

Federal Law No. (7) of Year 2019
Concerning Medically Assisted Reproduction*

We, Khalifa bin Zayed Al Nahyan

President of the United Arab Emirates,

- After reviewing the constitution;
- Federal Law No. (1) of 1972 on the Functions of the Ministries and the Powers of the Ministers, and its amendments;
- Federal Law No. (7) of 1975 Concerning Practicing the Profession of Human Medicine, and its amendments;
- Federal Law No. (8) of 1980 Regulating Labor Relations, and its amendments;
- Federal Law No. (5) of 1984 Regarding the Practice of Some Medical Professions by Pharmacists and Non-Physicians;
- Federal Law No. (5) of 1985 on the Civil Transactions Law, and its amendments;
- Federal Law No. (3) of 1987 Promulgating the Penal Code, and its amendments;
- Federal Law No. (35) of 1992 Concerning the Criminal Procedures Law, and its amendments;
- Federal Law by Decree No. 11 of 2008 on Human Resources in the Federal Government, and its amendments;
- Federal Law No. (11) of 2008 Concerning Licensing Fertility Centers in the country;
- Federal Decree No. (5) of 2011 Organizing Boards Of Directors, Secretaries, and Committees in the Federal Government;
- Federal Law No. (14) of 2014 Concerning Combating Communicable Diseases;
- Federal Law No. (2) of 2015 On Commercial Companies, and its amendments;
- Federal Law No. (4) of 2015 Concerning Private Health Facilities;
- Federal Decree Law No. (4) of 2016 On Medical Liability;
- Federal Law No. (14) of 2016 On Administrative Violations and Penalties in the Federal Government;
- Federal Decree No. (16) of 2016 with respect to the Emirati Health Services Establishment;
- Federal Law No. (2) of 2019 on the Use of Information and Communication Technology (ICT) in Health Fields;
- And based on the presentations of the Minister of Health and Prevention, the approval of the Cabinet, the Federal National Council, and the approval of the Federal Supreme Council;

We have issued the following Law:

**In case of any misinterpretation, the Arabic version of this legislation prevails*

Article (1)

Definitions

In applying the provisions of this Law, the following words and expressions have the meanings indicated opposite each of them, unless the context requires otherwise:

Country	:	United Arab Emirates
MoHAP	:	The Ministry of Health and Prevention
The Minister	:	Minister of Health and Prevention
Health Authority	:	Any governmental, federal or local health authority in the country
Center	:	The licensed facility or unit in which medical assisted reproductive techniques are performed
Techniques of Medically Assisted Reproduction	:	Medical methods and means that assist in pregnancy and reproduction without physical contact, including clinical and biological interventions with the aim of assisting in reproduction or pregnancy without a physical contact.
Concerned parties	:	The person from whom sperm or unfertilized eggs are extracted

Article (2)

Scope of Application of the Law

The provisions of this Law apply to all centers in the country, including centers established in the free zones.

Article (3)

Objectives of the Law

This law aims to the following:

1. Organize work in the field of Techniques of Medically Assisted Reproduction
2. Protection of society from illegal practices
3. Ensure the use of the most recent scientific methods of Medically Assisted Reproduction.

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Article 4

Health Authority Competencies

The competent health authority shall undertake the following:

1. Deciding on applications for licensing centers, determining their level of activity, and ensuring that they meet the licensing requirements
2. Deciding on applications for licensing health practitioners working in the centers, ensuring that they meet the licensing requirements, and specifying their duties.
3. Supervising and controlling the centers
4. Deciding on complaints and reports related to the activity of the centers
5. Investigating the violations committed by health practitioners and center managers
6. Imposing the necessary administrative penalties for the centers, center directors and practitioners of health professions, in accordance with the legislation in force in the country.

Article (5)

Licensing the Centers

Subject to the provisions of the above-mentioned Federal Law No. (4) of 2015, no natural or legal person may establish, operate, or manage any center within the country except after obtaining a license to do so from the health authority, in accordance with the terms and conditions determined by the executive decree of this Law.

Article 6

Conditions for Licensing in the Country

Every natural or legal person applying for a license to establish a center in the country must commit to providing the relevant health, technical and administrative cadres, and the necessary medical equipment in accordance with the executive decree of this Law.

