

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 675

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO GENITAL MUTILATION OF A CHILD; AMENDING SECTION 18-1506B, IDAHO CODE, TO PROVIDE FOR THE CRIME OF GENITAL MUTILATION IN CERTAIN INSTANCES, TO PROVIDE CERTAIN EXEMPTIONS, AND TO PROVIDE SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-1506B, Idaho Code, be, and the same is hereby amended to read as follows:

18-1506B. ~~FEMALE~~ GENITAL MUTILATION OF A CHILD -- EXCLUSIONS -- PENALTIES -- DEFINITION. (1) Except as provided in subsection (45) of this section, whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora, labia minora, or clitoris of a child shall be guilty of a felony.

(2) Except as provided in subsection (6) of this section, whoever knowingly engages in any of the following practices upon a child that circumcise, excise, infibulate, or mutilate the reproductive organs and parts of a child, for the purpose of attempting to change or affirm the child's perception of the child's sex if that perception is inconsistent with the child's biological sex, shall be guilty of a felony:

(a) Performing surgeries that sterilize or mutilate, including castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, clitoroplasty, vaginoplasty, vulvoplasty, ovariectomy, or reconstruction of the fixed part of the urethra with or without metoidioplasty, phalloplasty, scrotoplasty, or the implantation of erection or testicular prostheses;

(b) Performing a mastectomy;

(c) Administering or supplying the following medications that induce profound morphologic changes in the genitals of a child or induce transient or permanent infertility:

(i) Puberty-blocking medication to stop or delay normal puberty;

(ii) Supraphysiological doses of testosterone to a female; or

(iii) Supraphysiological doses of estrogen to a male; or

(d) Removing any otherwise healthy or nondiseased body part or tissue.

(3) Except as provided in subsection (45) of this section, whoever knowingly gives permission for, or permits on a child, any act prohibited by subsection (1) of this section shall be guilty of a felony.

(34) Except as provided in subsection (45) of this section, whoever knowingly removes or causes, permits, or facilitates the removal of a child from this state for the purpose of facilitating any act prohibited by subsection (1) of this section shall be guilty of a felony.

(45) A surgical operation or medical intervention shall not be a violation of this section if the operation or intervention is:

(a) Necessary to the health of the person on whom it is performed and is performed by a person licensed in the place of its performance as a medical practitioner, except that a medical intervention that results in the impairment and mutilation of the reproductive organs and parts of a child is never necessary to the health of the child on whom it is performed if it is for the sole purpose of attempting to change or affirm the child's perception of the child's sex if that perception is inconsistent with the child's biological sex; or

(b) Performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

(6) The provisions of subsection (2) of this section shall not apply to a person acting in accordance with the good faith medical decision of a parent or guardian of a child born with a medically verifiable genetic disorder of sex development, including:

(a) A child with external biological sex characteristics that are ambiguous and irresolvable, such as a child born having 46, XX chromosomes with virilization, 46, XY chromosomes with undervirilization, or with both ovarian and testicular tissue; or

(b) When a physician has otherwise diagnosed a disorder of sexual development in which the physician has determined through genetic testing that the child does not have the normal sex chromosome structure for a male or female.

(57) In applying subsection (45) (a) of this section, no account shall be taken of the effect on the person on whom the operation is to be performed or any belief on the part of that person, or any other person, that the operation is required as a matter of custom or ritual.

(68) Any person convicted of a violation of this section shall be guilty of a felony and shall be imprisoned in the state prison for a term of not more than life.

(79) For the purposes of this section, "child" means any person under eighteen (18) years of age.

(10) The provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after January 1, 2023.