

Act on Assisted Reproductive Technology Offering and the Special Provisions of the Civil Code Related to the Parent-Child Relationship of a Child Born As a Result of the Treatment

(Act No. 76 of December 11, 2020)

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Chapter I General Provisions

(Purpose)

Article 1 In view of the current situation surrounding assisted reproductive technology, this Act clarifies the basic principles on assisted reproductive technology offering, etc., sets forth the responsibilities of the State and medical personnel as well as the measures to be implemented by the State, and establishes special provisions of the Civil Code (Act No. 89 of 1896) regarding the parent-child relationship of a child born as a result of assisted reproductive technology utilizing ova or sperm provided by persons other than those receiving the assisted reproductive technology.

(Definitions)

Article 2 (1) The term "assisted reproductive technology "as used in this Act means the treatment utilizing artificial insemination, in-vitro fertilization, or in-vitro fertilization embryo transfer.

(2) The term "artificial insemination," as used in the preceding paragraph, means to inject sperm which has been provided by a male and treated into a woman's womb, "in-vitro fertilization" means to gather and treat unfertilized eggs from a woman's ovary and fertilize them with sperm which has been provided by a male and treated, and "in-vitro fertilization embryo transfer" means to transfer the embryo generated by the in-vitro fertilization into a woman's uterus.

Chapter II Assisted Reproductive Technology Offering

(Basic Principles)

- Article 3 (1) As infertility treatment, assisted reproductive technology is to be properly conducted by taking into account the mental and physical condition of those who receive it, and careful planning must be conducted to protect the health of the women who would conceive and give birth as a result of the treatment.
- (2) In implementing assisted reproductive technology, necessary and appropriate explanations must be given, and it must be carried out based upon sufficient understanding and clear intentions of the parties involved.
- (3) Regarding the gathering and safekeeping of the sperm and ova utilized in assisted reproductive technology, efforts must be made to ensure the safety of those processes.
- (4) Regarding a child who is born as a result of assisted reproductive technology, due care is to be given that they are born healthy in mind and body and are able to grow up in like manner.

(The Responsibility of the State)

- Article 4 (1) Taking into consideration the basic principles set forth in the preceding Article, the State has the responsibility to formulate and implement a comprehensive policy to ensure appropriate offering of assisted reproductive technology.
- (2) In conducting the policy formulation and implementation referred to in the preceding paragraph, the State must take into consideration the special characteristics of assisted reproductive technology and bioethics, must try to obtain the understanding of the people.

(The Responsibility of Medical Personnel)

- Article 5 Taking into consideration the basic principles set forth in the Article 3, physicians and other medical personnel must make efforts to provide high quality and appropriate assisted reproductive technology.

(Dissemination of Knowledge)

- Article 6 Through public relations and educational activities, the State must endeavor to develop and disseminate accurate information regarding pregnancy, childbirth and infertility treatment.

(Establishment of Consultation System)

- Article 7 The State must endeavor to establish a necessary consultation system in order to be able to respond to various consultation requests regarding assisted reproductive technology, children's growth, etc. from persons considering receiving assisted reproductive technology, those who have already

done so, and those who were born as a result of assisted reproductive technology.

(Legislative Measures)

Article 8 Pursuant to the provisions of this Chapter, the State must take necessary legislative and other measures in order to ensure appropriate offerings, etc. of assisted reproductive technology.

Chapter III Special Provisions of the Civil Code Related to the Parent-Child Relationship of a Child Born As a Result of Assisted Reproduction Technology

(The mother of a child who was born as a result of the mother's use of assisted reproductive technology utilizing ova from another person)

Article 9 If a woman who uses assisted reproductive technology utilizing ova from another person conceives and gives birth to a child, the woman giving birth is the child's mother.

(Ban on Rebutting the Presumption of a Child Born in Wedlock by a Husband Who Has Consented to Assisted Reproductive Technology Using Another Person's Sperm)

Article 10 A husband cannot rebut the presumption of the child born in wedlock conceived by his wife as a result of assisted reproductive technology using the sperm (including the embryo originating from that sperm) of another with the consent of the husband, notwithstanding the provisions of Article 774 of the Civil Code.

Supplementary Provisions

(Effective Date)

Article 1 This Act comes into effect on the day on which three months have elapsed from the date of promulgation. Provided, however, that the provisions of Article 3 come into effect on the day on which one year has elapsed from the date of promulgation

(Transitional Measures)

Article 2 The provisions of Chapter 3 apply to a child who was born as a result of assisted reproductive technology after the date specified in the proviso of the previous Article.

(Review)

Article 3 (1) In order to ensure the appropriate offering, etc. of assisted reproductive technology, the following and other necessary matters will be reviewed in approximately 2 years, and legislative and other necessary measures are to be taken based on the review results.

(i) the ideal regulations concerning assisted reproductive technology and its offering

(ii) the ideal regulations concerning the offering (including what is supplied by medical institutions) of sperm, ova, or embryos utilized in assisted reproductive technology or go-between (including developing a system by which properly to go between each side)

(iii) the the ideal system concerning the preservation, management, and disclosure, etc. of the information related to the persons who have received assisted reproductive technology utilizing the sperm or ova of other persons, the persons who have provided the sperm or ova used in the assisted reproductive technology, and the persons born as a result of the assisted reproductive technology

(2) In conducting the review referenced in the preceding paragraph, a wide-ranging and thorough review is to be conducted by utilizing the joint meeting of the standing committee of both Houses.

(3) Concerning the provisions of this Act, from the standpoint of stably establishing the parent-child relationship of a child born as a result of the said assisted reproductive technology that is to be accepted based on the results of the review referenced in paragraph (1), further review will be conducted including establishment of special provisions of Chapter 3, and based on the results, necessary legislative measures are to be taken.