

# GENESIS FERTILITY CENTRE

## Patient Information & Acknowledgement regarding Regulations under Section 8 of the Assisted Human Reproduction Act Regarding "Consent to Use"

New regulations under the Assisted Human Reproduction Act have been established to ensure that you are informed about the use of your sperm or eggs to create an embryo\*, and the use of your *in vitro* embryos for any purpose. These regulations apply whether the sperm, eggs or *in vitro* embryos are for your own reproductive use, or that of a third party\*\*. The new regulations mean that before you consent to the use of your sperm or eggs to create an embryo or *in vitro* embryos for any purpose, you need to be informed about your choices, and think carefully about decisions concerning:

- What can your sperm, eggs or *in vitro* embryos be used for?
- What use can be made of any extra *in vitro* embryos not needed for your reproductive use?
- What will happen to the sperm, eggs or *in vitro* embryos if you die?
- What if you change your mind?

### What you need to know before consenting to:

- Use of your sperm or eggs to create an embryo,
- Use of your *in vitro* embryo for any purpose.
- Removal of sperm or eggs from your body after your death to create an embryo,

If you are consenting to the use of your sperm or eggs to create an embryo, you must provide written consent specifying the purpose(s) for which they can be used. This includes:

- you, or you and your spouse/partner's reproductive use,
- the use by your surviving spouse/partner\*\*\* if you die,
- the reproductive use of a third party,
- improving assisted reproduction procedures,
- providing instruction in assisted reproduction procedures,
- other research, (if there are excess *in vitro* embryos created that are not needed by your surviving spouse/partner, or a third party)

If you are consenting to the use of your *in vitro* embryos, you must provide written consent specifying the purpose(s) for which they can be used. This includes:

- you, or you and your spouse/partner's reproductive use,
- the reproductive use of a third party,
- improving assisted reproduction procedures,
- providing instruction in assisted reproduction procedures,
- a specific research project, the goal of which is stated in the consent.

### What if there are extra *in vitro* embryos?

Sometimes there are more *in vitro* embryos than are needed.

- If your sperm or eggs and the sperm or eggs of your spouse/partner are used to create *in vitro* embryos for use by you and your spouse/partner, it is up to the two of you to decide what to do with the extra *in vitro* embryos.
- If your sperm or eggs are to be used by your surviving spouse/partner after your death, *he or she* can decide what to do with any extra *in vitro* embryos created.

However, should your surviving spouse/partner *decide* to donate the excess *in vitro* embryos for improving or providing instruction in assisted reproduction procedures or other research, he/she can only do so if you have given your prior written consent for this use.

- If your sperm or eggs are used to help create *in vitro* embryos for the reproductive use of a third party, it is the third party (person or couple) who must consent to the use of the *in vitro* embryos, including any excess *in vitro* embryos not needed for their reproductive use. If the third party decides to donate the excess *in vitro* embryos for improving or providing instruction in assisted reproduction procedures or other research, your prior written consent for such use is also needed.
- If your sperm or eggs are to be used to create an *in vitro* embryo for improving or providing instruction in assisted reproduction procedures, no additional "consent to use" from you is required to permit the use of the *in vitro* embryo for that purpose.

### **What if you change your mind about using your sperm, eggs or *in vitro* embryos?**

If you have provided "consent to use", and then decide you do not want your sperm, eggs or *in vitro* embryos to be used:

- Your withdrawal must be in writing,
- The written notice of your withdrawal must be received by the person, clinic, physician or researcher who will be using your sperm, eggs or *in vitro* embryos before specific timelines.

### **What if you want to withdraw consent to the use of your sperm or eggs?**

If you decide to withdraw consent to the use of your sperm or eggs for your own use or that of your spouse/partner, or for improving or providing instruction in assisted reproduction procedures, your notice must be received before the material is used.

If you decide to withdraw the consent to the use of your eggs or sperm for a third party, the physician who will be using the sperm or eggs for the third party must receive your written notice before the third party has acknowledged in writing that the material has been designated for their reproductive use.

If you provided your sperm or eggs to create *in vitro* embryos for the reproductive use of a third party couple, if one of the individuals in the other couple provided their sperm or eggs (along with yours) to create the *in vitro* embryos, then the consent of only that individual is required for the subsequent use of the *in vitro* embryos should the couple divorce or separate.

### **What if you want to withdraw consent to the use of your *in vitro* embryo?**

You must withdraw consent to use your *in vitro* embryo for your own reproductive use before the *in vitro* embryo is used.

To withdraw consent to use your *in vitro* embryo that was donated to a third party, you must make sure that the clinic or physician who will be using the *in vitro* embryo for the third party receives notice before the third party has acknowledged in writing that the *in vitro* embryo has been designated for their use.

Similarly, if you decide to withdraw consent for the use of your *in vitro* embryos for improving or providing instruction in assisted reproduction procedures, the notice must be received by the person using the *in vitro* embryo before that person has acknowledged in writing that the *in vitro* embryo has been designated for such use, or the thawing of the *in vitro* embryo has begun, whichever is later.

If you wish to withdraw consent to use your *in vitro* embryos for a specific research project, such as the creation of a stem cell line, the notice must be received by the researcher before that person has acknowledged in writing that the *in vitro* embryo has been designated for such use, or the thawing of the *in vitro* embryo has begun or the creation of the stem cell line using that *in vitro* embryo, whichever is later.

### **What happens if you die?**

Your sperm or eggs can only be removed from your body after your death to create an embryo with your prior consent to removal for the following purposes:

- use by your surviving spouse/partner;
- improving assisted reproduction procedures;
- providing instruction in assisted reproduction procedures

It is important to know, that before removing the sperm or eggs from your body after your death, the physician must have the following:

- Your signed acknowledgement that you have read the information about the use and removal of sperm or eggs after death;
- Your written consent to remove the sperm or eggs;
- Your written "consent to use" the sperm or eggs to create an embryo.

If you change your mind and want to withdraw your consent for the removal, you must make sure that you have provided written notification to the doctor who will be removing the sperm or eggs.

Note: You must sign an acknowledgement of receipt of written information outlined in this pamphlet prior to providing your "consent to use". Your signed "consent to use" must be witnessed.

If there is a discrepancy between this text and the "consent to use" Regulations, the Regulations will take precedence. The full text of the Regulations can be found at:  
<http://canadagazette.gc.ca/partII/2007/20070627/html/sor137-e.html>

The regulations specify:

- when "consent to use" is needed,
- who must provide "consent to use",
- who must obtain "consent to use",
- the information to be provided,
- the requirements for the withdrawal of "consent to use",
- the requirement for consent to remove sperm or eggs after death.

\* In this document "embryo" includes both an *in vivo* embryo (i.e. inside the body) and an *in vitro* embryo (i.e. outside the body).

\*\* In this document "third party" refers to an individual or couple other than the donor of the sperm or eggs, and his or her spouse/partner. In the case of embryos, "third party" means an individual or couple other than the individual or couple that the embryo was created for.

\*\*\* In this document "partner" refers to the individual with whom you have been living together as a couple for at least one year immediately prior to the use of your sperm or eggs or *in vitro* embryo.

I \_\_\_\_\_, have read and understood the above information.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

I, \_\_\_\_\_ the partner of \_\_\_\_\_, have read and understood the above information

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_