

Publisher: Supreme Council

Type: law

Adopted: 15.12.1992

Entry into force: 01.01.1993.

Displayed version: 13.11.2020. - 31.01.2022

Posted:

Supreme Court of the Republic of Latvia

Council and Government Rapporteur,

1/2, 14.01.1993

Amendments:

09/21/1995 Law / LV, 154, 06.10.1995; Rapporteur, 22, 23.11.1995 / Enters into force on 01.11.1995.

12/06/2001 Law / LV, 187, 22.12.2001; Rapporteur, 2, 24.01.2002 / Enters into force on 01.01.2002.

02/06/2004 Law / LV, 96, 16.06.2004; Rapporteur, 13, 15.07.2004 / Enters into force on June 30, 2004.

11/13/2008 Law / LV, 187, 02.12.2008; Rapporteur: 1, 15.01.2009 / Enters into force on 01.07.2009.

10/28/2010 Law / LV, 178, 10.11.2010. / Enters into force on 01.02.2011.

06/21/2012 Law / LV, 108, 11.07.2012. / Enters into force on 27.08.2012.

05/16/2019 Law / LV, 108, 30.05.2019. / Enters into force on 13.06.2019.

10/29/2020 Law / LV, 211A, 30.10.2020. / Enters into force on 13.11.2020.

LAW OF THE REPUBLIC OF LATVIA

On the protection of the body of a deceased person and the medical use of human tissues and organs

Chapter I

GENERAL PROVISIONS

Article 1. Purpose of the law

The purpose of the law is to protect the body of a deceased person from unworthy and illegal actions with it. The law prescribes the procedure by which tissues and cells of a living or dead human body (hereinafter - tissues) and organs may be used for scientific research and teaching purposes, transplantation, production of medicinal preparations and bioprosthesis.

For the purposes of this Law, the use of tissues and organs means any activities performed with tissues and organs, including the selection of tissue and organ donors, procurement, removal, testing, processing, preservation, labeling, process documentation, storage, distribution (including export and import), transport and transplantation.

(As amended by the Law of 21.06.2012, which enters into force on 27.08.2012)

Article 2. Man's priority right to his body

The body, tissues and organs of a deceased person may be used only in accordance with the procedures specified in this Law in accordance with the will expressed during his or her lifetime. The human will, unless it is contrary to the laws in force, must be respected by all medical, educational and scientific institutions, regardless of their type of activity and subordination.

Every adult person has the right during his or her lifetime to express a wish to prohibit or allow the use of his or her body, tissues and organs after death, including the purpose of their use by making a note in the integrated electronic health information system (hereinafter health information system).

The right to express a wish to prohibit or allow the use of a minor's body, tissues and organs after death belongs to one of the minor's legal representatives by making a note in the health information system or expressing the relevant will to a medical institution (tissue and organ procurement center).

A person has the right to change the will expressed during his or her lifetime to prohibit or allow the use of his or her body, tissues and organs after death.

The Ministry of Health develops and provides free of charge available information materials on the possibilities and legal aspects of the use of the human body, tissues and organs, as well as conducts regular information campaigns.

(02.06.2004. Law, as amended, as amended by the 16.05.2019. Law, which comes into force on 13.06.2019. The amendments in the second and third paragraphs in respect of marks committed health information system on the prohibition or authorization of a deceased human body, tissues and organs after death are applicable from 01.02.2021 (See paragraph 6 of the Transitional Provisions)

Article 3. Execution of a prohibition or permit

The Cabinet shall determine the procedure by which a person may apply to the Office of Citizenship and Migration Affairs regarding a prohibition or permission to use its body, tissues and organs after death.

(The second part is excluded by the Law of 16.05.2019, which enters into force on 13.06.2019)

The Cabinet shall determine the procedures by which medical, educational and scientific institutions request and receive information from the Population Register regarding a prohibition or permission to use a person's body, tissues and organs after his or her death.

