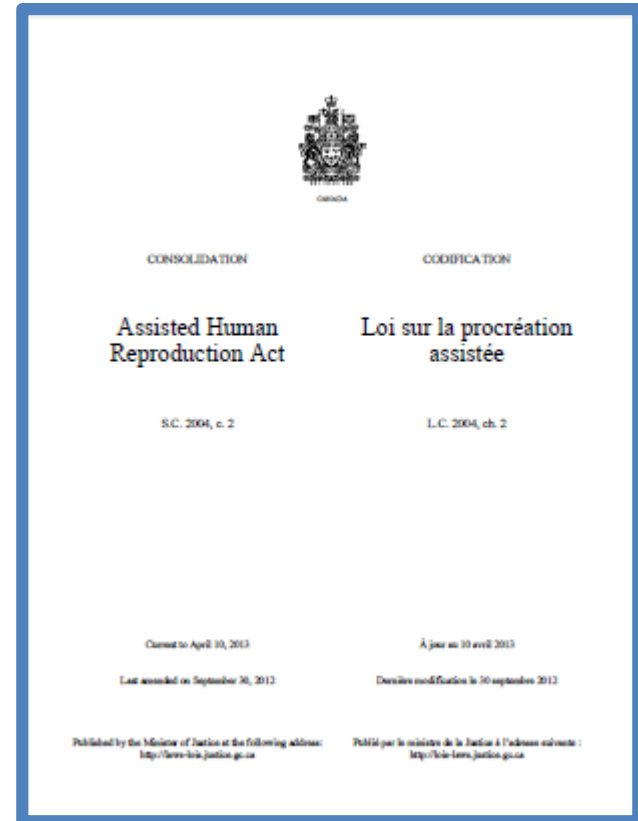


Legal Schmegal: What's a little cash between friends?

Françoise Baylis PhD, FRSC, FCAHS,
Professor and Canada Research Chair in
Bioethics and Philosophy

McGill University, February 6, 2016



“Navigating the Criminalization” of AHR

“Legislation and legal issues surrounding assisted reproduction are complicated and penalties are severe.”

- Legislation is not complicated; legal issues are.
- Penalties are severe; but the only penalty that has ever been imposed was “trivial”

Assisted Human Reproduction Act

PRINCIPLES

Declaration

2. The Parliament of Canada recognizes and declares that

(f) **trade** in the reproductive capabilities of women and men and the exploitation of children, women and men for commercial ends raise health and ethical concerns that justify their **prohibition**

trade: the action of buying and selling goods and services

Assisted Human Reproduction Act

PROHIBITED ACTIVITIES

Payment for surrogacy

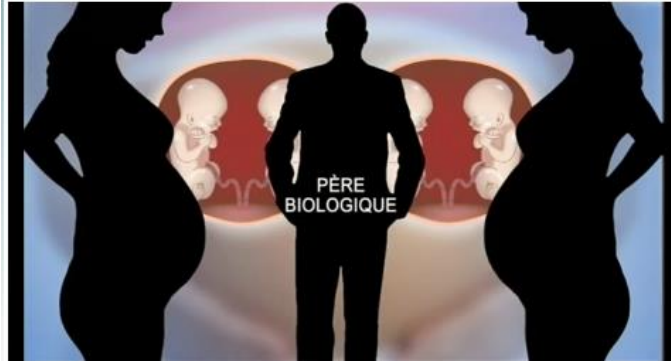
6. (1) **No person shall pay consideration** to a female person to be a surrogate mother, offer to pay such consideration or advertise that it will be paid.

Acting as intermediary

6. (2) **No person shall accept consideration** for arranging for the services of a surrogate mother, offer to make such an arrangement for consideration or advertise the arranging of such services.

Payment to intermediaries

6. (3) **No person shall pay consideration** to another person to arrange for the services of a surrogate mother, offer to pay such consideration or advertise the payment of it.



04:24 08:40
PAUSE MENU

b) créer un embryon in vitro à des fins autres que la création d'un être humain ou que l'apprentissage ou l'amélioration des techniques de procréation assistée;
c) dans l'intention de créer un être humain, créer un embryon à partir de tout ou partie d'une cellule prélevée sur un embryon ou un foetus ou le transplanter dans un être humain;
d) conserver un embryon en dehors du corps d'une personne de sexe féminin après le quatorzième jour de développement suivant la fécondation ou la création, compte non tenu de toute période au cours de laquelle son développement est suspendu;

6. (1) Il est interdit de rétribuer une personne de sexe féminin pour qu'elle agisse à titre de mère porteuse, d'offrir de verser la rétribution ou de faire de la publicité pour le versement d'une telle rétribution.

Intermédiaire
(2) Il est interdit d'accepter d'être rétribué pour obtenir les services d'une mère porteuse, d'offrir d'obtenir ces services moyennant rétribution ou de faire de la publicité pour offrir d'obtenir de tels services.

