



LAW OF MONGOLIA

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Ulaanbaatar city

ABOUT DONORS / Revised version /

CHAPTER ONE General grounds

Article 1. Purpose of the law

1.1. The purpose of this law is to provide voluntary donation of blood, cells, tissues and organs for the purpose of protecting human health and saving lives, transplantation, comprehensive security activities and governmental and non-governmental organizations. to regulate relations related to the rights and obligations of business entities, officials and citizens.

Article 2. Donor legislation

Donor legislation shall consist of the Constitution of Mongolia, the Law on the Legal Status of the Mongolian Red Cross Society, the Law on Health, the Law on Health Insurance, this Law and other legislative acts enacted in conformity with these laws.

2.2. If an international treaty to which Mongolia is a party provides otherwise than this law, the provisions of the international treaty shall prevail.

Article 3. Terms of the law

3.1. The following terms used in this law shall have the following meanings:

3.1.1. "Human cells, tissues and organs" means a complex of human organs, parts of organs, cells and tissues;

3.1.2. "Living donor" means a voluntary donor of cells, tissues, organs and organ parts for the purpose of protecting one's own and human health and saving lives;

3.1.3. "Dead donor" means a corpse that can be taken for transplantation of some cells, tissues and organs that are functioning normally after it is determined that the brain is completely dead, irreversibly lost or dead;

3.1.4. "Brain death" means the irreversible loss of all brain and spinal cord functions;

3.1.5. "Blood donor" means a voluntary blood donor for the purpose of protecting human health and saving lives;

3.1.6. "Permanent blood donor" means a person who donates blood two or more times a year;

3.1.7. "Blood, blood products" means products prepared from donor blood for medical purposes;

3.1.8. "Blood, blood components" means whole blood, blood cells and plasma of medical significance;

3.1.9. "Comprehensive activities to ensure blood safety" means activities to promote, glorify and encourage donor activities, recruit blood donors, receive, analyze, process, store, transport, use, export and import blood and blood components;

3.1.10. "Recipient" means a person who needs transplantation of donor cells, tissues and organs, transfusion of blood and blood products in order to protect his / her life and health;

3.1.11. "Cell and tissue compatibility" means the compatibility of donor and recipient cells and genetics;

3.1.12. "Umbilical cord blood" means blood in the umbilical cord after placental abruption;

3.1.13. "Stem cell" means a set of cells derived from umbilical cord blood, peripheral blood and bone marrow;

3.1.14. "Germ cells" means male and female germ cells;

3.1.15. "Donor gametes" means another man's male or female gametes;

3.1.16. "Carrier mother" means a woman who bears the embryos of others and gives birth to a child;

3.1.17. "Removal of human cells, tissues and organs" means taking of cells, tissues, organs and parts of organs from living and non-living donors in a hospital setting;

3.1.18. "Transplantation" means surgery to implant donor cells, tissues and organs in a recipient in a hospital setting;

3.1.19. "Coordinating Service for Transplantation of Cells, Tissues and Organs" (hereinafter referred to as "Regulatory Service") means a service responsible for registration, supply, transportation, storage and control of cells, tissues and organs;

3.1.20. "Sample" means a part of blood, cells, tissues and organs taken from a person for the purpose of diagnosis, treatment, research, prevention and control.

Article 4. Principles to be followed in donor activities

The following principles shall be followed in donor activities:

To respect the law and human rights;

4.1.2 be humane and compassionate;

4.1.3. Not to discriminate;

4.1.4. To ensure security;

4.1.5. To protect personal secrets;

4.1.6. To be uncollectible and voluntary.

CHAPTER TWO MANAGEMENT, STRUCTURE AND ORGANIZATION OF DONORS

Article 5. Donor operations management system

The management system of a comprehensive blood safety operation shall consist of the state central administrative body in charge of health, the organization providing health care and services, the Mongolian Red Cross Society, the management of local self-governing bodies and the Governor.

5.2. The management system of donor cell, tissue and organ transplantation shall consist of the management of the state central administrative body in charge of health, the regulatory agency and the organization providing health care and services.

