

## Know Your Rights

### EGG (OVUM) DONATION



[www.legalvoice.org](http://www.legalvoice.org)

This memo gives general information about egg (ovum) donation/selling.

#### **What is egg (ovum) donation?**

Egg donation is the process by which a woman provides one or several eggs (oocytes) for the purposes of assisted reproduction or scientific research. Some women donate eggs for free, often to a friend or relative. Others donate eggs for pay through a program or agency.

#### **What is assisted reproductive technology?**

Assisted reproductive technology is a general term referring to methods used to help women become pregnant by artificial or partially artificial means, such as in-vitro fertilization (when the eggs are fertilized in the laboratory before being transferred to the recipient). Assisted reproduction can sometimes involve use of a donor's eggs to help another person get pregnant.

#### **Can I become an egg donor?**

Maybe. You must pass an extensive medical evaluation before becoming an egg donor. Answering questions honestly and completely during the medical evaluation and any other interview or screening is important to protect your health and protect yourself from future liability.

Typically, egg donors are between the ages of 21 and 35. Some egg donation programs prefer to use donors who have already given birth or successfully donated eggs. The American Society for Reproductive Medicine suggests that a woman should not donate eggs if she

- Has a serious psychological disorder;
- Abuses drugs or alcohol or has several relatives who do;
- Currently uses psychoactive medications;
- Has significant stress in her life;
- Is in an unstable marriage or relationship;
- Has been physically or sexually abused and not received professional treatment; or
- Is not mentally capable of understanding or participating in the process.

#### **How does the egg donation process work?**

After applying to become an egg donor, you will typically have several medical visits and interviews before a program accepts you as a candidate.

Should you choose to continue, the medical visits will likely include a physical and gynecological exam, a medical and family history, blood and urine tests and a psychological evaluation.

You will then begin the harvesting process, which takes approximately 4 weeks for one cycle and generally involves the following steps:

- You take a series of fertility drugs (some of which must be injected) to stimulate the ovaries to produce many eggs at once (rather than the usual one egg at a time).
- While taking fertility drugs, you will have frequent medical visits to monitor progress; and you may notice some side-effects of the drugs (like breast tenderness, mood swings, etc.).
- When the eggs are ready for harvest, their removal from the ovaries involves a minor surgical procedure. After the eggs are harvested, your role in the process is complete.
- Your eggs will then be used to impregnate a recipient (either the intended mother or a surrogate) by way of an assisted reproductive technology. This may happen right away, or the eggs could be frozen and used later.

### **Are there any restrictions on my activities while donating?**

Typically, yes. Different programs will require that you stop doing certain activities. Some programs require that you use an effective barrier method of birth control (such as condoms) when you have sex, while others ask you to refrain from having any sex once you start taking the hormone medication. Some programs do not allow you to drink alcohol, smoke cigarettes, or use illegal drugs. You may need to stop high impact activities like running, mountain biking, and jumping. If you do not follow the rules of the specific program, you could be in breach of the donation contract. If you are in breach, you may not get paid, and you may be required to pay back the money spent on your donation, such as medical bills and travel expenses.

### **Who will use my donated eggs?**

Who will use your donated eggs depends on the program in which you participate. Most often, donated eggs are used by heterosexual, married women in their late 30s and 40s who are struggling to become pregnant. Other recipients include heterosexual, single women and LGBTQI couples and individuals. Sometimes the intended parent(s) use(s) a gestational surrogate to carry the pregnancy and give birth. If you have concerns about who may receive your eggs, you should discuss these concerns with the program before agreeing to become an egg donor. Some programs allow donors to place restrictions on the use of their eggs. However, in most cases you won't have any control over how your eggs are used, or who receives them.

### **Are there any possible side effects?**

Yes. There may be some mild side effects for the egg donor like breast tenderness, mood swings, etc. Some possible side effects are more serious, including ovarian hyper

stimulation – a painful condition that is potentially dangerous. You should consult your doctor for detailed information about possible side effects of egg harvesting/donation. Most doctors and scientists agree that little is known about the risks and long-term consequences of the egg donation process.

### **Will donating eggs now affect my ability to get pregnant in the future?**

The long-term effects of the egg donation process are not well known at this time. You should discuss any concerns you have about this with your doctor.

### **Who pays my medical bills for retrieving the eggs?**

Medical bills for retrieving the eggs are typically paid by the recipient or the program. It is important to make this arrangement clear in your egg donor contract. Some programs also purchase short-term medical insurance that will cover you in case medical complications develop. If offered, you should review the policy carefully to see that it covers complications, not just the donation and retrieval procedures. Review your own health and disability insurance policies, if you have them. If they do not cover procedures related to egg or oocyte donation or fertility treatment, and/or complications arising from egg or oocyte donation or fertility treatment, it is very important that you have a short-term insurance policy in place that does. Even if you have medical insurance that does cover the procedure and any related complications, you should still make sure the program or the recipient will cover any related medical expenses. You cannot rely on the program, the program's lawyer or the recipient's lawyer to describe the insurance coverage to you. You must review this information yourself or with your lawyer.