(In the wording of the Law of 06.12.2001 with amendments made by the Laws of 28.10.2010 and 16.05.2019, which enter into force on 13.06.2019. The amendment on the exclusion of Parts One and Three shall enter into force on 01.02.2022 .2022 (See paragraph 7 of the Transitional Provisions)

Article 4. Rights of close relatives and presumed consent

If the health information system does not contain information about the deceased person's lifetime intention to prohibit or allow the use of his or her body, tissues and organs after death, the medical institution (tissue and organ procurement center) is obliged to find out information about the deceased person's intention about the use of their body, tissues and organs after death, contacting the nearest relative present (spouse, parents, adult child, brother, sister or the contact person of the deceased person specified in the health information system).

If none of the next of kin is present, the medical institution (tissue and organ procurement center), in cooperation with the state and local government institutions and using state information systems, shall as far as possibly find out by contacting the next of kin body, tissues and organs after death.

The information provided by the next of kin is recorded in the deceased's medical records.

If the relevant national information system does not contain information on the deceased person's lifetime intention to prohibit or allow the use of his or her body, tissues and organs after death and from close relatives in accordance with the first and second paragraphs of this article it has not been possible to ascertain his body, tissues and organs after death, the lifelong consent of that deceased person to allow the use of his body, tissues and organs after death shall be presumed.

If the information provided by the next of kin about the deceased person's expressed intention to prohibit or allow the use of his or her body, tissues and organs after death is contradictory, the use of his or her body, tissues and organs is prohibited.

After the establishment of biological death until the determination of the will expressed during the life of the deceased person, the medical institution (tissue and organ procurement center) may perform the necessary medical manipulations aimed at maintaining the function and viability of the deceased person's tissues and organs without initiating tissue or organ procurement.

The medical institution (tissue and organ procurement center) is obliged to inform the nearest relatives present about the use of the body, tissues and organs of the deceased person and its legal aspects.

(05.16.2019. Of the coming into force on 13.06.2019. Amendment in the first paragraph regarding endorsements health information system on the prohibition or authorization of a deceased human body, tissues and organs after death is applicable to 01/02/2022. See. Transitional Provisions Paragraph 6)

Article 4.1. Authorization of tissues and organs

The right to use tissues or organs belongs to a medical treatment institution which has a permit for the use of tissues or organs issued by the State Agency of Medicines.

The use of living human tissues and organs, as well as the body of a deceased person for medical studies and professional development programs for medical practitioners is permitted by implementing an accredited medical study program or professional development program for medical practitioners at a higher education institution. Only such living human tissues and organs may be used for medical studies and professional development programs for medical practitioners, which are post-operative material and for the use of which the person has agreed to use for medical studies and professional development programs for medical practitioners. The person's consent is confirmed by an entry in the person's medical documents.

If a permit for the use of tissues or organs has been damaged, destroyed, lost or stolen, the legal persons referred to in Paragraphs one and two of this Section shall receive a duplicate of the relevant permit from the State Agency of Medicines.

The Cabinet of Ministers determines:

- 1) the procedures by which a medical institution and a higher education institution which implements an accredited medical study program and a professional development program for medical practitioners is issued a tissue or organ use permit, a duplicate thereof, revokes the permit, suspends and resumes its operation;
- 2) the requirements to be complied with in order to receive a permit for the use of tissues or organs and the conditions for the use of tissues or organs;
- 3) a sample of the tissue or organ use permit form;
- 4) the procedures for the assessment, monitoring and control of the use of tissues and organs.

The State Agency of Medicines shall, in accordance with the price list of public paid services, assess the compliance of medical treatment institutions and higher education institutions implementing accredited medical study programs and professional development programs for medical practitioners with the requirements for the use of tissues or organs. The State Agency of Medicines shall decide regarding the issue of a permit or a refusal to issue a permit within three months from the date of receipt of the submission.

(In the wording of the Law of 21.06.2012 with amendments made by the Laws of 16.05.2019 and 29.10.2020, which enter into force on 13.11.2020)

Chapter II

PATHOLOGANATOMIC AND FORENSIC EXAMINATION

Article 5. Rules for pathological examination

A pathological examination (section) of a deceased person may be performed if he or she has allowed it during his or her lifetime by making a note in the health information system. If, during his lifetime, the deceased person is prohibited from carrying out a pathological examination after his death by making a note in the health information system, it shall be permitted only in the cases referred to in Article 6.

