

Federal Law No. (7) of 2019 On the Medically Assisted Reproduction

We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates,

- Having perused the Constitution; and
- Federal Law No. (1) of 1972, Concerning the Competences of Ministries and the Powers of Ministers, as amended; and
- Federal Law No. (7) of 1975 concerning the Practise of Human Medicine, as amended; and
- Federal Law No. (8) of 1980 concerning the Regulation of Labour Relations, as amended; and
- Federal Law No. (5) of 1984 concerning the Practise of some Medical Professions by persons other than Physicians and Pharmacists; and
- Federal Law No. (5) of 1985 concerning the Civil Transactions Law, as amended; and
- Federal Law No. (3) of 1987 concerning the Penal Code, as amended; and
- Federal Law No. (35) of 1992 concerning Penal Procedures Law, as amended; and
- Federal Decree-Law No. (11) of 2008 concerning Federal Government Human Resources, as amended; and
- Federal Law No. (11) of 2008 concerning the Licensing of Fertilisation Centres in the State; and
- Federal Decree-Law No. (5) of 2011 concerning the Law of Governance of Board of Directors, Secretaries and Committees at Federal Government; and
- Federal Law No. (14) of 2014 on Fighting Communicable Diseases; and
- Federal Law No. (2) of 2015 concerning Commercial Companies, as amended; and
- Federal Law No. (4) of 2015 on Private Health Facilities; and
- Federal Decree-Law No. (4) of 2016 concerning Medical Liability; and

- Federal Law No. (14) of 2016 concerning Administrative Violations and Penalties in the Federal Government; and
- Federal Decree-Law No. (16) of 2016 Incorporating Emirates Health Services Establishment; and
- Federal Law No. (2) of 2019 concerning the Use of IT and Telecommunications in the Healthcare Sector; and
- Based upon the proposal of the Minister of Health and Prevention, the approval of the Cabinet and the Federal National Council, and the ratification of the Supreme Council of the Federation,

Have promulgated the following law:

Article (1)

Definitions

In the application of the provisions of this Law, the following words and expressions shall have the definitions set forth opposite each, unless the context otherwise requires:

State	: The United Arab Emirates.
Ministry	: Ministry of Health and Prevention.
Minister	: The Minister of Health and Prevention.
Medical Body	: Any Federal or Local Government health bodies in the State.
Centre	: The licensed establishment or unit where Assisted Reproductive Technology is made.
Assisted Reproductive Technology (ART)	: Medical techniques and procedures which help effectuate extracorporeal conception, including all clinical and biological interventions that are necessary to effectuate extracorporeal conception.
Concerned Subjects	: The person from whom sperm or unfertilised ova are extracted.

Article (2)

Scope of Application of the Law

1. The provisions of this law shall apply to all centres in the UAE, including centres established in free zones.
2. Without prejudice to the provisions of Articles (6) to (14) and (17) of this law, each emirate may regulate medically assisted reproduction according to its own local legislation, and in this case the provisions of this law shall be applied in matters for which there is no relevant provision in local legislation.

Article (3)

Objectives of the Law

The purpose of this law is to:

1. Regulate the practise of work in the field of Assisted Reproductive Technology.
2. Protect the community against illegal practises.
3. Ensure the utilisation of the most up-to-date Assisted Reproductive Technology.

Article (4)

Competences of the Medical Body

The Competent Medical Body undertakes the following competences:

1. Decide on the Centres' licensing applications, determine their level of activity and ensure that they meet the licensing conditions.
2. Decide on the licensing application of health profession practitioners employed in the Centres, ensure that they meet the licensing conditions, and determine their duties.
3. Supervise and monitor the Centres.
4. Decide on the complaints and reports relating to the Centres' field of activity.
5. Investigate the violations committed by health profession practitioners and directors of the Centres.

6. Impose the necessary administrative penalties on the Centres, directors of the Centres and health profession practitioners in accordance with the legislations in force in the UAE.

Article (5)

Licensing of Centres

Pursuant to the provisions of the above-mentioned Federal Law No. (4) of 2015, a natural or juridical person may not establish, operate or run a Centre within the State unless a license is obtained from the Medical Body in accordance with the conditions and controls set forth in the Implementing Regulations for this Law.

Article (6)

Licensing Conditions in the State

Any natural or juridical person applying for a license to establish a Centre in the State undertakes to provide the competent medical, technical and other administrative resources, as well as the necessary medical equipment as determined by the Implementing Regulations for this Law.

