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Health Care (Revised in 2017)

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定》第一次修正 根据2017年
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第一章 总 则

Chapter I General Provisions

第一条 为了保障母亲和婴儿健康，提高出生人口素质，根据宪法，制定本法。

Article 1 This Law is formulated in accordance with the Constitution with a view to ensuring the health of mothers and infants and improving the quality of the newborn population.

第二条 国家发展母婴保健事业，提供必要条件和物质帮助，使母亲和婴儿获得医疗保健服务。

Article 2 The State shall develop the maternal and infant health care undertakings and provide necessary conditions and material aids so as to ensure that mothers and infants receive medical and health care services.

国家对边远贫困地区的母婴保健事业给予扶持。

The State shall support and assist the maternal and infant health care undertakings in outlying and poverty-stricken areas.

第三条 各级人民政府领导母婴保健工作。

Article 3 People's governments at various levels shall exercise leadership in the work of maternal and infant health care.

母婴保健事业应当纳入国民经济和社会发展规划。

The undertakings of maternal and infant health care shall be included in the plans for national economic and social development.

第四条 国务院卫生行政部门主管全国母婴保健工作，根据不同地区情况提出分级分类指导原则，并对全国母婴保健工作实施监督管理。

Article 4 The administrative department of public health under the State Council shall be in charge of the work of maternal and infant health care throughout the country, put forth the guiding principles for the work in different areas and at different administrative levels in light of their specific conditions, and exercise supervision and management of the nationwide work of maternal and infant health care.

国务院其他有关部门在各自职责范围内，配合卫生行政部门做好母婴保健工作。

Other relevant departments under the State Council shall, within the scope of their respective functions and duties, cooperate with the administrative department of public health to make a success of the work of maternal and infant health care.

第五条 国家鼓励、支持母婴保健领域的教育和科学研究，推广先进、实用的母婴保健技术，普及母婴保健科学知识。

Article 5 The State shall encourage and support education and scientific research in the field of maternal and infant health care, popularize the advanced and practical technique for maternal and infant health care and disseminate the scientific knowledge in this field.

第六条 对在母婴保健工作中做出显著成绩和在母婴保健科学研究中取得显著成果的组织和个人，应当给予奖励。

Article 6 Awards shall be granted to organizations and individuals that have made remarkable achievements in the work of maternal and infant health care or achieved significant results in scientific research of maternal and infant health care.

第二章 婚前保健

Chapter II Pre-marital Health Care

第七条 医疗保健机构应当为公民提供婚前保健服务。

Article 7 Medical and health institutions shall provide citizens with pre-marital healthcare services.

婚前保健服务包括下列内容:

Pre-marital healthcare services shall include the following:

(一) 婚前卫生指导:关于性卫生知识、生育知识和遗传病知识的教育;

1. pre-marital health instruction: education on sex, human reproduction and genetic diseases;

(二) 婚前卫生咨询:对有关婚配、生育保健等问题提供医学意见;

2. pre-marital health consultation: medical advice on matters relating to marriage and child-bearing, etc.; and

(三) 婚前医学检查:对准备结婚的男女双方可能患影响结婚和生育的疾病进行医学检查。

3. pre-marital medical examination: medical examination conducted for both the male and female planning to be married to see whether they suffer from any disease that may have an adverse effect on marriage and child-bearing.

第八条 婚前医学检查包括对下列疾病的检查:

Article 8 The pre-marital medical examination includes the examination of the following diseases:

(一) 严重遗传性疾病;

1. Serious hereditary diseases;

(二) 指定传染病;

2. Designated infectious diseases; and

(三) 有关精神病。

3. The relevant mental diseases.

经婚前医学检查,医疗保健机构应当出具婚前医学检查证明。

The medical care institutions shall issue pre-marital medical examination certificates after the pre-marital medical examination.

第九条 经婚前医学检查,对患指定传染病在传染期内或者有关精神病在发病期内的,医师应当提出医学意见;准备结婚的男女双方应当暂缓结婚。

Article 9 Physicians shall, after pre-marital medical examination, give medical advice to those who are in the infective period of any designated infectious disease or who are in the morbid period of any relevant mental disease; both the male and female planning to be married shall postpone their marriage for the time being.

