

Paying Sperm And Egg Donors Will Help LGBTQ Couples Build Families

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The Canadian government is considering amendments to the Assisted Human Reproduction Act (AHRA) that will benefit the LGBTQ community.

On May 29, Member of Parliament Anthony Housefather introduced a private members bill to the House of Commons. He is seeking decriminalization of surrogacy services and consideration of reasonable compensation for egg and sperm donation in Canada.



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It's currently illegal to pay, offer to pay or advertise payment for sperm, eggs, or surrogacy services. Under the Assisted Human Reproduction Act of 2004, any compensation beyond reasonable expenditures is a criminal offence punishable by 10 years in prison and a \$500,000 fine. What constitutes a legitimate expense has yet to be clearly defined by the government, leading to criticism of the Act by many doctors and legal experts.

Housefather's proposed change will affect many Canadians who don't have their own eggs or sperm to start a family: single women, sterile men, older women who no longer produce viable eggs and people who carry genetic diseases they do not want to pass on.

It will also be of significant importance to LGBTQ couples.

As a fertility doctor, I know that having children is important to LGBTQ couples. However, most require the help of a fertility clinic to obtain donor sperm or eggs.

The intention of sections 6 and 7 of the Act were to prevent commercialization of donors and surrogates in Canada. In reality, the criminalization of potential donors has led to a complete lack of egg and sperm donors willing to provide their reproductive material for free. Donor sperm and donor egg banks are virtually non-existent in Canada. Surrogacy services are only available through recruiting agencies that operate in a "grey area" of the Act.

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To be clear, using a donor egg, donor sperm or a surrogate mother is not illegal in Canada, but payment for these services is.

The bottom line is that unless you have an altruistic friend or family member willing to act as a donor or surrogate, LGBTQ couples that want a baby must look outside of the country.

Lesbian couples and single women can order anonymous donor sperm online through sperm banks based in the United States. The sperm is shipped to Canadian fertility clinics frozen in liquid nitrogen containers. It is then thawed one vial at a time to be used for intrauterine insemination or in vitro fertilization (IVF). The average cost for a vial of sperm is about \$1000.

Women using a known donor through a fertility clinic are currently subject to a mandatory 180-day sperm quarantine period while the donor is cleared for infectious diseases. This appears to violate a woman's autonomy to choose her donor, and it's suspected that Health Canada may soon remove the need for quarantine.

Gay men can obtain frozen donor eggs from banks in the U.S. The eggs are shipped to Canada and fertilized with sperm using IVF to create embryos. These men would also have the additional requirement of finding an altruistic surrogate. Donor eggs can cost \$18,000 or more.

There are many ways to build a family. For LGBTQ couples, decriminalizing compensation for third-party reproduction would provide better, more affordable, access to donor sperm, donor egg and surrogacy services. Canadian legislation can do more to recognize that families come in all shapes and sizes.