Article (7)

Determining the Techniques of Medically Assisted Reproduction

Medical assisted reproductive techniques are determined by a decision of the Minister after coordination with other health authorities. These techniques may not be used in places other than licensed centers.

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Article (21)

Commitments of the Centers

The centers are committed to the following:

1. Submit an annual report to the competent health authority, according to the form developed by the Ministry in coordination with other health authorities.
2. Ensure the quality of work, especially with regard to control systems inside the laboratory, by following the criteria specified by a decision of the Minister after coordination with other health authorities.
3. Develop and raise the efficiency of technicians working at the centers in the field of laboratory fertilization according to a training program approved by the health authority.
4. Maintain the records necessary for registering all operations related to the Techniques of Medically Assisted Reproduction, and the types and conditions of these records and the data that must be registered therein must be decided by a decision of the Minister after coordination with other health authorities.
5. Set an internal regulation for the work system before starting its activity, provided that it includes the standards and mechanism of internal control, in accordance with the provisions of this Law and its executive decree and any Laws or regulations issued in this regard, provided that these regulations are approved by the health authority.

Article (22)

Judicial Arrest Officers

The employees determined by a decision issued by the Minister of Justice in agreement with the head of the health authority shall have the capacity of judicial arrest officers to prove the violations of the provisions of this Law and its executive decree and decisions issued in implementation thereof, within their competencies.

Article (23)

Temporary Suspension and Grievance

1. By a decision of the health authority, the center's activity may be temporarily suspended until a decision is made about any violation of the provisions of this Law and its executive decree, and the decisions issued in implementation thereof.
2. The center may file a grievance at the health authority that issued the suspension decision within fifteen days from the date of its knowledge of it, and the grievance health authority must decide on the grievance within fifteen days from the date of its submission, otherwise the grievance shall be considered rejected, and its decision issued in this regard shall be final. The grievance shall not result in the suspension of the implementation of the decision to temporarily suspend the activities of the Center.

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Article (24)

Disciplinary Sanctions

Without prejudice to the penal sanctions established by this Law or any other laws, the health authority, each according to its jurisdiction, may impose the following disciplinary sanctions:

1. With regard to the violations committed by the centers, in violation of the provisions of this Law or its executive decree or the decisions issued in implementation thereof:
 - a. Written notification
 - b. Written warning
 - c. A fine of not less than AED 1000 (thousand dirhams) and not more than AED 1,000,000 (million dirhams)
 - d. Suspension of the license temporarily for a period not exceeding six months
 - e. Cancellation of the license
2. With regard to the violations committed by health workers who are licensed to work in the centers, in violation of the provisions of this Law or its executive decree or the decisions issued in implementation thereof:
 - a. Written notification
 - b. Written warning
 - c. A fine of not less than AED 1000 (thousand dirhams) and not more than AED 500,000 (five hundred thousand dirhams)
 - d. Suspension of the license temporarily for a period not exceeding one year
 - e. Cancellation of the license

Article (25)

Grievance

1. Any person against whom a disciplinary decision has been issued may, in accordance with Article (24) of this Law, file a grievance against the decision before the grievance committee that is formed with the health authority, within 15 (fifteen) days from the date the complainant learned of the decision.
2. The grievance shall be decided within 30 (thirty) days from the date of its submission, and the failure to respond to the grievance during that period shall be deemed a rejection thereof.
3. The decision issued in the grievance shall be final.

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Penal Sanctions

Article (26)

Whoever violates any of the provisions of the Articles (5), (7), (9), (14), (17) and (19) of this Law shall be punished with imprisonment for a period of no less than two years and not exceeding five years, and a fine of no less than AED 500,000 (five hundred thousand dirhams) and no more than AED 1,000,000 (million dirhams), or either of these two penalties.

Article (27)

Whoever violates the provisions of Clauses (3) and (4) of Article (10) of this Law or violates the provision of any of Articles (12), (13) and (18) of this Law shall be punished with imprisonment for a period of no less than one year, and a fine of no less than AED 300,000 (three hundred thousand dirhams) and no more than AED 500,000 (five hundred thousand dirhams), or either of these two penalties.

Article (28)

Whoever violates the provision of Article (8) of this Law, or whoever manages and operates the closed center temporarily in accordance with Article (23) of this Law for the purpose of providing the Techniques of Medically Assisted Reproduction during the period of closure shall be punished with imprisonment and a fine of no less than AED 200,000 (two hundred thousand dirhams) and no more than AED 500,000 (five hundred thousand dirhams), or either of these two penalties.

