

WORLD
IVF DAY



CONSIDERING IVF OR SURROGACY PROCEDURES? HERE ARE THE LAWS YOU NEED TO BE AWARE OF!



Dr Vandana Hegde
Clinical Director & Chief IVF Consultant

Infertility has increased with the turn of the century, ensuring growing acceptance of ART procedures. Assisted Reproductive Technology (ART) refers to all techniques attempting to achieve pregnancy, by handling the sperm or oocyte outside the human body and transferring the gamete or embryo into the reproductive tract of a woman. Fertility advances today include ovulation induction, Intra Uterine Insemination, IVF (In-Vitro Fertilization), ICSI, donor gametes, surrogacy etc. There have been tremendous advancements in infertility related technology, infrastructure and quality of IVF centres worldwide. IVF, a major advancement and breakthrough in the field of fertility, has created over 8 million babies till date. Louise Brown, the first IVF baby was born on 25th July 1979; her birthday is hence celebrated as world IVF day globally.

Technology has changed the way life is created. Today, even conception can be delayed with fertility preservation until the couple feels the time is ideal, screen for genetic diseases, select healthy embryos, amongst many such reproductive advances. Children born as a result of these procedures are like any other children worldwide. Despite one's opinion about assisted ways of conception and gestation, once a baby is born, all related parties should agree that the child possesses the same human rights as a naturally conceived child.

PUBLIC AWARENESS - ABIDING BY THE LAW THAT GOVERNS INDIAN FERTILITY CARE

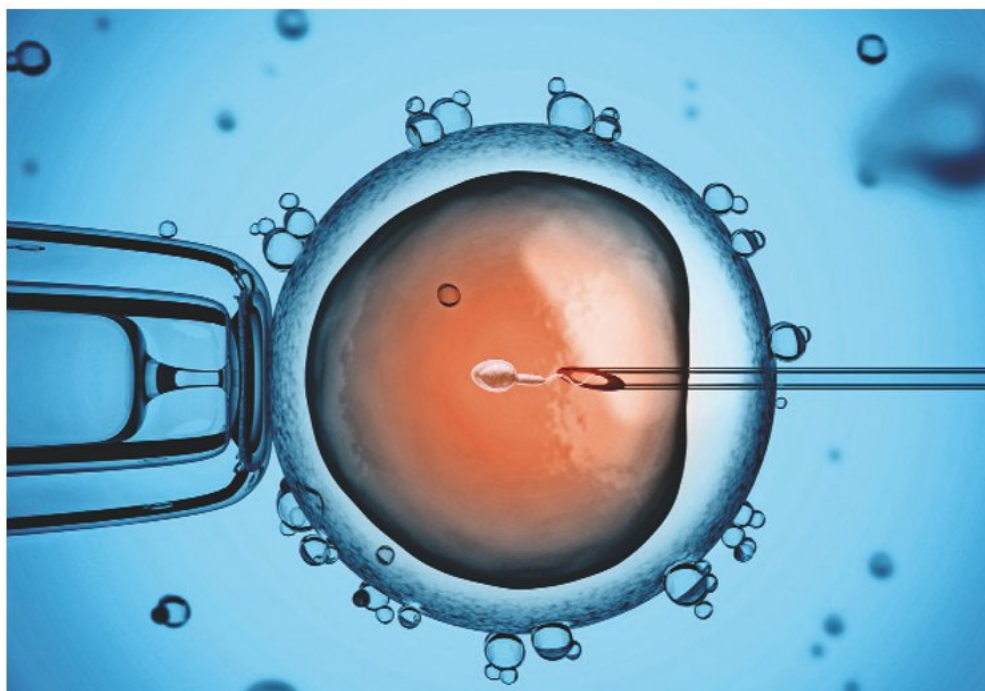
Each time reproductive technology advances, warnings about the dangers of playing God abound. There are over 1500 ART clinics in India and around 2.5 lakh IVF cycles are performed every year. Unlike many other countries, there are no strict guidelines and regulations in place to regulate ART centres in India till date.

Hence, the Hon'ble Indian parliament has formulated the 'ART Bill' and 'Surrogacy Bill' to regulate the growing fertility practice in India.

WHAT IS THE NEED FOR SUCH BILLS?