Article 6. Powers of the Government on donor activities

The Government shall exercise the following powers with respect to donor activities:

6.1.1. Approve the policy on blood safety, transplantation of donor cells, tissues and organs and ensure its implementation;

6.1.2. Conclude agreements and contracts with intergovernmental and international organizations, implement projects and programs;

6.1.3. Establish a system for blood safety, donor cell, tissue and organ transplantation, and decide on the source of funding for related expenses;

6.1.4. To provide blood, blood products and their substitutes in case of disaster, to create reserves and make replenishment, to ensure readiness;

6.1.5. Other powers specified in the legislation.

Article 7. Rights and responsibilities of the state central administrative body in charge of health matters

The state central administrative body in charge of health shall have the following rights and responsibilities regarding donor activities:

7.1.1. To ensure the implementation of donor legislation;

7.1.2. To develop a state policy on blood safety and transplantation of donor cells, tissues and organs;

7.1.3 monitor blood safety and donor cell, tissue and organ transplantation;

7.1.4. To establish a service to coordinate cell, tissue and organ transplantation activities;

7.1.5. To organize comprehensive activities on blood safety, transplantation of cells, tissues and organs, to develop relevant procedures, instructions and standards and to have them approved by the competent authority;

7.1.6. Approve the model of the permit specified in 13.2 of this Law;

7.1.7. Other rights and obligations specified in the law.

Article 8. Rights and responsibilities of local self-governing bodies and governors

Local self-governing organizations and governors shall have the following rights and responsibilities regarding donor activities:

8.1.1. To promote blood donor activities, expand the ranks and support activities to improve donor storage;

8.1.2. Decide on additional funding required for the stockpiling and replenishment of blood and blood products in health care organizations in the area of disaster, and provide management and organization.

Article 9. Rights and responsibilities of the Regulatory Authority

9.1. The Coordination Office shall have the following rights and responsibilities regarding transplantation of donor cells, tissues and organs:

9.1.1. To coordinate the activities of donors of cells, tissues and organs, provide professional and methodological assistance and monitor;

9.1.2. Coordinate activities to determine brain death, establish a unified registration database and conduct surveillance;

9.1.3 perform registration, selection, supply, storage, transportation and inspection of donor cells, tissues and organs in accordance with the instructions and procedures approved by the state central administrative body in charge of health matters;

9.1.4. To register and monitor the recipient in the waiting list;

9.1.5 maintain a unified database on cell, tissue and organ transplantation;

9.1.6. To compile information and reports on donor cell, tissue and organ transplantation activities nationwide and submit them to relevant organizations;

9.1.7. To resolve petitions and complaints submitted by citizens and legal entities regarding transplantation of donor cells, tissues and organs, and to transfer information on illegal actions to relevant law enforcement agencies;

9.1.8. To protect the confidentiality of organizations and individuals involved in the transplantation of donor cells, tissues and organs.

Article 10. Rights and duties of health care organizations

Health organization has the following rights and responsibilities:

10.1.1. To conduct examinations and tests to prevent possible complications and adverse effects on the health of donors who donated blood, cells, tissues and organs;

10.1.2. The organization specified in Articles 15.1.4, 15.1.5, 15.1.7, 15.1.11, 15.1.12 and 15.1.13 of the Law on Health shall employ a professional team to diagnose brain death;

10.1.3. To inform the Regulatory Authority to register the person who meets the conditions, requirements and indicators set for the recipient in the waiting list;

10.1.4. To inform the regulatory authority within 6 hours after receiving the information specified in 13.2 of this Law;

10.1.5. In case of impossibility to perform the procedure of removing donor cells, tissues and organs from the given health organization, to cooperate with the Coordination Office to continue the intensive treatment of the lifeless donor and ensure its readiness to be transported;

10.1.6. After the removal of cells, tissues and organs from a non-living donor, the medical institution where the corpse is kept shall be responsible for tidying up the appearance of the corpse.

Health organization for transplantation of donor cells, tissues and organs shall have the following rights and responsibilities:

10.2.1 perform transplantation of cells, tissues and organs from living and non-living donors in accordance with standards;

10.2.2. To inform the Regulatory Authority of information related to the recipient and donor from time to time.

10.3. The health organization shall ensure the readiness of cells, tissues and organs for transplantation and create conditions for training and education of necessary medical specialists.

