

## **WHAT IS DIRECTED SPERM DONATION?**

“Directed Donation” is the situation where the donor and recipient know one another. It is often referred to as “known sperm donation”. Sperm donation is the process in which one individual (donor) produces a sperm sample, with the purpose of donating the sperm to another individual (intended parent) or couple (intended parents). The sperm are then used in a treatment for the intended parent.

According to the Regulations under the *Assisted Human Reproduction Act*, there can be no payment to donors above and beyond expenses incurred as a result of being a donor such as travel, counselling services, legal services, drugs associated with treatment, etc. There can be no financial inducement for sperm donors. The Regulations related to reimbursement of donor expenditures can be found here:

<http://gazette.gc.ca/rp-pr/p2/2019/2019-06-26/html/sor-dors193-eng.html>

## **WHAT TESTS ARE REQUIRED TO BE A SPERM DONOR?**

Not everyone is suitable as a sperm donor. AART complies with the Regulations under the *Assisted Human Reproduction Act* related to directed sperm donation, which call for donor suitability assessments through screening, physical examination and donor testing.

AART requires that all directed donation sperm samples must be frozen to comply Health Canada Regulations. AART uses Dynacare, a third-party blood and urine testing lab, for all infectious disease testing that falls under the Safety of Sperm and Ova Regulations, such as HIV, Hepatitis, Syphilis, Gonorrhea, Chlamydia, CMV, etc. Dynacare is completing testing in compliance with the Safety of Sperm and Ova Regulations for multiple Canadian fertility clinics.

For sperm to be compliant to the Safety of Sperm and Ova Regulations, the Dynacare testing must be completed within the 7 days prior to the sample production. For this reason, anyone who is providing sperm that falls under these Regulations must also cryopreserve a sperm sample. This means the person producing the sperm will have a blood draw appointment and physical exam within the 7 days prior to the appointment to collect the sperm.

## **WHAT ARE THE SIDE EFFECTS AND COMPLICATIONS OF SPERM DONATION?**

There are no known medical side effects of complications of sperm donation. However, there are psychological considerations.

There are emotional aspects to consider for both the intended parent(s) and the sperm donor. It is important for the donor not to feel pressured or obligated to donate. It is important for this person to make their own decision without any pressure from family, friends or others. Even though the individual may not be asked directly, they may feel there is an expectation to help. This could result in future problems and ill feelings. The sperm donor needs to consider how they will feel

about someone else carrying a pregnancy and raising a child created from their sperm. The intended parent(s) need to consider how they are going to feel about raising a child created from sperm donation. If the donor is a relative or close friend, you will need to give some thought to how you or your partner (if applicable), expect them to interact (or not interact) with the child resulting from the sperm donation. For these reasons, it is advised to undergo psychological counselling sessions prior to donation.

## CAN THE SPERM DONOR CHANGE THEIR MIND?

The sperm donor has the right to withdraw their consent to donate the sperm until the ova have been fertilized with sperm. After that point in time, consent can no longer be withdrawn. This is as per the *Canadian Assisted Reproduction Act*.

## DO I NEED TO CONSULT A LAWYER?

Yes. You will be required to have legal documents drawn up and signed prior to donation.

We work with:

Terry Sheppard of Boyne Clarke Lawyers.  
99 Wyse Rd, Suite 600, Dartmouth, Nova Scotia, B3A 4S5  
Phone number: 902-460-3401  
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Whenever an individual or group of individuals enter into a third-party reproduction relationship, it is important to have legal counselling and documentation, to ensure that all parties understand their roles and responsibilities. A donor, for example, should not be expected to be responsible for ongoing care and financial costs of raising a child created from their gametes, nor should they expect to have a say in how that child is raised. The recipient may or may not want the donor involved in the child's life.

It is extremely important to have discussions around any potential legal issues, to have agreements or contracts drafted, and the legal documentation signed prior to embarking on any form of third-party reproduction.

## Implications Counselling

### What It Is:

Implications Counselling is designed to help guide clients through the complex issues associated with the use of donor eggs, sperm, embryos, and gestational carriers. The intent of Implications Counselling is to promote healthy outcomes for all parties involved and create an opportunity for informed consent. It is not an assessment or judgement of an individual's desire to create family.

The Implications Counselling guidelines were approved by the Canadian Fertility and Andrology Society. They are consistent with guidelines for Implications Counselling established by the American Society for Reproductive Medicine and the Human Fertilization and Embryology Authority in the UK.

### **Why It's Recommended:**

It is considered to be an important step for clients using donated gametes or gestational carriers by fertility clinics around the world, to ensure that they have sufficient information to make decisions about their treatment path. It is also important for potential donors and gestational carriers to evaluate if this is a right fit and promote better overall outcomes.

### **Who Needs It?**

People who are intending to use known sperm, egg or embryo donors and gestational carriers are asked to complete Implication Counselling before starting the cycle. This includes those who found each other through social media, apps or internet searches. A letter outlining the areas covered, and any issues that may need to be addressed is sent to the fertility clinic and will be placed in your chart. This letter must be on your chart before the cycle proceeds.