With infertility on the rise, the fertility industry is expected to reach 45 billion dollars by 2026. Among Asian countries, Indian fertility industry is at third position. Without registration and a proper database of clinics/banks, it is impossible to regulate donor programs and surrogacy. Further 80% of ART clinics in India are not registered.

To control unethical practices and streamline safe practice, regulation of ART/surrogacy is essential. The bills aim at addressing these issues and seeks to protect all stakeholders including couples/ women, donors/surrogates and children born through ART from exploitation.



WHEN AND WHY HAS THE LAW COME INTO FORCE?

India has witnessed an increase in medical tourism and emerged a hub for fertility treatments for people worldwide. This increases India's responsibility as a nation, to provide ethical practice. The ART Bill provides women with the freedom to practice their reproductive rights and make their choices accordingly. It was announced in 2021 December and came into force on 7th June 2022.

MAIN OBJECTIVES OF THE ART BILL

1. To regulate and supervise ART clinics and Banks
2. To prevent misuse of ART technology
3. To ensure safe and ethical practice
4. To use the data for research and development

ENTITIES UNDER THE ACT

ART Clinics: Centres providing ART treatments (IUI/ IVF/ PGS etc).

ART Bank: Establishments which maintain donor registry and provide sperm and egg donors to ART clinics whenever eligible couples require them

Surrogacy Clinic: An ART clinic which offers surrogacy and its related procedures to eligible couples.

All these entities are regulated by the state board and report regularly to the national registry

WHY SHOULD COUPLES BE AWARE OF THIS LAW?

A couple was consulting with Hegde Fertility, over the last one year



with multiple fibroids. The team advised medical therapy followed by surgical removal. Although they succeeded in removing most fibroids, post-surgery, the patient had issues with endometrial development in multiple hormone replacement cycles. Finally, the collective decision of opting for surrogacy treatment was taken. The couple required a long time to accept this reality and had to prepare mentally, emotionally and financially, before finally making the decision to start treatment. However, with the new bill which bans commercial surrogacy, the couple had a tough time finding a relative or friend to act as a surrogate. The couple were devastated and are now destined to be childless forever, unless they find a suitable surrogate. Hence, couples need to be aware of the changes happening in India, especially with respect to the new ART bill, as it may limit the fertility treatment options available.

SALIENT POINTS OF THE ART BILL

The couple should be aware of the level of registration of the ART clinic, which will usually be displayed in the Centre. Level 1 ART clinics can provide basic fertility evaluation and treatments up to IUI (Intrauterine Insemination)

- ART services to be catered to a married couple with female partner age between 21-50yrs and male partner age between 21-55yrs
- Proof of marriage has to be submitted
- The bill excludes live-in couples, single men, LGBT
- Single women can avail ART facilities
- Written consent to be given for all ART related procedures
- Usage of gametes posthumously shall be done only if prior consent of the couple is available
- No sex-determination
- Detailed discharge summary of the procedure undertaken is mandatory
- Provide counselling by trained counsellor regarding advantages/ disadvantages/ cost/side effects/risks of such treatment and procedures
- To conduct IUI, the centre should have a counsellor, semen collection room, andrology room with all equipment for semen processing, trained technician and IUI procedure room
- Semen cannot be processed at one place and transported to be inseminated in another, except in cases where donor semen is used
- Couples opting for IVF and other advanced fertility treatments have to ensure that the centre/clinic is registered as Level 2 centre, with all appropriate facilities with respect to infrastructure, equipment and qualified personnel
- A level 2 clinic will require a gynaecologist with a fellowship degree in infertility or equivalent experience to conduct advanced fertility procedures
- In ART clinics, procedures like IVF/

ICSI/ PGT etc are done within the embryology lab by a well-qualified embryologist, following strict protocols, upholding lab quality control

- Gametes stored in one centre cannot be shifted elsewhere. If they have to be shifted for personal use, then permission has to be taken from the appropriate authority.

