

JAN 23 2026

A BILL FOR AN ACT

RELATING TO FEMALE GENITAL MUTILATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that female genital
2 mutilation or cutting (FGM/C) is a harmful practice recognized
3 internationally as a human rights violation and a form of
4 gender-based violence against women and girls. FGM/C has no
5 health benefits and causes lifelong physical and psychological
6 harm, including chronic pain, infections, childbirth
7 complications, and trauma. Though often practiced in secrecy,
8 FGM/C occurs in the State and the United States more broadly.
9 Federal law prohibits FGM/C on minors, but state laws are
10 critical to ensure timely prevention, local enforcement,
11 survivor support, and community engagement.

12 Accordingly, the purpose of this Act is to:

- 13 (1) Establish civil remedies for victims of female genital
14 mutilation;
- 15 (2) Establish the offense of prohibited acts related to
16 female genital mutilation of a minor; and



1 (3) Amend the statutory definitions of "child abuse or
2 neglect" and "harm" to include prohibited acts related
3 to female genital mutilation.

4 SECTION 2. Chapter 657, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§657- Civil action arising from prohibited acts related
8 to female genital mutilation of a minor. (a) A victim of
9 female genital mutilation may bring an action for damages
10 against a person for a violation of section 707- .

11 (b) If a court determines that an individual violates
12 section 707- , the court may award actual, compensatory, and
13 punitive damages; injunctive relief; and reasonable attorneys'
14 fees and costs.

15 (c) A civil action under this section may be commenced:

16 (1) Within ten years after the date the victim was
17 subjected to the act of female genital mutilation
18 pursuant to section 707- ; or

19 (2) Until ten years after the eighteenth birthday of the
20 victim,

21 whichever occurs later."



1 SECTION 3. Chapter 707, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§707- Prohibited acts related to female genital
5 mutilation of a minor. (1) A person commits the offense of
6 prohibited acts related to female genital mutilation of a minor
7 if the person intentionally or knowingly:

- 8 (a) Performs female genital mutilation on a minor;
9 (b) Is a parent, guardian, or other person having
10 immediate custody or control of a minor consents to,
11 aids, permits, or otherwise facilitates female genital
12 mutilation of the minor; or
13 (c) Removes or facilitates the removal of a minor from the
14 State for the purpose of facilitating female genital
15 mutilation of a minor.

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

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



- 1 (b) Was consented to by the minor who was subjected to
2 female genital mutilation; or
- 3 (c) Was consented to by the parent, guardian, or other
4 person legally responsible or charged with the care or
5 custody of the minor who was subjected to female
6 genital mutilation.
- 7 (3) A health care provider licensed pursuant to
8 chapter 453 who performs the procedure described in subsection
9 (1)(a) shall not be subject to criminal liability under this
10 section if the procedure is:
- 11 (a) Necessary to protect or preserve the physical health
12 of the minor;
- 13 (b) Performed on a person in labor or who has just given
14 birth, and is performed for medically necessary
15 purposes connected with that labor or birth; or
- 16 (c) Part of a gender affirming care requested by the
17 person to whom the care is being provided.
- 18 (4) For the purposes of this section:
- 19 (a) "Female genital mutilation" means any procedure for
20 non-medical reasons that involves the partial or total



- 1 removal of, or other injury to, the external female
2 genitalia including:
- 3 (A) A clitoridectomy or the partial or total removal
4 of the clitoris, prepuce, or clitoral hood;
- 5 (B) Excision or the partial or total removal with or
6 without excision of the clitoris or the labia
7 minora with or without removal of the labia
8 majora;
- 9 (C) Infibulation or the narrowing of the vaginal
10 opening with or without excision of the clitoris;
11 or
- 12 (D) Other procedures that are harmful to the external
13 female genitalia, including pricking, piercing,
14 incising, scraping, or cauterizing the genital
15 area.
- 16 (b) "Guardian" means a parent or person appointed by a
17 court to make decisions regarding the support, care,
18 health, and welfare of an individual.
- 19 (c) "Medically necessary" means a procedure required to
20 diagnose or treat a physical medical condition and
21 performed in accordance with generally accepted



1 standards of medical care. "Medically necessary" does
2 not include any procedure that is solely justified by
3 cultural, religious, cosmetic, or social
4 considerations.

5 (d) "Minor" means any person less than eighteen years old.

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

9 (6) Nothing in this section is intended to affect any
10 civil remedies available for a violation of this section.