Rétribution d'un intermédiaire
(3) Il est interdit de rétribuer une personne pour qu'elle obtienne les services d'une mère porteuse, d'offrir de verser cette rétribution ou de faire de la publicité pour le versement d'une telle rétribution.

Mère porteuse — âge minimum
L'âge minimum est fixé par le règlement.

01:57 03:42
LECTURE MENU

1. D'être présent à chaque moment désiré
2. D'être présent pour chaque étape de la grossesse (rendre visite, etc.)
3. De respecter l'entente pécuniaire qui suit :
 - a. 1500\$ à la signature de ce contrat-ci en précisant qu'il est remboursable advenant le désistement des futurs parents
 - b. 3500\$ au test de grossesse positif seulement (test de grossesse négatif, le couple ne paie rien)
 - c. 5000\$ à l'échographie du 4^{ème} mois
 - d. 5000\$ à l'accouchement par césarienne
4. Advenant une grossesse multiple, le couple, s'engage d'élever tous les enfants nés de cette grossesse et de tous les enfants additionnels en frais à Nounou.
5. Toute dépense reliée à la conception et suivi grossesse (tests, déplacements)

01:38 07:41
PAUSE MENU

2002, c. 6, a. 30

540. La personne qui, après avoir formé un projet parental commun hors mariage ou union civile, ne déclare pas, au registre de l'état civil, son lien de filiation avec l'enfant qui en est issu engage sa responsabilité envers cet enfant et la mère de ce dernier.

1991, c. 64, a. 540; 2002, c. 6, a. 30.

541. Toute convention par laquelle une femme s'engage à procréer ou à porter un enfant pour le compte d'autrui est nulle de nullité absolue.

1991, c. 64, a. 541; 2002, c. 6, a. 30.

542. Les renseignements personnels relatifs à la procréation médicalement assistée d'un enfant sont confidentiels.

Toutefois, lorsqu'un préjudice grave risque d'être causé à la santé d'une personne ainsi procréée ou de ses descendants si cette personne est privée des renseignements qu'elle requiert, le tribunal peut permettre leur transmission, confidentiellement, aux autorités médicales concernées. L'un des descendants de cette personne peut également se constituer partie au procès.

05:31 07:41
PAUSE MENU

ASSISES EN FRANCE

Halte à la «location des ventres»!

De nombreuses voix s'élèvent afin de réclamer l'adoption d'une charte internationale pour l'abolition de la procréation pour autrui

3 février 2016 | Christian Rioux - Correspondant à Paris | Europe



Photo: Francis Guillot Agence France-Presse
Manifestation contre la procréation pour autrui et le mariage pour tous à Paris en décembre 2014

Alors que le recours à celles que l'on nomme communément les « mères porteuses » se généralise en Amérique du Nord et en Europe, plusieurs organisations féministes européennes ont voulu lancer un cri d'alarme. Réunies à l'Assemblée nationale française ce mardi, plus de 300 militantes féministes et d'organisations humanitaires venues de Suède, d'Allemagne, d'Inde, de Suisse et d'Autriche ont réuni les premières Assises pour l'abolition internationale de la maternité de substitution. De nombreux élus français, comme l'écologiste José Bové et les socialistes Benoît Hamon et Elisabeth Guigou se sont joints à eux afin de réclamer l'adoption d'une charte internationale pour l'abolition de la gestation pour autrui (GPA).

Assisted Human Reproduction Act

PROHIBITED ACTIVITIES

Purchase of gametes

7. (1) **No person shall purchase**, offer to purchase or advertise for the purchase of sperm or ova from a donor or a person acting on behalf of a donor.

Purchase or sale of embryos

7. (2) **No person shall**

(a) **purchase**, offer to purchase or advertise for the purchase of an in vitro embryo; or

(b) **sell, offer for sale or advertise for sale** an in vitro embryo.

Purchase of other reproductive material

7. (3) **No person shall purchase, offer to purchase or advertise for the purchase** of a human cell or gene from a donor or a person acting on behalf of a donor, with the intention of using the gene or cell to create a human being or of making it available for that purpose.

The Human Egg Trade

How Canada's fertility laws are failing donors, doctors, and parents

BY ALISON MOTLUK • ILLUSTRATION BY EMILY L. EIBEL
HEALTH • FROM THE APRIL 2010 MAGAZINE



Excellence in Women's Health Reporting



34th annual
National
MAGAZINE AWARDS
June 10th 2011



Winners in each media category receive a \$1000 cash prize and will be honoured at the annual conference of SOGC in June. There will also be three Honourable Mentions per category. Submissions are due by March 5, 2012. General criteria and applications forms are [here](#).

Last year's Honourable Mentions include National Magazine Award-winning articles "[The Human Egg Trade](#)" by Alison Motluk (*The Walrus*) and "[Guérir par les microbes](#)" by Valérie Borde (*L'actualité*).