### **Do I need to sign an egg donor contract?**

Yes. It is standard procedure and beneficial for the egg donor and the recipient to enter into a properly drafted egg donor contract. A properly drafted egg donor contract will clearly say that you (and, if applicable, your spouse) will not have a parent-child relationship with any child born as a result of your donated eggs. It should also address who will pay the egg donor's medical bills and any other out of pocket costs, including legal fees. Think carefully about signing a contract that requires you to commit to more than one round of egg donation since you won't know at the outset how the process affects you. You may request changes to the contract before signing it. Make sure any changes you desire are written in the contract.

If you change your mind after signing a contract, you cannot be forced to undergo medical procedures against your will. You may be required to pay back any money that has been spent on your donation, such as medical bills and travel expenses. Before agreeing to donate eggs, make sure you understand and agree to the program's policy on withdrawing consent.

## **Would I have any parental rights or responsibilities?**

A carefully drafted egg donor contract will clearly say that you will not have a parent-child relationship with any child born as a result of your donated eggs. By law in Washington, the egg donor is not the parent of a resulting child. However, you should still make sure the contract says that you will not have a parent-child relationship with the resulting child.

## **Do I need a lawyer?**

It is strongly recommended that you talk to a lawyer before signing an egg donor contract. Egg donor contracts often say that you have given up your right to sue the program. This should be discussed with your lawyer. Your egg donor contract should say that the recipient or the fertility program will cover your legal costs. A lawyer can help you negotiate changes to the contract.

## **Can I donate eggs more than once?**

There are no rules about how many times a woman can donate eggs, but there are a few reasons why a program may limit repeat donations:

- There are still unanswered questions about the possible long-term effects on a woman's health;
- The program wants to limit the number of children coming from one donor;
- A donor's chances of experiencing ovarian hyper stimulation (mentioned above) increase with each harvesting.

## **How much should I get paid to donate eggs?**

Based on an average hourly rate in 2007 the American Society for Reproductive Medicine (ASRM) recommended that payment should be \$3,360-\$4,200. Payment is likely to fall within that range, but you may be offered more. Negotiation of the amount is between you and the agency or egg recipient. The following guidelines can be used to estimate a fair payment:

- Payment should be based on inconvenience to the donor, time involved, risk involved, etc.;
- Payment should not be different regardless of how the donated eggs are used;
- Payment should not be based on the number or quality of eggs retrieved;
- Payment should not be based on the outcomes of prior egg donation cycles;
- Payment should not vary based on ethnic or personal characteristics of egg donors.

## **Is there anything else I should know?**

When you answer an advertisement for egg donors, it is important to find out who placed it. Some infertility clinics advertise for egg donors to help treat their patients. These clinics provide all the screening, matching and medical procedures required by the

donation. Some ads are placed by egg brokers. Brokers recruit egg donors but do not provide medical services. If you contact a broker, be sure to find out who is responsible for each part of the egg donor process. Occasionally, ads will promise a large amount of money to the right egg donor. These ads seek donors with specific qualities. It is important to understand that in some cases, there isn't actually a couple willing to pay this price. The broker simply wants to attract a large number of applicants.

## Resources

- ReproductiveFacts.org: Information on a wide range of reproductive health topics, including egg donation, from the American Society for Reproductive Medicine. Offers up-to-date news and research, publications, and resources.  
Online: [www.reproductivefacts.org/news-and-publications/patient-fact-sheets-and-booklets/documents/fact-sheets-and-info-booklets/egg-donation/](http://www.reproductivefacts.org/news-and-publications/patient-fact-sheets-and-booklets/documents/fact-sheets-and-info-booklets/egg-donation/)
- Stanford University Egg Donor Information Project:  
Online: [www.stanford.edu/class/siw198q/websites/eggdonor/home.html](http://www.stanford.edu/class/siw198q/websites/eggdonor/home.html)
- *Thinking of Becoming an Egg Donor? Get the Facts Before You Decide!*, by the New York State Department of Health.  
Online: [www.health.ny.gov/publications/1127/](http://www.health.ny.gov/publications/1127/)

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal and medical advice. In addition, the laws related to egg donation and assisted reproductive technology change frequently, and the information provided above is not guaranteed to be accurate or up to date. This information is current as of February 2016. (Updated Lauren Guicheteau, Andrea Greenstein and Janet Chung 11/1/15; resources updated 11/21/17)  
Acknowledgments to Legal Voice Assisted Reproductive Technology Workgroup for their efforts on the original draft of this memo.

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