

Federal Decree-Law No. (17) of 2023

Amending Certain Provisions of Federal Law No. (7) of 2019 Concerning Medical Assistance for Reproduction

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

- Having regard to the Constitution.
- Federal Law No. (1) of 1972 concerning the competencies of ministries and the powers of ministers, and its amendments.
- Federal Law No. (7) of 2019 concerning medical assistance for reproduction.
- And based on what was presented by the Minister of Health and Prevention, and the Cabinet's approval.

We do hereby promulgate the following Decree-Law:

Article (1)

The texts of Articles numbered (2), (7), (8), (9), (10), (12), (13), (14), (16), (22) of the aforementioned Federal Law No. (7) of 2019 shall be replaced with the following texts:

Article (2):

Scope of Application of the Law

1. The provisions of this Law shall apply to all centers in the State, including centers established in free zones.
2. Without prejudice to the provisions of Articles (6) to (14) and (17) of this Law, each Emirate may regulate medical assistance for reproduction under its own special local legislation, and in this case, the provisions of this Law shall apply to matters not specifically addressed in the local legislation.

Article (7):

Determination of Medical Assistance for Reproduction Techniques

1. Medical assistance for reproduction techniques shall be determined by a decision from the Minister after coordination with the heads of local health authorities.
2. Local health authorities may add any other new techniques, all with due regard to the conditions and controls stipulated in this Law.

In all cases, the use of medical assistance for reproduction techniques is prohibited except in licensed centers.

Article (8):

Conditions and Controls for Practicing Medical Assistance for Reproduction Techniques

1. Centers shall comply with the following conditions and controls when practicing any medical assistance for reproduction techniques:
 - a. The medical assistance for reproduction technique must be the most medically appropriate means for reproduction after proving the impossibility of pregnancy through natural intercourse.
 - b. The spouses must provide an official document certified by the competent authority proving the continuation of the marital relationship between them.
 - c. Written consent from both spouses to use the medical assistance for reproduction techniques, provided that this consent is given at the center and in their presence.
 - d. Submission of a certificate from a specialized medical specialist stating that there is no danger to the life of the wife or fetus or severe harm to their health within what is medically recognized.
 - e. Implementation must be carried out by licensed physicians in this field.
 - f. Providing both spouses with a detailed explanation of the chosen medical assistance for reproduction technique, the stages of operation implementation, and the potential negative effects or complications, in addition to the financial cost and realistic pregnancy rate for similar cases at the same center.
 - g. The fertilization and implantation process must be performed in the presence of both spouses.
 - h. Any other conditions or controls determined by a decision from the Minister after coordination with health authorities.
2. Non-Muslim concerned persons may, in the absence of a marriage certificate, apply to the health authority to use any medical assistance for reproduction techniques, provided they submit a declaration of attribution of the child's lineage to either of them, and this declaration must be certified by the competent authority in the country to which either spouse belongs by nationality and from which the child will acquire citizenship, and according to the form issued by a decision from the Minister after coordination with the concerned authorities in the State, and the provisions stipulated in this Law shall apply to them.

Article (9):

Prohibited Practices:

With due regard to the provision of Clause (2) of Article (8) of this Law, centers are prohibited during the practice of medical assistance for reproduction from the following:

1. Conducting fertilization between sperm taken from the husband and an ovum taken from someone other than his wife.
2. Conducting fertilization between an ovum taken from the wife and sperm taken from someone other than her husband.
3. Any other case determined by a Cabinet decision.

Article (10):

Preservation and Fertilization of Ova

1. Multiple ova sufficient for implantation more than once may be fertilized according to the conditions and controls determined by the Executive Regulations of this Law.
2. Fertilized ova may be preserved to withdraw the required number for implantation when needed, for a period of (5) five years, renewable for similar periods based on a written request submitted by both spouses.
3. Centers must take all possible medical or other measures to prevent the mixing of ova with others or their use in a manner that contradicts the provisions of this Law, its Executive Regulations, and decisions issued in implementation thereof.
4. When there is no longer a need for the remaining fertilized ova or when a legal or medical impediment prevents their implantation, these fertilized ova shall be left without medical care until they naturally deteriorate, unless the spouses request otherwise.

Article (12):

Conditions and Controls for Conducting Medical Assistance for Reproduction Techniques

When conducting any medical assistance for reproduction techniques, the controls and conditions determined by the Executive Regulations of this Law and decisions issued by the Minister and the health authority must be adhered to, particularly with regard to the following:

1. The number of fertilized ova that have been implanted.

2. Preservation of fertilized and non-fertilized ova and frozen sperm for future reproduction.
3. Consent of both spouses for preserving frozen fertilized ova and consent of concerned persons for preserving non-fertilized ova or frozen sperm, and notification of the health authority thereof.

Article (13):

Destruction of Ova

1. Fertilized ova that have not been implanted must be destroyed in the following cases:
 - a. Death of either spouse.
 - b. End of the marital relationship.
 - c. Submission of a destruction request from both spouses.
 - d. Expiration of the preservation period without requesting extension.
2. Non-fertilized ova and frozen sperm must be destroyed in the following cases:
 - a. Death of the concerned persons.
 - b. Submission of a destruction request from the person concerned.
 - c. Expiration of the preservation period without requesting extension.

Article (14):

Prohibitions on the Use of Ova and Sperm

Centers are prohibited from the following:

1. Using non-fertilized or fertilized ova and frozen sperm for commercial purposes or making non-therapeutic genetic modifications to them or disposing of them to others.
2. Conducting research or experiments on non-fertilized or fertilized ova and sperm except after written consent from both spouses or concerned persons, as applicable, according to the conditions and controls determined by the Executive Regulations of this Law or decisions of the health authority.

Article (16):

Obligations of Center Personnel

Personnel working in centers shall comply with the following:

1. Performing their work in medical assistance for reproduction techniques according to recognized scientific and professional principles and the controls

determined by the Executive Regulations of this Law and decisions issued by the Minister or the health authority.

2. Maintaining confidentiality of data and information of beneficiaries of medical assistance for reproduction techniques, according to the legislation in force in the State.

Article (22):

Judicial Control Officers

Employees designated by a decision from the Minister of Justice or the head of the local judicial authority in agreement with the head of the health authority shall have the capacity of judicial control officers in establishing violations of the provisions of this Law, its Executive Regulations, and decisions issued in implementation thereof that fall within their jurisdiction.

Article (2)

Any other provision that contradicts or conflicts with the provisions of this Decree-Law shall be repealed.

Article (3)

This Decree Law shall be published in the Official Gazette and shall enter into force from the day following the date of its publication.

Mohammed bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us at the Presidential Palace - Abu Dhabi:

Date: 18/Safar/1445 AH

Corresponding to 4/September/2023 AD