE FOLLOWING CONDITIONS APPLIES:

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

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

10 (4) A BELIEF OF A PERSON ON WHOM THE OPERATION IS PERFORMED OR
11 IS TO BE PERFORMED, OR OF ANY OTHER PERSON, THAT THE OPERATION IS
12 REQUIRED AS A MATTER OF CUSTOM OR RITUAL IS NOT A DEFENSE TO
13 PROSECUTION UNDER THIS SECTION.

14 (5) A PERSON SHALL NOT KNOWINGLY TRANSPORT A PERSON FROM THIS
15 STATE FOR THE PURPOSE OF CONDUCT WITH REGARD TO THAT PERSON THAT
16 WOULD BE A VIOLATION OF THIS SECTION IF THE CONDUCT OCCURRED IN
17 THIS STATE.

18 (6) AS USED IN THIS SECTION:

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

22 (B) "LICENSED MIDWIFE" MEANS A MIDWIFE LICENSED UNDER ARTICLE
23 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO
24 333.18838.

25 (C) "PERSON IN TRAINING" MEANS AN INDIVIDUAL ACTING UNDER THE
26 DELEGATORY AUTHORITY AND SUPERVISION OF A PHYSICIAN UNDER SECTION
27 16215(2) OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16215.

1 PERSON IN TRAINING INCLUDES, BUT IS NOT LIMITED TO, AN INDIVIDUAL
2 DESCRIBED IN SECTION 16215(3) OF THE PUBLIC HEALTH CODE, 1978 PA
3 368, MCL 333.16215, BUT DOES NOT INCLUDE AN INDIVIDUAL WHOSE
4 LICENSE HAS BEEN SUSPENDED UNDER ARTICLE 15.

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