



49 South Hotel Street, Room 314 | Honolulu, HI 96813  
www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

COMMITTEE ON HEALTH

Tuesday, February 26, 2019  
11:00 A.M.  
Conference Room 308  
HB 132 (HD2) (HSCR 766)

Relating to Female Genital Mutilation

**TESTIMONY**

Joy A Marshall, Legislative Committee, League of Women Voters of Hawaii

Chair Luke, Vice Chair Cullen and Committee Members:

**The League of Women Voters of Hawaii supports HB132.**

The mutilation and removal of female genitalia is unacceptable in any way, not only does it risk health and life, but it impedes the possibility of normal childbirth and normal sexual relations. This procedure alters the normal function of the recipient in so many ways, harmful ways.

We cannot support, nor condone such actions against females and particularly residents of the State of Hawaii.

We also ask that you make this legislation specific for the abuse of women and not as feared in HSCR 766 an attack on persons seeking or licensed practitioners performing gender reassignment surgery an important part of certain persons transformation and healing.

Please pass this legislation and eliminate this inhumane and violent action against young girls and women.

Thank you for allowing me the opportunity to submit testimony.

Executive Director  
Adriana Ramelli

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**Date:** February 26, 2019

**To:** The Honorable Sylvia Luke, Chair  
The Honorable Ty J.K. Cullen, Vice Chair  
House Committee on Finance

**From:** Justin Murakami, Manager, Prevention Education and Public Policy  
The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women & Children

**RE:** Testimony in Support of H.B. 132 H.D. 2  
Relating to Female Genital Mutilation

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Good morning Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance:

The Sex Abuse Treatment Center (SATC) supports H.B. 132 H.D. 2.

According to the World Health Organization, FGM is broadly defined to include procedures that intentionally alter or cause injury to the female genital organs for non-medical reasons, such as social convention or cultural or religious tradition. Such procedures have no health benefits for girls and women, and it harms them in many ways as it involves removing and damaging healthy, normal female genital tissue, and interferes with the natural functions of girls' and women's bodies with severe immediate and long-term health consequences.

FGM is recognized internationally as a violation of the human rights of girls and women, and constitutes an extreme form of discrimination and violation against women. As it is nearly always carried out on minors, it is also a violation of the rights of children.

The performance of FGM on minors for non-medical reasons was outlawed in the United States under federal law in 1996, with the passage of the Federal Prohibition of Female Genital Mutilation Act, while transporting a minor out of the country for FGM was further banned by the 2013 Transport for Female Genital Mutilation Act. In addition, 28 states have banned FGM under their respective state laws.

Two large-scale national studies of female genital mutilation have reflected that Hawai'i has a relatively low risk of people being subjected to FGM. One study, released by the African Women's Health Center at Brigham and Women's Hospital in Massachusetts in 2004, found that Hawai'i had an estimated 103 women at risk of FGM. The other, published by the Population Reference Bureau in 2016, found that

although there may be some risk in Hawai'i, the number was small enough that it did not appear in the sample data. In these studies, the term "at risk" was defined as a female person's being from a country where FGM was practiced on 2% or more of the population or having at least one parent from such a country.

Despite the relatively low risk of FGM in Hawai'i reflected by these analyses, it may be appropriate for our state to enact a ban on FGM at this time, based on a recent case decision in Michigan concerning the federal law. A U.S. District Court judge there declared the federal ban on FGM unconstitutional, reasoning that the federal government does not have the right to regulate FGM because FGM does not affect interstate commerce and is a local criminal activity for states to regulate, not Congress.

Thank you for this opportunity testify in support of H.B. 132 H.D. 2.

**HB-132-HD-2**

Submitted on: 2/22/2019 5:49:25 PM

Testimony for FIN on 2/26/2019 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	Yes

Comments:

Aloha Representatives,

The LGBT Caucus of the Democratic Party of Hawaii supports the passage of HB 132 HD2.

Mahalo for your consideration and for the opportunity to testify.

