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Canada Gazette, Part I, Volume 152, Number 43: Reimbursement Related to Assisted Human Reproduction Regulations

October 27, 2018

Statutory authority

Assisted Human Reproduction Act

Sponsoring department

Department of Health

REGULATORY IMPACT ANALYSIS STATEMENT

For the Regulatory Impact Analysis Statement, see the [Safety of Sperm and Ova Regulations \(reg2-eng.html\)](#).

PROPOSED REGULATORY TEXT

Notice is given that the Governor in Council, pursuant to subsection 65(1) ^a of the *Assisted Human Reproduction Act* ^b, proposes to make the annexed *Reimbursement Related to Assisted Human Reproduction Regulations* .

Interested persons may make representations concerning the proposed Regulations within 75 days after the date of publication of this notice. All such representations must cite the *Canada Gazette*, Part I, and the date of publication of this notice, and be addressed to Bruno Rodrigue, Director, Office of Legislative and Regulatory Modernization, Health Products and Food Branch, Department of Health, 11 Holland Avenue, Suite 14, Ottawa, Ontario K1A 0K9 (email: hc.lrm.consultations-mlr.sc@canada.ca) (<mailto:hc.lrm.consultations-mlr.sc@canada.ca>)).

Ottawa, October 18, 2018

Jurica Čapkun

Assistant Clerk of the Privy Council

Reimbursement Related to Assisted Human Reproduction Regulations

Interpretation

Definitions

1 The following definitions apply in these Regulations.

Act means the *Assisted Human Reproduction Act*. (*Loi*)

dependant means, in respect of a donor of sperm or ova or a surrogate mother, a person who resides with them and is dependent on them by reason of age or mental or physical incapacity. (*personne à charge*)

Reimbursement of Expenditures Under Subsection 12(1) of the Act

Expenditures — donating ova or sperm

2 The following expenditures incurred by a donor in the course of donating ova or sperm may be reimbursed:

- (a) travel expenditures, including expenditures for transportation, parking, meals and accommodation;
- (b) expenditures for the care of dependants;
- (c) expenditures for counselling services;
- (d) expenditures for legal services and disbursements;
- (e) expenditures for any drug or device as defined in section 2 of the *Food and Drugs Act*;
- (f) expenditures for products or services that are provided by or recommended in writing by a person authorized under the laws of a province to practise medicine in that province;
- (g) expenditures for health, disability or life insurance coverage; and
- (h) expenditures for obtaining or confirming medical or other records.

Expenditures — maintenance and transport of *in vitro* embryo

3 The following expenditures incurred by any person may be reimbursed:

- (a) expenditures for the maintenance of an *in vitro* embryo, including storage; and
- (b) expenditures for the transport of the *in vitro* embryo, including preparing it for transport, for the shipping container and for preparing the container for transport.

Expenditures — surrogacy

4 The following expenditures incurred by a surrogate mother in relation to her surrogacy may be reimbursed:

- (a) travel expenditures, including expenditures for transportation, parking, meals and accommodation;
- (b) expenditures for the care of dependants;

- (c) expenditures for counselling services;
- (d) expenditures for legal services and disbursements;
- (e) expenditures for any drug or device as defined in section 2 of the *Food and Drugs Act*;
- (f) expenditures for products or services that are provided by or recommended in writing by a person who is authorized under the laws of a province to assess, monitor and provide health care to a woman during her pregnancy, delivery or the post-partum period;
- (g) expenditures for maternity clothes;
- (h) expenditures related to the delivery;
- (i) expenditures for health, disability or life insurance coverage; and
- (j) expenditures for obtaining or confirming medical or other records.

Expenditures — use of an automobile

5 In the case of transportation expenditures referred to in paragraphs 2(a), 3(b) and 4(a), the maximum amount that may be reimbursed to a person for the use of an automobile as a means of transport, other than an automobile used for a transportation service that provides a receipt, is the amount that is calculated on the basis of the distance driven in kilometres and the applicable automobile allowance rate posted on the Canada Revenue Agency's website for the year in which the travel occurred.

Preliminary requirements for reimbursement

6 A person may only reimburse the applicable expenditure referred to in sections 2 to 4 to the person requesting reimbursement if they have obtained the following documents:

- (a) a declaration dated and signed by the person who requests the reimbursement that sets out
 - (i) their name and address,
 - (ii) the nature of each expenditure incurred,
 - (iii) with respect to each expenditure, the amount incurred and, if less than the amount incurred, the amount requested for reimbursement,
 - (iv) the date on which each expenditure was incurred,
 - (v) in the case of a transportation expenditure for the use of an automobile as a means of transport, other than an automobile used for a transportation service that provides a receipt, with respect to each trip,
 - (A) the addresses of the points of departure and destination, and
 - (B) the total distance in kilometres driven between those two points,
 - (vi) a statement indicating that each expenditure was incurred in the course of donating sperm or ova, in the maintenance or transport of an *in vitro* embryo or in relation to a surrogacy, as applicable,
 - (vii) a statement for each expenditure indicating that the amount has not been paid to them by any other source, in full or in part, and

(viii) a statement confirming that all of the information contained in the declaration is accurate and complete to the best of their knowledge;

(b) if applicable, a copy of the written recommendation of a person authorized under the laws of a province to practise medicine in that province and obtained in relation to a product or service for which a request for reimbursement for the expenditure has been made;

(c) if applicable, a copy of the written recommendation of a person authorized under the laws of a province to assess, monitor and provide health care for a woman during her pregnancy, delivery or the post-partum period and obtained in relation to a product or service for which a request for reimbursement for the expenditure has been made; and

(d) a receipt for each expenditure for which the reimbursement is requested that identifies the date on which the expenditure was incurred, except in the case of transportation expenditures for the use of an automobile in accordance with section 5.

