

Testimony on behalf of the  
Hawai'i State Commission on the Status of Women  
**Khara Jabola-Carolus, Executive Director**

Prepared for the House Committee on Health

Comments on H.B. 132  
Tuesday, January 29, 2018 at 8:30 a.m.

Dear Chair Mizuno, Vice Chair Kobayashi, and Honorable Members:

On behalf of the Hawai'i State Commission on the Status of Women, thank you for this opportunity to submit comments on HB132, relating to female genital mutilation, i.e., the intentional injury of female genital organs for non-medical reasons motivated by sexist beliefs about women and female sexuality.

Hawai'i is one of only 23 states which has not enacted anti-FGM legislation. The World Health Organization estimates that more than 200 million girls and women alive today have undergone FGM.<sup>1</sup> The practice may include transportation of girl to areas where FGM is likely to occur.

FGM is a patriarchal practice central to the status of women, although some women participate willingly. The practice is a form of violence against women and has been a basis for asylum in the United States and a violation of federal law since 1996.<sup>2</sup> International action against this practice has also grown. In 2012, the United Nations General Assembly adopted Resolution 67-146 on the elimination of female genital mutilation.<sup>3</sup>

While we have no doubt in the importance of safeguarding Hawai'i's young women and girls against sexuality controls, the Commission cautions that criminalization may not be the best means to stopping FGM and recommends community-led educational information as well as initial research on FGM-practicing communities in Hawai'i. Furthermore, this measure deviates from federal law (the Female Genital Mutilation Act 1996), which only protects those under 18. The

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<sup>1</sup> World Health Organization, *Key Facts*, Jan. 31, 2018, <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>

<sup>2</sup> *In re: Kasinga*, 21 I. & N. Dec. 357 (B.I.A. 1996).

<sup>3</sup> United Nations Res. 67/146, 2012, <http://undocs.org/A/RES/67/146>.

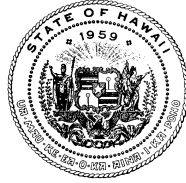
Commission believes that an expanded law could be used against the transgender community to ban female-to-male surgery in adults. The Commission respectfully urges the Committee to amend Section 707- (1)(a) to be limited to minors:

**§707- Prohibited acts related to female genital**

**mutilation.** (1) A person commits the offense of prohibited acts related to female genital mutilation if the person intentionally or knowingly:

- (a) Circumcises, excises, or infibulates the whole or any part of the labia majora, labia minora, or clitoris of another person a minor;

Mahalo,  
Khara Jabola-Carolus



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**LATE**

**Testimony COMMENTING on H.B. 132  
Relating to Female Genital Mutilation**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR  
HOUSE COMMITTEE ON HEALTH

Hearing Date: January 29, 2019

Room Number: 329

1 **Fiscal Implications:** The Department of Health does not have the resources to implement the  
2 recommendations outlined in the bill and defers to the Governor’s Budget Request for  
3 appropriations priorities.

4 **Department Testimony:** While the Department of Health supports the intent of H.B. 132, the  
5 Department does not believe the requirements for the Department of Health to 1) design a plan  
6 for raising awareness about, preventing, and treating female genital mutilation; 2) adopt  
7 administrative rules; 3) submit a completed plan to the legislature by December 26, 2019; 4)  
8 implement the plan by July 1, 2020; and 5) provide written reports of progress to the legislature  
9 by December 26, 2021 and every odd-numbered year thereafter, are required at this time.

10 The Department appreciates the intent of the bill and supports the identification of any health  
11 risk factors that affect women, children, families, and communities. Although the DOH does not  
12 have expertise in female genital mutilation—including risk factors, cultural implications, and  
13 possible health related issues and concerns—on July 14, 2017, Cable News Network (CNN)  
14 reported an increase in female genital mutilation in the United States, probably related to the  
15 increase of immigrants from African countries where this practice continues, including Egypt,  
16 Ethiopia, and Somalia.

