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From: Carol De Rose <Carol.DeRose@hc-sc.gc.ca> on behalf of BGTD_AHR-DPBTG_PA <BGTD_AHR-DPBTG_PA@hc-sc.gc.ca>
To: Jocelyn Downie; Francoise Baylis
Cc: BGTD_AHR-DPBTG_PA@hc-sc.gc.ca; Carol De Rose
Subject: RE: Assisted Human Reproduction Act (AHRA) - MECS 13-116513 - 903

Sent: Mon 12/16/2013 1:06 PM

Dear Dr. Downie and Dr. Baylis:

Thank you for your letter of October 17, 2013 concerning the *Assisted Human Reproduction Act* (AHR Act).

As noted in my letter of September 24, 2013, when the AHR Act was adopted by Parliament in 2004, it was known that gametes were being purchased from gamete banks, and the language of the Act did not prohibit such purchases in Canada provided that the bank in question is not "acting on behalf of the donor." Health Canada interprets that to mean acting as an agent or representative for the donor. Whether or not a bank or other company is "acting on behalf of the donor" is a question of fact. While Health Canada does not comment on individual business models, the Department's interpretation is that there is a risk that an individual in Canada who makes an offer to purchase eggs (and/or purchases eggs) from an individual or company that could be deemed to be acting on behalf of a donor could be in contravention of section 7 of the *Assisted Human Reproduction Act*.

With respect to your other questions, I can only restate that these are Health Canada's interpretations of the AHR Act. Ultimately, whether or not an activity transgresses the provisions of the Act is something that would be determined by the courts.

Regards,

Assisted Human Reproduction | Procréation Assistée
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