

Maternal Health Act

((Act No. 156 of July 13, 1948))

Chapter I General Rules

(Purpose of This Act)

Article 1 The purpose of this Act is to protect the lives and health of people during maternity by providing for matters concerning Sterilization, Induced Abortion, etc.

(Definitions)

Article 2 (1) The term "Sterilization" as used in this Act means a surgical procedure to remove the ability to breed without removing gonads provided for in Ordinance of the Ministry of Health, Labour and Welfare.

(2) The term "Induced Abortion" in this Act means artificially discharging an unborn child and its appendages out of its mother's body in a period when the unborn child cannot survive outside the mother's body.

Chapter II Sterilization

Article 3 (1) A doctor may perform Sterilization on a person who falls under any of the following items after obtaining consent from said person and said person's spouse (if said person is not legally married, including a person who in practical terms is in a relationship like a marital relationship with said person; the same applies hereinafter) if one exists. However, this does not apply to a minor:

- (i) a person whose pregnancy or delivery may endanger the life; and
- (ii) a person who currently has several children, and whose physical health may be lowered significantly with every delivery.

(2) In the cases listed in the preceding items the doctor may also perform Sterilization on the spouse pursuant to the provisions of each item of the preceding paragraph.

(3) Regarding the consent provided in paragraph (1), the consent of the spouse is not necessary if the spouse is not known or cannot express the spouse's intention.

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Chapter III Maternal Health Protection

(Induced Abortion with Doctor's Approval)

Article 14 (1) A doctor designated by a medical association that is a public interest incorporated association established for the area of a prefecture (hereinafter referred to as a "Designated Doctor") may perform an Induced Abortion on a person who falls under any of the following items after obtaining consent from the relevant person and the spouse:

- (i) a person for whom the continuation of pregnancy or delivery may significantly damage the person's physical health due to bodily or economic reasons; and
- (ii) a person who was raped in a violent or threatening manner or at a time when the person could neither resist nor refuse and becomes pregnant.

(2) As for the consent provided in the preceding paragraph, the consent of the spouse is not necessary if the spouse is not known or cannot express an intention, or if the spouse no longer exists after the pregnancy.

(Practical Guidance on Birth Control)

Article 15 (1) Only a doctor and a person designated by the governor may engage in the business of providing practical guidance on birth control for people using a contraceptive device designated by the Minister of Health, Labour, and Welfare. However, only a doctor may engage in the business of inserting a contraceptive device into the uterine cavity of a person.

(2) The only persons who may be designated by the governor in the preceding

paragraph are a midwife, public health nurse, and nurse who have completed a seminar approved by the governor in accordance with standards provided for by the Minister of Health, Labour and Welfare.

(3) In addition to what is provided for in the preceding two paragraphs, the necessary matters concerning designation or approval by the governor are provided for in a Cabinet Order.

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Chapter VI Notification, Prohibition, and Others

(Notification)

Article 25 When a doctor or a Designated Doctor has performed a Sterilization or an Induced Abortion pursuant to the provisions of Article 3, paragraph (1), or Article 14, paragraph (1), the doctor or Designated Doctor must notify the governor of all the operations performed in the current month and the reasons for them by the 10th day of the following month.

(Notification)

Article 26 If a person on whom Sterilization was performed intends to marry, the person must inform the potential spouse of the fact that the Sterilization

was performed on.

(Confidentiality)

Article 27 A person engaged in clerical work related to the performance of the Sterilization or the Induced Abortion must not leak any confidential information that may become known in the course of business. The same applies even after said person has retired from the business.

(Prohibition)

Article 28 No person may perform operations or X-ray irradiation aimed at removing the ability to reproduce without any reasons other than those provided in the provisions of this Act.

Chapter VII Punishment

(Violation of Article 15, paragraph (1))

Article 29 A person who violates the provisions of Article 15, paragraph (1) is to be sentenced to a fine of not more than 500,000 yen.

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Article 31 Deleted.

