

GEORGIA

LAW ON HEALTH CARE OF DECEMBER 10th, 1997

CHAPTER V MEDICAL ACTIVITY

Section 52

Gene therapy shall only be permitted in the following cases:

1. If its purpose is to prevent, diagnose, or treat fatal diseases.

2. If there are no easier and less dangerous methods of treatment.

3. If the patient, or a member of his family or his legal representative in the case of an incompetent patient, has given his informed consent in writing; and

4. If the present level of the scientific progress is such as to determine that the treatment will not give rise to any adverse change in the genome of the patient's descendants.

CHAPTER XXIII FAMILY PLANNING

Section 137

The State shall provide medical and genetic counseling, on a free and voluntary basis, for couples preparing for marriage or who wish to have a child.

Section 141

Fertilization with the sperm of a donor shall be authorized:

1. In the case of infertility, if there is a risk of the transmission of genetic diseases by the husband or if the woman is single, subject to the written consent of the childless couple or the single woman. After the birth of a child, the couple who were childless or the single woman shall be considered as the child's parents, with the rights and duties attaching thereto. The donor shall have no right to claim the paternity of a child born as the result of such fertilization; and

2. If it is performed in a properly licensed medical establishment by a properly licensed physician.

Section 142

(1) Human cloning through the use of genetic engineering methods shall be prohibited.

(2) The State shall control research in the field of genetic engineering in accordance with the law.

Section 143

In Vitro Fertilization Shall be Authorized:

(1) For the treatment of infertility and also where there is a risk of transmission of genetic diseases by the husband or wife, through the use of

gametes or an embryo from the couple or a donor, subject to the written consent of the couple; and if the woman has no uterus, through the transfer and development of an embryo resulting from fertilization in the uterus of another woman (surrogate mother), subject to the written consent of the couple.

(2) After the birth of a child, the couple shall be considered as parents, with all the rights and duties attaching thereto. The surrogate mother shall ha-

ve no right to claim to be the mother of the child born in this manner.

Section 144

Male and female gametes or embryos preserved by freezing may be used for the purposes of artificial fertilization. The duration of storage shall be determined according to the couple's wishes, in accordance with the established procedure.