Mahalo,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawaii



## Honolulu County Republican Party

725 Kapiolani Blvd. Ste C105

Honolulu, HI 96813

To: **COMMITTEE ON FINANCE**  
Rep. Sylvia Luke, Chair  
Rep. Ty J.K. Cullen, Vice Chair

Date: Tuesday, February 26, 2019

Time: 11:00am

Place: Conference Room 308  
State Capitol, 415 South Beretania Street

### Re: **H.B. 132 HD2 RELATING TO FEMALE GENITAL MUTILATION**

The Honolulu County Republican Party **SUPPORTS** the establishment of female genital mutilation (FGM) as a class B felony offense of prohibited acts.

FGM is broadly defined to include procedures that intentionally alter or cause injury to the female genital organs for non-medical reasons, such as social convention or cultural or religious tradition. Such procedures have no health benefits for girls and women, and it harms them in many ways as it involves removing and damaging healthy, normal female genital tissue, and interferes with the natural functions of girls' and women's bodies with severe immediate and long-term health consequences.

FGM is recognized internationally as a violation of the human rights of girls and women, and constitutes an extreme form of discrimination and violation against women. As it is nearly always carried out on minors, it is also a violation of the rights of children.

The performance of FGM on minors for non-medical reasons was outlawed in the United States under federal law in 1996, with the passage of the Federal Prohibition of Female Genital Mutilation Act, while transporting a minor out of the country for FGM was further banned by the 2013 Transport for Female Genital Mutilation Act. In addition, 28 states have banned FGM under their respective state laws.

Respectfully,  
Brett Kulbis  
Chairman  
Honolulu County Republican Party

COMMITTEE ON FINANCE

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Rep. Ty J.K. Cullen, Vice Chair

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NOTICE OF HEARING

DATE: Tuesday, February 26, 2019

TIME: 11:00 A.M.

PLACE: Conference Room 308

State Capitol

415 South Beretania Street

**RELATING TO FEMALE GENITAL MUTILATION. HB 132**

Establishes the class B felony offense of prohibited acts related to female genital mutilation. Requires prosecuting attorneys of the respective counties to keep annual statistics on cases involving prohibited acts related to female genital mutilation. Requires the Judiciary's administrative director of the courts to annually compile and report these county statistics to the legislature. Requires the Department of Health to design and implement a plan for raising awareness about, preventing, and treating female genital mutilation and to report regularly to the Legislature on plan implementation

This bill sends an important message that female genital mutilation is a serious crime and will not be tolerated in Hawaii. HB 132 will serve as a serious deterrent and will also further solidify Hawaii's stance against FGM.

Female genital mutilation (FGM) is a procedure involving the partial or total removal of the external female genitalia or other injury to the female genital organs and is often performed on girls between the ages of 4 and 14 to ensure their virginity until marriage.

This dangerous procedure has no health benefits and has lifelong health and psychological consequences. Immediately following the procedure, girls are at risk for severe pain, shock, bleeding, bacterial infection, and injury to nearby tissue. In the long term, girls and women who have suffered this procedure are at risk for recurrent bladder and urinary tract infections, cysts, infertility, and complications during intercourse and childbirth.

The threat of female genital mutilation is a reality for a significant number of girls in the United States. While many think of this as a custom that only occurs in foreign countries, research conducted by the Centers for Disease Control and Prevention found in 2016 that approximately 513,000 women and girls in the U.S. had either been subjected to female genital mutilation or were at risk.

I therefore urge you to pass HB. NO.132. Let's work together to stop the violation of the human rights of girls in this way.

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Thank you for support so that the cries of the innocent girls and women will not be ignored.

Sincerely, Fern Mossman

**HB-132-HD-2**

Submitted on: 2/23/2019 1:46:06 PM

Testimony for FIN on 2/26/2019 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rita Kama-Kimura	Individual	Support	No

Comments:



**HB-132-HD-2**

Submitted on: 2/24/2019 10:23:07 AM

Testimony for FIN on 2/26/2019 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Suzanne Skjold	Individual	Support	No

Comments:

Aloha,

I support support this bill and recognition of the abuse and human rights violation FGM presents. It has no place in Hawaii or anywhere, and I hope you will support and pass HB132.