17 According to a 2013 Population Reference Bureau study on U.S. women and girls at potential  
18 risk for female genital mutilation, “Hawaii has the lowest risk, with no women and girls  
19 identified by the study as being at risk for female genital mutilation.”

1 The Department of Health will collaborate with our women's health stakeholders and community  
2 partners to identify if there is a need for raising awareness about, preventing, and treating female  
3 genital mutilation in Hawaii.

4 Thank you for the opportunity to testify on this bill.

5 **Offered Amendments:** None

**HB-132**

Submitted on: 1/25/2019 4:52:02 PM

Testimony for HLT on 1/29/2019 8:30:00 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:



To: Hawaii State House of Representatives Committee on Health  
Hearing Date/Time: Tuesday, Jan. 29, 2019, 8:30 a.m.  
Place: Hawaii State Capitol, Rm. 329  
Re: Testimony in support of the intent of H.B. 132, relating to female genital mutilation

Dear Chair Mizuno and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii writes in support of the intent of H.B. 132, which seeks to criminalize female genital mutilation under Hawaii law and require the collection of data concerning incidences of female genital mutilation. However, we share the concerns of the Sex Abuse Treatment Center and encourage this committee to accept its recommended amendments to the bill to avoid negative unintended consequences.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,

Laurie Field  
Hawaii State Director



Executive Director  
Adriana Ramelli

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Joshua A. Wisch

**Date:** January 29, 2019

**To:** The Honorable John Mizuno, Chair  
The Honorable Bertrand Kobayashi, Vice Chair  
House Committee on Health

**From:** Justin Murakami, Policy Research Associate  
The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women & Children

**RE:** Testimony Supporting the Intent of H.B. 132 with Comments  
Relating to Female Genital Mutilation

Good morning Chair Mizuno, Vice Chair Kobayashi, and members of the House Committee on Health:

The Sex Abuse Treatment Center (SATC) appreciates and supports the intent of H.B. 132, which seeks to criminalize female genital mutilation under Hawai'i law and require the collection of data concerning incidences of female genital mutilation (FGM) in this state.

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. Federal prosecutors are appealing that outcome.

SATC supports criminalization of the practice of FGM on children and of non-consensual or coerced FGM on any person, but respectfully submits the following comment for the Committee's consideration:

- We respectfully submit that language criminalizing FGM in H.B. 132 should be tailored to avoid unintentional consequences.

The language in the current draft defines, at page 8 line 13 through page 9 line 3, the act of FGM as the "circumcision, excision, or infibulation, in whole or in part, of the labia majora, labia minora, or clitoris."

It further provides, at page 9 line 10, that consent to acts that would fit this definition of FGM is not a defense to criminal prosecution.

Moreover, in a departure to the federal statute, it provides, at page 10 lines 1-2, a relatively narrow medical exception only for acts that would fit the definition of FGM that are "medically necessary for the physical health of the person on whom it is performed" (emphasis added).

Finally, we note that, in another departure from the federal statute as well as the laws of most states enacting a ban on FGM, the language in the current draft, page 8 line 15, would make acts meeting the technical definition of FGM a criminal act if practiced on adult women in addition to children.

Taken together, the language in the current draft of H.B. 132 could have the unintentional consequence of criminalizing consensual elective surgical procedures sought by adult women that fit the technical definition of FGM, such as cosmetic labiaplasty.

Additionally, the emphasis of the limited medical exception on physical health, rather than including mental and behavioral health, may have an unintended consequence of criminalizing female to male transgender surgery involving the female anatomical structures referenced in the definition of FGM.

- The medical exception stated on page 9 line 15 to page 10 line 5 only exempts the health care provider, and not a parent or guardian who allows a necessary medical procedure to be performed on a minor, or who transports a minor for such necessary medical purposes, from criminal liability.