Article (29)

Non-prejudice to the more severe punishment

The penalties stipulated in this Law do not prejudice any more severe penalty stipulated in any other law.

Article (30)

Closing the Center

In the event of a conviction, the court may rule to cancel the license and close the center.

Article (31)

The necessary procedures in the event of center closure

In the event the center is closed, or a decision is made to close the center, suspend its activity or consider its license terminated by the force of Law, the health authority must take the necessary measures to protect the fertilized and unfertilized eggs and frozen sperms and the rights of patients

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Article (36)

Publication and Enforcement of this Law

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

Khalifa bin Zayed Al Nahyan,

President of the United Arab Emirates

Issued by us at the Presidential Palace in Abu Dhabi:

On: Rabi' al-Thani 22, 1441 H

Corresponding to: December 19, 2019

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Article (13)

Destruction of Eggs

1. Fertilized eggs that were not implanted into the wife should be destroyed in the following cases:
 - a. The death of one of the spouses.
 - b. Ending of the marital relationship.
 - c. The spouses asked for destruction.
 - d. Expiry of the preservation period without requesting an extension
2. Unfertilized eggs and frozen sperms should be destroyed in the following cases:
 - a. The concerned parties requested the destruction.
 - b. Expiry of the preservation period without requesting an extension.

Article (14)

Prohibitions of Using the Eggs and Sperms

1. Centers are prohibited from using unfertilized or fertilized eggs and frozen sperms for commercial purposes, making non-therapeutic genetic modifications thereto, or disposing them for others, even if upon the consent of the spouses.
2. Centers are prohibited from conducting research or experiments on unfertilized or fertilized eggs and sperm unless after obtaining the written consent of the concerned parties or the spouses, as the case may be, in accordance with the conditions and controls determined by the executive decree of this Law or the decisions of the Minister, as the case may be.

Article (15)

Genetic Diagnosis

Without prejudice to the provisions of Article (14) of this Law, it is permissible, upon the written consent of the spouses, to allow the centers to perform the genetic diagnosis process before implantation in order to identify genetic diseases, provided that the necessary measures are taken to not harm the fertilized egg.

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Article (16)

Obligations of Workers in the Centers

The workers in the centers must do the following:

1. Carry out their work in the Techniques of Medically Assisted Reproduction in accordance with the recognized scientific and professional principles and the controls determined by the executive decree of this Law and the decisions issued by the Minister.
2. Maintain confidentiality of data and information of beneficiaries of the Techniques of Medically Assisted Reproduction, in accordance with the legislations in force in the country.

Article (17)

Conditions and Controls for Bringing Samples from or Sending it Outside the Country

It is prohibited to take samples of unfertilized or fertilized eggs or frozen sperms that were prepared inside the country to outside the country or to bring these samples into the country if they were prepared outside it, except in accordance with the controls and procedures determined by the executive decree of this Law.

Article (18)

The Centers' Obligations towards Fertilized and Unfertilized Eggs and Sperms

Centers must adhere to the specific controls related to dealing with fertilized or unfertilized eggs and frozen sperms, and provide utmost caution and precaution to preserve them and prevent their use in authorized conditions, or exploitation, replacement or mixing them.

Article (19)

Transfer of fertilized or unfertilized eggs and sperms

Fertilized or unfertilized eggs or frozen sperms that were kept for the purpose of medically assisted reproduction may not be transferred from one center to another except upon the consent of the spouses or concerned parties, as the case may be, and upon the approval of the health authority.

Article (20)

Center Evaluation Criteria

The criteria for evaluating the centers shall be determined by a decision of the Minister after coordinating with other health authorities.

