



Scientific and Medical Accountability Standards
Working Group Briefing Paper:
Use of IVF-Embryos¹ for Which Gamete Donors
Were Paid

Background Use of IVF-Embryos

In August 2008, the ICOC approved an interim regulation authorizing the use of embryos created for reproductive purposes (IVF-embryos) for which the gamete donor was paid. The regulation stipulates such embryos must be created prior to August 13, 2008. The sense of the SWG in offering this proposal to the ICOC was that allowing time to elapse between oocyte donation/embryo creation and research donation would serve to protect oocyte donors. The sense of the SWG was that payment to gamete donors for reproductive purposes could not constitute an undue influence on decisions regarding use of biological materials for stem cell research. Furthermore, since gamete donation had already taken place there were no concerns about altering the oocyte retrieve process to obtain more oocytes that would increase risk to donors.

IVF-Embryo Payments, the NAS Guidelines and State Policy

The attached manuscript describes the CIRM policy in relation to other jurisdictions. The majority of jurisdictions sampled and the NAS allow all IVF-embryos to be donated for research. The NAS recommends payments be restricted for embryos created exclusively for research, and this standard is incorporated into state laws.

Policy Considerations

Several policy objectives need to be balanced. One is to allow frozen embryos originally created for reproductive purposes to be donated for stem cell research. A second objective is to protect women who are donating oocytes for reproductive purposes. There should be no increase in medical risk by any modifications of the oocyte retrieval process to obtain more oocytes. This objective would require some requirement that the retrieval process follow acceptable practice standards, such as SART guidelines. A third objective is to respect the autonomy of oocyte donors regarding the use of their materials for research. This objective could be achieved by requiring explicit consent from oocyte donors to use frozen embryos for stem cell derivation if the embryos were created after August 2008. A fourth objective is to protect the reproductive goals of the woman or couple in infertility treatment, This goal could be protected by a waiting period between the creation of embryos and any decision to donate embryos for research, to ensure that the decision was carefully considered and not likely to change.

¹ The term “IVF-embryo” refers to embryos originally created for reproductive purposes (as opposed to embryos created exclusively for research).