

STATE OF NEW YORK

128--A

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IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. SOLAGES, HEVESI, JACOBSON, WALLACE, SIMON, DeSTEFANO, BICHOTTE HERMELYN, SEAWRIGHT, SILLITTI, DINOWITZ, ZINERMAN, L. ROSENTHAL, DAVILA, BARRETT, CRUZ, OTIS, GONZALEZ-ROJAS, KELLES, STECK, SHIMSKY, SIMONE, LEVENBERG, BURDICK, EPSTEIN, TAPIA -- Multi-Sponsored by -- M. of A. THIELE -- read once and referred to the Committee on Health -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

1 Section 1. Legislative Intent: Virginity examinations are gynecologi-
2 cal examinations of the female genitalia purported to establish whether
3 a female has had vaginal intercourse by correlating the absence of the
4 hymen or vaginal wall laxity with sexual activity. Reproductive experts
5 contend that there is no scientific merit or clinical indication for
6 this type of examination, as these characteristics do not definitively
7 prove that a female has had intercourse. Experts also note that there
8 are significant adverse psychological and physical consequences for
9 individuals who have been subjected to these tests. Numerous organiza-
10 tions, including the World Health Organization, United Nations Human
11 Rights Office, American College of Obstetricians and Gynecologists, and
12 International Society for Sexual Medicine have called for the elimi-
13 nation of virginity examinations as they are not medically indicated or
14 valid procedures, and their performance violates the human rights of the
15 individual subject to the test. It is the intent of the legislature to
16 recognize that gynecological examinations purported to determine whether
17 a female has had vaginal intercourse have no scientific merit, are not
18 medically indicated, and cause psychological and physical trauma for the
19 recipient; and as such, health care practitioners licensed by and prac-

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

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1 ticing in the state of New York should be prohibited from conducting or
2 supervising these examinations.

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

5 § 267-b. Prohibition of virginity examinations. 1. For purposes of
6 this section, the following terms shall have the following meanings:

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

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

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

16 3. This section shall not apply to any physical gynecological examina-
17 tion conducted as part of a forensic medical examination.

18 § 3. This act shall take effect immediately.