

The Body Organ Donation Law
(The Pyidaungsu Hluttaw Law No. 58, 2015)
The 14th Waxing of Tazaungmon, 1377 M.E.
(25 November, 2015)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called the **Body Organ Donation Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Body Organ** means any part of the body organ composed in the human body and its composition;
 - (b) **Deceased Person** means a person who is certified dead by the relevant doctors if totally termination of all brain functions of a person or totally termination of all blood circulation functions due to any cause;
 - (c) **Body Organ Donor** includes the following persons who donate freely the body organ on his volition:
 - (i) a person who is alive, good mental health and has attained the age of 18 and has authorized to remove any of his body organ for enabling to transplant it to the body of other person;
 - (ii) a person who has given prior consent to remove any of his body organ since he is alive for enabling to use after his death as may be necessary;
 - (iii) a surviving wife, husband, son or daughter, parent, brothers and sisters, any relatives who authorize on behalf of them if there is no such persons who authorize to remove and use, as may be necessary, any of the body organ of a deceased person who has not given prior consent under sub-section (2);

- (d) **Quality Control** means inspection, in accord with the stipulations, whether or not there is a quality which can be transplanted the body organ of the body organ donor;
- (e) **Receiving Unit** means the unit which is receiving, storage and issuing after inspecting the quality of the body organs of the body organ donor in accord with the stipulations;
- (f) **Storage** means maintenance by the receiving unit, in accord with the stipulations, for ready when it is needed to transplant or educate or do research after the removal of the body organ of the body organ donor;
- (g) **Issue** means issue of the stored body organ by the receiving unit in accord with the stipulations to transplant or educate or do research;
- (h) **Transplant** means a cure by operation or any other means to transplant the body organ from the body organ donor into the lost and damaged body organ of the loser of any body organ by any cause;
- (i) **Recognition Card** means the recognition certificate relating to the body organ donation issued by the receiving unit to the body organ donor;
- (j) **Person who is Authorized to Remove the Body Organ** means a person conferred the power by the Ministry of Health to remove the body organ from the body organ donor;
- (k) **Removal of the Body Organ** means removing the body organ by the person who is authorized to remove in accord with the stipulations;
- (l) **Committee** means the Supervisory Committee relating to Donation of Body Organ formed under Section 4 of this Law.

Chapter II

Objectives

3. The objectives of this Law are as follows:

- (a) to enable saving the life of the person who is required to undergo body organ transplant by application of body organ transplant extensively;
- (b) to cause rehabilitation of persons with disabilities due to disfunctioning of body organ through body organ transplant;

- (c) to enable carrying out research and educational measures related to body organ transplant;
- (d) to enable increasing the number of body organ donors in the public;
- (e) to cooperate and obtain assistance from government departments, and organizations, international organizations, local and international non-governmental organizations, companies and individuals in body organ transplant.

Chapter III

Formation of the Committee and Functions and Duties of Such Committee

4. (a) The Union Government shall form the Supervisory Committee relating to Donation of Body Organ as follows:

(i)	Union Minister, Ministry of Health	Chairman
(ii)	Head of the relevant Government Departments, Organizations and 5 representatives	Member
(iii)	17 Appropriate professional personnel and experts	Member
(iv)	A person assigned duty by the Chairman	Secretary
- (b) The suitable persons among the members, if necessary, may be determined and assigned duty as the vice-chairman and joint-secretary, in forming under sub-section (a).
5. The functions and duties of the Committee are as follows:
 - (a) laying down the policies for enabling to implement effectively and successfully the work of donation of body organ;
 - (b) laying down and guiding the educative programmes in order to enhance the number of body organ donors;
 - (c) supervising to comply in making quality control, removal, storage and issuance of body organ;

- (d) drawing the plans for enabling to enhance the conducting research and enabling to educate the modern technology for improving technology of transplant, and guiding and supervising to implement in accord with such plan;
- (e) communicating and coordinating with the international organizations and technicians for enabling to nurture experts and technicians in respect of transplant and research measures;
- (f) guiding and supervising the functions relating to donation of body organ;
- (g) stipulating regulations, terms and conditions relating to exporting and importing body organs;
- (h) allowing and supervision of obtaining assistance from the government departments, government organizations, international organizations, local and international non-governmental organizations, individuals and companies, and accepting donation and equipment, maintaining systematically, allocating and permitting use of them;
- (i) instructing the relevant unit for setting up the receiving unit by selecting the Region or State, Union Territory and Self-Administered Division or Self-Administered Zones needed to be set up the receiving unit;
- (j) forming other technical working committee as may be necessary other than the specified quality control board to form under this Law and determining the functions and duties thereof.

