

Maternal and Infant Health Care Law of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Amended in accordance with the Decision on Amending Certain Laws adopted at the 10th Session of the Standing Committee of the Eleventh National People's Congress on August 27, 2009, and the Decision on Amending the Maternal and Infant Health Care Law of the People's Republic of China and Certain Other Laws adopted at the 29th Session of the Standing Committee of the Twelfth National People's Congress on November 4, 2017

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of safeguarding the health of mothers and infants, and improving the quality of the newborn population.

Article 2 — The State shall develop the undertakings of maternal and infant health care, and shall provide the necessary conditions and material assistance to enable mothers and infants to receive medical health care services.

Article 3 — People's governments at all levels shall exercise leadership over the work of maternal and infant health care. The undertakings of maternal and infant health care shall be incorporated into plans for national economic and social development. The State Council shall formulate plans for the development of maternal and infant health care undertakings.

Article 4 — The health administrative department of the State Council shall be in charge of the work of maternal and infant health care throughout the country, and shall, in accordance with the provisions of the State, administer maternal and infant health care work in a tiered and categorized manner. The health administrative departments of the local people's governments at or above the county level shall be in charge of the work of maternal and infant health care within their respective administrative areas. The relevant departments of the people's governments at or above the county level shall, within the scope of their respective functions and duties, coordinate in the work of maternal and infant health care.

Article 5 — The State shall encourage and support scientific research, education, and publicity in maternal and infant health care, popularize scientific knowledge of maternal and infant health care, and promote advanced technology and successful experience in maternal and infant health care.

Article 6 — Units and individuals that have made outstanding contributions to the undertakings of maternal and infant health care shall be rewarded.

Chapter II — Premarital Health Care

Article 7 — Health care institutions shall provide citizens with premarital health care services. Premarital health care services shall include the following: premarital health guidance, premarital health consultation, and premarital medical examination.

Article 8 — Premarital medical examination shall include examination for the following diseases: serious hereditary diseases; designated infectious diseases; and relevant mental diseases.

Article 9 — Where a person is found upon premarital medical examination to be suffering from a designated infectious disease in the infectious period or a relevant mental disease in the morbid period, the physician shall provide a medical opinion, and the persons intending to marry shall postpone their marriage.

Article 10 — Where a person is found upon premarital medical examination to be suffering from a serious hereditary disease which, in medical opinion, is unsuitable for childbearing, the physician shall explain the situation to both the man and the woman and put forward medical advice; where, with the consent of both the man and the woman and the adoption of long-acting contraception or sterilization measures, marriage does not harm the interests of the State or the public, the persons may marry.

Article 11 — Premarital medical examination shall be conducted by health care institutions which have obtained the corresponding qualifications. No institution or individual may conduct premarital medical examination without authorization.

Article 12 — The State shall implement a system of premarital medical examination. Specific measures shall be formulated by the State Council.

Article 13 — The health administrative departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, on the basis of the actual local conditions, formulate measures for the implementation of premarital health care within their respective administrative areas.

Chapter III — Health Care During Pregnancy and Childbirth

Article 14 — Health care institutions shall provide pregnant and lying-in women with health care services during pregnancy and childbirth, including maternal health care, fetal health care, and neonatal health care.

Article 15 — Health care institutions shall establish a system of maternal and infant health care records, and shall periodically carry out health examinations for pregnant and lying-in women and provide them with guidance on nutrition, hygiene, and the raising of infants.

Article 16 — Where a pregnant woman suffers from a serious disease, is exposed to teratogenic substances, or falls within other circumstances that may endanger the life or health of the mother or may lead to congenital defects in the newborn, the health care institution shall give medical guidance.

Article 17 — Physicians shall, upon prenatal examination, make proper examinations and tests in accordance with the standards of diagnosis; where any abnormality or suspected abnormality is detected, a diagnosis shall be made.

Article 18 — Where a serious hereditary disease, a serious fetal defect, or other circumstances are detected upon prenatal examination that may make the fetus unsuitable for continued gestation, the physician shall explain the situation to the couple and put forward medical advice on terminating the pregnancy.

