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**SENATE BILL 5453**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Keiser, Dhingra, Cleveland, Nguyen, Saldaña, and Valdez

Read first time 01/18/23. Referred to Committee on Law & Justice.

1 AN ACT Relating to female genital mutilation; amending RCW  
2 18.130.180 and 9A.04.080; adding new sections to chapter 9A.36 RCW;  
3 adding a new section to chapter 18.130 RCW; adding a new section to  
4 chapter 43.70 RCW; creating a new section; prescribing penalties;  
5 providing effective dates; and declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that over  
8 500,000 women in the United States are at risk of or have undergone  
9 female genital mutilation. The existence, incidence, and effects of  
10 female genital mutilation is often shrouded in secrecy. Federal law  
11 prohibits the performance of female genital mutilation in the United  
12 States.

13 (2) The legislature intends to create a private right of action  
14 for victims of female genital mutilation and create a disciplinary  
15 violation under the uniform disciplinary act. The legislature further  
16 intends to establish education and outreach initiatives to prevent  
17 female genital mutilation, and provide care for victims of female  
18 genital mutilation.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.36  
20 RCW to read as follows:

1 (1) A victim of female genital mutilation under section 6 of this  
2 act may bring a civil cause of action against the person who  
3 committed the female genital mutilation for economic and noneconomic  
4 damages, punitive damages, and reasonable attorneys' fees and costs  
5 incurred in bringing the action.

6 (2) A civil cause of action for female genital mutilation under  
7 this section must be commenced within 10 years of the acts alleged to  
8 have caused the injury. However, the time limit for commencement of  
9 an action under this section shall be tolled for a minor until the  
10 minor reaches the age of 18 years.

11 (3) For purposes of this section, "female genital mutilation"  
12 means any procedure performed for nonmedical reasons that involves  
13 partial or total removal of, or other injury to, the external female  
14 genitalia, including but not limited to a clitoridectomy or the  
15 partial or total removal of the clitoris or the prepuce or clitoral  
16 hood, excision or the partial or total removal (with or without  
17 excision of the clitoris) of the labia minora or the labia majora, or  
18 both, infibulation or the narrowing of the vaginal opening (with or  
19 without excision of the clitoris), or other procedures that are  
20 harmful to the external female genitalia, including pricking,  
21 incising, scraping, or cauterizing the genital area.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.130  
23 RCW to read as follows:

24 (1) A health care provider licensed under this title shall not  
25 perform any procedure constituting female genital mutilation on a  
26 minor.

27 (2) A licensed health care provider who violates subsection (1)  
28 of this section is subject to discipline under this chapter.

29 (3) For purposes of this section:

30 (a) "Female genital mutilation" means any procedure performed for  
31 nonmedical reasons that involves partial or total removal of, or  
32 other injury to, the external female genitalia, including but not  
33 limited to a clitoridectomy or the partial or total removal of the  
34 clitoris or the prepuce or clitoral hood, excision or the partial or  
35 total removal (with or without excision of the clitoris) of the labia  
36 minora or the labia majora, or both, infibulation or the narrowing of  
37 the vaginal opening (with or without excision of the clitoris), or  
38 other procedures that are harmful to the external female genitalia,

1 including pricking, incising, scraping, or cauterizing the genital  
2 area; and

3 (b) "Minor" means any person under the age of 18.

4 **Sec. 4.** RCW 18.130.180 and 2021 c 157 s 7 are each amended to  
5 read as follows:

6 The following conduct, acts, or conditions constitute  
7 unprofessional conduct for any license holder under the jurisdiction  
8 of this chapter:

9 (1) The commission of any act involving moral turpitude,  
10 dishonesty, or corruption relating to the practice of the person's  
11 profession, whether the act constitutes a crime or not. If the act  
12 constitutes a crime, conviction in a criminal proceeding is not a  
13 condition precedent to disciplinary action. Upon such a conviction,  
14 however, the judgment and sentence is conclusive evidence at the  
15 ensuing disciplinary hearing of the guilt of the license holder of  
16 the crime described in the indictment or information, and of the  
17 person's violation of the statute on which it is based. For the  
18 purposes of this section, conviction includes all instances in which  
19 a plea of guilty or nolo contendere is the basis for the conviction  
20 and all proceedings in which the sentence has been deferred or  
21 suspended. Nothing in this section abrogates rights guaranteed under  
22 chapter 9.96A RCW;

23 (2) Misrepresentation or concealment of a material fact in  
24 obtaining a license or in reinstatement thereof;

25 (3) All advertising which is false, fraudulent, or misleading;