Home > Healthy Living > Assisted Human Reproduction > Assisted Human Reproduction at Health Canada > Information sheet: implementation of section 12 - reimbursement of sperm and egg donors' expenditures

Information sheet: implementation of section 12 - reimbursement of sperm and egg donors' expenditures

The prohibition on the purchase of sperm or eggs from donors (section 7) came into force on April 22, 2004. That means that ~~it is now illegal to purchase human gametes from donors~~. However, the *Assisted Human Reproduction Act* ~~will allow for the reimbursement~~ of receipted expenditures incurred in the course of making a sperm or egg donation (section 12), in accordance with the regulations and a license.

It is not the intention of the Government of Canada to hinder Canadians from receiving AHR treatment. For that reason, the prohibition on purchasing eggs or sperm from a donor is not retroactive and, as such, gametes currently in storage that were purchased prior to April 22, 2004 can still be used.

The Government of Canada recognizes that current practice to date has not generally involved the reimbursement of receipted expenditures, as set out in section 12. Therefore, in order to allow the AHR community to prepare itself for the requirements of section 12, the Government is allowing for a staged transition period before section 12 is fully implemented, as set out in the diagram below. During this period, stakeholders will be consulted on the proposed regulatory framework pertaining to reimbursement of expenditures.

The prohibition on the purchase of sperm and eggs from donors (section 7) came into force on April 22, 2004. That means it **is now illegal** to purchase human gametes from donors. However, the Assisted Human Reproduction Act **will allow** for the reimbursement of receipted expenditures incurred in the course of making a sperm or egg donation (Section 12), **in accordance with the regulations and a license**.

Law (2004) Not yet in force

Reimbursement of expenditures

12. (1) No person shall, except in accordance with the regulations and a licence,

- (a) reimburse a donor for an expenditure incurred in the course of donating sperm or an ovum;
- (b) reimburse any person for an expenditure incurred in the maintenance or transport of an *in vitro* embryo; or
- (c) reimburse a surrogate mother for an expenditure incurred by her in relation to her surrogacy.

Receipts

(2) No person shall reimburse an expenditure referred to in subsection (1) unless a receipt is provided to that person for the expenditure.

No reimbursement

(3) No person shall reimburse a surrogate mother for a loss of work-related income incurred during her pregnancy, unless

- (a) a qualified medical practitioner certifies, in writing, that continuing to work may pose a risk to her health or that of the embryo or foetus; and
- (b) the reimbursement is made in accordance with the regulations and a licence.

Law (2012) Not yet in force

Reimbursement of expenditures

12. (1) No person shall, except in accordance with the regulations,

- (a) reimburse a donor for an expenditure incurred in the course of donating sperm or an ovum;
- (b) reimburse any person for an expenditure incurred in the maintenance or transport of an *in vitro* embryo; or
- (c) reimburse a surrogate mother for an expenditure incurred by her in relation to her surrogacy.

Receipts

(2) No person shall reimburse an expenditure referred to in subsection (1) unless a receipt is provided to that person for the expenditure.

No reimbursement

(3) No person shall reimburse a surrogate mother for a loss of work-related income incurred during her pregnancy, unless

- (a) a qualified medical practitioner certifies, in writing, that continuing to work may pose a risk to her health or that of the embryo or foetus; and
- (b) the reimbursement is made in accordance with the regulations,

2004, c. 2, s. 12; 2012, c. 19, s. 719.

What are the “severe” penalties?

Illegal purchase of sperm, eggs and surrogacy services leads to 27 charges against Canadian fertility company and CEO

 **TOM BLACKWELL** | February 15, 2013 12:06 PM ET
More from Tom Blackwell | @tomblackwellNP  Republish Reprint



‘Business has boomed’: Canadian surrogacy agent facing 27 charges continues her controversial work

 **TOM BLACKWELL** | 13/03/17 | Last Updated: 13/03/17 11:46 PM ET
More from Tom Blackwell | @tomblackwellNP  Republish Reprint



Thank you for considering CFC to help you build your family.



At CFC, we provide support for our surrogates for every step of their journey. One of the first discussions we have with them, is around receipt keeping, and how to submit for expenses. This discussion is done over the phone or in person, to address their individual questions and concerns. They also have access to the following video:

CFC RECEIPT VIDEO <http://www.youtube.com/watch?v=IhZByssG68Q&feature=youtu.be>

Fertility consultant at centre of criminal case accused of forging egg donor profiles given to potential clients, documents show



TOM BLACKWELL | 13/04/01 8:59 PM ET
More from Tom Blackwell | @tomblackwellINP



The fertility consultant facing an unprecedented criminal prosecution over her work arranging surrogacy services is accused of providing false profiles of egg donors and surrogates to potential clients, documents filed by the RCMP indicate. Darren Stone / Postmedia News files

