

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 465

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING SECTION 18-1506B, IDAHO CODE, TO REVISE PROVISIONS REGARDING GENITAL MUTILATION OF A CHILD, TO PROVIDE THAT ENGAGING IN PRACTICES TO CHANGE OR AFFIRM A CHILD'S PERCEPTION OF THE CHILD'S SEX IS A FELONY, AND TO PROVIDE CERTAIN EXCEPTIONS.

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 -- EXCLUSIONS -- PENALTIES -- DEFINITION. (1) Except as provided in subsection (23) 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 (4) of this section, whoever knowingly engages in any of the following practices upon a child, which 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 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 implantation of erection and/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 non-diseased body part or tissue.

(3) A surgical operation shall not be a violation of this section if the operation 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

1 the child's perception of the child's sex if that perception is incon-
2 sistent with the child's sex; or

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

7 (4) The provisions of subsection (2) of this section shall not apply to
8 a person acting in accordance with the good faith medical decision of a par-
9 ent or guardian of a child born with a medically verifiable genetic disorder
10 of sex development, including:

11 (a) A child with external biological sex characteristics that are am-
12 biguous and irresolvable, such as a child born having 46, XX chromosomes
13 with virilization, 46, XY chromosomes with undervirilization, or hav-
14 ing both ovarian and testicular tissue; or

15 (b) When a physician has otherwise diagnosed a disorder of sexual de-
16 velopment, in which the physician has determined through genetic test-
17 ing that the child does not have the normal sex chromosome structure for
18 a male or a female.

19 (5) In applying subsection (1) or (2)(a) of this section, no account
20 shall be taken of the effect on the person on whom the operation is to be per-
21 formed or any belief on the part of that person, or any other person, that the
22 operation is required as a matter of custom or ritual.

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

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