Article (7)

Determination of Medically Assisted Reproduction Techniques

1. Medically Assisted Reproduction techniques shall be determined by a decision of the Minister after coordination with the heads of local health authorities.
2. Local health authorities may add any other new techniques, all while taking into account the conditions and controls stipulated herein.

In all cases, Medically Assisted Reproduction techniques may not be used in centres not duly licensed for such purpose.

Article (8)

Conditions and Controls of Practising Assisted Reproductive Technology

1. When practising any of the medically assisted reproduction techniques, the centres shall adhere to the following conditions and controls:
 - a. Medically assisted reproduction techniques shall be the most medically appropriate method for procreation after it has been proven that natural conception is not possible.
 - b. The spouses shall submit an official document certified by the competent authority proving the continuation of the marital relationship between them.
 - c. The spouses shall agree in writing to use medically assisted reproduction techniques, provided that this approval shall be issued at the centre and in presence thereof.
 - d. Submission of a certificate from a specialised physician that there is no danger to the life of the wife or the foetus nor serious harm to their health within the medically accepted scope.
 - e. Implementation shall be carried out by licensed physician in this field.
 - f. The spouses shall be given a detailed explanation of the chosen medically assisted reproduction techniques, the stages of performing the procedure and the negative repercussions or potential complications thereof, in addition to the financial cost and the realistic pregnancy rate for similar cases in the same centre.
 - g. The fertilisation and implantation process shall be performed in the presence of the spouses; and
 - h. Any other conditions and controls to be determined by a resolution issued by the Minister in coordination with the Health Authorities.
2. In the event of the absence of a marriage certificate, non-Muslim involved parties may petition the health authority for permission to use any medically assisted reproduction techniques. Provided with submitting an

acknowledgement that the lineage of the newborn is attributed to either of them, duly certified by the competent authority in the country of citizenship of the parent to whom the child shall acquire nationality. This acknowledgement shall adhere to the format issued by a decision from the Minister after coordination with the relevant authorities in the country, and the provisions stipulated herein shall apply thereto.

Article (9)

Prohibited Practises

Without prejudice to the provision of Clause (2) of Article (8) of this law, centres shall be prohibited from acting as follows while practising medically assisted reproduction:

1. Performing fertilisation between a sperm obtained from the husband and an egg taken from a woman other than his wife.
2. Performing fertilisation between an egg taken from the wife and a sperm obtained from a man other than her husband.
3. Any other case decided by the Cabinet.

Article (10)

Preservation and Fertilisation of Eggs

1. An adequate number of eggs may be fertilised for implantation more than once, subject to the conditions and regulations stipulated by the executive regulations of this law.
2. The fertilised eggs may be preserved in order to extract the necessary number for transplantation when required, for a period of (5) five years, extendable for similar periods based on a written request submitted by the spouses.
3. The centres shall take the highest attainable medical and other measures to prevent the mixing of eggs or using them in a manner inconsistent with the

provisions of this law, its executive regulations, and the decisions issued in implementation thereof.

4. In cases where the remaining fertilised eggs are no longer needed, or when a legal or medical impediment prevents their implantation, these fertilised eggs shall be left without medical intervention until they naturally deteriorate, unless otherwise requested by the spouses.

Article (11)

Eggs and Sperm Preservation Period

Upon the written request of the Concerned Subjects, the frozen unfertilised ova or sperm may be preserved for a period of five (5) years, renewable for a similar period.

Article (12)

Controls and Conditions of Conducting Assisted Reproductive Technology

When performing any medically assisted reproduction technique, the controls and conditions specified by the executive regulations of this law and the decisions issued by the Minister and the health authority shall be adhered to, in particular with regard to the following:

1. The number of fertilised eggs implanted.
2. Preserving fertilised and unfertilised eggs and frozen sperm for future procreation.
3. The consent of the spouses to preserve the frozen fertilised eggs, and the consent of the concerned parties to preserve the unfertilised eggs or frozen sperm, and to notify the health authority thereof.

Article (13)

Destruction of Eggs

1. Fertilised eggs that have not been implanted shall be destroyed in the following cases:
 - a. Death of either spouse.
 - b. Termination of the matrimonial relationship.
 - c. Submitting a destruction request from both spouses.
 - d. Expiration of the preservation period without requesting an extension.
2. Unfertilised eggs and frozen sperm shall be destroyed in the following cases:
 - a. Death of the concerned parties.
 - b. Submitting a destruction request from concerned parties.
 - c. Expiration of the preservation period without requesting an extension.