11 (7) Prohibited acts related to female genital mutilation
12 shall be a class B felony.

13 (8) The statute of limitation for a prosecution for female
14 genital mutilation of a minor under this section shall not begin
15 to run until the victim reaches eighteen years of age or when
16 the violation is first reported to a law enforcement agency,
17 whichever occurs first."

18 SECTION 4. Section 350-1, Hawaii Revised Statutes, is as
19 follows:

20 1. By amending the definition of "child abuse or neglect"
21 or "harm" to read:



1 ""Child abuse or neglect" or "harm" means:

2 (1) The acts or omissions of any person who, or legal
3 entity which, is in any manner or degree related to
4 the child, is residing with the child, or is otherwise
5 responsible for the child's care, that have resulted
6 in the physical or psychological health or welfare of
7 the child, who is under the age of eighteen, to be
8 harmed, or to be subject to any reasonably
9 foreseeable, substantial risk of being harmed. The
10 acts or omissions are indicated for the purposes of
11 reports by circumstances that include but are not
12 limited to:

13 (A) When the child exhibits evidence of:

- 14 (i) Substantial or multiple skin bruising or any
- 15 other internal bleeding;
- 16 (ii) Any injury to skin causing substantial
- 17 bleeding;
- 18 (iii) Malnutrition;
- 19 (iv) Failure to thrive;
- 20 (v) Burn or burns;
- 21 (vi) Poisoning;



- 1 (vii) Fracture of any bone;
- 2 (viii) Subdural hematoma;
- 3 (ix) Soft tissue swelling;
- 4 (x) Extreme pain;
- 5 (xi) Extreme mental distress;
- 6 (xii) Gross degradation; or
- 7 (xiii) Death; and

8 [~~such~~] the injury is not justifiably explained,
9 or [~~when~~] the history given concerning [~~such~~] the
10 condition or death is at variance with the degree
11 or type of [~~such~~] the condition or death, or
12 circumstances indicate that [~~such~~] the condition
13 or death may not be the product of an accidental
14 occurrence;

15 (B) When the child has been the victim of sexual
16 contact or conduct, including but not limited to
17 sexual assault as defined in the Penal Code,
18 molestation, sexual fondling, incest, or
19 prostitution; obscene or pornographic
20 photographing, filming, or depiction; or other
21 similar forms of sexual exploitation, including



- 1 but not limited to acts that constitute an
2 offense pursuant to section 712-1202(1)(b);
- 3 (C) When there exists injury to the psychological
4 capacity of a child as is evidenced by an
5 observable and substantial impairment in the
6 child's ability to function;
- 7 (D) When the child is not provided in a timely manner
8 with adequate food, clothing, shelter,
9 psychological care, physical care, medical care,
10 or supervision;
- 11 (E) When the child is provided with dangerous,
12 harmful, or detrimental drugs as defined by
13 section 712-1240; provided that this subparagraph
14 shall not apply when such drugs are provided to
15 the child pursuant to the direction or
16 prescription of a practitioner, as defined in
17 section 712-1240; ~~or~~
- 18 (F) When the child has been the victim of labor
19 trafficking under chapter 707; or



1 (G) When the child has been the victim of prohibited
2 acts related to female genital mutilation of a
3 minor under section 707- ; or

4 (2) The acts or omissions of any person that have resulted
5 in sex trafficking or severe forms of trafficking in
6 persons; provided that no finding by the department
7 pursuant to this chapter shall be used as conclusive
8 evidence that a person has committed an offense under
9 part VIII of chapter 707 or section 712-1202."

10 2. By deleting the definition of "harm".

11 "~~"Harm" means the same as defined in section 587A-4.~~"

12 SECTION 5. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 6. If any provision of this Act, or the
16 application thereof to any person or circumstance, is held
17 invalid, the invalidity does not affect other provisions or
18 applications of the Act that can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are severable.



1 SECTION 7. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect upon its approval.

4

INTRODUCED BY: *Karl Rhoads*



S.B. NO. 2725

Report Title:

Female Genital Mutilation; Penalties; Civil Action; Education and Outreach; Child Abuse and Neglect; Harm

Description:

Establishes the offense of prohibited acts related to female genital mutilation of a minor. Authorizes a victim of female genital mutilation to bring a civil action for damages under certain conditions. Amends the statutory definitions of "child abuse or neglect" and "harm" to include prohibited acts related to female genital mutilation of a minor.

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