We submit that the medical exception should be applied to these two additional groups of persons where an act that would otherwise meet the technical definition of FGM is necessary for medical purposes.

- We ask the Committee please consider whether additional criminalization of acts that would constitute non-consensual or coerced FGM on adult women is needed, based on the availability of other laws in Hawai'i providing felony criminal liability for perpetrating such acts against adult women.

Based on these comments, we respectfully suggest some amendments to Section 4 of the bill, detailed in the attached Exhibit A to this testimony, and summarized below:

- At page 8 line 15, replace "another person" with "a minor."
- At page 9 line 10, replace "person" with "minor."
- At page 10 line 1, remove the word "physical."
- At page 10 line 2, replace "person" with "minor."
- At page 10 line 6, add language extending a medical exception from criminal liability to parents and guardians who allow a medical procedure necessary for the health of the minor to be performed, including incidental to labor or birth, and persons who transport a minor for that purpose.

Thank you for this opportunity testify and provide comments on H.B. 132.

Exhibit A  
Suggested Amendments

SECTION 4. Chapter 707, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

**"§707- Prohibited acts related to female genital mutilation.** (1) A person commits the offense of prohibited acts related to female genital mutilation if the person intentionally or knowingly:

- (a) Circumcises, excises, or infibulates the whole or any part of the labia majora, labia minora, or clitoris of ~~another person a minor~~;
- (b) As a parent, guardian, or other person legally responsible or charged with the care or custody of a minor, allows the circumcision, excision, or infibulation, in whole or in part, of the labia majora, labia minora, or clitoris of the minor; or
- (c) Removes, or causes or permits to be removed, a minor from this State for the purpose of circumcising, excising, or infibulating, in whole or in part, the labia majora, labia minora, or clitoris of the minor.

(2) It shall not be a defense to prosecution for a violation of this section that the procedure or conduct described in subsection (1):

- (a) Is required as a matter of custom, ritual, or religious practice;

(b) Was consented to by the person minor who was subjected to it; or

(c) Was consented to by the parent, guardian, or other person legally responsible or charged with the care or custody of the minor who was subjected to it.

(3) A health care provider licensed pursuant to chapter 453 who performs the procedure described in subsection (1) (a) shall not be subject to criminal liability under this section if the procedure is:

(a) Within the scope of the person's license and qualifications;

(b) Medically necessary for the physical health of the person minor on whom it is performed; or

(c) Performed on a person minor who is in labor or who has just given birth and is performed for medical purposes connected with that labor or birth.

(4) A parent, guardian, or other person legally responsible or charged with the care or custody of a minor who allows a procedure consistent with subsection (3) of this section to take place, shall not be subject to criminal liability under this section.

(5) A person who removes, or causes or permits to be removed, a minor from this State for the purpose of a procedure consistent with subsection (3) of this section, shall not be subject to criminal liability under this section.

~~(4) (6)~~ As used in this section, "infibulate" means the narrowing of the vaginal opening through the creation of a covering seal which is formed by cutting and repositioning the labia minora, or labia majora, sometimes through stitching, with or without removal of the clitoris.

~~(5) (7)~~ Prohibited acts related to female genital mutilation is a mandatory reportable offense for any person required to report child abuse under section 350-1.1.

~~(6) (8)~~ Female genital mutilation is a class B felony."



ONLINE SUBMITTAL  
Submitted on January 27, 2019

**HEARING DATE:** January 29, 2019

**TO:** House Committee on Health  
Rep. John Mizuno, Chair  
Rep. Scott Kobayashi, Vice Chair

**FROM:** Eva Andrade, President

**RE:** Support for HB 132 Relating to Female Genital Mutilation

Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations within this community. We support HB 132 Relating to Female Genital Mutilation (FGM).

We support making FGM a Class B Felony offense. The practice is a horrendous act against a woman and although we can try to make an effort to understand why it would be culturally, or religious accepted, the complications, abuse and harm it causes cannot be overlooked or overstated.