26 (4) Incompetence, negligence, or malpractice which results in  
27 injury to a patient or which creates an unreasonable risk that a  
28 patient may be harmed. The use of a nontraditional treatment by  
29 itself shall not constitute unprofessional conduct, provided that it  
30 does not result in injury to a patient or create an unreasonable risk  
31 that a patient may be harmed;

32 (5) Suspension, revocation, or restriction of the individual's  
33 license to practice any health care profession by competent authority  
34 in any state, federal, or foreign jurisdiction, a certified copy of  
35 the order, stipulation, or agreement being conclusive evidence of the  
36 revocation, suspension, or restriction;

37 (6) Except when authorized by RCW 18.130.345, the possession,  
38 use, prescription for use, or distribution of controlled substances  
39 or legend drugs in any way other than for legitimate or therapeutic

1 purposes, diversion of controlled substances or legend drugs, the  
2 violation of any drug law, or prescribing controlled substances for  
3 oneself;

4 (7) Violation of any state or federal statute or administrative  
5 rule regulating the profession in question, including any statute or  
6 rule defining or establishing standards of patient care or  
7 professional conduct or practice;

8 (8) Failure to cooperate with the disciplining authority by:

9 (a) Not furnishing any papers, documents, records, or other  
10 items;

11 (b) Not furnishing in writing a full and complete explanation  
12 covering the matter contained in the complaint filed with the  
13 disciplining authority;

14 (c) Not responding to subpoenas issued by the disciplining  
15 authority, whether or not the recipient of the subpoena is the  
16 accused in the proceeding; or

17 (d) Not providing reasonable and timely access for authorized  
18 representatives of the disciplining authority seeking to perform  
19 practice reviews at facilities utilized by the license holder;

20 (9) Failure to comply with an order issued by the disciplining  
21 authority or a stipulation for informal disposition entered into with  
22 the disciplining authority;

23 (10) Aiding or abetting an unlicensed person to practice when a  
24 license is required;

25 (11) Violations of rules established by any health agency;

26 (12) Practice beyond the scope of practice as defined by law or  
27 rule;

28 (13) Misrepresentation or fraud in any aspect of the conduct of  
29 the business or profession;

30 (14) Failure to adequately supervise auxiliary staff to the  
31 extent that the consumer's health or safety is at risk;

32 (15) Engaging in a profession involving contact with the public  
33 while suffering from a contagious or infectious disease involving  
34 serious risk to public health;

35 (16) Promotion for personal gain of any unnecessary or  
36 inefficacious drug, device, treatment, procedure, or service;

37 (17) Conviction of any gross misdemeanor or felony relating to  
38 the practice of the person's profession. For the purposes of this  
39 subsection, conviction includes all instances in which a plea of  
40 guilty or nolo contendere is the basis for conviction and all

1 proceedings in which the sentence has been deferred or suspended.  
2 Nothing in this section abrogates rights guaranteed under chapter  
3 9.96A RCW;

4 (18) The procuring, or aiding or abetting in procuring, a  
5 criminal abortion;

6 (19) The offering, undertaking, or agreeing to cure or treat  
7 disease by a secret method, procedure, treatment, or medicine, or the  
8 treating, operating, or prescribing for any health condition by a  
9 method, means, or procedure which the licensee refuses to divulge  
10 upon demand of the disciplining authority;

11 (20) The willful betrayal of a practitioner-patient privilege as  
12 recognized by law;

13 (21) Violation of chapter 19.68 RCW or a pattern of violations of  
14 RCW 41.05.700(8), 48.43.735(8), 48.49.020, 48.49.030, 71.24.335(8),  
15 or 74.09.325(8);

16 (22) Interference with an investigation or disciplinary  
17 proceeding by willful misrepresentation of facts before the  
18 disciplining authority or its authorized representative, or by the  
19 use of threats or harassment against any patient or witness to  
20 prevent them from providing evidence in a disciplinary proceeding or  
21 any other legal action, or by the use of financial inducements to any  
22 patient or witness to prevent or attempt to prevent him or her from  
23 providing evidence in a disciplinary proceeding;

24 (23) Current misuse of:

25 (a) Alcohol;

26 (b) Controlled substances; or

27 (c) Legend drugs;

28 (24) Abuse of a client or patient or sexual contact with a client  
29 or patient;

30 (25) Acceptance of more than a nominal gratuity, hospitality, or  
31 subsidy offered by a representative or vendor of medical or health-  
32 related products or services intended for patients, in contemplation  
33 of a sale or for use in research publishable in professional  
34 journals, where a conflict of interest is presented, as defined by  
35 rules of the disciplining authority, in consultation with the  
36 department, based on recognized professional ethical standards;

37 (26) Violation of RCW 18.130.420;

38 (27) Performing conversion therapy on a patient under age  
39 eighteen;

40 (28) Violation of RCW 18.130.430;

1        (29) Violation of section 3 of this act.

