Population and Family Planning Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of achieving a long-term balanced development of the population, optimizing the population structure, and promoting the coordination of population with economic and social development and with resources and the environment.

Article 2 — The State adopts comprehensive measures to regulate population quantity, improve population quality, promote an optimized population structure, and achieve a moderate fertility level. The State relies on publicity and education, scientific and technological progress, comprehensive services, and the

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establishment and improvement of a reward and social security system to carry out work related to population and family planning.

Article 3 — The work related to population and family planning shall be combined with increasing women's opportunities for education and employment, improving women's health, and raising the status of women.

Article 4 — When promoting population and family planning work, people's governments at all levels and their staff shall strictly administer in accordance with the law, enforce the law in a civil manner, and shall not infringe upon the lawful rights and interests of citizens.

Article 5 — The State Council shall exercise leadership over the work related to population and family planning nationwide. Local people's governments at all levels shall exercise leadership over the work related to population and family planning within their respective administrative areas. The departments of health administration under people's governments at or above the county level shall be responsible for the routine work of population and family planning within their respective administrative areas. Other relevant departments of people's governments at or above the county level shall be responsible for relevant work related to population and family planning within the scope of their respective functions and duties.

Article 6 — Trade unions, communist youth leagues, women's federations, family planning associations, and other social organizations, enterprises, public institutions, and individual citizens shall assist the people's governments in carrying out work related to population and family planning.

Chapter II — Formulation and Implementation of Population Development Plans

Article 7 — The State Council shall formulate a population development plan and incorporate it into the national economic and social development plan. Local people's governments at or above the county level shall, in accordance with the national population development plan and the population development plan of the people's government at the next higher level, and taking into account local actual conditions, formulate their respective administrative areas' population development plans and incorporate them into the national economic and social development plans.

Article 8 — People's governments at or above the county level shall, in accordance with the population development plans, formulate implementation plans for population and family planning and organize their implementation. The departments of health administration of people's governments at or above the county level shall be responsible for routine work related to the implementation of population and family planning implementation plans. The people's governments of townships, nationality townships, and towns and the sub-district offices shall be responsible for the work related to population and family planning within their respective jurisdictions and shall implement the population and family planning implementation plans.

Article 9 — The State shall establish a population monitoring and early warning system, carry out analysis and assessment of population changes, and publish early warning information on population development. People's governments at or above the county level and their relevant departments shall collect information on population and family planning through multiple channels and methods and promote information-sharing mechanisms.

Chapter III — Regulation of Fertility

Article 10 — The State advocates marriage and childbearing at appropriate ages, and advocates eugenics and proper post-natal care. A couple may have three children.

Article 11 — Where the provisions of laws, regulations, or rules require that specific circumstances be met in addition to the conditions provided in Article 10, the provisions of such laws, regulations, or rules shall apply. The specific measures shall be formulated by the people's congresses or their standing committees of provinces, autonomous regions, and municipalities directly under the Central Government.

Article 12 — The people's congresses of provinces, autonomous regions, and municipalities directly under the Central Government and their standing committees may, taking into account factors such as local economic and social development and population development, formulate provisions on financial subsidies, leave, and other incentive measures to encourage childbirth within the limit prescribed by laws, regulations, and rules.

Article 13 — The State shall, where conditions permit, support the establishment of parental leave. The specific measures shall be formulated by the people's congresses or their standing committees of provinces, autonomous regions, and municipalities directly under the Central Government.

Chapter IV — Rewards and Social Security

Article 14 — The State shall, in accordance with relevant provisions, provide rewards to couples who practice family planning in accordance with laws, regulations, and rules. Couples who have children in accordance with laws, regulations, and rules are entitled to the benefits of extended maternity leave and other welfare benefits. The State supports the establishment of parental leave where conditions permit. Couples who have acquired the Honor Certificate for Single-Child Parents shall continue to enjoy the relevant rewards and benefits in accordance with the relevant provisions of laws, regulations, and rules prior to the amendment of this Law. Where couples who have acquired the Honor Certificate for Single-Child Parents have their only child accidentally disabled or deceased, support shall be provided in accordance with relevant provisions. The State shall establish and improve systems of social security for the elderly, including basic old-age insurance, basic medical insurance, maternity insurance, and social welfare, so as to promote family planning.

Article 15 — The State encourages insurance institutions to organize the development of insurance products that are conducive to family planning. Where conditions permit, local people's governments at various levels may, in accordance with the principles of government guidance and farmers' voluntary participation, carry out various forms of old-age security schemes in rural areas.