第十条 经婚前医学检查,对诊断患医学上认为不宜生育的严重遗传性疾病的,医师应当向男女双方说明情况,提出医学意见;经男女双方同意,采取长效避孕措施或者施行结扎手术后不生育的,可以结婚。但《中华人民共和国婚姻法》规定禁止结婚的除外。

Article 10 After pre-marital medical examination, physicians shall, in respect of the male or female who has been diagnosed with certain genetic disease of a serious nature which is considered to be inappropriate for child-bearing from a medical point of view, explain the situations and give medical advice to both the male and the female; those who, with the consent of both the male and the female, after taking long-term contraceptive measures or performance of ligation operations, are unable to bear children may get married. However, the

circumstances under which marriage may not be contracted under the Marriage Law of the People's Republic of China shall be excepted.

第十一条 接受婚前医学检查的人员对检查结果持有异议的，可以申请医学技术鉴定，取得医学鉴定证明。

Article 11 Those who have received pre-marital medical examination hold dissenting views on the results of the medical examination may apply for a medical technical appraisal and obtain a certificate of medical appraisal.

第十二条 男女双方在结婚登记时，应当持有婚前医学检查证明或者医学鉴定证明。

Article 12 A man and a woman shall hold their pre-marital medical examination certificates or medical appraisal certificates at the time of their marriage registration.

第十三条 省、自治区、直辖市人民政府根据本地区的实际情况，制定婚前医学检查制度实施办法。

Article 13 The people's governments of provinces, autonomous regions or municipalities directly under the Central Government shall, on the basis of the actual conditions of their respective areas, formulate measures for implementing the pre-marital medical examination system.

省、自治区、直辖市人民政府对婚前医学检查应当规定合理的收费标准，对边远贫困地区或者交费确有困难的人员应当给予减免。

The people's governments of provinces, autonomous regions or municipalities directly under the Central Government shall fix reasonable rates of charges for pre-marital medical examination. Such charges may be reduced or exempted for people who live in outlying and poverty-stricken areas or people who have true difficulties to pay.

第三章 孕产期保健

Chapter III Health Care During the Pregnant and Perinatal Period

第十四条 医疗保健机构应当为育龄妇女和孕产妇提供孕产期保健服务。

Article 14 Medical and health institutions shall provide healthcare services to women in their child-bearing age or women during the pregnant and perinatal period.

孕产期保健服务包括下列内容：

Healthcare services during the pregnant and perinatal period shall include the following:

(一) 母婴保健指导:对孕育健康后代以及严重遗传性疾病和碘缺乏病等地方病的发病原因、治疗和预防方法提供医学意见；

1. instruction on maternal and infant health care: medical advice on breeding healthy offspring and on the pathogenic factors, treatment and prevention of serious genetic diseases and endemic diseases such as the iodine deficiency syndrome;

(二) 孕妇、产妇保健:为孕妇、产妇提供卫生、营养、心理等方面的咨询和指导以及产前定期检查等医疗保健服务；

2. healthcare for pregnant women and lying-in women: consultation and instruction on hygiene, nutrition and psychology, etc. and medical healthcare services such as regular prenatal physical check-up;

3. health care for the fetus: monitoring care, consultancy and medical advice for the growth of the fetus; and

(三) 胎儿保健:为胎儿生

4. healthcare for newborn babies: medical and healthcare

长发育进行监护，提供咨询和医学指导；

（四）新生儿保健:为新生儿生长发育、哺乳和护理提供医疗保健服务。

第十五条 对患严重疾病或者接触致畸物质，妊娠可能危及孕妇生命安全或者可能严重影响孕妇健康和胎儿正常发育的，医疗保健机构应当予以医学指导。

第十六条 医师发现或者怀疑患严重遗传性疾病的育龄夫妻，应当提出医学意见。育龄夫妻应当根据医师的医学意见采取相应的措施。

第十七条 经产前检查，医师发现或者怀疑胎儿异常的，应当对孕妇进行产前诊断。

第十八条 经产前诊断，有下列情形之一的，医师应当向夫妻双方说明情况，并提出终止妊娠的医学意见：

（一）胎儿患严重遗传性疾病的；

（二）胎儿有严重缺陷的；

（三）因患严重疾病，继续妊娠可能危及孕妇生命安全或者严重危害孕妇健康的。

第十九条 依照本法规定施行终止妊娠或者结扎手术，应当经本人同意，并签署意见。本人无行为能力的，应当经其监护人同意，并签署意见。

依照本法规定施行终止妊娠或者结扎手术的，接受免费

services for the growth, feeding and nursing of newborn babies.

