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No. 44 of 1999

**Fifth Session Fifth Parliament Republic of Trinidad
and Tobago**

SENATE

BILL

**AN ACT respecting human reproductive technologies
and commercial transactions relating to human
reproduction.**

THE HUMAN REPRODUCTIVE AND GENETIC
TECHNOLOGIES (NO. 2) BILL, 1999

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Bill seeks to restrict the use of new human reproductive technologies and to prohibit certain commercial transactions in the field of human reproduction.

Clause 3 would prohibit—

- (a) the cloning of human beings;
- (b) the cross-breeding of humans and animals;
- (c) the implantation of human embryos in animals and *vice versa*;
- (d) genetic alterations of human ova, sperm, zygotes and embryos which are transmissible to subsequent generations;
- (e) the retrieval of ova or sperm from foetuses or cadavers for reproductivity purposes;
- (f) medical procedures designed to increase the probability that an unborn child would be of a particular sex;
- (g) diagnostic procedures, other than ultrasonography, to determine the sex of an unborn child;
- (h) the maintenance of an embryo outside the human body;
- (i) the fertilisation of ova outside the human body for purposes of research; and
- (j) the implantation in a woman of an ovum of another woman or of a zygote or embryo produced from the ovum of another woman.

This clause would also prohibit the making of an offer to carry out, and the offering of consideration to a person to carry out, any of the above-mentioned procedure.

Clause 4 would prohibit persons from acting as surrogate mothers and from engaging in commercial transactions in relation to surrogate mothers.

Clause 5 would prohibit the sale, purchase, barter, exchange, and offers to sell, purchase, barter or exchange, any ovum, sperm, zygote, embryo or foetus. This prohibition would not apply, however, to the reimbursement of expenses incurred in the collection or storage of ova or sperm. However since the reimbursement of expenses incurred by the donor would be tantamount to a sale, such reimbursement is also prohibited.

Clause 6 would prohibit the use of ova or sperm for research or reproductive purposes without the consent of their donors. This prohibition would not apply, however, to the use of sperm for the purposes of identification or prosecution in relation to a criminal offence.

Clause 7 would make the contravention of any provision of clauses 3 to 6 an offence punishable on summary conviction by a fine of one hundred thousand dollars and four years' imprisonment or on indictment to a fine of five hundred thousand dollars and ten years' imprisonment.

BILL

AN ACT respecting human reproductive technologies
and commercial transactions relating to human
reproduction.

[, 1999]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Human Reproductive Short title
and Genetic Technologies Act, 1999.

Interpretation

2. In this Act—

“donor” in relation to ova or sperm, means the person who produces the ova or sperm, whether or not for purposes of donation;

“embryo” means a human organism during the period of its development beginning on the fifteenth day and ending on the fifty-sixth day following fertilisation;

“foetus” means a human organism during the period of its development beginning on the fifteenth day and ending on the fifty-sixth day following fertilisation;

“Minister” means the Minister to whom the subject matter of health is assigned;

“ovum” means a human ovum;

“sperm” means a human sperm;

“zygote” means a human organism during the first fourteen days of its development following fertilisation, excluding any time spent in a frozen state.

Prohibited procedures

3. (1) No person shall knowingly—

(a) manipulate an ovum, zygote or embryo for the purpose of producing a zygote or embryo that contains the same genetic information as a living or deceased human being or a zygote, embryo or foetus, or implant in a woman a zygote or embryo so produced;

(b) cause the fertilisation of human ovum by sperm of an animal or the fertilisation of an animal ovum by human sperm, for the purpose of producing a zygote that is capable of differentiation;

(c) fuse human and animal zygotes or embryos;

- (d) implant a human embryo in an animal or an animal embryo in a woman;
- (e) alter the genetic structure of an ovum, sperm, zygote or embryo, if the altered structure is capable of transmission to a subsequent generation;
- (f) retrieve an ovum or sperm from a foetus or cadaver with the intention—
 - (i) that the ovum mature outside the human body, be fertilised or be implanted in a woman; or
 - (ii) that the sperm be used to fertilise an ovum;
- (g) cause an ovum or sperm retrieved from a foetus or cadaver to mature outside the human body; or—
 - (i) cause the fertilisation of such an ovum, or fertilisation of an ovum by such sperm; or
 - (ii) implant in a woman such an ovum, or ovum fertilised by such sperm;
- (h) use any medical procedure for the purpose of ensuring, or increasing the probability, that a zygote or embryo will be of a particular sex, except for reasons related to the health of the zygote or embryo;
- (i) maintain an embryo outside the human body;
- (j) cause the fertilisation of an ovum outside the human body for the purpose of research; or
- (k) implant in a woman an ovum of another woman or a zygote or embryo produced from the ovum of another woman.

(2) No person shall offer to carry out any procedure prohibited by subsection (1).

(3) No person shall offer consideration to another person to carry out any procedure prohibited by subsection (1).

Surrogate mothers

4. (1) No person shall act as a surrogate mother.

(2) No person shall offer consideration to a woman to become a surrogate mother.

(3) No person shall give or offer consideration to another person to obtain the services of a surrogate mother.

(4) No person shall arrange or offer to arrange the services of a surrogate mother.

(5) For the purposes of this section, a surrogate mother is a woman who carries a zygote, embryo or foetus, conceived from an ovum or sperm provided by a donor, with the intention of surrendering the child after birth.

Purchase and sale

5. (1) No person shall sell, purchase, barter or exchange, or offer to sell, purchase, barter or exchange, any ovum, sperm, zygote, embryo or foetus.

(2) Subsection (1), does not apply in respect of the reimbursement of expenses incurred in the collection or storage of ova or sperm, except any such expenses incurred by their donor.

Consent

6. (1) No person shall use any ovum for the purpose of research or fertilisation and re-implantation in the donor of the ovum, unless the donor has consented to its use for that purpose.

(2) No person shall use any sperm for the purpose of research, fertilisation of an ovum or insemination of a woman unless the donor of the sperm, the donor of the ovum and the woman, as the case may require, have consented to the use of the sperm for that purpose.

No. 44 of 1999

FIFTH SESSION

FIFTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT respecting human reproductive
technologies and commercial transac-
tions relating to human reproduction.

Received and read the

First time.....

Second time.....

Third time.....