Thank you.

**HB-132-HD-2**

Submitted on: 2/24/2019 6:22:43 PM

Testimony for FIN on 2/26/2019 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stacey Jimenez	Individual	Support	No

Comments:

Female genital mutilation is inhumane. Please pass HB 132 and protect girls from this cruel practice.

**HB-132-HD-2**

Submitted on: 2/25/2019 7:15:00 AM

Testimony for FIN on 2/26/2019 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kai Lorinc	Individual	Support	No

Comments:

**HB-132-HD-2**

Submitted on: 2/25/2019 7:18:29 AM

Testimony for FIN on 2/26/2019 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tracey Clay-Whitehurst	Individual	Support	Yes

Comments:

I ask that you support this Bill against female genital mutilation. This is a barbaric act happening in our country against young girls without their permission or approval and it needs to stop.

**HB-132-HD-2**

Submitted on: 2/25/2019 7:43:16 AM

Testimony for FIN on 2/26/2019 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Quentin Whitehurst	Individual	Support	No

Comments:

I strongly agree with this bill. Female genital mutilation should never be allowed. It is a horrible act performed on young women against their will.

**HB-132-HD-2**

Submitted on: 2/25/2019 8:58:18 AM

Testimony for FIN on 2/26/2019 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr Marion Ceruti	Individual	Support	No

Comments:

**HB-132-HD-2**

Submitted on: 2/25/2019 1:48:23 PM

Testimony for FIN on 2/26/2019 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stefani jeremiah	Individual	Support	No

Comments:



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTIETH LEGISLATURE, 2019**

**LATE**

**ON THE FOLLOWING MEASURE:**

H.B. NO. 132, H.D. 2, RELATING TO FEMALE GENITAL MUTILATION.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Tuesday, February 26, 2019      **TIME:** 11:00 a.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Paul R. Mow, Deputy Attorney General

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Chair Luke and Members of the Committee:

The Department of the Attorney General ("the Department") submits the following comments.

The purpose of this bill is to prohibit the dangerous practice of female genital mutilation ("FGM"). FGM involves the cutting away and removal of healthy and normal female genital tissue.

The Department is concerned that the bill may need additional definitions and references to existing law. Section 2 of the bill amends chapter 707, Hawaii Revised Statutes ("HRS"), to add a new section entitled "Prohibited acts related to female genital mutilation." Subsection (3) of that new section removes criminal liability from the medical procedure where the performer is a health care provider licensed pursuant to chapter 453, HRS and the procedure is performed within the scope of the person's license and qualifications. Limiting the exception to health care providers licensed pursuant to chapter 453, HRS, could result in parents being charged for a crime when they travel with their child for a necessary medical procedure or gender reassignment surgery performed in another state or country. A possible solution is to add the words "...or if the procedure is performed outside of the State of Hawai'i, the performer must have a license comparable to the requirements for a medical doctor under chapter 453."

Subsection (3)(a) removes criminal liability from the medical procedure where "medically necessary for the health of the minor on whom it is performed[.]" A definition



for “medically necessary” should be added to aid in the determination of whether an exception to criminal liability applies for the specific performer. The following is a possible definition that could be added to section 707-700:

“Medically necessary” means needed to diagnose or treat an illness, injury, condition, disease, functioning of a malformed body member, symptoms or complications that meet accepted standards of medicine.

Subsection (3)(b) removes criminal liability from the medical procedure when it is “[p]erformed on a person who is in labor or who has just given birth and is performed for medical purposes connected with that labor or birth[.]” For consistency, “Performed on a person...” should be amended to “Performed on a minor...” since earlier amendments to the bill removed its applicability to procedures performed on adults. A definition for “medical purposes” should be added to aid in the determination of whether an exception to criminal liability applies for the specific performer. The following is a possible definition that could be added to section 707-700:

“Medical purposes” means performed to treat a disease, condition or relieve pain.