Article 15 Medical and health institutions shall give medical advice to the pregnant women who are suffering from serious illness or are exposed to teratogenic substances, if their gestation may jeopardize the safety of their lives, or seriously affect their health or the normal development of the fetus.

Article 16 If a physician detects or suspects that a married couple in their child-bearing age suffer from genetic disease of a serious nature, the physician shall give them medical advice, according to which the said couple shall take corresponding measures.

Article 17 After antenatal examination, if a physician detects or suspects an abnormality with the fetus, he shall make pre-natal diagnosis for the pregnant woman.

Article 18 If one of the following cases is detected in the pre-natal diagnosis, the physician shall explain the situations to the married couple and give them medical advice on a termination of gestation:

1. The fetus is suffering from a genetic disease of a serious nature;

2. The fetus is with a defect of a serious nature; or

3. Continued gestation may jeopardize the safety of life of the pregnant woman or seriously impair her health, due to the serious disease she suffers from.

Article 19 Termination of gestation or performance of ligation operations practised in accordance with the provisions of this Law shall be subject to the consent and signing of the person per se. If the person per se has no capacity for civil conduct, it shall be subject to the consent and signing of the guardian of the person.

Whoever is to terminate gestation or receive ligation operations under this Law shall receive such services free of

服务。

charge.

第二十条 生育过严重缺陷患儿的妇女再次妊娠前，夫妻双方应当到县级以上医疗保健机构接受医学检查。

Article 20 In respect of a woman who has given birth to an infant with a serious defect, prior to her second gestation, both the husband and the wife shall receive medical examination in a medical and health institution at or above the county level.

第二十一条 医师和助产人员应当严格遵守有关操作规程，提高助产技术和服务质量，预防和减少产伤。

Article 21 Physicians and midwives shall strictly observe relevant operational procedures, improve the skills of midwifery and the quality of services so as to prevent or reduce maternal injuries.

第二十二条 不能住院分娩的孕妇应当由经过培训、具备相应接生能力的接生人员实行消毒接生。

Article 22 Pregnant women who cannot be hospitalized for delivery shall receive sterilized midwifery by midwives who have acquired the capability to deliver babies through training.

第二十三条 医疗保健机构和从事家庭接生的人员按照国务院卫生行政部门的规定，出具统一制发的新生儿出生医学证明；有产妇和婴儿死亡以及新生儿出生缺陷情况的，应当向卫生行政部门报告。

Article 23 Medical and health institutions and midwives engaged in home delivery shall, as prescribed by the administrative department of public health under the State Council, issue uniformly prepared medical certificates for childbirths, and report to the administrative department of public health, if a lying-in woman or an infant dies or a defective baby is born.

第二十四条 医疗保健机构为产妇提供科学育儿、合理营养和母乳喂养的指导。

Article 24 Medical and health institutions shall provide lying-in women with guidance as to the scientific way of rearing babies, rational nutrition and breastfeeding.

医疗保健机构对婴儿进行体格检查和预防接种，逐步开展新生儿疾病筛查、婴儿多发病和常见病防治等医疗保健服务。

Medical and health institutions shall give physical check-up and preventive inoculation to infants, and gradually develop medical and healthcare services such as the screening examination of diseases of newborn babies, the prevention and control of frequently occurring and commonly-seen diseases among infants.

第四章 技术鉴定

Chapter IV Technical Appraisal

第二十五条 县级以上地方人民政府可以设立医学技术鉴定组织，负责对婚前医学检查、遗传病诊断和产前诊断结果有异议的进行医学技术鉴定。

Article 25 The local people's governments at or above the county level may establish institutions for medical technical appraisal which shall be responsible for making medical technical appraisal when dissenting views arise on the results of pre-marital medical examination, genetic diseases diagnosis or prenatal diagnosis.

