



KNOW YOUR RIGHTS

Donor Insemination

What is donor eligibility?

It is a decision based on donor screening and testing results whether a donor is eligible or ineligible to donate sperm.

Who regulates donor eligibility?

The U.S. Department of Health and Human Services, Food and Drug Administration (FDA) regulates donor eligibility.

What type of donors exist?

The FDA new rules that will take effect in May 2005 provide the following definitions:

- *Anonymous donor*-to whom all the donor-eligibility requirements apply
- *Direct reproductive donor*- donor knows and is known by the recipient (sexually intimate donors not included) and whose reproductive cells and tissues may be used even if the donor is determined ineligible
- *Sexually intimate partner*-for whom testing and screening are not required

What tests are required when donating sperm?

Each donor is tested for relevant communicable diseases:

- Human immunodeficiency virus (HIV) types 1 and 2
- Hepatitis B virus (HBV)
- Hepatitis C virus (HCV)
- Human transmissible spongiform encephalopathy (TSE); including Creutzfeldt-Jakob disease (CJD)
- *Treponema pallidum* (syphilis)
- Human T-lymphotropic virus (HTLV) types I and II
- *Chlamidia trachomatis*
- *Neisseria gonorrhoea*

The FDA may require testing for additional infectious diseases for which there is a risk of transmission by donation in the future such as: West Nile Virus, SARS

What is semen quarantine?

Accredited banks quarantine a semen sample for six months before releasing it to any woman. When a man is exposed to HIV he may not develop antibodies for as long as six to eight weeks, therefore putting others at risk. Quarantining specimen allows sufficient time for testing for HIV and other communicable diseases.

What else is included in donor screening process?

Each donor screening process requires a sperm bank to review the donor's relevant medical records for risk factors and clinical and physical evidence of the relevant



communicable diseases. Relevant medical records include current medical history interview, current physical examination, and other documents as necessary.

What risk factors are assessed during screening process?

The sperm bank is required to ask questions about a donor's medical history and relevant social behavior. The FDA recommends that a donor is determined ineligible who exhibits one or more of the following conditions:

- Men who had sex with another man in preceding five years
- Persons who have injected drugs for a non-medical reason in the preceding five years
- Persons with hemophilia or related clotting disorders
- Persons who have engaged in sex in exchange for money or drugs in the preceding five years
- Persons who have had sex in the preceding 12 months with any person listed above
- Persons who have been exposed in the preceding 12 months to known or suspected HIV, HBV and or HCV infected blood

How does the FDA rule impact gay men sperm donation?

Men who acknowledge to have had sex with another man in the preceding five years will not be allowed to make anonymous sperm donations.

What is the rule in New York State?

New York State bars gay men from making sperm donations anonymously.

How is conception performed?

There are two methods of conception:

- Intracervical insemination (ICI)-The sperm is placed inside the woman's cervical opening through the use of speculum and syringe. It can be done at home or at the doctor's office and is less expensive than IUI.
- Intrauterine insemination (IUI)-The sperm is placed inside woman's uterus using flexible catheter and it can be only done at the doctor's office.

What is the status of surrogacy in New York State?

Surrogate parenting contracts are contrary to the public policy of New York State and are void and unenforceable. Anyone who induces, arranges or assists in the formation of a surrogate parenting contract is subject to civil penalty and is guilty of committing a felony.

For more information on donor insemination see:

American Association of Tissue Banks: <http://www.aatb.org/>

American Society for Reproductive Medicine: <http://www.asrm.org/>

Resolve The National Infertility Association:

<http://www.resolve.org/main/national/index.jsp?name=home>