

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIA HUMAN FERTILIZATION AND EMBRYOLOGY REGULATORY COMMISSION FOR THE REGULATION, MONITORING AND SUPERVISION OF ASSISTED REPRODUCTIVE TECHNOLOGIES IN NIGERIA; AND FOR RELATED MATTERS, 2024

Sponsored by Hon. Kwamoti Bitrus Laori

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

1 PART I - ESTABLISHMENT AND COMPOSITION OF THE NIGERIA HUMAN
2 FERTILIZATION AND EMBRYOLOGY REGULATORY COMMISSION

3 1.-(1) There is established a body to be known as the Nigerian
4 Human Fertilization and Embryology Regulatory Commission (in this Bill
5 referred to as "the Commission").

Establishment of
the Nigeria Human
Fertilization and
Embryology
Regulatory
Commission

6 (2) The Commission-

7 (a) shall be a body corporate, with perpetual succession and shall
8 have a common seal;

9 (b) may sue and be sued in its corporate name; and

10 (c) may acquire and own movable or immovable property in
11 Nigeria or elsewhere.

12 (3) The principal office of the Commission shall be located in the
13 Federal Capital Territory, Abuja, and it may establish offices in such other
14 parts of Nigeria as it deems necessary for the proper discharge of its
15 functions

16 2.-(1) The Commission shall consist of-

17 (a) Registrar-General who shall be designated as the Registrar of
18 Human Fertilization and Embryology and shall be the chief accounting
19 officer of the Commission;

Composition of
the Committee

	1	(b) A representative from the Ministry of Health;
	2	(c) A legal expert specializing in family law;
	3	(d) A medical doctor specializing in reproductive health;
	4	(e) A mental health professional;
	5	(f) A representative from a women's rights organization;
	6	(g) A representative from Civil Society Organization;
	7	(h) A representative from a child welfare organization;
	8	(i) A representative from National Human Right Commission.
Appointment and ter of office of the Registrar- General and other members of the Commission	9	3. -(1) The Registrar-General, who shall be a medical practitioner with
	10	not less than 15 years of experience, shall be appointed by the Minister and
	11	shall hold office for a single term of 6 years.
	12	(2) Other members of the commission shall be appointed by the
	13	Minister and shall hold office for a single term of 4 years
Staff of the Commission	14	4. -(1) The Commission may employ such staff as may be necessary to
	15	carry out its functions under this Bill.
	16	(2) The staff employed by the Commission shall be on pensionable
	17	employment and shall be subject to all civil service rules of the federation of
	18	Nigeria.
Objectives of the Commission	19	5. The Commission shall be responsible for-
	20	(a) Regulating all matters relating to assisted reproductive
	21	technologies and practices in Nigeria;
	22	(b) Monitoring and supervising the use of assisted reproductive
	23	technologies and practices to ensure compliance with this Bill;
	24	(c) Establishing guidelines to be adhered to by private and public
	25	health facilities providing services to patients seeking the use of assisted
	26	reproductive technologies for child birth;
	27	(d) Providing guidance and counseling to patients seeking the use of
	28	assisted reproductive technologies for child birth;
	29	(e) Criminalizing the commercialization of eggs and embryos in
	30	exchange for money by teenagers and adults in Nigeria.

1 (f) Investigating and resolving disputes arising from assisted
2 reproductive technologies and practices.

3 (g) Cater for the social, ethical and legal implications of
4 developments in the field of human fertilization and embryology in Nigeria.

5 (h) Raise awareness on the safe use of assisted reproductive
6 technologies and the harmful practices to be avoided;

7 (i) Cater for the rights of donors and recipients as well as the
8 children born by means of assisted reproductive technologies;

9 **6.** The Commission shall have the following functions-

Functions of the
Commission

10 (a) establish and maintain a Human Fertilization and Embryology
11 Registry in the Federal Capital Territory and in each state of the Federation;

12 (b) licensing service providers, regulating and overseeing all
13 matters relating to assisted reproductive health technologies and practices in
14 Nigeria; and

15 (c) advising the Minister on policies and regulations governing
16 reproductive health technologies and practices in Nigeria.

17 **PART II - REGISTRATION AND REGULATION OF ASSISTED**

18 **REPRODUCTIVE TECHNOLOGIES AND PRACTICES**

19 **7.-(1)** No person or entity shall operate as an assisted reproductive
20 health technology service provider without being registered with the
21 Corporate Affairs Commission (CAC) and licensed by the Nigeria Human
22 Fertilization and Embryology Regulatory Commission.

Private Registry
of Assisted
Reproductive
Technologies
and practices

23 (2) The Commission shall prescribe the requirements and criteria
24 for the registration of Human Fertilization and Embryology Service
25 Providers in Nigeria, including the disclosure of information about the
26 center's directors, officers, and operations.

27 **8.-(1)** Every registered Human Fertilization and Embryology
28 Service Provider shall establish and maintain a private registry of all clients
29 or patients attended to including date and time.