Article 16 — Local people's governments at various levels shall provide necessary support in terms of funds, technology, and training to rural couples who practice family planning so as to develop the economy and help them become better-off. Couples who practice family planning in poor areas shall be given priority in poverty alleviation loans, work-relief programs, poverty alleviation projects, and social relief in accordance with relevant state provisions.

Chapter V — Family Planning Services

Article 17 — The State shall establish pre-marital health care and maternal health care systems to prevent or reduce the incidence of birth defects and improve the health of newborn babies. People's governments at all levels shall take measures to ensure that citizens have access to family planning technical services and improve their reproductive health.

Article 18 — Local people's governments at various levels shall rationally allocate and comprehensively utilize health resources, establish and improve family planning technical service networks composed of family planning technical service institutions at various levels and medical and health care institutions engaged in family planning technical services, and improve the conditions of facilities to improve service capabilities.

Article 19 — Family planning technical service institutions and medical and health care institutions engaged in family planning technical services shall, within the scope of their respective functions and duties, carry out publicity and education on population and family planning knowledge among people of childbearing age, provide pregnancy check-ups and follow-up visits for women of childbearing age, undertake consultation, guidance, and technical services related to family planning and reproductive health.

Article 20 — Discrimination against or maltreatment of women who give birth to female babies or women who suffer from infertility is prohibited. Discrimination against, maltreatment, or abandonment of female babies is prohibited.

Chapter VI — Legal Liability

Article 21 — Where anyone commits any of the following acts in violation of the provisions of this Law, the department of health administration under the people's government at or above the county level shall order the violator to make corrections and issue a warning, and shall confiscate the illegal gains; where there are no illegal gains or the illegal gains are less than RMB 10,000 yuan, a fine of not less than RMB 10,000 yuan and not more than RMB 30,000 yuan shall be imposed; where the circumstances are serious, the original license-issuing authority shall revoke the practicing license; where a crime is constituted, criminal liability shall be pursued in accordance with the law: (1) illegally performing family planning operations on others; (2) using ultrasonic technology or other technical means to identify the sex of a fetus for others for non-medical purposes, or selectively terminating a pregnancy based on the sex of the fetus; (3) performing a surrogate motherhood procedure for others or engaging in surrogate motherhood activities.

Article 22 — Where a family planning technical service institution or a medical or health care institution engaging in family planning technical services violates the provisions of this Law by performing an operation beyond the approved scope of its practice, the department of health administration under the people's government at or above the county level shall order the violator to make corrections and issue a warning; confiscate the illegal gains; and impose a fine of not less than RMB 5,000 yuan and not more than RMB 30,000 yuan on the institution; where the circumstances are serious, the original license-issuing authority shall revoke the relevant license.

Article 23 — Where a state organ functionary commits any of the following acts in the work related to population and family planning, and a crime is constituted, criminal liability shall be pursued in accordance with the law; where a crime is not constituted, an administrative sanction shall be imposed in accordance with the law, and any illegal gains shall be confiscated: (1) infringing upon the personal rights, property rights, or other lawful rights and interests of citizens; (2) engaging in malpractices for personal gain or abuse of power; (3) soliciting or accepting bribes; (4) withholding, misappropriating, or embezzling funds for population and family planning work or social maintenance fees; (5) making false reports on or concealing statistics on population and family planning; or (6) other acts that violate laws and regulations.

Article 24 — Citizens who, in violation of the provisions of this Law, give birth to children in excess of the number permitted by laws, regulations, or rules shall pay social maintenance fees in accordance with the law. Where citizens fail to pay social maintenance fees as required, a late payment surcharge shall be added in accordance with the relevant state provisions; where the payment is still not made, the administrative department of health that made the decision on collection shall apply to the people's court for compulsory enforcement in accordance with the law.

Article 25 — Whoever refuses or obstructs functionaries of health administrative departments from performing their official duties in accordance with the law shall be criticized and admonished by the health administrative department and stopped from the illegal act; where the act constitutes a violation of public security administration, the public security organ shall impose a public security administrative penalty in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter VII — Supplementary Provisions

Article 26 — The State Council may, in accordance with this Law, formulate administrative regulations and measures for implementation. The people's congresses of provinces, autonomous regions, and municipalities directly under the Central Government and their standing committees may, in accordance with

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this Law and administrative regulations and taking into account local actual conditions, formulate specific measures for implementation of this Law.

Article 27 — This Law shall come into effect on September 1, 2002. The 2021 Amendment shall come into effect on the date of promulgation.

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