UNICEF reports that approximately two-thirds of men, women, boys and girls in countries where female genital mutilation is common say they want the practice to end. In countries with available data, 67 per cent of girls and women and 63 per cent of boys and men oppose the continuation of the practice in their communities<sup>i</sup>.

According to the World Health Organization, there is an encouraging trend, however. Women aged 15–19 years are less likely to have been subjected to FGM than women in older age groups, showing signs of a possible generational change in the practice.<sup>ii</sup> This may seem like there is some positive change taking place, but we must be reasonable in our approach to the impact of immigration in Hawai'i and any chance at all that it could happen here.

Mahalo for addressing this issue and ensuring the protection of women from this horrific practice by raising awareness and codifying the protection of women in our statutes.

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<sup>i</sup> Unicef.Org (July 14, 2016).

<sup>ii</sup> [https://www.who.int/reproductivehealth/topics/fgm/fgm\\_trends/en/](https://www.who.int/reproductivehealth/topics/fgm/fgm_trends/en/) (accessed 01/26/19)

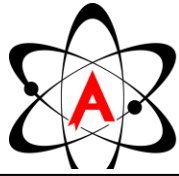
**HB-132**

Submitted on: 1/27/2019 8:38:21 PM

Testimony for HLT on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Doris Segal Matsunaga	Save Medicaid Hawaii	Support	No

Comments:



# AMERICAN ATHEISTS

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January 29, 2018

The Honorable Rep. John M. Mizuno  
Chairperson, House Committee on Health  
Hawaii State Capitol, Room 402  
415 South Beretania Street  
Honolulu, Hawaii 96813

**LATE**

**Re: SUPPORT for HB 132, Testimony from American Atheists in support of legislation to prohibit female genital mutilation**

Dear Chairperson Mizuno and Members of the House Committee on Health:

American Atheists, on behalf of its constituents in Hawaii, writes to provide testimony regarding HB 132, a bill which will protect women and girls in Hawaii from harmful practices known as female genital mutilation (FGM). Hawaii is one of just 23 states that does not prohibit these dangerous practices. We urge you to swiftly remedy this by passing this critical legislation.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for the health, safety, and well-being of all Americans, American Atheists objects to efforts to subordinate medical care to the religious beliefs of others.

FGM, which is the ritual cutting or alteration of female genitalia for non-medical purposes, is predominately forced upon young females and performed by non-licensed practitioners. In addition to establishing a program to raise awareness about the dangers of FGM, HB 132 makes FGM a Class B felony. The bill would also clarify that tradition and consent (whether of a minor or their parent) are not appropriate defenses. Moreover, the bill prohibits the transportation of minors for the purpose of undergoing FGM. Finally, the bill exempts the legitimate practice of medicine by licensed physicians.

Although FGM is frequently performed as part of religious tradition in some cultures, these practices have no medical necessity or benefit. Instead, these practices frequently result in serious injury to the victim as well as a host of serious medical complications. In addition to the devastating physical consequences, FGM can result in significant psychological harm. Hawaii has a duty to protect its residents from these dangerous practices regardless of tradition. This sort of religiously inspired and brutal misogyny has no place in our society.

Thank you for holding a hearing on this important matter. We urge you to act swiftly to pass HB 132 to protect women and girls in Hawaii from FGM. If you should have any questions regarding American Atheists' support of HB 132, please contact me at 908.276.7300 x9 or by email at [agill@atheists.org](mailto:agill@atheists.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'AG', with a long horizontal flourish extending to the right.

Alison Gill, Esq.  
VP, Legal and Policy  
American Atheists

CC: All members of the Hawaii House Committee on Health





**LATE**

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

COMMITTEE ON HEALTH

Tuesday, January 29, 2019

8:30 A.M.

Conference Room 329

HB 132

Relating to Female Genital Mutilation

**TESTIMONY**

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

Chair Mizuno, Vice Chair Kobayashi 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.