第二十六条 从事医学技

Article 26 Personnel engaged in medical technical

术鉴定的人员，必须具有临床经验和医学遗传学知识，并具有主治医师以上的专业技术职务。

医学技术鉴定组织的组成人员，由卫生行政部门提名，同级人民政府聘任。

第二十七条 医学技术鉴定实行回避制度。凡与当事人有利害关系，可能影响公正鉴定的人员，应当回避。

第五章 行政管理

第二十八条 各级人民政府应当采取措施，加强母婴保健工作，提高医疗保健服务水平，积极防治由环境因素所致严重危害母亲和婴儿健康的地区性高发性疾病，促进母婴保健事业的发展。

第二十九条 县级以上地方人民政府卫生行政部门管理本行政区域内的母婴保健工作。

第三十条省、自治区、直辖市人民政府卫生行政部门指定的医疗保健机构负责本行政区域内的母婴保健监测和技术指导。

第三十一条 医疗保健机构按照国务院卫生行政部门的规定，负责其职责范围内的母婴保健工作，建立医疗保健工作规范，提高医学技术水平，采取各种措施方便人民群众，做好母婴保健服务工作。

appraisal must have clinical experience, medical genetic knowledge and the professional title of physician-in-charge or above.

Component members of the medical technical appraisal institutions shall be nominated by the administrative departments of public health and engaged by the people's governments at the corresponding levels.

Article 27 The challenge system shall be instituted in making medical technical appraisal. Any person who has an interest in the party concerned, which may affect the impartiality of the appraisal, shall withdraw.

Chapter V Administrative Management

Article 28 People's governments at various levels shall take measures to strengthen the work of maternal and infant health care, to improve medical and healthcare services, to work hard at preventing and controlling the frequently-occurring endemic diseases, caused by environmental factors, which are seriously jeopardizing the health of mothers and infants, thereby promoting the development of undertakings of maternal and infant health care.

Article 29 Administrative departments of public health under the people's governments at or above the county level shall administer the work of maternal and infant health care within their respective administrative areas.

Article 30 Medical and health institutions designated by the administrative departments of public health under the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government shall be responsible for monitoring, and providing technical guidance to, the maternal and infant health care within their respective administrative areas.

Article 31 Medical and health institutions shall, in accordance with the provisions of the administrative department of public health under the State Council, take the responsibility for the work of maternal and infant health care within the scope of their functions and duties, establish rules and regulations for medical and health care services, raise medical and technological level, and take measures for the convenience of

the people so as to provide better services in maternal and infant health care.

第三十二条 医疗机构依照本法规定开展婚前医学检查、遗传病诊断、产前诊断以及施行结扎手术和终止妊娠手术的，必须符合国务院卫生行政部门规定的条件和技术标准，并经县级以上地方人民政府卫生行政部门许可。

严禁采用技术手段对胎儿进行性别鉴定，但医学上确有需要的除外。

第三十三条 从事本法规定的遗传病诊断、产前诊断的人员，必须经过省、自治区、直辖市人民政府卫生行政部门的考核，并取得相应的合格证书。

从事本法规定的婚前医学检查、施行结扎手术和终止妊娠手术的人员，必须经过县级以上地方人民政府卫生行政部门的考核，并取得相应的合格证书。

第三十四条 从事母婴保健工作的人员应当严格遵守职业道德，为当事人保守秘密。

第六章 法律责任

第三十五条 未取得国家颁发的有关合格证书的，有下列行为之一，县级以上地方人民政府卫生行政部门应当予以制止，并可以根据情节给予警告或者处以罚款：

（一）从事婚前医学检查、遗传病诊断、产前诊断或

Article 32 Medical and health institutions that carry out pre-marital medical examination, genetic disease diagnosis and pre-natal diagnosis, ligation operations and operations for termination of gestation in accordance with the provisions of this Law must meet the requirements and technical standards set by the administrative department of public health under the State Council, and shall obtain the permission of the administrative departments of public health under the local people's governments at or above the county level.