Article 19 — The termination of pregnancy in accordance with the provisions of this Law shall be carried out with the consent of the person concerned and shall be performed by a health care institution with the corresponding qualifications.

Article 20 — Childbirth shall be attended by a physician or a midwife who has received training and obtained the corresponding qualifications.

Article 21 — The State shall promote inpatient delivery for pregnant and lying-in women, and shall establish a system of graded delivery and a system of referral for the treatment of high-risk pregnant and lying-in women.

Article 22 — Health care institutions shall, in accordance with the provisions of the State, carry out screening and treatment of neonatal diseases.

Article 23 — Health care institutions shall provide guidance on scientific methods of child-rearing and on nutrition and hygiene, and shall disseminate scientific knowledge of child-rearing.

Article 24 — The health administrative departments of the people's governments at or above the county level shall supervise and guide the work of maternal and infant health care, and shall organize the implementation of relevant plans and programs.

Chapter IV — Infant Health Care

Article 25 — Health care institutions shall carry out systematic health care services for infants, including growth and development monitoring, nutrition guidance, immunization, disease prevention and treatment, and the like.

Article 26 — The State shall implement a system of planned immunization for infants, and shall carry out the prevention and treatment of common and frequently occurring diseases among infants.

Article 27 — Health care institutions shall carry out screening and diagnosis of congenital diseases and hereditary diseases among newborns, and shall take measures for early detection, early diagnosis, and early treatment.

Article 28 — The State shall encourage and support the popularization of scientific methods of breast-feeding and child-rearing.

Article 29 — Health care institutions shall provide health care services for infants who are weak, sickly, or otherwise in special circumstances, and shall give guidance on their care.

Chapter V — Technical Appraisal

Article 30 — The State shall implement a system of technical appraisal for maternal and infant health care. Appraisal shall be conducted for matters such as serious hereditary diseases, serious fetal defects, and other major technical issues arising in the course of maternal and infant health care.

Article 31 — A technical appraisal committee for maternal and infant health care shall be established by the health administrative department of the people's government at or above the county level. The committee shall be composed of professionals with corresponding technical qualifications.

Article 32 — Where a person concerned disagrees with a conclusion reached in the course of premarital medical examination, prenatal examination, or diagnosis of a genetic disease, he or she may apply to the technical appraisal committee for maternal and infant health care for appraisal.

Article 33 — The technical appraisal committee for maternal and infant health care shall conduct appraisal independently and impartially, and shall issue a written appraisal conclusion. Where a person concerned disagrees with the appraisal conclusion, he or she may apply for re-appraisal to the technical appraisal committee for maternal and infant health care at the next higher level.

Article 34 — Specific measures for technical appraisal in maternal and infant health care shall be formulated by the health administrative department of the State Council.

Chapter VI — Administration

Article 35 — Health care institutions engaged in the work of maternal and infant health care shall meet the requirements prescribed by the State and shall obtain the corresponding qualifications.

Article 36 — Personnel engaged in maternal and infant health care work, including physicians, midwives, and technical personnel in relevant fields, shall possess the corresponding professional qualifications and shall obtain the corresponding practice certificates in accordance with the provisions of the State.

Article 37 — The health administrative departments of the people's governments at or above the county level shall exercise supervision and administration over the work of maternal and infant health care, and shall establish and improve the relevant rules and systems.

Chapter VII — Legal Liability

Article 38 — Where a unit or individual engages in premarital medical examination or other maternal and infant health care services without authorization in violation of the provisions of this Law, the health administrative department of the people's government at or above the county level shall order it to stop the unlawful activity and may impose a fine.

Article 39 — Where a health care institution or a member of its staff, in violation of the provisions of this Law, causes damage to the health of a mother or an infant or causes other harmful consequences, the unit shall bear liability for compensation in accordance with law; where the circumstances are serious, the relevant qualifications or practice certificates shall be revoked; where a crime is constituted, criminal liability shall be investigated in accordance with law.

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