SALIENT POINTS OF THE SURROGACY BILL

- Age criteria to avail surrogacy, Male: 26-55yrs and Female: 23-50yrs
- Indian women who are divorcees or widows between age 35-45yrs can avail surrogacy
- Surrogacy is for Indian couples/women only. Hence, couples who have not yet completed their family should think twice before converting their citizenship.
- Surrogacy is for couple without any existing child (unless the child is physically or mentally challenged or suffering from life threatening medical conditions)
- The bill excludes live in couples, single men, LGBT
- Child born through donor programs/surrogacy shall be deemed to be a legal child of the couple / single woman, and is entitled to all the rights and privileges as available to a child conceived naturally
- Couple cannot abandon the child under any circumstances



Dr Akash Agarwal
Scientific Director & Chief Embryologist

ROLE OF ART BANKS

- They will screen, register and assign oocyte donors to couples
- Semen to be sourced from registered ART Banks.
- ART Clinics shall retrieve donor gametes from ART Bank and perform IVF/ICSI with the gametes obtained
- Age criteria for oocyte donor 23-35yrs and for sperm donor 21-55yrs
- Mandatory screening for diseases like HIV/HBsAg/VDRL/HCV to be undertaken for all donors
- Informed written consent to be taken from the couple/oocyte donor/sperm donor
- Clinic shall retrieve oocytes as specified by the regulation (not more than 7-10 oocytes)
- No mixing two separate semen samples for the same patient
- Woman shall not be treated with gametes/embryos obtained from more than one donor in one treatment cycle
- No mixing of self with donor gametes
- No sharing/donation of gametes/embryos between different couples
- Oocyte/sperm donation to be done by a donor only once in their lifetime
- Transport of gametes outside India is prohibited
- Donor shall relinquish all parental rights over the child born through his/her gamete and give consent for the same
- Practice only altruistic surrogacy. No payments/rewards/gifts/cash or kind incentives except medical expenses allowed
- Eligibility certificate from appropriate authority must be taken both from the intending women/couple and surrogate
- Insurance to be covered for a period of 1 year for the oocyte donor from the day of oocyte

INFERTILITY DEPARTMENT

DR. VANDANA HEGDE
Clinical Director & Chief IVF Consultant

DR. DURGA VYTLA
Clinical Head - Miyapur Branch

DR. JASMINE SALKAR
Consultant Reproductive Medicine

DR. SHALINI SINGH
Consultant Reproductive Medicine

DR. LAVANYA BOMMAKANTI
Consultant Reproductive Medicine

DR. ARCHANA A NAGAONKAR
Consultant Reproductive Medicine

DR. INDRANI MUGLI
Consultant Reproductive Medicine

DR. RAGASUDHA
Consultant Reproductive Medicine

DR. SOUMYA HARISH
Consultant Reproductive Medicine

ANDROLOGY & EMBRYOLOGY DEPARTMENT

DR. AKASH AGARWAL
Scientific Director & Chief Embryologist

GENETICS DEPARTMENT

DR. SURBHI KAPOOR
PhD - Human Genetics

DEPARTMENT OF LAPAROSCOPY

DR. PRASHANT HEGDE
Medical Director

collection and 3 years for the surrogate from the day of embryo transfer

OFFENCES AND PUNISHMENT

- Selling/purchasing/trading gametes or embryos / running a racket or agency
- Involvement of brokers/agents
- Exploitation of gamete donors/couple
- Commercialization of surrogacy procedures
- Sex selection
- Advertisement regarding commercial surrogacy

Offences under ART Bill are cognizable and bailable whereas offences under surrogacy bill are cognizable, non bailable and non-compoundable.

A NEW BEGINNING TOWARDS A BETTER FUTURE

To control unethical practices and streamline safe practice, regulation of ART/surrogacy is essential. The ART/Surrogacy bills aim at addressing these issues and seeks to protect all stakeholders including couples/women, donors/surrogates and children born through ART from exploitation. They will aid and facilitate reproductive rights and is a step in the right direction by our government.

THE RIGHT TIME TO START YOUR JOURNEY TOWARDS PARENTHOOD!

- On the occasion of World IVF Day, Hegde Fertility offers FREE;
- Fertility consultation for couples
 - Semen analysis
 - Pelvic scan
 - Infertility counselling

A special discount of Rs. 15,000 is offered on IVF/ICSI.*
The offer is valid from 24 to 26th July in all the branches of Hegde Fertility
Call: 8880 747474

*T & C apply

For more details, contact:

HEGDE
FERTILITY
Conception. A Miracle. A Science
Touching Hearts of Millions Since 1977

- Hitec City • Malakpet
 - Miyapur • Suchitra
- To know more visit:
www.hegdefertility.com

For more information, contact: kiran.tsm@timesgroup.com