Sex identification of the fetus by technical means shall be strictly forbidden, except that it is positively necessitated on medical grounds.

Article 33 Personnel engaged in making genetic disease diagnosis or pre-natal diagnosis as provided by this Law must pass the examination of the administrative department of public health under the people's government of the province, autonomous region or municipality directly under the Central Government, and obtain a corresponding qualification certificate.

Personnel engaged in making pre-marital medical examination, performing ligation operations or operations for termination of gestation as provided by this Law must pass the examination of the administrative department of public health under the people's government at or above the county level, and obtain a corresponding qualification certificate.

Article 34 Personnel engaged in the work of maternal and infant health care shall strictly abide by the professional ethics and keep secrets for the parties concerned.

Chapter VI Legal Liability

Article 35 Where anyone who has not obtained a relevant qualification certificate issued by the State commits any of the following acts, the administrative department of public health under the local people's government at or above the county level shall stop such act and give a warning to or impose a fine upon him in light of the circumstances:

1. to engage in pre-marital medical examination, genetic disease diagnosis, pre-natal diagnosis or medical technical

者医学技术鉴定的;

(二) 施行终止妊娠手术的;

(三) 出具本法规定的有关医学证明的。

前款第(三)项出具的有关医学证明无效。

第三十六条 未取得国家颁发的有关合格证书,施行终止妊娠手术或者采取其他方法终止妊娠,致人死亡、残疾、丧失或者基本丧失劳动能力的,依照刑法有关规定追究刑事责任。

第三十七条 从事母婴保健工作的人员违反本法规定,出具有关虚假医学证明或者进行胎儿性别鉴定的,由医疗保健机构或者卫生行政部门根据情节给予行政处分;情节严重的,依法取消执业资格。

第七章 附 则

第三十八条 本法下列用语的含义:

指定传染病,是指《中华人民共和国传染病防治法》中规定的艾滋病、淋病、梅毒、麻疯病以及医学上认为影响结婚和生育的其他传染病。

严重遗传性疾病,是指由于遗传因素先天形成,患者全部或者部分丧失自主生活能力,后代再现风险高,医学上认为不宜生育的遗传性疾病。

有关精神病,是指精神分裂症、躁狂抑郁型精神病以及其他重型精神病。

产前诊断,是指对胎儿进行先天性缺陷和遗传性疾病的

appraisement;

2. to perform operations for termination of gestation; or

3. to issue relevant medical certificates as stipulated by this Law.

The relevant medical certificate as mentioned in item (3) of the preceding paragraph shall be null and void.

Article 36 Where anyone who has not obtained relevant qualification certificates issued by the State performs operations for termination of gestation or terminates gestation by other means, thus causing death, disability, loss or basic loss of working ability, shall be investigated for criminal responsibility in accordance with the relevant provisions of the Criminal Law.

Article 37 Where any person who engages in maternal and infant health care issues false medical certificates or conducts fetal gender identification in violation of this Law, a medical care institution or health administrative department shall impose administrative sanction on such personnel; where the circumstance is serious, the practicing qualification of such personnel shall be withdrawn.

Chapter VII Supplementary Provisions

Article 38 The definitions of the following terms as used in this Law are :

"Designated infectious diseases" refer to AIDS, gonorrhea, syphilis, and leprosy specified in the Law of the People's Republic of China on the Prevention and Treatment of Infectious Diseases, as well as other infectious diseases that are medically considered to have adverse effects on marriage and reproduction;

"Genetic diseases of a serious nature" refer to diseases that are caused by genetic factors congenitally, that may totally or partially deprive the victim of the ability to live independently, that are highly possible to recur in generations to come, and that are medically considered inappropriate for reproduction;

"Relevant mental diseases" refer to schizophrenia, manic-depressive psychosis and other mental diseases of a serious nature; and

"Pre-natal diagnosis" refers to diagnosis of the fetus

诊断。

regarding its congenital defect and hereditary diseases.

第三十九条 本法自1995

Article 39 This Law shall go into effect as of June 1, 1995.

年6月1日起施行。