(Violation of Article 25)

Article 32 A person who fails to provide a notification or makes a false notification in violation of Article 25 is to be sentenced to a fine of not more than 100,000 yen.

(Violation of Article 27)

Article 33 A person who has leaked confidential information in violation of the provisions of Article 27 without any reason is to be punished by imprisonment with work for not more than six months or a fine of not more than 300,000 yen.

(Violation of Article 28)

Article 34 A person who has violated the provisions of Article 28 is to be punished by imprisonment with work for not more than one year or a fine of not more than 500,000 yen. If this crime caused another person to die, the person who committed the violation is to be punished by imprisonment for not more than three years.

Supplementary Provisions

(Effective Date)

Article 35 This Act comes into effect on the day on which 60 days have elapsed from the day of promulgation.

(Abolition of Relevant Acts)

Article 36 The National Eugenic Act (Act No. 107 of 1940) is terminated.

(Continuation of the Effect of Penal Provisions)

Article 37 Regarding the application of penal provisions to violations that have been conducted before this Act comes into effect, the Act provided in the preceding article remains in effect even after this Act comes into effect.

(Special Provisions on Notification)

Article 38 If a notification pursuant to the provisions of Article 42 of Ordinance of the Ministry of Health, Labour and Welfare of 1946 (the provisions on the notification of stillbirth) is filed with a relevant authority, the provisions of Article 25 is not applied within the scope referred to in said Article.

(Necessary Medicine for Practical Guidance on Birth Control)

Article 39 (1) A person who is designated by the governor pursuant to the provisions of Article 15, paragraph (1) may sell only the medicine required for the birth control and designated by the Minister of Health, Labour and Welfare to a person who receives said person's practical guidance, notwithstanding the provisions of Article 24, paragraph (1) of the Pharmaceutical Affairs Act (Act No. 145 of 1960), only up to July 31, 2015.

(2) The governor may cancel the designation provided in Article 15, paragraph (1), if a person who is designated by the governor pursuant to the provisions of the same paragraph in the same Article falls under any of the following items:

(i) when the provisions of Article 43, paragraph (1) of the Pharmaceutical Act are applied to the medicine designated by the Minister of Health, Labour and Welfare pursuant to the provisions of the preceding paragraph, such medicine that the person sells does not pass the inspection pursuant to the provisions of the same paragraph;

(ii) if the person engages in the business of selling medicine other than the medicine designated by the Minister of Health, Labour and Welfare pursuant to the provisions of the preceding paragraph; and

(iii) in addition to the preceding items, if the person engages in the business of selling medicine to persons other than those who receive practical guidance on birth control.

(3) The notification provided in Article 15, paragraph (1) of the Administrative

Procedures Act (Act No. 88 of 1993) of the disposition pursuant to the provisions of the preceding paragraph must be forwarded to the party concerned no later than one week before the date of a hearing.

(Special Provisions on Medical Associations that Designate Designated Doctors)

Article 40 (1) The public interest incorporated association provided for in Article 14, paragraph (1) includes a general incorporated association that was a special incorporated association at the time of enforcement of the Act to Partially Revise the Maternal Health Act (Act No. 75 of 2011) (referred to as a "specified incorporated association" in the following item) other than a public interest incorporated association and a special incorporated association that is provided for in Article 42, paragraph (1) of the Act Concerning the Arrangement, etc. of Related Acts (Act No. 50 of 2006) Accompanying the Enforcement of the Act Concerning General Incorporated Associations and General Incorporated Foundations and the Act Concerning the Approval, etc. of Public Interest Incorporated Associations and Public Interest Incorporated Foundations (the same applies hereinafter in this item), in addition to what are provided for in Article 283 of the same Act.

(2) If the Minister of Health, Labour and Welfare finds it necessary to request reports from or provide advice or recommendations to a medical association that is a specified incorporated association established for the area of a prefecture concerning the designation performed by said medical association as provided in Article 14, paragraph (1), said minister may do so.