

The Thai Medical Council's Regulation
On Criteria for Performing Therapeutic Termination of Pregnancy
In accordance with Section 305 of the Criminal Code of Thailand B.E. 2548

By virtue of the power under Section 21 (3) (*Dor*) and with the approval of the President of the Council in accordance with section 25 of the Medical Profession Act B.E. 2525 which is the Act that contains certain provisions on the restriction of individual's rights and liberties in respect of which section 29 and section 50 of the Constitution of the Kingdom of Thailand permit only when acted with the power under the law, the Board of the Medical Council prescribes regulations as follows.

No. 1. This Regulation shall be called "The Medical Council's Regulation on Criteria for Performing Therapeutic Termination of Pregnancy in accordance with Section 305 of the Criminal Code of Thailand B.E. 2548."

No. 2. This Regulation shall come into force on the day following the date of its publication in the Government Gazette.

No. 3. The therapeutic termination of pregnancy in accordance with Section 305 of the Criminal Code shall be performed only with the consent of the pregnant woman.

No. 4. The physician who performs the therapeutic termination of pregnancy according to this Regulation shall be the medical practitioner under the law (according to the Medical Professional Act).

No. 5. The therapeutic termination of pregnancy in accordance with Section 305 (1) of the Criminal Code shall be performed on the following conditions:

- (1) In case of necessity due to the physical health problem of the pregnant woman or;
- (2) In case of necessity due to the mental health problem of the pregnant woman, which has to be certified or approved by at least one medical practitioner other than the one who will perform the medical termination of pregnancy.

In the case of severe stress due to the finding that the fetus has, or has a high risk of having, severe disability, or has or has a high risk of having severe genetic disease, after the said woman has been examined and received genetic counseling and the aforementioned matters have been acknowledged in writing by at least one medical practitioner other than the one who will perform the medical termination of pregnancy, the said pregnant women shall be regarded as having mental health problem according to (2).

For this purpose there shall be clear medical indications that the pregnant woman has physical health or mental health problem and the examination and diagnosis shall be recorded in the medical record and kept as evidence.

No. 6. The therapeutic termination of pregnancy in accordance with Section 305 (2) of the Criminal Code shall have evidence or fact leading to a reasonable belief that the pregnancy is caused by an offence under Section 305 (2) of the Criminal Code.

No. 7. The therapeutic termination of pregnancy in No. 5 and 6 must be performed in the following medical premises

(1) A government hospital or government agency that provides overnight admission service to patients, or a medical infirmary that has beds for patients for overnight stay in accordance with the Medical Premise Act, these medical premises are allowed to perform appropriate therapeutic termination of pregnancy.

(2) A medical clinic in accordance with the Medical Premise Act, is allowed to perform therapeutic termination of pregnancy where the gestational age is not over twelve weeks.

No. 8. The medical practitioner who performs therapeutic termination of pregnancy pursuant of this Regulation shall report to the Medical Council of Thailand according to the conditions to be specified, within a given period of time, and in a form determined by the Medical Council.

No. 9. In the case that the medical practitioner performing therapeutic termination of pregnancy does not conform to this Regulation, the said medical practitioner shall be deemed as having failed to uphold the best standard in practicing the medical profession.

No. 10. The medical practitioner who performs therapeutic termination of pregnancy in accordance with this Regulation shall be deemed as having conformed to Section 305 of the Criminal Code.

Announced on 10th November B.E. 2548 (A.D. 2005)
Somsak Lohlekha
President of the Thai Medical Council

(Unofficial translation by PATH)