People that are using frozen donors from a bank would benefit from an opportunity to discuss the complex issues that are involved but they do not require a letter.

### **What to Expect:**

For Intended Parents, Implications Counselling provides an opportunity to discuss a wide variety of short and long-term psychological and social implications for them, their relationships, and their potential child.

Issues discussed include: risks and benefits using anonymous, open identity or known donors, disclosure (who to tell, how to tell, when to tell or do you tell at all), coping strategies, feelings about genetic ties, complicated feelings that arise throughout and after the treatment process, questions around identity for the potential child, ethics around knowing ones genetic roots, boundaries with donors/gestational carriers, the implications of doing a double or single embryo transfer and what to do with surplus embryos.

Donors and Gestational Carriers engage in a similar process in addition to screening for psychological wellbeing to rule out any potential barriers to informed consent. A detailed history is also conducted to rule out any issues that might interfere with the process.

Written consent is obtained to share identified barriers and recommendations with the individuals involved and the Fertility Clinic. The recommendations are created to address barriers before moving ahead with the chosen fertility treatment path.

### **Who Does It?**

Implications Counselling is conducted by a psychologist, registered clinical therapist or social worker specially trained in issues related to infertility.

### **How Long Does It Take?**

Implications Counselling typically takes:

- one to two sessions for Intended Parents using frozen sperm or eggs from a bank.
- two sessions for Intended Parents using for known donors or gestational carriers.
- two sessions for Known donors or Gestational Carriers.
- It can take longer depending on the number of people involved in the treatment process and the issues that arise. A session with all parties in known donor or gestational carrying arrangements may be necessary.
- It is best to book all the appointments needed to complete Implications Counselling when you first contact the Counsellors office. If all of the sessions are not required, they can be cancelled without cost if done 24 hours before the appointment. If only one is booked and a second is required, there may be a wait time before the next appointment.
- Letters generated from the session are sent to the clinic. There are separate letters for the Intended Parents, Known Donors, or Gestational Carriers. Each letter ranges in cost between \$100-\$195. Letters are completed in a timely manner upon completion of Implications Counselling.

In the event that Intended Parents decide to use a different donor or gestational carrier, a brief update is required for them before proceeding. Full Implications Counselling is recommended for the new donor or gestational carrier. Reports generated following Implications Counselling are valid for one year.

### **Why Does It Take So Long to Get In?**

It can take up to three months to get your first appointment. Currently there is one person in Atlantic Canada that is trained to do Implications Counselling. Training of other clinicians is ongoing. There is one other clinician based in Vancouver B.C. and she is licensed to provide services in Atlantic Canada.

In Atlantic Canada: Lori Parker, M.A. Registered Psychologist  
Fenwick Psychology and Wellness Associates  
902- 421-7514  
[hello@fenwickwellness.ca](mailto:hello@fenwickwellness.ca)

In-person and virtual secure video appointments are available

In Vancouver: Holly Yager, M.Ed., RCC  
Reproductive Health and Fertility Counselling  
[reprohealthfertility.com](http://reprohealthfertility.com)

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## WHY DO I NEED LEGAL COUNSELLING?

Whenever an individual or group of individuals enter into a third-party reproduction relationship, it is important to have legal counselling and documentation, to ensure that all parties understand their roles and responsibilities. A donor, for example, should not be expected to be responsible for ongoing care and financial costs of raising a child created from their gametes, nor should they expect to have a say in how that child is raised. The recipient may or may not want the donor involved in the child's life.

It is extremely important to have discussions around any potential legal issues, to have agreements or contracts drafted, and the legal documentation signed prior to embarking on any form of third-party reproduction.

## CAN SPERM DONORS BE PAID IN EXCHANGE FOR DONATION?

No. It is important to remember, that according to Canadian law, there can be no payment for the services of a sperm donor. However, the intended parents are expected to pay for costs of the sperm donation cycle. For more information on this subject, please visit the following link on the Health Canada website <https://laws-lois.justice.gc.ca/eng/regulations/SOR2019-193/index.html>

### Can the Sperm Donor Change Their Mind?

The sperm donor has the right to withdraw their consent to donate the sperm until the ova have been fertilized with sperm. After that point in time, consent can no longer be withdrawn. This is as per the *Canadian Assisted Reproduction Act*.

### Checklist for Sperm Donation

To donate sperm at AART, there is a checklist of testing and other clinic items that must be completed prior to beginning. Unless otherwise stated, testing is valid for 1 year.

For the Sperm Donor:

- Infectious disease blood tests (rubella, HepB, HepC, HIV, syphilis)
- Blood type
- CMV status
- Dynacare testing and physical exam
- Genetic and Infectious Disease screening questionnaires
- Legal Counselling
- Implications Counselling

For the partner of the sperm donor (if applicable)

- Infectious disease blood tests (HepB, HepC, HIV, syphilis)
- Legal Counselling
- Implications Counselling