

Genetic Health Act

Chapter I General Provisions

- Article 1 This Act is duly enacted to enforce reproductive health, upgrade population quality, protect health of mother and children and bring added happiness to families. Matters inadequately provided for herein are subject to other Act concerned.
- Article 2 The competent authorities are the Department of Health of the Executive Yuan (Hereinafter referred to as the DOH) in the central government level, municipal government in municipal level and county (city) government in county (city) level.
- Article 3 The central level competent authorities, for the purpose of genetic health enforcement and consulting scholars and experts, may establish a Genetic Health Advisory committee to study and review the standards of induced abortion and ligation , its organizational rules will be established by the central level competent.
- The municipal, county (city), for the purpose of genetic health enforcement, may establish Genetic Health Committees inside their health organizations to guide the public in induced abortion and sterilization. The regulations of committee establishment shall be enacted by the municipal, county (city) level competent authorities.
- Article 4 The term “induced abortion” denotes a method to a fetus and its auxiliary items discharged out of the maternal body by means of medical procedure during the period when the fetus is medically confirmed unable to maintain its life outside the maternal body.
- The term “ligation” denotes a method to block or cut oviduct or vas deferens by means of medical procedure without removing the reproductive gland.
- Article 5 The induced abortion or ligation as specified under this Act shall not be conducted unless by a doctor authorized by the central level competent authorities.
- The regulation in such authorization shall be established by the central level competent authorities.

Chapter II Health Protection and Fertility Regulation

Article 6 The competent authorities, when necessary, may enforce public health examination or pre-marital examination.

Such examinations shall include the following examination contents in addition to general health examinations:

1. Examinations related to genetic diseases.
2. Examinations related to infectious diseases.
3. Examinations related to psychiatric diseases.

The criteria for aforementioned examinations shall be determined by the central level competent authorities.

Article 7 The competent authorities shall enforce the following:

1. fertility regulation services and instructions,
2. pregestational, prenatal, perinatal, postnatal health care services and instructions,
3. infants and toddlers health services and parent-child relation education.

Article 8 Use of contraceptive devices and supplies shall be regulated by the central level competent authorities.

Chapter III Induced Abortion and ligation

Article 9 Induced abortion may be conducted for a pregnant woman, subject to her own accord, if she has been diagnosed or proven to meet any one of the following:

1. She or her spouse acquires genetic, infectious or psychiatric disease detrimental to reproductive health.
2. Anyone within the fourth degree of kin relative of herself or her spouse acquires a genetic disease detrimental to reproductive health.
3. By medical consideration, pregnancy or delivery is may cause life threatening risk or detrimental to her physical and mental health.
4. By medical consideration, risk of teratogenesis may present for the fetus.
5. Pregnancy as a result of being raped, lured into sex intercourse or in sex intercourse with a man prohibited to lawfully marry her.
6. Pregnancy or childbirth is likely to affect her mental health or family life.

Induced abortion to an unmarried minor or an woman under guardianship or assistance according to the preceding provisions shall be subject to her statutory agent's or assistant's consent. Induced abortion to an married woman according to paragraph 6 above shall be subject to her husband's consent unless her husband is missing , unconscious or deranged.

For judgement of induced abortion requirements set forth in Section 1, the central level competent authorities, when necessary, may have the Genetic Advisory Committee research and review to establish standard and have them publicly announced.

Article 10 A married man or woman may, on his/her own accord and subject to his/her spouse's consent, receive ligation, provided that ligation may be imposed straight on his/her own accord if anyone of the following conditions founded through diagnosis or certification:

1. She/he or her/his spouse acquires genetic, infectious or psychiatric disease detrimental to reproductive health.
2. Anyone within the fourth degree of kin relative of herself/himself or her/his spouse acquires a genetic disease detrimental to reproductive health.
3. Her or His wife's pregnancy or delivery is endangering the mother's health.

An unmarried man and woman meeting any one under provision above may receive sterilization straight on his/her accord; an unmarried minor or a person under guardianship or assistance shall be subject to consent from his/her statutory agent or assistant before receiving.

The requirement for spouse's consent as set forth in paragraph 1 above may be dispensed with if his/her spouse is missing, where about unknown, becomes unconscious or deranged.

For judgement of sterilization requirements set forth in section 1, the central level competent authorities, when necessary, may have the Genetic Advisory Committee research and review to establish standards and have them publicly announced.

Article 11 When a doctor finds out a genetic, infectious or psychiatric disease detrimental to reproductive health, The patient or his/her statutory agent shall be truly informed and advise him/her to receive medical treatment, provided when the disease is incurable and thus sterilization is considered necessary, she/he

shall be advised to receive ligation.

When a doctor finds an abnormal fetus during prenatal examination, she or her spouse shall be truly informed and advised to receive induced abortion if induced abortion is considered necessary.

Chapter IV Penalty Clause

- Article 12 One other than authorized doctors as specified under Article 5 who practices induced abortion or sterilization shall be subject to fine not less than 10,000 New Taiwan Dollars and not more than 30,000 New Taiwan Dollars.
- Article 13 Person without legal qualification as a physician, performing induced abortion or sterilization operation without authorization shall be punished according to Article 28 of the Physician's Act.
- Article 14 If the fine imposed under this Act is not paid up even after the time limit set after reminding note, the central competent authorities shall refer the case to the court for compulsory execution.

Chapter V Bylaws:

- Article 15 The range of the genetic, infectious or psychiatric disease under this Act shall be determined by the central competent authorities.
- Article 16 Genetic health measures under Article 6, 7, 9, 10 under this Act, the government may reduce, exempt or subsidize the expense so required.
The regulation for expense reduction, exemption or subsidy above shall be proposed by the central level competent authorities and finalized by the Executive Yuan before enforcement.
- Article 17 The Enforcement Rules of the Act shall be determined by the central level competent authorities.
- Article 18 This Act takes effect on January, 1, 1985.
The provision of this law as amended on June 12,2009 shall come into effect as from November 23,2009.