

1 HB252
2 208628-1
3 By Representative Scott
4 RFD: Judiciary
5 First Read: 02-FEB-21

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8 SYNOPSIS: This bill would create the Dr. Groesbeck
9 Parham Act to create the crime of female genital
10 mutilation and provide criminal penalties for a
11 violation.

12 Amendment 621 of the Constitution of Alabama
13 of 1901, now appearing as Section 111.05 of the
14 Official Recompilation of the Constitution of
15 Alabama of 1901, as amended, prohibits a general
16 law whose purpose or effect would be to require a
17 new or increased expenditure of local funds from
18 becoming effective with regard to a local
19 governmental entity without enactment by a 2/3 vote
20 unless: it comes within one of a number of
21 specified exceptions; it is approved by the
22 affected entity; or the Legislature appropriates
23 funds, or provides a local source of revenue, to
24 the entity for the purpose.

25 The purpose or effect of this bill would be
26 to require a new or increased expenditure of local
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local
2 governmental entity or enactment by a 2/3 vote to
3 become effective because it comes within one of the
4 specified exceptions contained in the amendment.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT

9
10 Relating to crimes and offenses; to establish the
11 crime of female genital mutilation; to provide criminal
12 penalties; and in connection therewith would have as its
13 purpose or effect the requirement of a new or increased
14 expenditure of local funds within the meaning of Amendment 621
15 of the Constitution of Alabama of 1901, now appearing as
16 Section 111.05 of the Official ReCompilation of the
17 Constitution of Alabama of 1901, as amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. This act shall be known and may be cited
20 as The Dr. Groesbeck Parham Act.

21 Section 2. (a) As used in this section, female
22 genital mutilation means to remove, cut, circumcise, excise,
23 or infibulate, in whole or in part, the labia majora, labia
24 minora, or clitoris of a person under the age of 19 years. The
25 term also includes any other harmful procedure to the female
26 genitalia for non-medical purposes, including incising,

1 piercing, scraping, nicking, cauterizing, burning, and
2 scarring.

3 (b) An individual who does any of the following is
4 guilty of a Class B felony:

5 (1) He or she commits female genital mutilation on a
6 person under the age of 19 years.

7 (2) He or she is a parent, legal guardian, or has
8 immediate custody or control of a person under the age of 19
9 years and knowingly allows, authorizes, or directs another to
10 commit female genital mutilation on the person.

11 (3) He or she knowingly removes or causes or permits
12 the removal of a person under the age of 19 years from this
13 state for the purpose of committing or allowing, authorizing,
14 or directing another to commit female genital mutilation on
15 the person.

16 (c) A person under the age of 19 years is incapable
17 of consenting to female genital mutilation.

18 (d) It is not a defense to subsection (b) that the
19 conduct is required as a matter of religion, custom, ritual,
20 or standard practice, or that the person on whom the conduct
21 is performed, or the parent or legal guardian of the person,
22 consented to the act.

23 (e) This section does not apply to either of the
24 following:

25 (1) Procedures necessary to the health of the person
26 on whom it is performed when the procedure is performed by a

1 physician licensed to practice in this state at a licensed
2 medical facility.

3 (2) Procedures performed on a person who is in labor
4 or who has just given birth, and performed for medical
5 purposes connected with that labor or birth, by a physician
6 licensed to practice in this state or a certified registered
7 nurse practitioner, certified nurse midwife, or licensed
8 midwife.

9 (f) Nothing in this section shall be construed to
10 establish a standard of care for hospitals or physicians or
11 otherwise modify, amend, or supersede any provision of the
12 Alabama Medical Liability Act of 1987 or the Alabama Medical
13 Liability Act of 1996, or any amendment or judicial
14 interpretation of either act.

15 Section 3. Although this bill would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds, the bill is excluded from further
18 requirements and application under Amendment 621 because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

21 Section 4. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.