In cases where the will expressed during the deceased's life is unknown and the deceased has no close relatives, the question of conducting a pathological examination shall be decided by the head of the medical institution's department if the person died in a medical institution or by the attending physician or doctor authorities.

(05.16.2019. Of the coming into force on 13.06.2019. The amendments in the first paragraph regarding endorsements health information system on the prohibition or authorization to pathological-anatomical investigations (section) shall enter into force on 2.1.2022. See. The transitional provisions of paragraph 8)

Article 6. Pathological and forensic examination, not taking into account the will of the deceased during his lifetime

Irrespective of the will expressed during the life of the deceased, a pathological examination shall be performed if:

- 1) the possible cause of death is an infectious disease;
- 2) the cause of death is an illness undiagnosed during life or undiagnosed complications of preventive measures, treatment or illness;
- 3) the weight of a stillborn child exceeds 500 grams.

Irrespective of the will expressed during the life of the deceased, a forensic medical examination shall be obligatory if:

- 1) the weight of a stillborn child exceeds 500 grams;
- 2) a forensic medical examination is requested by the person making the inquiry, the investigator or the prosecutor.

(In the wording of the Law of 16.05.2019, which enters into force on 13.06.2019)

Article 7. Determination of the fact of death

The procedure for establishing the fact of brain and biological death and handing over a dead person for burial shall be determined by the Cabinet.

(As amended by the Laws of 06.12.2001 and 02.06.2004, which enter into force on 30.06.2004)

Article 7.1. Cremation

The right to perform cremation - the burning of a dead person's body in special furnaces - belongs to a merchant who has received a special permit (license).

The Cabinet shall determine the procedure for licensing merchants for the performance of cremation, as well as the procedure for payment of the state fee for the issue of a special permit (license) and the amount of the state fee.

The Cabinet shall determine the documents necessary for the cremation of a deceased person, the procedure for the submission of documents, as well as the procedure for the performance of cremation and the related record keeping.

(In the wording of the Law of 13.11.2008, which enters into force on 01.07.2009)

Article 8. Forensic medical examination

(Excluded by the Law of 06.12.2001, which enters into force on 01.01.2002)

Chapter III

USE OF DEAD HUMAN BODIES, TISSUES AND ORGANS

(Name of the department in the wording of the Law of 16.05.2019, which enters into force on 13.06.2019)

Article 9. Tissue and organ removal during pathological and forensic examination

Tissue and organ samples may be taken for laboratory diagnostic examinations during pathological and forensic examinations, in disregard of the will expressed during the deceased's lifetime. Organs and tissue samples for scientific research and teaching purposes may be taken if the deceased has allowed it during his lifetime, if the deceased person's expressed will during his lifetime is unknown, or if the deceased person's expressed will during his lifetime is unknown and has no close relatives.

(In the wording of the Law of 16.05.2019, which enters into force on 13.06.2019)

Article 10. Possibility of transplantation

The removal of tissues and organs from a deceased person for the purpose of transplantation for the treatment of diseases and injuries (transplantation) may be carried out if the brain or biological death of the potential donor has been established.

Article 11. Transplantation rules in case of donor death

The closest relatives have the right to disclose information on the deceased person's lifetime intention to prohibit or allow the use of his or her body, tissues and organs after death to a medical institution (tissue and organ procurement center) until the start of the relevant tissue and organ removal operation. It is prohibited to use the body, tissues and organs of a deceased minor unless it has been authorized in writing by one of the legal representatives of the minor.

(In the wording of the Law of 16.05.2019, which enters into force on 13.06.2019)

Article 12. Competence of the Cabinet of Ministers in the field of legal regulation of the use of the body, tissues and organs of a deceased person

The Cabinet of Ministers determines:

- 1) the procedures for the transplantation of organs of a deceased person, as well as the quality and safety standards of organs of a deceased person intended for transplantation;
- 2) quality and safety standards for the use of dead human tissues;
- 3) the procedures by which the body of a deceased person is used for medical studies and professional development programs for medical practitioners.