Police File No. - N° de dossier de la police
2011-1305408

CANADA
PROVINCE OF
PROVINCE DE

Ontario

Toronto

(Region or District - Région ou District)

Information of
Dénonciation de
of - de

Corporal Steven C. HAN

Royal Canadian Mounted Police - Gendarmerie royale du Canada

(Occupation
Profession)

Peace Officer - Agent de la paix

The informant says that he/she believes on reasonable grounds that
Le dénonciateur déclare qu'il/elle a des motifs raisonnables de croire que

- (1) **Pleiades Picard (Birthdate: 1975-02-16) of 195 Ontario Street, Brighton, Ontario and Canadian Fertilty Consulting Ltd. (Ontario Corporation # 2280874) situated at unit 9, 8 Loyalist Drive, Brighton, Ontario.**

on or about the
le ou vers le

day of
jour de

, A.D.

at the
à

Municipality

of
de

Brighton and elsewhere in Ontario, including

in the said Region
dans ladite Région

Count 1

THAT Pleiades Picard and Canadian Fertilty Consulting Ltd., between April 1, 2011 and February 29, 2012, in the Municipality of Brighton and elsewhere in the Province of Ontario, did purchase ova from a donor, to wit: B.K., contrary to section 7(1) of the Assisted Human Reproduction Act, thereby committing an offence under section 60 of the said Act.

AND FURTHER

See attached Appendix "A"

The law

Payment for surrogacy (AHR Act)

6. (1) No person shall pay consideration to a female person to be a surrogate mother, offer to pay such consideration or advertise that it will be paid.

Purchase of gametes (AHR Act)

7. (1) No person shall purchase, offer to purchase or advertise for the purchase of sperm or ova from a donor or a person acting on behalf of a donor.

Punishment for forgery (Criminal Code)

367. Every one who commits forgery

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or

(b) is guilty of an offence punishable on summary conviction.

R.S., 1985, c. C-46, s. 367;1994, c. 44, s. 24;1997, c. 18, s. 24.

The penalties

Offence and punishment (AHR Act)

60. A person who contravenes any of sections 5-7 and 9 is guilty of an offence and

(a) is liable, on conviction on indictment, to a fine not exceeding **\$500,000** or to imprisonment for a term not exceeding **ten years**, or to both; or

(b) is liable, on summary conviction, to a fine not exceeding **\$250,000** or to imprisonment for a term not exceeding **four years**, or to both.

\$60,000: The cost of doing business

Leia Picard admitted to violating each of these sections of the *AHR Aat*. **The court imposed a fine of \$60,000.**

- Picard **paid five women for twelve egg “donations”** at \$5,000 per “donation”.
- Picard **paid three women surrogates** between \$22,550 and \$30,200
- Picard **was paid \$31,000 for referring** three Canadian couples to a surrogacy broker in the US. These couples in turn paid \$130,000, \$120,000, and \$149,000 to the broker.

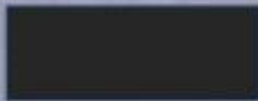
T

Seeking Surrogate!



Pay: \$5,000 - \$10,000 !

You must be a healthy female 18 - 30. STI free, no genetic or mental illness in family!



From: [REDACTED]
To: <Info@hc-sc.gc.ca>
Date: 2014-02-11 13:43
Subject: Payment for Surrogacy

The attached photo was taken at the Masonville area bus shelter in north London on February 7th 2014.

Thought you might like to be informed.

To: [REDACTED]
Date: 2014-02-11 02:08 PM
Subject: Re: Payment for Surrogacy

Thank you for contacting Health Canada.

As you are referring to health care services, it is important to remember that, in Canada, the administration and delivery of health care services are the responsibility of each province or territory. It is the provinces and territories, rather than the federal government, that are responsible for the administration and delivery of health care services. This includes setting their own priorities, administering their own health care budgets and managing their own resources.

Health care services include insured primary health care such as health cards, the services of physicians and other health professionals, home care, Assistive Devices Programs(ADP), and care in hospitals, which account for the majority of provincial and territorial health expenditures.

For assistance, we suggest you contact your provincial Ministry of Health.

You can locate a link for all Ministries of Health at:

<http://www.hc-sc.gc.ca/hcs-sss/delivery-prestation/ptrole/index-eng.php>

Sincerely,

From: [REDACTED]
To: "INFO" <info@hc-sc.gc.ca>
Date: 2014-02-11 04:30 PM
Subject: Re: Payment for Surrogacy

Thank you for your reply.

First, are we not talking about Bill C6 prohibitions here (offers of payment for surrogacy) which were upheld by the Supreme Court decision and remain under Federal jurisdiction?

