

## **Law No. (15) of 2015 on Regulating the Human Organs Transfer and Transplantation**

*We, Tamim Bin Hamad Al Thani, Emir of State of Qatar;*

### **After perusing the constitution;**

*the decree by law No. (5) of 1965 on the personal ID Cards and the laws in amendment thereof;*

*the Law No. (21) of 1997 on Regulating the Human Organs Transfer and Transplantation;*

*the Law No. (15) of 2011 on Competing the Human Trafficking;*

*the Law No. (2) of 2012 on Human Autopsies;*

*the Law No. (13) of 2009 on Supreme Council of Health;*

*the proposal of Ministry of Public Health;*

*the draft law presented by Council of Ministers; and*

*after taking opinion of Shura Council*

*We have resolved the following:*

### **Article (1)**

In Implementation of provisions of this law, the following words and terms shall have the meanings shown next to each; unless the context requires otherwise:

<b>Council</b>	: Supreme Council of Health
<b>Minister</b>	: Minister of Public Health, Council's Secretary General
<b>Competent medical authority</b>	: Authority to be determined by the council.
<b>Medical Ethics Committee</b>	: Committee stipulated in article (15) hereof.
<b>Organ</b>	: Group of the linked tissues and cells taken from the living human body or corpse of the deceased, which participate in performing one vital function.
<b>Organ transplantation</b>	: Extirpation of an organ from a living human or deceased's corpse and transplanting the same in another human.
<b>Directed Donor</b>	: Donation to a specific person.

**Death** : Irreversible cessation of the heart and respiratory system, or irreversible cessation of all functions of the brain (brain death).

**Article (2)**

It is forbidden to perform transfer operations of organs, tissues or cells except according to provisions hereof.

**Article (3)**

It is forbidden to transfer the genitals, parts thereof or the genital tissues or cells from a living person or deceased's corpse and transplanting the same to another person leading to intermixing of lineages.

**Article (4)**

It is forbidden to transfer any organ, tissues or cell from a living human to another one, excluding for necessity required for saving life of the recipient or to achieve a remedial necessity, provided that the transfer shall be the only way to satisfy this necessity and the transfer shall not subject the donor to a gross danger on his life or health. No organ may be eradicated for the scientific and medical purposes except from corpse of a deceased according to provisions hereof.

In all cases, the processes of transferring the organs, tissues or cells may not be performed except by the competent doctors and after performing the necessary medical examinations and procuring consent of Medical Ethics Committee.

**Article (5)**

The person with full capacity may donate or bequest one or more of his body's organs, tissues or cells according to written undertaking evidenced by two witnesses with full capacity.

The bequeathing shall be made by marking on the ID Personal Card with what indicates to this.

**Article (6)**

The medical authority competent with undertaking the donation procedure shall verify that the will of the donor is free from the satisfaction defects and there is kinship with the donor up to the fourth degree.

The donation is allowed for other than the relatives, if the patient is in bad and urgent need for the transplantation operation, provided that consent of the Medical Ethics Committee shall be procured.

#### **Article (7)**

The donor shall be informed of all potential and certain medical consequences resulting from extirpating the donated organ or part thereof, the tissue or the cell. This shall be made in writing by specialized medical team after performing comprehensive examination for the donor. At any time before performing the extirpation operation, the donor may refrain from the domination without restriction or condition.

#### **Article (8)**

It isn't acceptable to donate organs from a child and the consent of his parents or guardian may not be considered. In addition, the donation from the person with no capacity or incomplete capacity may not be accepted and the consent of his representative or attorney may not be accepted.

As exception from provisions of the foregoing paragraph, the cells can be transferred from the child or persons without capacity or with incomplete capacity to the parents or the children or among the brothers, if there is no other donor from these persons. It is provided that a written consent shall be issued by both parents of the child or either of them in case of death of the other one or his guardian and the representative or legal attorney of the person without capacity or with incomplete capacity.

#### **Article (9)**

The name or identity of the donor may not be disclosed, excluding in case of the direct donation and the doctor shall be allowed to access to this information to the necessary extent when there is a remedial necessity.

#### **Article (10)**

It is forbidden to trade in any of the organs of the human body, part thereof or any of its tissues or cells by sale, purchase or against consideration whatsoever the nature thereof. It is also forbidden to call for this, advertise about it, promote for it or intermediate in it.

In all cases, transferring the organ or any part thereof, or any tissue or cells may not cause the donor or any of his heirs to acquire a financial or in-kind interests from the recipient or his family due to or on occasion of the transfer.

#### **Article (11)**

The doctors who present the health care and all worker at the health facilities are forbidden to participate in any of operations of extirpating, transplanting or keeping the organs, tissues or cells, whenever they become familiar that they are subject matter of a forbidden dealing according to provisions hereof.

In addition, it is forbidden for the natural and legal persons to finance operations of transferring and transplanting the organs, tissues or cell whenever they become familiar with such forbidden dealing. They shall report the competent authorities thereby once being familiar with this.

#### **Article (12)**

It is forbidden to transfer organ, tissues or cells from one living person, even by his consent, if this may lead to his death or to complete stoppage of any of his body's natural functions.

The competent physician shall procure the consent of the patient, who receives the donation, and verify that the organ, tissues or cells desired to be transferred are valid for the donation purpose, free from any decease and suitable for the recipient's body according to his health case.