2        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 43.70  
3    RCW to read as follows:

4        (1) The department must establish an education program for the  
5    prevention of female genital mutilation. The program must be designed  
6    to provide information about the health risks and emotional trauma  
7    inflicted by the practice of female genital mutilation, as well as  
8    the civil and criminal penalties for committing female genital  
9    mutilation.

10       (2) The department must develop policies and procedures to  
11    promote partnerships with relevant stakeholders to prevent female  
12    genital mutilation and to protect and provide assistance to victims  
13    of female genital mutilation, including partnerships with:

14       (a) Relevant state agencies that provide services to persons at  
15    risk of female genital mutilation or persons who have been subjected  
16    to female genital mutilation;

17       (b) The department of children, youth, and families;

18       (c) The Washington state patrol;

19       (d) The attorney general; and

20       (e) Other government entities and nongovernmental organizations.

21       (3) The department must make recommendations and develop  
22    procedures regarding strategies and methodologies for training health  
23    care providers as defined in RCW 70.02.010 on recognizing the risk  
24    factors associated with female genital mutilation and the signs that  
25    a person may be a victim of female genital mutilation.

26       (4) Subject to the availability of amounts appropriated for this  
27    specific purpose, the department may contract with nongovernmental  
28    organizations, entities, or persons with experience working with  
29    victims of female genital mutilation to provide training and  
30    materials and other services as the department deems necessary.

31       (5) The department may adopt rules necessary to implement this  
32    section.

33       (6) For purposes of this section, "female genital mutilation" has  
34    the meaning provided in section 3 of this act.

35       NEW SECTION.    **Sec. 6.**    A new section is added to chapter 9A.36  
36    RCW to read as follows:

1 (1) Except as provided in subsection (3) of this section, a  
2 person is guilty of female genital mutilation when the person  
3 knowingly:

4 (a) Commits female genital mutilation on a minor; or

5 (b) Transports a minor, or causes or permits the transport of a  
6 minor, with the intent to commit, or with the intent that another  
7 person will commit, female genital mutilation on the minor.

8 (2) Female genital mutilation is a gross misdemeanor.

9 (3) A medical procedure is not a violation of this section if it  
10 is performed by a licensed health care provider and is necessary to  
11 the health of the minor.

12 (4) It is not a defense to a violation of this section that a  
13 person believes the person's actions were conducted as a matter of  
14 custom or ritual, or that the minor on whom female genital mutilation  
15 was performed consented to female genital mutilation, or that the  
16 minor's parent or guardian consented to female genital mutilation.

17 (5) For the purposes of this section:

18 (a) "Female genital mutilation" has the meaning provided in  
19 section 2 of this act; and

20 (b) "Minor" means any person under the age of 18.

21 **Sec. 7.** RCW 9A.04.080 and 2022 c 282 s 4 are each amended to  
22 read as follows:

23 (1) Prosecutions for criminal offenses shall not be commenced  
24 after the periods prescribed in this section.

25 (a) The following offenses may be prosecuted at any time after  
26 their commission:

27 (i) Murder;

28 (ii) Homicide by abuse;

29 (iii) Arson if a death results;

30 (iv) Vehicular homicide;

31 (v) Vehicular assault if a death results;

32 (vi) Hit-and-run injury-accident if a death results (RCW  
33 46.52.020(4));

34 (vii) Rape in the first degree (RCW 9A.44.040) if the victim is  
35 under the age of sixteen;

36 (viii) Rape in the second degree (RCW 9A.44.050) if the victim is  
37 under the age of sixteen;

38 (ix) Rape of a child in the first degree (RCW 9A.44.073);

39 (x) Rape of a child in the second degree (RCW 9A.44.076);

1 (xi) Rape of a child in the third degree (RCW 9A.44.079);  
2 (xii) Sexual misconduct with a minor in the first degree (RCW  
3 9A.44.093);  
4 (xiii) Custodial sexual misconduct in the first degree (RCW  
5 9A.44.160);  
6 (xiv) Child molestation in the first degree (RCW 9A.44.083);  
7 (xv) Child molestation in the second degree (RCW 9A.44.086);  
8 (xvi) Child molestation in the third degree (RCW 9A.44.089); and  
9 (xvii) Sexual exploitation of a minor (RCW 9.68A.040).