During the transplantation, the medical institution shall ensure the mutual anonymity of the donor and the recipient (the person to whom the tissues or organs are or will be transplanted), unless the donor and the recipient are close relatives.

(In the wording of the Law of 21.06.2012 with amendments made by the Laws of 16.05.2019 and 29.10.2020, which enter into force on 13.11.2020)

Chapter IV

ORGANIZATION OF TISSUES AND ORGANS FROM A LIVING DONOR

Article 13. Rules for the removal of tissues and organs from a living donor

The removal of tissues and organs from a living donor shall be possible only with his written consent, minimizing the risk to the donor's health and informing the donor of the purpose, nature, consequences and risk of the intervention.

Only regenerated tissue can be taken from a living donor. In exceptional cases, removal of one kidney for transplantation purposes is permitted.

(As amended by the Law of 06.12.2001, which enters into force on 01.01.2002)

Article 14. Use of living donor tissues and organs

The Cabinet of Ministers determines:

1) the procedures for the transplantation of living human organs, as well as the quality and safety standards of living donor organs intended for transplantation;

2) quality and safety standards for the use of living donor tissue;

3) the procedures by which the tissues and organs of a living person are used for medical studies and professional development programs for medical practitioners.

(In the wording of the Law of 21.06.2012 with amendments made by the Law of 29.10.2020, which enters into force on 13.11.2020)

Article 15. Mutual anonymity of donor and recipient

When performing a transplant, healthcare professionals must ensure the anonymity of the donor and the recipient, unless they are close relatives.

(As amended by the Law of 21.06.2012, which enters into force on 27.08.2012)

Article 16. Inheritance of postpartum blood and placenta

(Excluded by the Law of 02.06.2004, which enters into force on 30.06.2004.)

Chapter V

PROTECTION OF A DEAD HUMAN BODY, INADMISSIBILITY OF COMMERCIAL BUSINESS

Article 17. Protection of the body of a deceased person and use of human tissues and organs in medicine as a function of the state

The protection of the body of a deceased person and the use of human tissues and organs in medicine is a state function performed by the Ministry of Health.

The compliance of the activities of medical treatment institutions and medical treatment persons with the requirements of this Law shall be supervised by the Health Inspectorate and the State Agency of Medicines in accordance with their competence.

(In the wording of the Law of 06.12.2001 with amendments made by the Laws of 02.06.2004, 21.06.2012 and 16.05.2019, which enter into force on 13.06.2019)

Article 18. Prohibition of commercial transactions

The removal and use of tissues and organs from the body of both a living and a dead person serves medicine and medical development and is of a non-profit nature. The removal of tissues and organs from the body of any living or dead person shall be subject to strict prohibition or authorization, and the selection, dispatch and commercial use of such tissues and organs shall be prohibited.

(The second part is excluded by the law of 21.06.2012)

Advertising or the public dissemination of any information which offers or expresses an interest in obtaining the tissues or organs of a living or deceased person for the purpose of obtaining a financial advantage or an equivalent benefit shall be prohibited. Only informative activities are permitted to raise public awareness of the need for and importance of donating the human body, tissues and organs.

The supervision of the restriction specified in Paragraph three of this Section in the field of advertising shall be performed in accordance with the Advertising Law.

The Health Inspectorate has the right to oblige disseminators of information to suspend the public dissemination of information which offers the tissues or organs of a living or deceased person or shows an interest in obtaining the tissues or organs of a living or deceased person for financial gain or an equivalent benefit. The Health Inspectorate has the right to set a term for the fulfillment of the obligation imposed on information distributors.

The addressee of this decision may appeal to the Administrative District Court in accordance with the procedures specified in regulatory enactments. An appeal against a decision of the Health Inspectorate shall not suspend its operation.

