

# Human Fertilisation and Embryology (Welfare of Women) Bill

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**B I L L**

TO

Amend the Human Fertilisation and Embryology Act 1990 to make provision about the welfare of women undergoing any medical, surgical or obstetric treatment services provided for the purpose of assisting such women to carry children; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Duty to the welfare of women undergoing fertility treatment**

- (1) The Human Fertilisation and Embryology Act 1990 is amended as follows.
- (2) In section 8ZA (duties in relation to carrying out its functions), after subsection (2) insert—
  - “(3) In carrying out its functions the Authority must have regard to the welfare of women undergoing fertility treatment. 5
  - (4) In carrying out its duty under subsection (3) the Authority must have particular regard to—
    - (a) the effects of the marketing and advertising of fertility treatment; 10
    - (b) the emotional effects of fertility treatment;
    - (c) the cost of fertility treatment;
    - (d) the availability of suitable counselling and other support services.”
- (3) In section 13(5) (conditions of licences for treatment), after “welfare” insert “of the woman,”. 15

**2 Effects of fertility treatment on the welfare of women**

- (1) The Human Fertilisation and Embryology Act 1990 is amended as follows.
- (2) After section 8A (duty of Authority to communicate with competent

authorities of other EEA states) insert –

**“8AA Duty of Authority to promote analysis and understanding of the effects on women of fertility treatment**

- “(1) The Authority must promote analysis and understanding of effects of fertility treatment on the welfare of women. 5
- (2) The Authority must collect and publish annually in anonymised form records maintained under paragraphs (ea), (eb), (ec), (ed) and (ee) of section 13(2).”
- (3) After section 13(2)(e) (conditions of licences for treatment) insert –
- “(ea) the live birth rate per embryo transferred in pursuance of the licence, 10
- (eb) the drugs administered to women undergoing treatment in pursuance of the licence, and for the first year after pregnancy,
- (ec) the dosages of such drugs,
- (ed) the number of eggs harvested in every cycle of treatment intended to create an embryo in vitro, 15
- (ee) any adverse health outcomes for women and children resulting from treatment in pursuance of the licence, including data on ovarian hyper-stimulation syndrome, low birth weight and prematurity,”. 20

**3 Assessment of disclosure provisions**

- (1) The Human Fertilisation and Embryology Act 1990 is amended as follows.
- (2) After section 33D (disclosure for the purposes of medical or other research) insert –
- “33E Assessment of section 33D provisions 25**
- (1) The Secretary of State must assess the efficacy of section 33D and regulations made under that section for the purposes of scientific research into the welfare of women undergoing fertility treatment.
- (2) In making the assessment the Secretary of State must in particular consider – 30
- (a) the availability of data held by National Health Service organisations;
- (b) the availability of data held by the Registrar General;
- (c) the existing evidence base on fertility treatment and the welfare of women. 35
- (3) In making the assessment the Secretary of State must consult –
- (a) the Authority,
- (b) women who have undergone fertility treatment,
- (c) scientific researchers, and
- (d) other persons that appear to represent the interests of those likely to be affected by any changes to section 33D or regulations made under it. 40
- (4) The Secretary of State must publish a report setting out the findings of the assessment and setting out proposed next steps.

- (5) That report must be laid before Parliament within six months of this section coming into force.”

**4 Extent, commencement and short title**

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force on a day the Secretary of State may by regulations made by statutory instrument appoint. 5
- (3) This Act may be cited as the Human Fertilisation and Embryology (Welfare of Women) Act 2019.

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## B I L L

To amend the Human Fertilisation and Embryology Act 1990 to make provision about the welfare of women undergoing any medical, surgical or obstetric treatment services provided for the purpose of assisting such women to carry children; and for connected purposes.

*Ordered to be brought in by Siobhain McDonagh,  
Joan Ryan, Karen Lee,  
Emma Hardy, Layla Moran,  
Dame Caroline Spelman,  
Julie Elliott, Caroline Flint,  
Rosie Cooper, Ms Karen Buck,  
Dame Margaret Hodge and Liz Kendall.*

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*Ordered, by The House of Commons,  
to be Printed, 21st March 2018.*

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