Article 11. Financing system

11.1. Financing of blood donation activities, recruitment, blood collection, analysis, production, storage and transportation of blood and blood products shall be financed from the state and local budgets, business entities, organizations, communities, citizens and other sources not prohibited by law. consists of sources.

11.2. Financing of donor cell, tissue and organ transplantation for medical purposes shall be financed from the state budget, health insurance, recipient's payment, Government special fund, business entities, organizations, collectives, citizens' donations and others not prohibited by law. consists of sources.

11.3. The members of the Government in charge of health, finance and budget shall jointly approve the price standards of donor blood, blood products and transplantation care and services of donor cells, tissues and organs.

CHAPTER THREE REQUIREMENTS FOR DONORS, RECIPIENTS, HEALTH ORGANIZATIONS AND EMPLOYEES

Article 12. Requirements for donors

Donors shall donate blood, cells, tissues and organs to protect human health and save lives, not for profit, without receivables and voluntarily.

It shall be prohibited to discriminate against donors on the basis of ethnicity, language, race, sex, social origin, status, wealth, occupation, position, religion, opinion and education.

12.3 It is prohibited to use donor activities as a source of profit, demand and sell.

The following general requirements shall be set for blood donors:

12.4.1. A blood donor shall accurately report his / her health status;

12.4.2. To get acquainted with the criteria for donor selection approved by the state central administrative body in charge of health matters and give his / her written consent.

Article 13. Rights and obligations of donors

Donors have the following rights and responsibilities:

13.1.1. To be provided with the right to be safe from his / her health and life while donating blood, cells, tissues and organs;

13.1.2. To receive compensation equal to the average salary specified in Article 64.1 of the Labor Law while performing his / her donor duties;

13.1.3. If it is determined that the damage or complications caused to the health of the donor are caused by violation of the technological instructions for blood transfusion and transplantation, the person or organization responsible for transfusing blood, transplanting cells, organs and tissues shall compensate the damage;

13.1.4. To donate blood, cells, tissues and organs when concluding a contract with the organization performing the procedure, to be insured and to be covered by other insurance;

13.1.5. To determine the disability in accordance with Article 28.2 of the Law on Social Insurance in case of loss of ability to work after donating a living donor organ;

13.1.6. Participate in the promotion of blood donor activities and the expansion of the ranks.

13.2. A citizen of Mongolia who has reached the age of 25 may submit his / her decision to consent to organ transplantation to his / her affiliated or any health care provider with his / her signature and record it on his / her health insurance certificate or electronic card.

13.3 The member of the Government in charge of health matters shall approve the procedure for marking specified in 13.2 of this Law.

13.4. A citizen may change his / her decision to allow organ transplantation.

Article 14. Removal of cells, tissues and organs from living donors

14.1. Cells, tissues and organs shall be obtained from a donor who meets the requirements set forth in Article 12.1 of this Law, is mentally healthy, has reached the age of 25, and has given his / her written consent to donate cells, tissues and organs without endangering his / her life.

14.2. When taking bone marrow, marrow and umbilical cord blood from a child, the written consent of the parents and guardians shall be obtained if the child is under 14 years old, and his / her parents, guardians and custodians shall obtain the written consent in advance.

Article 15. Removal of cells, tissues and organs from non-living donors

15.1 Cells, tissues and organs shall be taken from a donor who has been diagnosed with brain death.

15.2. When taking cells, tissues and organs from non-living donors other than those specified in 13.2 of this Law, the testator's will, written consent of his / her parents, spouse and adult family member shall be obtained.

15.3 Artificially control the heart function when taking cells, tissues and organs from a non-living donor.

15.4. A doctor participating in the transplantation of donor cells, tissues and organs or treating a recipient shall be prohibited from being a member of the team specified in Article 10.1.2 of this Law.

Article 16. Requirements to the recipient

16.1. Transfusion of donor blood and blood products for the purpose of improving health and saving lives, regardless of nationality, ethnicity, language, race, sex, social origin, status, wealth, occupation, position, religion, opinion and education , cells, tissues, and organs may be transplanted.

16.2. Permission to transplant donor cells, tissues and organs, transfuse blood and blood products shall be made with the written consent of the recipient who has reached 18 years of age, his / her parents, legal guardians and custodians.

