



CANADIAN FERTILITY AND ANDROLOGY SOCIETY
SOCIÉTÉ CANADIENNE DE FERTILITÉ ET D'ANDROLOGIE

Position Statement on Compensation for Third Party Reproduction in Canada

May 2017

Compensation for Third Party Reproduction in Canada

Current federal law in Canada, as described under Sections 6 and 7 of the Assisted Human Reproduction Act, 2004 (AHRA), prohibits the purchase of eggs and sperm, from donors or anyone acting on behalf of donors, the purchase or sale of embryos, and payment of a fee to a surrogate. In all cases, reimbursement of expenses is permitted with receipts. However, exactly what expenses are allowed is still under consideration by Health Canada. In the meantime, penalties for contravening the Act are severe, amounting to a maximum fine of \$500,000 or imprisonment for up to 10 years.

The prohibitions and associated criminal penalties of the AHRA have severely limited the number of donors and gestational surrogates available to Canadians in need. Those in need include infertile men and women, cancer survivors, individuals who carry severe or even fatal genetic disorders who wish to break the chain of inheritance, same sex couples and single men and women. As a consequence of the law, many Canadians either wait indefinitely for an opportunity that may never come or resort to other means such as cross border reproductive tourism, sometimes incurring risks that are out of the control of Canadians and the Canadian healthcare system. Many pay for and import donor gametes from foreign countries where compensation is legal.

The Canadian Fertility and Andrology Society believes that maintaining the status quo is simply not an option. In the thirteen (13) years since the Act came into law many advances in assisted reproductive technologies (ART) have occurred and society has become more comfortable with third party reproduction along with non-traditional family building. As a leading liberal democracy, our laws must keep pace with advances in science and society. Today, the medicine and technology exist to safely offer the opportunity for these Canadians to found a family – a



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basic human right as articulated in the 1948 United Nations General Assembly Universal Declaration of Human Rights.

The Canadian Fertility and Andrology Society proposes that the Government of Canada amends the AHR Act to permit reasonable compensation for gamete donors and surrogates. Allowing reasonable compensation helps prevent abuses, ensures fairness and transparency, and improves access to care for those seeking third party reproduction. If conducted under clear, evidence based Canadian standards of care with the health and safety of the donors, surrogates, and intended parents in mind, a viable system of compensation for third party reproduction can be developed in Canada. Canadians have waited far too long for the government to act while thousands of Canadians suffer the consequences of a law that limits their ability to create a family.