

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

940W0185

## HOUSE BILL NO. 1089

Introduced by: Representatives DiSanto, Bolin, Brunner, Deutsch, Gosch, Greenfield (Lana), Haggar (Don), Haugaard, Heinemann (Leslie), Hickey, Hunt, Klumb, Langer, Latterell, Marty, May, McCleerey, Novstrup (Al), Rasmussen, Rounds, Russell, Soli, Wiik, Wollmann, and Zikmund and Senators Haggar (Jenna), Bradford, Brown, Cammack, Greenfield (Brock), Haverly, Heineman (Phyllis), Holien, Lederman, Novstrup (David), Olson, Peterson (Jim), Rampelberg, and Rave

1 FOR AN ACT ENTITLED, An Act to ban the practice of female genital mutilation in the state,  
2 to provide a penalty therefor, and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. It is a Class 4 felony for any person:

- 5 (1) To knowingly circumcise, excise, mutilate, or infibulate, in whole or in part, the labia  
6 majora, labia minora, or clitoris of a female under the age of eighteen years;
- 7 (2) Who is a parent, guardian, or has immediate custody or control of a female under the  
8 age of eighteen years to knowingly consent to or permit the circumcision, excision,  
9 mutilation, or infibulation, in whole or in part, of the labia majora, labia minora, or  
10 clitoris of such female; or
- 11 (3) To knowingly remove, cause, or permit the removal of a female under the age of  
12 eighteen years from this state for the purpose of circumcising, excising, mutilating,



1           or infibulating, in whole or in part, the labia majora, labia minora, or clitoris of such  
2           female.

3           Section 2. It is not a defense to the provisions of section 1 of this Act that the conduct  
4           described is required as a matter of religion, custom, ritual, or standard practice, or that the  
5           individual on whom the conduct is performed, or the parent or guardian of the individual  
6           consented to the procedure.

7           Section 3. A surgical procedure is not a violation of section 1 of this Act if the procedure  
8           is:

- 9           (1)   Necessary to the health of the individual on whom it is performed and the procedure  
10           is performed by a licensed medical practitioner in a licensed medical facility; or
- 11           (2)   Performed on an individual in labor or who has just given birth and the procedure is  
12           performed for medical purposes connected with that labor or birth and the procedure  
13           is performed by a licensed medical practitioner.

14           Section 4. Whereas, this Act is necessary for the immediate preservation of the public peace,  
15           health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
16           effect from and after its passage and approval.