Secondly, it was my understanding that Bill C6 specifies that, with respect to surrogacy, permissible financial reimbursement "shall be in accordance with regulations" and I was under the impression that it remains Health Canada's responsibility (not that of the provincial governments) to draft such regulations concerning appropriate reimbursement for expenses.

Am I incorrect? I would appreciate hearing Health Canada's response on this.

(I thought it might be beneficial for Health Canada to understand the impact and likely confusion this lack of action is creating for the Canadian public)



Payment for Surrogate - Regulations concerning reimbursement - MECS no.
14-101989-28

BGTD_AHR-DPBTG_PA to: [REDACTED]

2014-03-07 11:45 AM

Sent by: Carol De Rose

Bcc: Liz Anne Gillham-Eisen, Kendra Hunter, Presho Jesuthasan,
Carol De Rose



Thank you for alerting us to the advertisement attached below seeking a candidate for surrogacy and payment for the surrogacy, and our apologies for the initial response. We will be addressing the compliance issue.

To speak to your question around permissible financial reimbursement, it does remain within Health Canada's ambit. In the absence of reimbursement regulations, Health Canada has an interpretation of reimbursement for out-of-pocket costs relating to a surrogate's pregnancy under the *Assisted Human Reproduction Act* which can be found at:

<http://www.hc-sc.gc.ca/dhp-mps/brgtherap/legislation/reprod/surrogacy-substitution-eng.php>

Thank you for taking the time to write.

Microsoft Word document content, mostly illegible due to low resolution and small font size.



Payment for Surrogate - Regulations concerning reimbursement - MECS no.

14-101989-28

BGTD_AHR-DPBTG_PA to: 

2014-03-07 11:24 AM

Sent by: Carol De Rose

Bcc: Liz Anne Gillham-Eisen, Kendra Hunter, Presho Jesuthasan,
Carol De Rose

Dear Sir,

It has been brought to Health Canada's attention that an advertisement (with your contact information) seeking a surrogate, and payment for the surrogacy, was placed at a bus shelter around Masonville, London, in early February 2014. Please see the attached photograph.



Advertisement for Surrogate.JPG

It should be noted that in Canada, the *Assisted Human Reproduction Act*, does not allow a person to pay consideration such as for example (in cash, goods, property or services), offer to pay, or advertise to pay such consideration to a woman to be a surrogate mother. Consequently, we ask that all such advertisements be removed. Further, please note that subsection 6(4) of the AHR Act provides in part that "no person shall counsel or induce a female person to become a surrogate mother [...] knowing or having reason to believe that the female person is under 21 years of age".

While payment or advertisements to pay a woman to be a surrogate is illegal in Canada, Health Canada has an interpretation of the *Assisted Human Reproduction Act* where a surrogate mother could be repaid for out-of-pocket costs directly related to her pregnancy (e.g., maternity clothes, medications).

For more information regarding Canada's laws regarding surrogacy and its interpretation on allowable expenditures, please visit Health Canada's website at:

<http://www.hc-sc.gc.ca/dhp-mps/brgtherap/legislation/reprod/surrogacy-substitution-eng.php>

We forgot ... We don't care...

RCMP: Prosecution
(L. Picard fined \$60,000)

Health Canada: Emails and cease-and-desist letters in response to complaints:

- (i) bus-shelter ads to hire a surrogate mother (\$10,000)
- (ii) company allegedly paying women to donate eggs

Health Canada all but ignores illegal ad for surrogate, cash for egg donors, internal documents reveal



TOM BLACKWELL | December 13, 2015 | Last Updated: Dec 13 9:20 PM ET
More from Tom Blackwell | @tomblackwellINP



Français	Contact us	Help	Search	Canada Site
A-Z Index	Consultations	Media Room	It's Your Health	Home

Home > Healthy Living > Assisted Human Reproduction > Assisted Human Reproduction at Health Canada > Frequently Asked Questions

Frequently Asked Questions

1. [What are the objectives of the Agency?](#)
2. [Has the Assisted Human Reproduction Act become law?](#)
3. [Why is it taking so long to develop the regulations under the AHR Act?](#)
4. [Under Section 19 of the AHR Act, what kind of information will be made public?](#)
5. [What is meant by the transitional provisions of Section 71 of the AHR Act? Can I start a new service or open a new clinic in this time of transition?](#)
6. [How will the legislation be brought into force?](#)
7. [Can Canadians continue to receive fertility treatment or is there a moratorium until the regulations are developed and the Agency is set up?](#)
8. [At the time the prohibitions on commercialization come into effect, will sperm/egg donors and surrogates be denied payment?](#)
9. [Will clinics be able to continue to import sperm and use sperm already in storage which had been "paid for"?](#)
10. [How will the Federal Government help the AHR sector - patients and clinics - move to this "altruistic" system of donation? Is the Government willing to, for example, pay for advertising?](#)
11. [What impact does the prohibition on payment to a surrogate have on surrogacy contracts?](#)
12. [What impact does the prohibition on arranging surrogacy services - for payment - have on AHR clinics, doctors and lawyers?](#)
13. [What is the relationship between the AHR Act and the Processing and Distribution of Semen for Assisted Conception Regulations \(Semen Regulations\)? Are the Semen Regulations still in effect?](#)
14. [Where can I find the most up-to-date information regarding the timing of Proclamation for the different sections of the AHR Act, the](#)



Q3. Why is it taking so long to develop the regulations under the AHR Act?