10 (b) Except as provided in (a) of this subsection, the following  
11 offenses may not be prosecuted more than twenty years after its  
12 commission:

13 (i) Rape in the first degree (RCW 9A.44.040);  
14 (ii) Rape in the second degree (RCW 9A.44.050); or  
15 (iii) Indecent liberties (RCW 9A.44.100).

16 (c) The following offenses may not be prosecuted more than ten  
17 years after its commission:

18 (i) Any felony committed by a public officer if the commission is  
19 in connection with the duties of his or her office or constitutes a  
20 breach of his or her public duty or a violation of the oath of  
21 office;

22 (ii) Arson if no death results;

23 (iii) Rape in the third degree (RCW 9A.44.060);

24 (iv) Attempted murder; or

25 (v) Trafficking under RCW 9A.40.100.

26 (d) A violation of any offense listed in this subsection (1)(d)  
27 may be prosecuted up to ten years after its commission or, if  
28 committed against a victim under the age of eighteen, up to the  
29 victim's thirtieth birthday, whichever is later:

30 (i) RCW 9.68A.100 (commercial sexual abuse of a minor);

31 (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a  
32 minor);

33 (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse  
34 of a minor); or

35 (iv) RCW 9A.64.020 (incest).

36 (e) A violation of section 6 of this act may be prosecuted up to  
37 10 years after its commission, or if committed against a victim under  
38 the age of 18, up to the victim's 28th birthday, whichever is later.

39 (f) The following offenses may not be prosecuted more than six  
40 years after its commission or discovery, whichever occurs later:



1 (i) Violations of RCW 9A.82.060 or 9A.82.080;  
2 (ii) Any felony violation of chapter 9A.83 RCW;  
3 (iii) Any felony violation of chapter 9.35 RCW;  
4 (iv) Theft in the first or second degree under chapter 9A.56 RCW  
5 when accomplished by color or aid of deception;  
6 (v) Theft from a vulnerable adult under RCW 9A.56.400;  
7 (vi) Trafficking in stolen property in the first or second degree  
8 under chapter 9A.82 RCW in which the stolen property is a motor  
9 vehicle or major component part of a motor vehicle as defined in RCW  
10 46.80.010; or

11 (vii) Violations of RCW 82.32.290 (2) (a) (iii) or (4).

12 (~~(f)~~) (g) The following offenses may not be prosecuted more  
13 than five years after its commission: Any class C felony under  
14 chapter 74.09, 82.36, or 82.38 RCW.

15 (~~(g)~~) (h) Bigamy may not be prosecuted more than three years  
16 after the time specified in RCW 9A.64.010.

17 (~~(h)~~) (i) A violation of RCW 9A.56.030 may not be prosecuted  
18 more than three years after the discovery of the offense when the  
19 victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

20 (~~(i)~~) (j) No other felony may be prosecuted more than three  
21 years after its commission; except that in a prosecution under RCW  
22 9A.44.115, if the person who was viewed, photographed, or filmed did  
23 not realize at the time that he or she was being viewed,  
24 photographed, or filmed, the prosecution must be commenced within two  
25 years of the time the person who was viewed or in the photograph or  
26 film first learns that he or she was viewed, photographed, or filmed.

27 (~~(j)~~) (k) No gross misdemeanor, except as provided under (e) of  
28 this subsection, may be prosecuted more than two years after its  
29 commission.

30 (~~(k)~~) (l) No misdemeanor may be prosecuted more than one year  
31 after its commission.

32 (2) The periods of limitation prescribed in subsection (1) of  
33 this section do not run during any time when the person charged is  
34 not usually and publicly resident within this state.

35 (3) In any prosecution for a sex offense as defined in RCW  
36 9.94A.030, the periods of limitation prescribed in subsection (1) of  
37 this section run from the date of commission or two years from the  
38 date on which the identity of the suspect is conclusively established  
39 by deoxyribonucleic acid testing or by photograph as defined in RCW  
40 9.68A.011, whichever is later.

1           (4) If, before the end of a period of limitation prescribed in  
2 subsection (1) of this section, an indictment has been found or a  
3 complaint or an information has been filed, and the indictment,  
4 complaint, or information is set aside, then the period of limitation  
5 is extended by a period equal to the length of time from the finding  
6 or filing to the setting aside.

7           NEW SECTION.   **Sec. 8.**   Sections 1 through 5 of this act are  
8 necessary for the immediate preservation of the public peace, health,  
9 or safety, or support of the state government and its existing public  
10 institutions, and take effect July 1, 2023.

11           NEW SECTION.   **Sec. 9.**   Section 6 and 7 of this act take effect  
12 July 1, 2025.

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