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

Thank you for allowing me the opportunity to submit testimony.



healthy mothers  
healthy babies  
COALITION OF HAWAII

Date: January 29, 2019

To: The Honorable John Mizuno, Chair  
The Honorable Bertrand Kobayashi, Vice Chair  
House Committee on Health

From: Lisa Kimura, Executive Director  
Healthy Mothers Healthy Babies Coalition of Hawaii



RE: Testimony Supporting the Intent of H.B. 132 with Comments Relating to Female Genital Mutilation

Good morning Chair Mizuno, Vice Chair Kobayashi, and members of the House Committee on Health:

Healthy Mothers Healthy Babies (HMHB) appreciates and supports the intent of H.B. 132, which seeks to criminalize female genital mutilation under Hawai'i law and require the collection of data concerning incidences of female genital mutilation (FGM) in this state.

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.

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. Federal prosecutors are appealing that outcome.

Thank you for this opportunity to testify and provide comments on H.B. 132.

**HB-132**

Submitted on: 1/27/2019 5:29:54 PM

Testimony for HLT on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brett Kulbis	Honolulu County Republican Party	Support	No

Comments:

Honolulu County Republican Party SUPPORTS this legislation.

**HB-132**

Submitted on: 1/27/2019 8:41:15 PM

Testimony for HLT on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brett Kulbis	Individual	Support	No

Comments:

COMMITTEE ON HEALTH

Rep. John M. Mizuno, Chair  
Rep. Bertrand Kobayashi, Vice Chair

Rep. Della Au Belatti                      Rep. Calvin K.Y. Say  
Rep. Nadine K. Nakamura              Rep. James Kunane Tokioka  
Rep. Joy A. San Buenaventura      Rep. Gene Ward

AMENDED NOTICE OF HEARING

DATE:        Tuesday, January 29, 2019  
TIME:        8:30 a.m.  
PLACE:      Conference Room 329  
              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.

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

Sincerely, Fern Mossman



Written Testimony on HB 132, Relating to Female Genital Mutilation  
Before the Committee on Health  
Tuesday, January 29, 2019  
8:30 a.m., Conference Room 329

Dear Chairman Mizuno, Vice Chair Kobayashi, and Members of the Committee:

My name is Donna Van Osdol, and I am a resident from Mililani. Thank you for the opportunity to submit my written testimony favoring this bill.

The creators of this bill should be commended for introducing HB132 in Hawaii! Female genital mutilation has been a sorrowful issue in the hearts and minds of women whose countries do not allow the practice. For years, I have sympathized with those who have been subjected to this cruel and humiliating procedure because it demeans the human dignity of a girl too young to know what really is happening to her body.

After reading about the recent Michigan case, I am so pleased knowing that there are legislators in Hawaii who oppose FGM. In spite of cultures, there should be no place in western civilization for FGM to continue, especially here in America.

I would like to extend my heartfelt thank you to the law enforcement agencies that will be involved in capturing and prosecuting those who still insist on performing this cruel and inhumane practice.

If this bill is enacted, ALL young women everywhere will be able to enjoy the benefits of marriage as do men. In their partnership, they will be equals. That is joyful!

Thank you, again, for this opportunity.

**HB-132**

Submitted on: 1/27/2019 6:15:55 PM

Testimony for HLT on 1/29/2019 8:30:00 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**

Submitted on: 1/27/2019 6:24:15 PM

Testimony for HLT on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl	Individual	Oppose	No

Comments:

I oppose this bill based on the possible wide definition of female genital mutilation. What guidelines are being used? Would a physician providing services to transgender patients be accused on a Class B felony? Would a doctor who goes in after a surgery and has to reconstruct a patients genital area be possibly in violation? Why are we only looking at females and not all persons? How will you ensure that this bill only relates to the specifics of the Michigan ruling?