(In the wording of the Law of 21.09.1995 with amendments made by the Laws of 06.12.2001, 21.06.2012 and 16.05.2019, which enter into force on 13.06.2019)

Article 19. State benefit and relief for donors

A living organ donor has the right to receive state-guaranteed medical care free of charge until the end of his or her life.

(In the wording of the Law of 02.06.2004, which enters into force on 30.06.2004)

Article 20. Liability for non-compliance with the law

Natural and legal persons who do not comply with the requirements of this Law; in accordance with the degree of danger of the offense, shall be held liable as provided by law.

Article 21. Law enforcement control

(Excluded by the Law of 21.06.2012, which enters into force on 27.08.2012)

Chapter VI

APPLICATION OF THE LAWS OF INTERNATIONAL LAW

Article 22. Priority of international law

If international or interstate agreements, as well as conventions to which the Republic of Latvia is a party, provide for provisions other than this Law, the norms of international law shall apply.

Transitional provisions

(In the wording of the Law of 06.12.2001, which enters into force on 01.01.2002)

1. A note made in a person's passport before 31 December 2001 regarding a person's prohibition or permission to use his or her body tissues and organs after death shall have legal force until a new passport is received or a written application is submitted to the Office of Citizenship and Migration Affairs.

2. The Cabinet shall issue the regulations referred to in Sections 7, 12 and 14 of this Law by 30 November 2004

(In the wording of the Law of 02.06.2004, which enters into force on 30.06.2004)

3. Until the date of entry into force of the relevant regulations of the Cabinet of Ministers, but not longer than 30 November 2004, Order No. 278 of the Ministry of Health of 3 October 2003 "On the Use of Human Tissues and Organs in Medicine" shall be in force, insofar as it does not contradict with this law.

(In the wording of the Law of 02.06.2004, which enters into force on 30.06.2004)

4. Special permits (licenses) for the performance of cremation, which have been issued to merchants until 30 June 2009, shall be valid until the expiry of the term of the relevant license, but not longer than until 1 July 2010.

(In the wording of the Law of 13.11.2008, which enters into force on 01.07.2009)

5. Tissue procurement and storage centers, which are included in the register of tissue procurement and storage centers until 26 August 2012, tissues and cells are entitled to use until the end of the term specified in the register, but not longer than until 26 August 2013.

(In the wording of the Law of 21.06.2012, which enters into force on 27.08.2012)

6. Amendments to Section 2, Paragraphs two and three and Section 4, Paragraph one of this Law regarding the making of a note in the health information system regarding a prohibition or authorization to use the body, tissues and organs of a deceased person after death shall be applicable from 1 February 2022. Until 31 January 2022, a person's will to prohibit or allow the use of his or her body, tissues and organs after death is recorded in the Population Register by applying to the Office of Citizenship and Migration Affairs. Until 31 January 2022, a medical institution (tissue and organ procurement center) is obliged to ascertain

the will expressed during the lifetime of a deceased person to prohibit or allow the use of his or her body, tissues and organs after death by consulting the Population Register.

(In the wording of the Law of 16.05.2019 with amendments made by the Law of 29.10.2020, which enters into force on 13.11.2020)

7. The exclusion of Section 3, Paragraphs one and three of this Law shall enter into force on 1 February 2022.

(16.05.2019 in the wording of the law with amendments made by the law of 29.10.2020, which enters into force on 13.11.2020. The said amendment is included in the wording of the law as of 01.02.2022)

8. Amendments to Section 5, Paragraph one of this Law regarding the making of a note in the health information system regarding a prohibition or permission to perform a pathological examination (section) shall enter into force on 1 February 2022.

(In the wording of the Law of 16.05.2019 with amendments made by the Law of 29.10.2020, which enters into force on 13.11.2020)

Informative reference to European Union directives

(In the wording of the Law of 21.06.2012, which enters into force on 27.08.2012)

The law includes legal norms that arise from:

1) Directive 2004/23 / EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells;

2) Directive 2010/53 / EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation.

Chairman of the Supreme Council of the Republic of Latvia A. GORBUNOVŠ

Secretary of the Supreme Council of the Republic of Latvia I. DAUDIŠS

Riga, 15 December 1992