

Act C of 2012 on the Criminal Code

With a view to protecting inviolable and inalienable human rights, to defending the independence and territorial integrity of the country, and to protecting the nation's economic and financial interest,

taking into account Hungary's international legal commitments as well as European Union policies, in order to enforce the State's exclusive jurisdiction in criminal matters,
Parliament has adopted the following Act:

CHAPTER XVI

MEDICAL PROCEDURES AND CRIMINAL OFFENSES AGAINST THE ORDER OF RESEARCH

Procedures on the Human Genome

Section 168

(1) Any person who performs a procedure on the human genetic structure, fetal genetic structure or the genetic structure of a human embryo for the purpose of changing the genetic structure thereof is guilty of a felony punishable by imprisonment between one to five years.

(2) The penalty shall be imprisonment between two to eight years if the procedure described in Subsection (1) results in permanent changes in the genome.

Illegal Use of Human Gametes

Section 169

(1) Any person who uses gametes from a cadaver or from a deceased fetus as part of a special procedure for the purpose of human reproduction is guilty of a felony punishable by imprisonment between one to five years.

(2) Any person who engages in preparations for the illegal use of human gametes is guilty of a misdemeanor punishable by imprisonment not exceeding two years.

Altering the Gender of an Unborn Child

Section 170

(1) Any person who performs a procedure for the purpose of altering the gender of an unborn child is guilty of a felony punishable by imprisonment between one to five years.

Violation of the Rules of Experimental Research on Humans

Section 171

Any person who performs a medical experiment on humans without or in deviation of, the authorization is guilty of a felony punishable by imprisonment between one to five years.

Violation of the Rules of Experimental Research with Embryos or Gametes

Section 172

(1) Any person who performs a medical experiment on human embryos or gametes without or in deviation of, the authorization, or creates a human embryo for scientific purposes, is guilty of a felony punishable by imprisonment between one to five years.

(2) Any person who:

- a) transplants a human embryo into an animal;
- b) inseminates a human gamete with an animal gamete, or vice versa;
- c) implants a human embryo which was previously experimented with into a human body; d) uses a human gamete which was previously used for experiment for human reproduction; e) uses a non-human gamete or embryo for human insemination or for embryo implantation; f) uses a human embryo to create several human embryos or animal embryos;

is punishable by imprisonment between two to eight years.

(3) Any person who engages in preparations for the criminal acts referred to in Subsection (2) is guilty of a

misdemeanor punishable by imprisonment not exceeding two years.

(4) For the purposes of this Section human gamete shall also mean fetus gamete.

Section 173

(1) Any person who performs a scientific experiment on a human embryo for the purpose of manipulating the genetic structure of the embryo is guilty of a felony punishable by imprisonment between one to five years.

(2) Any person who:

a) uses a human embryo to create a specimen with characteristics different from those developed by conception, or with additional features; or

b) separates the cells of a human embryo;

is punishable by imprisonment between two to eight years.

(3) Any person who engages in preparations for the criminal act referred to in Subsection (2) is guilty of a

misdemeanor punishable by imprisonment not exceeding two years.

Producing Genetically Identical Human Individuals

Section 174

(1) Any person who produces genetically identical human individuals during experimental research or during a medical procedure is guilty of a felony punishable by imprisonment between five to ten years.

(2) Any person who engages in preparations for the criminal act described in Subsection (1) is punishable by imprisonment not exceeding three years.

Illegal Use of a Human Body

Section 175

(1) Any person who illegally acquires, sells or trades for pecuniary gain human genes, cells, gametes, embryos, organs, tissues, or a cadaver or part(s) of such, or a deceased fetus, is guilty of a felony punishable by imprisonment not exceeding three years.

(2) The penalty shall be imprisonment between one to five years if the illegal use of human body is committed by an employee of a healthcare service provider acting for purposes relating to his profession.

(3) The penalty shall be imprisonment between one to five years in the case provided for in Subsection (1) or imprisonment between two to eight years in the case provided for in Subsection (2) if the illegal use of human body is committed:

- a) against a person under the age of eighteen years; b) on a commercial scale; or
- c) in criminal association with accomplices.

(4) Any person who engages in preparations for the illegal use of a human body is guilty of a misdemeanor punishable by imprisonment not exceeding one year in the case provided for in Subsection (1), or with imprisonment not exceeding two years in the cases provided for in Subsections (2) and (3).

(5) For the purposes of this Section embryo shall also mean an embryo removed from the mother's uterus as well as those produced in special procedures for the purpose of human reproduction, which are not placed into the uterus.