**HB-132**

Submitted on: 1/28/2019 6:57:22 AM

Testimony for HLT on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
George Pace	Individual	Support	No

Comments:

**HB-132**

Submitted on: 1/28/2019 7:28:43 AM

Testimony for HLT on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Denise Kekuna	Individual	Support	No

Comments:

**LATE**

**HB-132**

Submitted on: 1/28/2019 9:34:17 AM

Testimony for HLT on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Smart	Individual	Support	No

Comments:

Mutilation of body parts that interfere with a minor's sexual/reproductive fertility when not diseased/medically necessary should not occur in our community.

**LATE**

**HB-132**

Submitted on: 1/28/2019 3:57:19 PM  
Testimony for HLT on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teri Heede	Individual	Support	No

Comments:

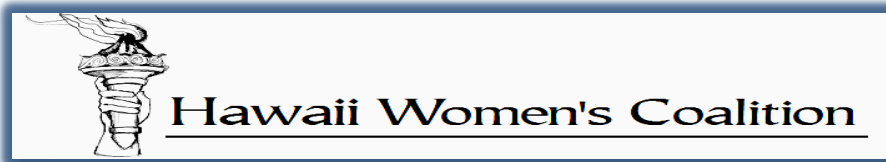
**LATE**

**HB-132**

Submitted on: 1/28/2019 4:39:48 PM  
Testimony for HLT on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:



**LATE**

COMMITTEE ON HEALTH  
Rep. John M. Mizuno, Chair  
Rep. Bertrand Kobayashi, Vice Chair

DATE: Tuesday, January 29, 2019  
TIME: 8:30 a.m.  
PLACE: Conference Room 329 RELATING TO FEMALE GENITAL MUTILATION

**Support the Intent of HB 132 with some suggested amendments.**

Aloha Chair Mizuno, Vice Chair Kobayashi and members,

The Hawaii Women’s Coalition is aware of this violation of humans rights that is sadly still occurring in the country as a “cultural practice”.

It is worth noting that two large-scale national studies of female genital mutilation (FGM) have reflected that Hawaii has a relatively low risk of people being subjected to FGM.

In addition:

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.

However it still occurs and is so damaging to the individual for their entire life that a desire to take steps to prevent it is understandable.

However, the bill as written may have the unintended consequence of opening the door to banning certain elective surgeries by consenting adults. So we concur with the Sex Assault Treatment Center in the following:

We support criminalization of the practice of FGM on **children and of non-consensual or coerced FGM on any person,**

However, the language in the current draft defines, at page 8 line 13 through page 9 line 3, the act of FGM as the “circumcision, excision, or infibulation, in whole or in part, of the labia majora, labia minora, or clitoris.”

It further provides, at page 9 line 10, that **consent** to acts that would fit this definition of FGM is **not a defense to criminal prosecution.**

Moreover, in a departure to the federal statute, it provides, at page 10 lines 1-2, a relatively narrow medical exception only for acts that would fit the definition of FGM that are “medically necessary for the physical health of the person on whom it is performed” (emphasis added).

Finally, we note that, in another departure from the federal statute as well as the laws of most states enacting a ban on FGM, the language in the current draft, page 8 line 15, would make acts meeting the technical definition of FGM a criminal act if practiced on adult women in addition to children.

**Taken together, the language in the current draft of H.B. 132 could have the unintentional consequence of criminalizing consensual elective surgical procedures sought by adult women that fit the technical definition of FGM, such as cosmetic labiaplasty.**

Additionally, the emphasis of the limited medical exception on physical health, rather than including mental and behavioral health, may have an **unintended consequence of criminalizing female to male transgender surgery** involving the female anatomical structures referenced in the definition of FGM.