Chapter IV

Donation of Body Organ

6. The body organ donor may, after communicating to the relevant receiving unit, donate it.
7. If it is known that the deceased is the donor of body organ under clause (2) of sub-section (c) of Section 2, the responsible person of the relevant hospital or clinic or wife, husband, son or daughter, parent or brother, sister of the deceased or one of the relatives shall inform the nearest receiving unit immediately.

8. The body organ donor shall have the right to, after surrendering the issued recognition card, inform the relevant receiving unit to cancel the register of the body organ donation. If so informing, the name of the body organ donor shall be cancelled from the register.
9. The receiving unit shall comply with the relevant rule in respect of receiving the body organ.

Chapter V

Removal of the Body Organ

10. A person who is authorized to remove the body organ:
 - (a) has the right to remove the donated body organ by the body organ donor;
 - (b) has the right to request from the surviving wife, husband, son or daughter, parent, brother, sister or one of the relatives according to priority to remove the body organ which is completed the specified quality from the deceased while conducting a post-mortem examination by the forensic surgeon due to any crime if necessary;
 - (c) the removed body organ under sub-section (a) shall transfer to the relevant receiving unit systematically.
11. The forensic surgeon may refuse to give the body organ requested by a person who is authorized to remove the body organ under sub-section (b) of Section 10 if it is any of the following case:
 - (a) writing in a letter of having no desire to donate his body organ by the deceased before his death;
 - (b) ongoing the post-mortem examination due to the criminal case;
 - (c) objection by the surviving wife, husband, son or daughter, parent, brother or sister or one of the relatives.

Chapter VI

Quality Control, Storage and Issuing

12. The Committee shall, after forming the Quality Control Board of Body Organ with the suitable experts, determine the duties and powers thereof.

13. In transplanting the body organ which is removed from the body organ donor under clause (2) of sub-section (c) of Section 2 by a person who is authorized to remove it, the quality control board shall examine whether or not it is in conformity with the stipulations and send to the relevant receiving unit for storing the qualified body organs.
14. The receiving unit shall store the body organs that have been received to be stored in accord with the stipulations.
15. The receiving unit shall, when the relevant responsible person requests the body organs in accord with the prescribed manner if it is necessary to transplant, scrutinize and issue the necessary body organs.
16. The receiving unit shall issue the body organs which are unable to use in the transplanting for educational purpose or research in accord with the prescribed manner.

Chapter VII

Prohibitions

17. No one shall remove, transfer, sell or buy the body organ for any other reason other than conformity with the terms and conditions stipulated by the Committee.
18. No one shall cause to donate the body organ by inducement, deceiving, persuading or incitement dishonestly to donate the body organ.
19. No one shall do removing any body organ from a person who has no desire to donate the body organ by threatening to remove, coercion or undue influence.
20. No one shall remove, persuade to remove, incite any other body organ without the agreement of the donor except the donated body organ.
21. No one shall add, amend or cancel dishonestly the statements written in the body organ donor's register.
22. No one shall abet to commit any prohibition from Section 17 to Section 21.

Chapter VIII

Offences and Penalties

23. Whoever violates the prohibition in Section 17 shall, on conviction, be punished with imprisonment for a term which may extend from a minimum of one year to a maximum of three years, and shall also be punished with fine.
24. Whoever violates any prohibition in Sections 18, 19 and 20 shall, on conviction, be punished with imprisonment for a term which may extend from a minimum of six months to a maximum of three years, and shall also be punished with fine.
25. Whoever violates the prohibition in Section 21 shall, on conviction, be punished with imprisonment for a term not exceeding two years, or with fine not exceeding one hundred thousand kyats.
26. Whoever violates any prohibition in Section 22 shall, on conviction, be punished with imprisonment for a term not exceeding three years, or with fine not exceeding two hundred thousand kyats.

Chapter IX

Miscellaneous

27. With respect to donation of the eye, which is a part of the body organ, it shall be complied with the provisions in the Eye Donation Law and with respect to donation of the blood, it shall be complied with the provisions contained in the Blood and Blood Product Law.
28. The Ministry of Health:
 - (a) shall bear the specified emoluments and the expenditures of the Committee for the members of committee who are non-government service personnel;
 - (b) shall undertake the office works of the Committee.
29. The responsible persons who are carried out in good faith under the provisions of this Law shall not have the right to be sued by the criminal action or civil action.
30. For the purpose of implementation of the provisions in this Law:
 - (a) the Ministry of Health may issue rules, regulations and bye-laws, if necessary, with the approval of the Union Government;

(b) the Committee and the Ministry of Health may issue necessary notifications, orders, directives and procedures.

31. The Body Organ Donation Law (The State Peace and Development Council Law No.1/2004) is hereby repealed by this Law.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

Sd/ Thein Sein

President

The Republic of the Union of Myanmar