16.3. The recipient shall strictly follow the rules, regulations and advice of the professional team issued by the regulatory authority.

Article 17. Requirements for health care organizations and employees

17.1 Transplantation of donor cells, tissues and organs shall be performed by a professional team licensed to conduct professional activities.

It is prohibited for a medical specialist involved in the transplantation of donor cells, tissues and organs to receive payments and bonuses from donors, recipients and their family members.

17.3. Physicians and health workers shall keep the donor and recipient confidential and inform only themselves of pathological changes detected during the donor examination.

CHAPTER FOUR BLOOD, TISSUE, TISSUE AND ORGANS FROM DONORS

Article 18. Basic requirements for transplantation of donor cells, tissues and organs

18.1. The examination of donor and recipient cells, tissues and organs, examination of cells, tissues and organs obtained from donors and transplantation shall be performed by a professional team of a health organization licensed and accredited by the state central administrative body in charge of health matters.

18.2 Transplant cells, tissues and organs shall be obtained from a non-living donor, and if they are obtained from a living donor, they shall be obtained from a family member whose cells and tissues are compatible, without pathological changes.

18.3. It is prohibited to take bone cells, stem cells, marrow, umbilical cord blood, cells, tissues and organs for transplantation from a child.

18.4. Only one donor's gametes may be used for a single live birth.

18.5. A woman who has been found to be unable to conceive, conceive or give birth due to health reasons shall be allowed to have a child through a surrogate mother.

It is prohibited to use embryos by anyone other than their parents.

18.7. The member of the Government in charge of health shall approve the procedure for the use of donor gametes, embryo transfer, care and services for surrogate mothers, and the model agreement between the parties.

Article 19. Acquisition, analysis, processing, storage, transportation, transplantation and destruction of donor blood, cells, tissues and organs for medical purposes

The member of the Government in charge of health shall approve the procedure for taking, analyzing, processing, storing, transporting, transfusing, transplanting and destroying blood, cells, tissues and organs from donors.

19.2. Accredited and licensed health care organization shall collect, analyze, store and transport blood, blood products, donor cells, tissues and organs in accordance with relevant procedures.

Article 20. Transit of donated blood, blood products, cells, tissues and organs across the state border

It is prohibited to export and import blood, blood products, cells, tissues and organs for profit.

20.2. In accordance with international treaties and agreements of Mongolia, only organs and tissues certified for medical purposes may be imported, and blood and blood products may be exported and imported.

20.3 The Government shall approve the procedure for importing donor blood, blood products, samples, tissues and organs across the state border.

CHAPTER FIVE EXPANDING BLOOD DONOR LINES

Article 21. Promotion and recruitment of blood donors

21.1. In order to expand the number of blood donors, the Mongolian Red Cross Society, governmental and non-governmental organizations and business entities shall organize the promotion and recruitment of donor movements.

21.2. Governmental and non-governmental organizations, business entities, officials and citizens shall support the organization in charge of blood issues in promoting activities and activities to expand the ranks of donors and conducting training for them.

Article 22. To glorify and reward citizens and organizations who actively participated in blood donation activities

22.1. The procedure for providing discounted medical care and services to regular and living blood donors and free medical examinations once a year shall be provided free of charge to accredited domestic spas once a year by a member of the Government in charge of health and donating blood more than 35 times. The procedure for nursing shall be approved by the Government member in charge of labor and social security.

In order to glorify and reward blood donors, material, financial and psychological assistance may be provided and may be rewarded by governmental and non-governmental organizations, business entities and organizations.

22.3. The health organization in charge of blood transfusion shall maintain a blood donor registration database and provide information to the relevant organization on a regular basis.

CHAPTER SIX MISCELLANEOUS

Article 23. Monitoring the implementation of the law

The state central administrative body in charge of health matters, specialized inspection and other relevant organizations shall monitor the implementation of donor legislation.

Article 24. Liability for violators of the law

24.1. If the actions of an official violating this Law are not of a criminal nature, he / she shall be subject to liability specified in the Civil Service Law.

A person or legal entity that violates this Law shall be subject to liability specified in the Criminal Code or the Law on Violations.

CHAIRMAN OF THE PARLIAMENT OF MONGOLIA M.ENKHBOLD