STATE OF NEW YORK

931--A

2023-2024 Regular Sessions

IN SENATE

January 9, 2023

Introduced by Sens. PERSAUD, FERNANDEZ, HOYLMAN-SIGAL, JACKSON, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues -- recommitted to the Committee on Women's Issues in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to prohibiting virginity examinations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative Intent: Virginity examinations are gynecological examinations of the female genitalia purported to establish whether a female has had vaginal intercourse by correlating the absence of the hymen or vaginal wall laxity with sexual activity. Reproductive experts contend that there is no scientific merit or clinical indication for this type of examination, as these characteristics do not definitively prove that a female has had intercourse. Experts also note that there are significant adverse psychological and physical consequences for individuals who have been subjected to these tests. Numerous organizations, including the World Health Organization, United Nations Human Rights Office, American College of Obstetricians and Gynecologists, and International Society for Sexual Medicine have called for the elimination of virginity examinations as they are not medically indicated or valid procedures, and their performance violates the human rights of the individual subject to the test. It is the intent of the legislature to recognize that gynecological examinations purported to determine whether a female has had vaginal intercourse have no scientific merit, are not medically indicated, and cause psychological and physical trauma for the recipient; and as such, health care practitioners licensed by and practicing in the state of New York should be prohibited from conducting or supervising these examinations.

EXPLANATION--Matter in ***italics*** (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 2. The public health law is amended by adding a new section 267-b to read as follows:

§ 267-b. Prohibition of virginity examinations. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "Virginity examination" shall mean any physical gynecological exam or inspection of the female genitalia purported to determine whether a female has previously had vaginal intercourse.

(b) "Health care practitioner" means a health care practitioner licensed, certified or otherwise authorized to practice under title eight of the education law, acting within the practitioner's lawful scope of practice.

2. No health care practitioner shall perform a virginity examination or supervise the performance of a virginity examination on a patient.

3. This section shall not apply to any physical gynecological examination conducted as part of a forensic medical examination.

§ 3. This act shall take effect immediately.