- The medical exception stated on page 9 line 15 to page 10 line 5 only exempts the health care provider, and not a parent or guardian who allows a necessary medical procedure to be performed on a minor, or who transports a minor for such necessary medical purposes, from criminal liability.
- We submit that the medical exception should be applied to these two additional groups of persons where an act that would otherwise meet the technical definition of FGM is necessary for medical purposes.
- We ask the Committee **please consider whether additional criminalization of acts that would constitute non-consensual or coerced FGM on adult women is needed, based on the availability of other laws in Hawai'i providing felony criminal liability for perpetrating such acts against adult women.**

Based on these comments, we respectfully suggest some amendments to Section 4 of the bill, detailed in the attached Exhibit A to this testimony, and summarized below:

- At page 8 line 15, replace “another person” with “a minor.”
- At page 9 line 10, replace “person” with “minor.”
- At page 10 line 1, remove the word “physical.”
- At page 10 line 2, replace “person” with “minor.”
- At page 10 line 6, add language **extending a medical exception from criminal liability to parents and guardians who allow a medical procedure necessary for the health of the minor to be performed, including incidental to labor or birth, and persons who transport a minor for that purpose.**

Mahalo for the opportunity to testify,

Ann S. Freed  
Co-Chair, Hawaii Women's Coalition





Hawaii Women's Coalition

**LATE**

**HB-132**

Submitted on: 1/28/2019 8:31:49 PM

Testimony for HLT on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lea Minton	Individual	Support	No

Comments:

I support HB132 with amendments. I strongly recommend that the Health committee refer to The Sex Abuse Treatment Center's recommended amendments and incorporate them so as not to create unintentional consequences.

**LATE**

**HB-132**

Submitted on: 1/28/2019 8:33:29 PM

Testimony for HLT on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Midwives Alliance of Hawaii	Midwives Alliance of Hawaii	Support	No

Comments:

We support HB132 with amendments. We stand by The Sex Abuse Treatment Center's recommended amendments and request the Health committee incorporate their 5 amendments in order to ensure we do not have unintended negative consequences for a vulnerable population.

**LATE**

**HB-132**

Submitted on: 1/28/2019 10:14:49 PM

Testimony for HLT on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph P. Picon	Individual	Support	No

Comments:

To the Committee receiving testimony in the hearing for this bill;  
my name is Joesph P. Picon a registered voter in Waipahu, 96797.

HB 132 RELATING TO FEMALE GENITAL MUTILATION. I SUPPORT this bill.

**LATE**

**HB-132**

Submitted on: 1/28/2019 10:43:23 PM  
Testimony for HLT on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Montgomery	Individual	Support	No

Comments:

I support this bill!

Written Testimony Presented Before the

House Committee on Health

Hearing: January 29, 2019, 8:30 AM

By Members of

**LATE**



American Nurses Association  
in Hawaii

### HB 132 RELATING TO FEMALE GENITAL MUTILATION

Chair Mizuno, Vice Chair Kobayashi, and members of the House Committee on Health, thank you for this opportunity to provide testimony in strong support for HB132, Relating to Female Genital Mutilation.

We are members of the American Nurses Association in Hawaii, who are registered professional nurses practicing in this state.

This bill endeavors in part to require the Department of Health to raise awareness to prevent and treat genital mutilation of females in Hawaii. This measure is in keeping with our responsibilities as professional healthcare providers to advocate for vulnerable populations in our community. It is indeed fitting to add this offense to the definition of Child Abuse and Neglect in Section 3, Chapter 321 of Hawaii Revised Statutes, with consequent criminal penalties attached. Through the education piece provided in this Bill, our community will become more aware of these dangerous practices as well as preventive measures and consequences for such acts that result in female genital mutilation.

We respectfully request that HB 132 pass out of this committee. Thank you for your continued support for measures that address the human rights of vulnerable populations.

Contact information:

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**LATE**

**HB-132**

Submitted on: 1/29/2019 10:58:21 AM

Testimony for HLT on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephen J. Escher	Individual	Support	No

Comments:

I support fhis bill.