Health Canada is committed to following the *Government of Canada's Regulatory Policy* in developing options and recommendations for AHR. The Policy is designed to ensure that the use of the Government's regulatory powers serves the public interest and results in the greatest net benefit to Canadian society. The Government must weigh the benefits of alternatives to regulations - and of alternative regulations - against their cost, and focus resources where they can do the most good.

Regulations made under federal Acts have to meet the requirements of the regulatory process. By following this process, government departments can better ensure that ministers have the appropriate information on which to base decisions regarding regulations.

The main steps of the regulatory process are the following:

- initiation of public consultations;
- conception and drafting of proposed regulations as well as other documents that constitute the regulatory submission package, such as the Regulatory Impact Analysis Statement (RIAS);
- review by the Department of Justice;
- Ministerial approval for prepublication;
- consideration by the Regulatory Affairs and Orders in Council Secretariat (RAOIC) at Treasury Board;
- prepublication of the proposed regulations and RIAS in *Canada Gazette*, Part I and comment period;
- parliamentary review of proposed regulations;
- analysis of comments received and departmental preparation of final proposal;
- final review by the Department of Justice;
- Ministerial approval for publication;
- consideration by Treasury Board;
- approval by the Governor in Council and registration by the Clerk of the Privy Council;
- publication of final regulations and RIAS in *Canada Gazette*, Part II;
- coming into force of regulations;
- parliamentary review by the Standing Joint Committee on the Scrutiny of Regulations.

Canadian Standards Association



Business Management

CSA publishes a wide range documents and tools, checklists and guides such as the ISO 9000 Essentials, to help organizations in their quest for ISO 9000 compliance, as well as standards for risk management and reliability, and basic engineering activities such as drafting and measurement.



Electrical

CSA's electrical standards address everything from fuses and light bulbs to sophisticated equipment. In addition, since 1927, CSA's Canadian Electrical (CE) Code has provided the signature standards for addressing shock and fire hazards of electrical products in Canada.



Environment and Climate Change

With environmental concerns increasingly driving business decisions and objectives, organizations aim to position themselves as leaders in environmental responsibility. CSA is involved with environmental standards activities on an international level.



Information Technology and Telecommunication

CSA offers standards that contribute to ensuring technical compatibility and efficient operation of communication systems



Mechanical and Industrial Equipment

From elevator to amusement rides to pressure vessels, safe operation of a wide variety of mechanical equipment is of critical concern to safety of the general public. CSA offers a portfolio of standards to support the safe functioning of such equipment.



Construction and Engineering

CSA construction standards provide critical and innovative information for designers, builders, manufacturers, suppliers and distributors to help address safety and reliability issues in construction projects from basic engineering to plumbing to an array of building materials.



Energy

CSA offers a large portfolio of energy-related standards that address safety, performance and efficiency requirements from the production facility, through transmission, to the point of use by consumers, including alternative energies such as nuclear and solar.



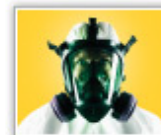
Health Care and Medical Devices

CSA has developed a number of solutions to promote a safer health care environment from consumer issues such as child resistant packaging to more complex areas such as the design of health care facilities.



Infrastructure and Public Works

CSA's Infrastructure Solutions Program (ISP) supports the effective management of municipal infrastructure assets. The program aims to provide practical products to help practitioners implement modern technologies, while addressing a wide range of sustainability issues and helping facilitate modern asset management.



Occupational Health and Safety

CSA has published over 170 Occupational Health and Safety documents covering a wide spectrum of workplace matters: from machinery and equipment to office ergonomics and injury prevention.

Canadian Standards Association



CAN/CSA-B837-14

CAN/CSA-B837-14 - Collapsible fabric storage tanks (bladders)

Format(s): PDF

Language(s): French | English



CAN/CSA-Z900.2.1-12

CAN/CSA-Z900.2.1-12 - Tissues for assisted reproduction

Format(s): PDF

Language(s): French | English



CAN/CSA-Z900.2.2-12

CAN/CSA-Z900.2.2-12 - Tissues for transplantation

Format(s): PDF

Language(s): French | English



CAN/CSA-Z900.2.4-12

CAN/CSA-Z900.2.4-12 - Ocular tissues for transplantation

Format(s): PDF

Language(s): French | English



Z900-12 PACKAGE

Z900-12 PACKAGE - Consists of CAN/CSA-Z900.1-12, Cells, tissues, and organs for transplantation: General requirements; CAN/CSA-Z900.2.1-12, Tissues for assisted reproduction; CAN/CSA-Z900.2.2-12, Tissues for transplantation; CAN/CSA-Z900.2.3-12, Perfusable organs for transplantation; CAN/CSA-Z900.2.4-12, Ocular tissues for transplantation and CAN/CSA-Z900.2.5-12, Lymphohematopoietic cells for transplantation