Reimbursement — sign and affirm

7 A person who reimburses an expenditure set out in another person's declaration must indicate on the declaration the amount of each expenditure that they reimbursed and the date of the reimbursement and must sign it to affirm that information.

Reimbursement of Surrogate Mother for Loss of Work-Related Income Under Subsection 12(3) of the Act

Preliminary requirements for reimbursement

8 A person may only reimburse a surrogate mother who makes a request to be reimbursed for a loss of work-related income incurred during her pregnancy if they have obtained the following documents:

(a) a declaration dated and signed by the surrogate mother that sets out

(i) her name and address,

(ii) the beginning and end dates of the period during her pregnancy when she did not work for a reason certified by a qualified medical practitioner pursuant to paragraph 12(3)(a) of the Act,

(iii) the amount requested for reimbursement,

(iv) a statement indicating that the loss of income has not been paid to them by any other source, in full or in part, and

(v) a statement indicating that all of the information submitted in the declaration is accurate and complete to the best of her knowledge;

(b) supporting evidence of the income that would have otherwise been obtained had she not been absent from work for the period specified in subparagraph (a)(ii); and

(c) a copy of the certification provided by a qualified medical practitioner referred to in paragraph 12(3)(a) of the Act.

Reimbursement — sign and affirm

9 A person who reimburses a surrogate mother for a loss of work-related income must indicate on the declaration the amount of the loss of income that they reimbursed and the date of the reimbursement, and must sign it to affirm that information.

Exemption

Exemption regarding receipt

10 A person who reimburses transportation expenditures is exempt from the application of subsection 12(2) of the Act if the expenditures were incurred for the use of an automobile as a means of transport, other than an automobile used for a transportation service that provides a receipt.

Maintenance of Records

Maintain records — reimbursement for expenditures

11 (1) A person who reimburses expenditures referred to in these Regulations must, for each reimbursement, maintain a record of all documents obtained for the purposes of that reimbursement for a period of six years after the date of the reimbursement.

Maintain records — reimbursement for loss of income

(2) A person who reimburses a surrogate mother for a loss of work-related income incurred during her pregnancy must, for each reimbursement, maintain a record of all documents obtained for the purposes of that reimbursement for a period of six years after the date of the reimbursement.

Provision of Records to Minister

Notice from Minister

12 (1) The Minister may, by written notice, require a person who must maintain a record in relation to a reimbursement under section 11 to provide to the Minister any record or any additional information related to the reimbursement by the date specified in the notice.

Obligation to provide records or information

(2) Any person who has been notified under subsection (1) must provide to the Minister any required records or any additional information related to the reimbursement by the date specified in the notice.

Coming into Force

13 These Regulations come into force on the day on which they are published in the *Canada Gazette*, Part II.

Footnotes

a S.C. 2012, c. 19, s. 737

b S.C. 2004, c. 2

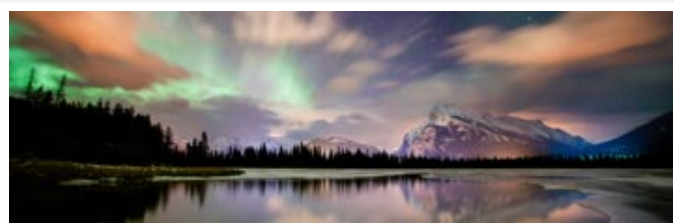
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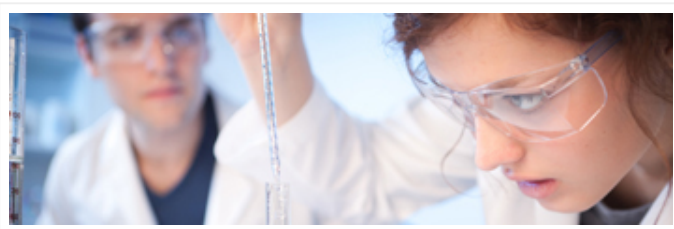
(https://www.budget.gc.ca/2018/docs/themes/advancement-advancement-en.html?utm_source=CanCa&utm_medium=Activities_e&utm_content=Advancement&utm_campaign=CAbdgt18)
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Advancing reconciliation with Indigenous Peoples

#YourBudget2018 – Progress



(https://www.budget.gc.ca/2018/docs/themes/progress-progres-en.html?utm_source=CanCa&utm_medium=Activities_e&utm_content=Progress&utm_campaign=CAbdgt18)
Supporting Canada's researchers to build a more innovative economy