Article (14)

Prohibitions of Use of Eggs and Sperm

The Centers shall not:

1. Use unfertilised or fertilised eggs and frozen sperm for commercial purposes, introduce non-therapeutic genetic modifications thereto, or dispose of them to third parties; nor
2. Conduct research or experiments on unfertilized or fertilized eggs and sperm except after written approval from the spouses or those concerned, as the case may be, in accordance with the conditions and controls specified by the executive regulations of this law or the decisions of the health authority.

Article (15)

Genetic Diagnosis

Without prejudice to the provisions of Article (14) hereof, with the written consent of spouse, the Centres may be permitted to perform Preimplantation Genetic

Diagnosis (PGD) in order to identify hereditary diseases, provided that all necessary measures be taken to keep the fertilised ovum unharmed.

Article (16)

Centres' Staff Obligations

Workers in the centres shall adhere to the following:

1. Carry out their work in medically assisted reproduction techniques in accordance with recognised scientific and professional principles and the controls specified by the executive regulations of this law and the decisions issued by the minister or health authority.
2. Maintain the confidentiality of the data and information of beneficiaries of medically assisted reproduction techniques, in accordance with the legislation in force in the UAE.

Article (17)

Conditions and Controls of Bringing Specimens into the State or Sending Specimens out of the State

It shall be prohibited to send out of the State any specimens of unfertilised or fertilised ova or sperms prepared in the State, or to bring into the State any of these specimens prepared outside the State except in accordance with the controls and procedures identified by the Implementing Regulations for this Law.

Article (18)

Centres Obligations Towards Fertilised and Unfertilised Eggs and Sperm

The Centres abide by the controls relating to the handling of frozen fertilised or unfertilised ova and sperm and shall exercise the highest degrees of care and precaution so that they may not be used, exploited, replaced or conflicted.

Article (19)

Transfer of Fertilised or Unfertilised eggs and Sperm

Frozen fertilised or unfertilised ova or sperm maintained to perform Assisted Reproductive Technology may not be transferred from one Centre into another except with the approval of the spouse or Concerned Subjects, as the case may be, and subject to the approval of the Medical Body.

Article (20)

Centres Assessment Criteria

A decision shall be issued by the Minister laying down Centres Assessment Criteria in coordination with the other Medical Bodies.

Article (21)

Centres Obligations

The Centres abide as follows:

1. Submit an annual report to the Competent Medical Body in accordance with the form laid down by the Ministry in coordination with the other Medical Bodies.
2. Ensure quality of performance, especially with regard to the control systems inside the laboratory by adhering to the criteria set out vide a decision issued by the Minister in coordination with the other Medical Bodies.
3. Develop and upgrade the competence of their technical staff that is operating in the area of laboratory fertilisation in accordance with a training program approved by the Medical Body.
4. Keep necessary registers to record all the procedures of Assisted Reproductive Technology. A decision shall be issued by the Minister in coordination with the other Medical Bodies, determining the types and conditions of these registers, and the information to be recorded therein.
5. Prior to commencing their operation, the Centres shall lay down its by-law, including internal control criteria and mechanism, in accordance with the

provisions of this Law, its Implementing Regulations, and any other respective laws and regulations issued in this respect, provided that the by-law is approved by the Medical Body.

Article (22)

Judicial Officers

Employees designated by a resolution of the Minister of Justice, in agreement with the Minister of Justice or head of the local judicial authority, agreement with the head of the health authority shall have the capacity of judicial officers for proving all violations, within their jurisdiction, of the provisions of this Law, its Executive Regulation and the decisions issued in the implementation thereof.

Article (23)

Temporary Suspension and Appeal

1. By a decision issued by the Medical Body, the Centre may be temporarily suspended until the liability for a violation of this Law, its Implementing Regulations and the decisions issued in implementation of the Law is determined.
2. The Centre may appeal the suspension decision to the Medical Body within fifteen (15) days from the date that it is served with the notice of suspension. The appeal must be decided on by the Medical Body within fifteen (15) days from the date of its submission, otherwise the appeal shall be considered as declined, with the decision issued by the Medical Body to be considered as final.

An appeal filed shall not give rise to ceasing the enforcement of the decision on temporary suspension of the Centre's business.