Format(s): PDF

Language(s): French | English



CAN/CSA-Z900.1-12

CAN/CSA-Z900.1-12 - Cells, tissues, and organs for transplantation: General requirements

Format(s): PDF

Language(s): French | English

Canadian Standards Association

THOMSON REUTERS
TECHSTREET™ STORE

Standards Connect The World. We Connect You To Standards.

SHOP
by Publisher ▾

SEARCH
for



MY ACCOUNT ▾



🏠 > CAN/CSA Z900.2.1-12



CAN/CSA Z900.2.1-12

Tissues for Assisted Reproduction

STANDARD by Canadian Standards Association / National Standard of Canada, 12/01/2012

[View all product details](#)

📌 Most Recent

🕒 Track It

🔍 Preview

Language: English ▾

Available Formats	Options	Availability	Priced From (in USD)	
PDF		Immediate download	\$168.00	Add to Cart
Printed Edition		Ships in 1-2 business days	\$168.00	Add to Cart
Printed Edition + PDF		Immediate download	\$227.00	Add to Cart

Reimbursement discussions exclude surrogates, donors

A proposed guideline stipulating what surrogates as well as egg, sperm and embryo donors can claim as expenses is drawing criticism from experts who say the process was not inclusive or well publicized. Many also object to the government outsourcing its responsibility to make these rules. The final guideline is expected to be rolled out early in 2016.

The Assisted Human Reproduction Act (2004) states that although surrogacy and gamete donation is legal, paying for it outright is a crime; payment can only be made to reimburse expenses. However, Health Canada has never specified which expenses are acceptable. Typically, navigating that complex area has fallen to fertility lawyers (who draw up agreements about reimbursements), agencies (some of whom actively manage reimbursements on behalf of clients) and individual women, who sometimes act on their own behalf.

Interpretations have varied widely.



dolgachov/StockPhoto

Groceries and cell phone packages are not included in proposed reimbursement standards for surrogates and donors of eggs, sperm or embryos.

Canada intends to make these standards law so that they will be.

ductive tissue or gestation — was invited to sit on the committee, despite

Annex A to the CAN/CSA Z900.2.1 12



Tissues for assisted reproduction

s.12(1)(a) reimbursement for receipted expenditures for “gamete donation”

s.12(1)(b) reimbursement for “expenditures incurred in the maintenance and transport of an *in vitro* embryo” **within the general scope of the CSA Standard**

s.12(1)(c) reimbursement for receipted expenditures for “surrogacy services” and loss of work related income

- Why did HC ask the CSA to develop standards?
- Nov 2004 **Workshop on the Reimbursement of expenditures for Egg and Sperm Donors** organized by HC “to gather information for use in developing regulations”
- “policy intent that reimbursement of expenditures would be limited to amounts the donors actually pay for, out of pocket.”
- “Moving forward: Obtaining the perspective of the gamete donor and of the recipients.”
- Next steps: The normal regulatory process will unfold, including publication in Gazette I and Gazette II, with **the aim of having the entire regulatory framework in place by 2007 or 2008.**

Annex A to the CAN/CSA Z900.2.1 12



Tissues for assisted reproduction

s.12(2) No person shall reimburse an expenditure referred to in subsection (1) **unless a receipt is provided** to that person for the expenditure.

- **Section A.2.2.1 (Documentation)**
- The **proposed Annex A seeks to legitimize “receiptable expenditures”** with the reference to “other form of evidence confirming expenditure.”
- There is a logical difference between “receiptable reimbursements of expenditures” and “receipted reimbursements of expenditures.”

Annex A to the CAN/CSA Z900.2.1 12



Tissues for assisted reproduction

s.12(3) No person shall **reimburse a surrogate mother for a loss of work-related income** incurred during her pregnancy, unless ...

- **(a)** a qualified medical practitioner certifies, in writing, that continuing to work may pose a risk to her health or that of the embryo or foetus; and
- **(b)** the reimbursement is made in accordance with the regulations.

- **Section A.3.2.2 Donation of Ova (Eligible Expenditures)**
- **The proposed Annex A seeks to legitimize reimbursement of “net income lost” related to ova “donation”.**
- The Act included provisions for “loss of work-related income incurred during pregnancy” for surrogates 12(3)(a) and (b). There is no equivalent provision for ova providers.