#### **Article (13)**

Without prejudice to provision of article (5) hereof, in order to transfer the organs or part thereof, tissues or cells from corpse of the deceased, the consent of his existing nearest full capacity relative up to the second degree shall be procured. In

case of multiplicity of the relatives in one rank, the consent of all of them shall be procedure.

In all cases, the consent shall be as per a written undertaking evidenced by two full capacity witnesses and the following shall be considered:

1. Verifying the death decisively according to a written report to be issued unanimously by committee consists of three specialized doctors including doctor specialized in the neurological diseases, provided that the members of the committee shall not include the doctor, who has performed the operation, one of relatives of the donee patient or the deceased or who has interest in his death.
2. The deceased may not have objected, while he was alive, to transferring the organ from his body according to written objection or testimonies of witnesses with full capacity.

#### **Article (14)**

It is forbidden to perform processes of transferring the organs, tissues or cell at other than the hospitals licensed for this purpose.

The conditions and procedures that shall be fulfilled by the hospital licensed to perform the mentioned operations shall be determined by a resolution from the Minister.

#### **Article (15)**

By resolution from the minister a committee shall be formed for each hospital licensed to perform operations of transferring human organs to be called "Medical Ethics Committee". Such committee shall consist of three specialized doctors other than the owners and shareholders in the hospital as well as a legal member, who isn't connected to the hospital by work or job relationship.

The mentioned committee shall be exclusively competent with approving the performance of operations of transferring the human organs according to provisions hereof.

The doctors, who are members to the committee, may not participate in performing the transfer operations or undertake the aftercare of any of the recipient or donors at the hospital.

#### **Article (16)**

The council shall grant the donors of their organs or parts thereof, tissues or cells medal called "Medal of altruism" and in case of donating the organs of the deceased, the medal shall be granted in name of the deceased and shall be handed over to his nearest heir.

In additions, the donors or their family, as case may be, shall be granted medical, insurance and in-kind features and a resolution from the minister shall be issued on determining the same and the controls and procedures of granting the same.

#### **Article (17)**

By approval of the Minister, the required treatment and health care may be provided for the persons residing inside State of Qatar, who are donators and recipients of donated organs for free inside the State. This shall include the prior examinations and treatments necessary for transplanting the organ as well as the subsequent treatments necessary for maintaining the transplanted organ.

#### **Article (18)**

By approval of the Minister, banks for keeping the tissues and cells can be established at the government and private hospitals. A resolution shall be issued by the Minister on determining the conditions and specifications shall be satisfied by the mentioned banks and the procedures and suitable priorities to utilize the same.

#### **Article (19)**

Without prejudice to any more severe penalty stipulated by any other law, to be punished by imprisonment for period doesn't exceed **ten years** and fine not more than **(1,000,000 QR) one million Qatari Riyals** or any of both punishments, each

person violates any of provisions of articles Nos. **(3), (4), (6), (8), (10), (11), (12), (13)** and **(14)** hereof.

The imprisonment shall be for period not more than **five years** and the fine shall not exceed **(500,000 QR) five hundred Qatari Riyals**, if the act has committed on the tissues or cells.

The punishment stipulated in both above mentioned paragraphs, if the act has been committed by force or in way of fraud or outside the licensed health authorities.

#### **Article (20)**

Each person violates any of provisions of articles Nos. **(7/first paragraph)** and **(9)** hereof shall be punished by imprisonment for period doesn't exceed three years and fine not more than **(100,000 QR) one hundred Qatari Riyals** or any of both punishments, each person violates any of provisions of articles.

#### **Article (21)**

The attempt to commit any of the crimes stipulated herein shall be punished by the same penalty determined for the crime.

#### **Article (22)**

The intermediation in the crimes stipulated herein shall be punished by the penalty determined for the crime. However, the mediator shall be exempted from the penalty, if he has reported the competent authorities regarding the crime before the occurrence thereof and participated in arresting the felons.

#### **Article (23)**

The legal person shall be punished by penalty of fine determined for such crime, if any of crimes stipulated herein has been committed in his name, without prejudice to the criminal liability of the natural person affiliating to it.

#### **Article (24)**

In addition to the original punishments stipulated herein, the court may rule the following punishment, as case may be:

1. Closing the facility, where the crime has been committed for period not less than two months and not more than one year.
2. Deprivation from practicing the profession for period doesn't exceed three years.
3. Promulgating the judgment in two daily newspapers at expense of the convict.

In all case, the confiscation of the funds, tools and machines collected from any of the crimes stipulated herein or used by the committers thereof shall be ruled without prejudice to rights of third parties with good faith.

#### **Article (25)**

The Council's employees, who are authorized the capacity of Judicial Officers by virtue of resolution to be issued by the prosecutor in agreement with the Minister, shall be entitled to seize and record the violations committed to provisions hereof.

#### **Article (26)**

The Minister shall issue the resolutions necessary for executing provisions hereof. Until issuing such resolutions, the currently applicable resolutions shall remain valid without contradiction with provisions hereof.

#### **Article (27)**

Law No. **(21) of 1997** mentioned above shall be cancelled and every violation contradicts with provisions hereof shall be cancelled.

#### **Article (28)**

All competent authorities, each within its competence, shall execute this law and it shall be promulgated in the official gazette.

***Tamim Bin Hamad Al Thani***  
***Emir of State of Qatar***



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