Article (24)

Disciplinary Penalties

Without prejudice to the disciplinary penalties established herein or in any other laws, the Medical Body may, each according to its own jurisdiction, impose the following disciplinary penalties:

1. In respect of the violations committed by the Centres in contravention of the provisions of this Law, its Implementing Regulations or the decisions issued in implementation of the Law:
 - a. Written reprimand.
 - b. Written notice.
 - c. A fine of not less than AED. 1000 (UAE Dirhams One Thousand) and not more than AED. 1,000,000 (UAE Dirhams One Million).
 - d. Temporary suspension of the license for a period not exceeding six (6) months.
 - e. Cancellation of the license.
2. In respect of the violations committed by the health staff licensed to work at the Centres in contravention of the provisions of this Law, its Implementing Regulations or the decisions issued in implementation of the Law:
 - a. Written reprimand.
 - b. Written notice.
 - c. A fine of not less than AED. 1000 (UAE Dirhams One Thousand) and not more than AED. 500,000 (UAE Dirhams Five Hundred Thousand).
 - d. Temporary suspension of the license for a period not exceeding one (1) year.
 - e. Cancellation of the license.

Article (25)

Appeal

1. Whoever a disciplinary action is issued against pursuant to Article (24) of this Law may appeal the decision to the Appeals Committee constituted with the Medical Body within fifteen (15) days from the date he is served with the decision.
2. A decision shall be issued on the appeal within thirty (30) days from the date of its submission. In case no reply is given on the appeal during the said period, the appeal shall be considered to be declined.
3. A decision issued on the appeal shall be final.

Article (26)

Penal Sanctions

Anyone who violates the provisions of Articles (5), (7), (9), (14), (17) and (19) of this Law is punishable by confinement for no less than two (2) years and no more than five (5) years and a fine of not less than AED. 500,000 (UAE Dirhams Five Hundred Thousand) and not more than AED. 1,000,000 (UAE Dirhams One Million), or by either one of these two punishments.

Article (27)

Anyone who violates the provisions of Clauses (3) and (4) of Article (10) or the provisions of Articles (12), (13) and (18) of this Law is punishable by confinement for no less than one (1) year and a fine of not less than AED. 300,000 (UAE Dirhams Three Hundred Thousand) and not more than AED. 500,000 (UAE Dirhams Five Hundred Thousand), or by either one of these two punishments.

Article (28)

Anyone who violates the provision of Article (8) of this Law, or whoever manages or operates a Centre that is temporarily suspended pursuant to Article (23) of this Law with the aim of extending Assisted Reproductive Technology services during

the period of suspension, is punishable by confinement and a fine of not less than AED. 200,000 (UAE Dirhams Two Hundred Thousand) and not more than AED. 500,000 (UAE Dirhams Five Hundred Thousand), or by either one of these two punishments.

Article (29)

No Prejudice to Stiffer Punishment

The punishments provided for in this Law shall not prejudice any other stiffer punishment provided for in any other law.

Article (30)

Closure of Centres

In the case of conviction, a court may order the closure of the Centre.

Article (31)

Procedures Taken in Case of Closure of a Centre

In the event of closure of the Centre, the issue of a decision on its closure or suspension or considering its license terminated by operation of the law, the Medical Body shall take the procedures necessary to protect the frozen fertilised and unfertilised ova and sperm and the rights of the patients treated in the Centre or those who continue to receive treatment, especially with regard to ensuring that the necessary medical services continue to be extended to them.

Article (32)

Obtaining the Necessary Licenses

The obtaining of a license in accordance with the provisions of this Law and its Implementing Regulations shall not exempt from obtaining other licenses as required by applicable federal and local legislation.

Article (33)

Establishing a National Committee

The Cabinet shall have the right to constitute a competent National Committee to undertake the duties of submitting recommendations and proposals pertaining to the area of activity of the Centres and coordinate between the Medical Bodies in all pertinent matters, with the constitution decision to set forth the membership and modus operandi of the Committee.

Article (34)

Implementing Regulations for the Law

1. The Cabinet, based on a proposal by the Minister, shall issue the Implementing Regulations for this Law within six (6) months from the date of its publication.
2. The Minister shall issue any other decisions necessary for the enforcement of the provisions of this Law and its Implementing Regulations.

Article (35)

Repeals

1. Federal Law No. (11) of 2008 concerning Licensing of Fertilisation Centres in the State shall be repealed. However, the decisions in implementation of the said Law shall continue in force until such time as the Implementing Regulations and the decisions in enforcement of this Law are issued without being in contravention therewith.
2. Any provision in contravention or conflict with the provisions of this Law shall be repealed.

Article (36)

Publication and Entry into Force

This Law shall be published in the Official Gazette and shall come into force on the date following its publication.

Khalifa Bin Zayed Al Nahyan
President of the United Arab Emirates

Promulgated at the Presidential Palace in Abu Dhabi,

On: 22 Rabi' Thani 1441 A.H.

Corresponding: 19 December 2019 AD