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Article (8)

Terms and Conditions for Applying the Techniques of Medically Assisted Reproduction

Centers shall, when practicing any of the medically assisted reproductive techniques, comply with the following conditions and controls:

1. That the Technique of Medically Assisted Reproduction is the most medically appropriate method of reproduction after it has been established that pregnancy cannot happen by natural contact for a period of not less than a year, unless there is a prior diagnosis of the presence of something that prevents pregnancy through natural contact, then it is not necessary to wait for a year.
2. That the spouses submit an official document certified by the competent authority to prove the continuation of the marital relationship between them.
3. The written consent of the spouses to use the Technique of Medically Assisted Reproduction, provided that this approval is made at the center and in their presence.
4. Submit a certificate from a specialist physician who is specialized in approving that there is no danger to the life of the wife or fetus or the presence of a serious harm to their health within the medically accepted scope.
5. To be implemented by doctors licensed in this field.
6. Giving the spouses a detailed explanation of the Technique of Medically Assisted Reproduction selected for reproduction, the stages of the operation and the negative repercussions or possible complications thereof, in addition to the financial cost and the realistic pregnancy rate of similar cases in the same center.
7. Any other conditions or controls determined by a decision of the Minister after coordination with other health authorities.

Article (9)

Prohibited Practices

Centers are prohibited to do the following while practicing the Technique of Medically Assisted Reproduction:

1. The fertilization procedure of a sperm taken from the husband and an egg taken from a woman who is not his wife, then implanting the fertilized egg in the uterus of his wife.
2. The fertilization procedure of an egg taken from the wife and a sperm taken from a man who is not her husband, then implanting the fertilized egg in the uterus of the wife herself.
3. Performing external fertilization of a sperm taken from the husband and an egg taken from the wife, then implanting the fertilized egg in the uterus of another woman.
4. Performing external fertilization of a sperm taken from a man and an egg taken from a woman, then implanting the fertilized egg in the uterus of another woman.

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5. Performing external fertilization of a sperm taken from the husband and an egg taken from the wife, then implanting the fertilized egg in the womb of another wife of the husband.
6. Any other case determined by a decision of the Cabinet.

In all cases, it is forbidden to perform the fertilization procedure or implantation except between a married couple in an existing marital relationship and in their presence.

Article (10)

Egg Preservation and Fertilization

1. It is permissible to fertilize a number of eggs that are sufficient for implantation more than once, according to the conditions and controls determined by the executive decree of this Law.
2. Fertilized eggs may be preserved so that the number to be implanted will be withdrawn when needed, for a period of five years subject to extension for similar periods based on a written request submitted by the spouses.
3. The centers shall take the maximum possible medical or other measures that prevent the eggs from mixing with others or using them in contravention of the provisions of this Law and its executive decree.
4. When there is no need for the rest of the fertilized eggs or a legal or medical barrier occurs that prevents them from being implanted into the wife, these fertilized eggs are left without medical care until they naturally perish, unless the parties request otherwise.

Article (11)

Duration of Egg and Sperm Preservation

Unfertilized eggs or frozen sperms may be kept for a period of five years, which can be extended for similar periods upon a written request from the concerned parties.

Article (12)

Conditions and Controls for Performing the Techniques of Medically Assisted Reproduction

When performing any of the Techniques of Medically Assisted Reproduction, the controls and conditions specified by the executive decree of this Law and the decisions issued by the Minister must be adhered to, and in particular with regard to the following:

1. The number of implanted fertilized eggs.
2. Preserving the fertilized and unfertilized eggs and frozen sperms for future reproduction. The consent of the spouses to save the frozen fertilized eggs, and the consent of the concerned parties to keep the unfertilized eggs or frozen sperms, and notify the health authority thereof.

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who have been treated at the center or who are still continuing to be treated therein, especially ensuring that it continues providing the necessary health services for them.

Article (32)

Obtaining the necessary licenses

Obtaining the license in accordance with the provisions of this Law and its executive decree shall not exempt from obtaining other licenses decided by the applicable federal and local legislations.

Article (33)

Establishment of a national committee

The Cabinet may establish a specialized national committee responsible for providing recommendations and proposals related to the activity of the centers, and coordinating between health authorities in all matters related thereto, and issuing the decision of its establishment, formation and work system.

Article (34)

The executive decree of this Law

1. The Cabinet, upon the proposal of the Minister, shall issue the executive decree of this Law within six months of the date of its publication.
2. The Minister shall issue any other decisions necessary to implement the provisions of this Law and its executive decree.
- 3.

Article (35)

Repeals

1. Federal Law No. (11) of 2008 concerning the Licensing of Fertilization Centers in the country shall be repealed, and the decisions implementing thereof shall stay in force till issuing the executive decree and the decisions implementing this Law, in a manner that does not conflict with its provisions.
2. Any provision that violates or contradicts the provisions of this Law shall be canceled.

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