Private Registry
of Human Fertilization
and Embryology
Service

30 (2) The private registry shall include information such as the

	1	names, addresses, and contact details of all donors, recipients and any other
	2	relevant parties involved in the arrangement.
Prohibition of commercial eggs and embryos	3	9. -(1) Assisted reproductive health technologies or practices for
	4	commercial purposes are prohibited in Nigeria;
	5	(2) No person or entity shall offer or receive any payment, benefit, or
	6	consideration in exchange for donating human eggs or embryos, acting as a
	7	donor;
	8	(3) Any person or entity found to have engaged in commercialization
	9	of human eggs or embryos shall be liable to penalties as prescribed by this Bill;
	10	(4) any person or entity operating or offering assisted reproductive
	11	technology service without registration or operation license shall be liable to
	12	penalties as prescribed by this Bill.
Eligibility for assisted reproductive technology service	13	10. -(1) Only married couples who have been medically certified as
	14	unable to conceive or carry a child to term are eligible;
	15	(2) In the case of a single person, they may be eligible for assisted
	16	reproductive technology services if they have been medically certified as
	17	unable to conceive or carry a child to term;
	18	(3) In exceptional cases, a single female adult approaching
	19	menopause may be considered eligible for assisted reproductive technology
	20	services subject to the
Minimum age requirement for assisted reproductive technology service	21	11. -(1) The minimum age for a woman to act as a donor shall be 21
	22	years.
	23	(2) The minimum age for a woman to act as a recipient shall also be 21
	24	years
Consent and Agreement	25	12. -(1) Agreement must be made voluntarily and based on the
	26	informed consent of all parties involved, including the donor and recipient or
	27	both spouses if married.
	28	(2) The informed consent must be obtained in writing and signed by
	29	all parties involved, and it must outline the rights, responsibilities, and
	30	obligations of each party, including provisions for medical care, compensation,

1 and the legal status of the child.

2 (3) The agreement must be registered with the Commission being
3 the regulatory body before the commencement of the procedure.

4 **13.**-(1) Before the commencement of any assisted reproductive
5 technology procedure, patients or parties involved must undergo medical
6 and psychological evaluations to assess their physical and mental suitability
7 for the process. Medical and
Psychological
Evaluation

8 (2) The medical evaluation must be conducted by a qualified and
9 licensed Medical Practitioner or healthcare provider.

10 **14.**-(1) Every agreement entered into in Nigeria shall be notarized
11 by a notary public or executed before a commission for oath. Notarization of
agreements in
respect of assisted
reproductive
technology service

12 (2) The notarization or execution of the agreement shall serve as
13 evidence of the parties' consent and understanding of the terms and
14 conditions involved.

15 PART III - FINANCIAL PROVISIONS

16 **15.**-(1) The Commission shall be funded from- Funding

17 (a) Annual budgetary allocations from the Federal Government;

18 (b) Fees and charges for the registration and licensing of assisted
19 reproductive technology service providers and institutions;

20 (c) Grants and donations from international organizations and
21 development partners.

22 (2) The Commission shall keep proper books of account and
23 records, and shall prepare financial statements in accordance with
24 applicable financial regulations and practices

25 **16.**-(1) The Commission shall submit an annual report of its
26 activities, including its audited financial statements, to the Board within
27 three months after the end of each financial year- Reports and
Annual audits

28 (2) The Registrar- General shall cause the audited financial
29 statements of the Commission to be audited by external auditors appointed
30 by the Board.

1 (3) The Registrar-General shall submit the audited financial
2 statements of the Commission, along with the report of the external auditors, to
3 the Minister within six months after the end of each financial year.

4 PART IV - MISCELLANEOUS

Regulations

5 17. The Minister may make regulations, not inconsistent with this
6 Bill, for the purpose of carrying out its provisions

7 18.-(1) Any person or entity that operates as assisted reproductive
8 technology service providers and institutions without being registered with the
9 Commission shall be liable upon conviction to a fine not less than Ten Million
10 Naira (N 10,000,000.00) or imprisonment for a term not less than 5 years, or
11 both.

12 (2) Any person who contravenes the minimum age requirement for
13 donor or recipient shall be liable upon conviction to a fine not exceeding
14 N500,000 or imprisonment for a term not exceeding 3 years, or both.

15 (3) Any person or entity found to have engaged in commercialization
16 of human eggs or embryos shall be liable upon conviction to a fine not
17 exceeding N500,000 or imprisonment for a term not exceeding 3 years, or both.

18 (4) Any person or entity found to be in violation of the regulations and
19 standards issued by the Minister or the Commission in relation to assisted
20 reproductive technology service shall be liable to the penalties prescribed
21 under the relevant laws.

Transitional
Provisions

22 19.-(1) All existing arrangements relating to assisted reproductive
23 technology or human fertilization and embryology in Nigeria shall be subject
24 to the provisions of this Bill within one year from the date of its
25 commencement.

26 (2) Any arrangement or practice that does not comply with the
27 provisions of this Act shall be deemed null and void.

Interpretation

28 20. In this Bill, unless the context otherwise provides-
29 "human" refers to human being, a man, woman, or child of the species Homo
30 sapiens, distinguished from other animals by superior mental development,

1 power of articulate speech, and upright stance;
2 "fertilization" means the fusion of male and female gametes that facilitates
3 the development of a new organism. Fertilization is the natural life process,
4 which is carried out by the fusion of both male and female gametes, which
5 results in the formation of a zygote;
6 "Embryology" refers to the study of development of an embryo from the
7 stage of ovum fertilization through to the fetal stage;
8 "Assisted Reproductive Technology (ART)" includes all fertility treatments
9 in which either eggs or embryos are handled. In general, ART procedures
10 involve surgically removing eggs from a woman's ovaries, combining them
11 with sperm in the laboratory, and returning them to the woman's body or
12 donating them to another woman;
13 "Regulatory Body" means the body established under this Bill to regulate
14 and oversee all assisted reproductive technologies or human fertilization
15 and embryology practices in
16 Nigeria;
17 "Medical Practitioner" means a person registered and licensed to practice
18 medicine in Nigeria.

19 **21.** This Bill may be cited as Human Fertilization and Embryology Citation
20 Bill, 2024.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigeria Human Fertilization and Embryology Regulatory Commission for the purpose of regulating and overseeing all matters relating to assisted reproductive technologies and practices in Nigeria and to ensure the protection of the rights and welfare of service recipients and children born through the process. It also provides for the registration of donors, recipients and service providers and the establishment of a Registry in the Federal Capital Territory and in each state of the Federation.