The CSA and the AHR Act

Incorporation by reference

- **65 (2)** The regulations may incorporate any document by reference, regardless of its source, either as it reads on a particular date or as it is amended from time to time.

Proposed regulations to be laid before Parliament

- **66 (1)** Before a regulation is made under section 65, the Minister shall lay the proposed regulation before each House of Parliament.

Baylis & Downie v. Health Canada

- *Annex A to the CAN/CSA Z900.2.1-12 Tissues for assisted reproduction* Comments on Reimbursement of expenditures for embryo and gamete providers and surrogates (2015)
- Snow, D., Baylis, F., & Downie, J. (2015). Why the government of Canada won't regulate assisted human reproduction: A modern mystery. *McGill Journal of Law and Health*, pp. 15.
- Baylis, F., & Downie, J. (2014). Achieving national altruistic self-sufficiency in human eggs for third-party reproduction in Canada. *International Journal of Feminist Approaches to Bioethics* 7(2), 164-184.
- Baylis, F., Downie, J., & Snow, D. (2014). Fake it till you make it: Policymaking and assisted human reproduction in Canada. *Journal of Obstetrics and Gynaecology Canada* 36(6), 510-512.
- Downie, J., & Baylis, F. (2013). The tale of Assisted Human Reproduction Canada: A tragedy in five acts. *Canadian Journal of Women and the Law* 25(2), 183-201.
- Downie, J., & Baylis, F. (2013). Transnational trade in human eggs: Law, policy, and (in)action in Canada. *Journal of Law, Medicine and Ethics* 41(1), 224-239.

Meanwhile, in the US

11:01 am ET
Feb 3, 2016 CIVIL LITIGATION

Fertility Industry Group Settles Lawsuit Over Egg Donor Price Caps

ARTICLE COMMENTS

AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE ANTITRUST EGG DONORS

Email Print Facebook 22 Twitter

By JACOB GERSHMAN CONNECT



ASRM ETHICS COMMITTEE REPORT

Financial compensation of oocyte donors

The Ethics Committee of the American Society for Reproductive Medicine
American Society for Reproductive Medicine, Birmingham, Alabama

ASRM will amend the challenged report concerning donor compensation by removing numbered paragraph 3 (which reads “[t]otal payments to donors in excess of \$5,000 require justification and sums above \$10,000 are not appropriate.”) and by removing the following language from page 4: “Although there is no consensus on the precise payment that oocyte donors should receive, at this time sums of \$5,000 or more require justification and sums above \$10,000 are not appropriate” and “A recent survey indicates that these sums are in line with the practice of most SART member clinics.”



BREAKING THE LAW

- [VIEW SELECT PUBLICATIONS](#)
- [VIEW SELECT IMPACT ETHICS BLOGS](#)
- [VIEW SELECT MEDIA ARTICLES](#)
- [VIEW SELECT POLICY CONTRIBUTIONS](#)

Overview

It is illegal under the *Assisted Human Reproduction Act* to "pay consideration to a female person to be a surrogate mother," "to accept consideration for arranging the services of a surrogate mother" and "to pay consideration to another person to arrange for the services of a surrogate mother" (AHR Act s.6). It is anticipated that reimbursement for receipted expenditures incurred by a surrogate mother and for loss of work-related income will be legal, provided that the reimbursements are made in accordance with the regulations (AHR Act s.12). As yet, however, there are no regulations with respect to reimbursement; moreover, section 12 of the legislation is not yet in force.

Projects

Human Reproduction

- Public Funding of IVF
- Breaking the Law**
- Post-menopausal Pregnancy
- Mitochondrial Replacement
- Regulating AHR
- Donor Anonymity
- Embryo Sex Selection
- Fertility Preservation

Eggs and Embryos

Governance of Research

Research Ethics

Selling the Body

My bottom line ...

- Canadians who want to be law abiding citizens are entitled to know the “law”, not merely some “interpretation” from Health Canada.
- Health Canada is remiss in its duties. There is no ethically sound defense for refusing to write the regulations these past 12 years.

Assisted Human Reproduction Act

PRINCIPLES

Declaration

2. The Parliament of Canada recognizes and declares that

(c) While all persons are affected by these technologies, women more than men are directly and significantly affected by their application and the **health and well-being of women must be protected in the application of these technologies.**

Read our Blog Impact Ethics.ca



**IMPACT
ETHICS**

[ABOUT](#) [SUBMISSION GUIDELINES](#)

Making a Difference in Bioethics

Follow us on
twitter



Impact Ethics

@ImpactEthics

To develop and promote ethical policy in the fields of health, science and biotechnology. Making a Difference!
Halifax, Canada · [noveltechethics.ca](#)



Francoise Baylis

@FrancoiseBaylis

Philosopher, Canada Research Chair in Bioethics & Philosophy at
Dalhousie University, Halifax Canada, Soccer Mom
Halifax, Canada · [noveltechethics.ca](#)