Subsection (3)(c) removes criminal liability from the medical procedure when it is “[p]erformed on a person as part of gender or sex reassignment surgery; provided that a minor whom undergoes gender or sex reassignment surgery and the parent, guardian, or other person legally responsible for care or custody of the minor consent to the procedure[.]” For consistency, “Performed on a person...” should be amended to “Performed on a minor...” since earlier amendments to the bill removed its applicability to procedures performed on adults. Regarding the issue of consent, the bill should clarify that the consent is obtained pursuant to section 671-3, HRS. The revised subsection would read:

“Performed on a minor for the purpose of gender or sex reassignment surgery; provided that an informed consent is obtained prior to the procedure.”

The following is a possible definition that could be added to section 707-700:

“Informed Consent” means the standard set forth in 671-3, HRS for purposes of this section.

The definition for “infibulate” should be moved to section 707-700.

The Department appreciates this opportunity to provide comments.

February 24, 2019

**LATE**

**House Committee on Finance**

To: Chair Sylvia Luke, Vice Chair Ty Cullen, and Committee members

Date: Tuesday, February 26, 2019

Time: 11:00 am

Place: Conference Room 308

**Re: HB132 HD2 Relating to Female Genital Mutilation**

Good morning, Chair Luke, Vice Chair Cullen, & Members of the Committee,

My name is Dayna Hue Sing. I am a UH Manoa BSW undergraduate, and Shelter Advocate at Women Helping Women, a 24-hour Domestic Violence Hotline and Shelter for women and children who have experienced domestic violence. I am grateful for this opportunity to testify today in **Strong support of HB132 HD2, relating to Female Genital Mutilation.**

I am supporting this bill because Female Genital Mutilation (FGM) is a horrific practice, a brutality against a child's human rights, and it should never be a procedure we allow here in our state. I **strongly support HB132 to make FGM a Class B Felony offense.** FGM is a culturally based barbaric procedure involving the removal of all or part of the outer female genitalia leaving just a small opening for urination and menstruation. Although this cruel practice has decreased since its recognition as a human rights violation by the United Nations and other leading health organizations throughout the world, it is still being performed on young girls in the United States, just more secretly. FGM is now illegal in many African countries, yet young girls are still being taken out of the United States on "family vacations" to have the procedure done. Let us never allow it to become a practice here in our beautiful state of Hawaii.

Due to the secret nature of this crime, it is difficult to determine exactly how many girls are still being cut everyday but the World Health Organization (WHO) has estimated that two million girls a year are at risk. Every year about 100,000 women and adolescents die in childbirth from FGM related complications. The human cost to these procedures are devastating, and what makes it even more disturbing is that there is no medical benefit from these violent acts against these innocent children. Female Genital Mutilation only brings a child a life of pain on every level imaginable and complications from FGM are often life threatening, and yet medically this mutilation on young girls serves no purpose. The physical and emotional costs of being cut stay with a girl for the rest of her life. Some of the most

common health issues that occur are hemorrhaging, infection, infertility, bleeding, long-term urinary infections, childbirth complications, cysts, scarring, newborn and maternal death. The emotional cost of this violent act is often just as bad if not worse, as women often suffer from PTSD and other psychological problems.

The most important thing we must consider is that FGM is a brutal violation of a child's human rights. This bill, HB132 will protect young girls and adolescents from a dangerous and senseless procedure that serves no medical purpose except that it brings a lifetime of physical and emotional pain. Therefore, I urge the House Committee to pass HB132 and send a clear message to others that we won't tolerate such uncivilized cruelty.

Mahalo,

Dayna Hue Sing  
BSW Undergraduate, UH Manoa  
Email: [dayna2@hawaii.edu](mailto:dayna2@hawaii.edu)