

Fact sheet three

Assisted insemination, the law and you

What is Assisted Insemination?

Assisted insemination (AI) is a procedure where sperm is placed into the reproductive tract of a woman for the purpose of impregnating the woman by using means other than sexual intercourse. There are two types of assisted insemination procedures: intracervical insemination (ICI) and intrauterine insemination (IUI). It is used in assisted reproductive treatment to:

- > treat infertility or
- > to enable women to produce children by using sperm provided by a sperm donor.

There are 2 types of AI regulated by the *Assisted Reproductive Treatment Act 1988*: Intracervical Insemination (ICI) and Intrauterine Insemination (IUI).

To undertake IUI in South Australia an ART clinic must be registered with the Minister and be accredited by the Reproductive Technology Accreditation Committee (RTAC).

What is Intracervical Insemination (ICI)?

ICI is where semen is injected high into the cervix with a needle-less syringe. This process most closely replicates the way in which semen is deposited by the penis in the cervix or fornix when the male ejaculates during vaginal intercourse. It is the simplest method of assisted insemination and 'unwashed' or raw semen may be used. It is probably therefore, the most popular method and is used in most home, self and practitioner inseminations. However, more technical procedures may be used which increase the chances of conception. Please note: to provide ICI in South Australia a medical practitioner must seek approval from the Minister for Health and Wellbeing. Approval is not required if ICI is performed for free eg self insemination.

What is intrauterine insemination (IUI)?

'Washed sperm', that is, spermatozoa which have been removed from most other components of the seminal fluids, can be injected directly into a woman's uterus in a process called intrauterine insemination (IUI). If the semen is not washed it may elicit uterine cramping, expelling the semen and causing pain.

To have optimal chances with IUI, the woman should be under 30 years of age, and the man should have a sperm count of more than 5 million per ml. In practice, donor sperm will satisfy these criteria.

What is the difference between ICI and IUI?

Intracervical insemination (ICI) is where a short syringe is used to place sperm into the vaginal tract and is relatively non-invasive. Whereas Intrauterine Insemination (IUI) is performed using a catheter, placing the sperm directly into the uterus. IUI is more invasive and often involves washed sperm. Please note: to undertake IUI in South Australia, a provider must be registered with the Minister and be RTAC accredited.

Who can provide ICI or assisted insemination?

The ART Act sets out an exemption to registration for a medical practitioner to provide assisted insemination who is approved by the Minister to do so. If a medical practitioner wishes to provide ICI, they will need to seek approval from the Minister to do so. Providing ICI without Ministerial approval attracts a maximum penalty of \$120,000. The Minister for Health and Wellbeing can place specific conditions on the medical practitioner's approval to provide ICI.



Under the ART Act, the Minister may vary or cancel the approval. For more information on how to seek approval from the Minister to provide ICI please email: art@health.sa.gov.au.

Given the nature and consequences of providing AI, especially for children to be born, it is important that approved health professionals have the required knowledge and skill to be able to undertake AI and understand the consequences for the children born. Compliance with the National Health and Medical Research Council's Ethical Guidelines on the use of ART in clinical practice and research (NHMRC Ethical Guidelines) will be required as a condition of approval for medical practitioners who provide ICI. The NHMRC Ethical Guidelines can be found at <http://www.nhmrc.gov.au/publications/synopses/e78syn.htm>.

The NHMRC Ethical Guidelines require appropriate records to be kept and maintained to ensure children born can access information about their genetic heritage if they so choose.

The ART Act sets a maximum penalty of \$120,000 for approved medical practitioners who contravene or fail to comply with the condition/s of the approval from the Minister.

What about self insemination in my own home?

This is not regulated by the ART Act if it is undertaken for free. However, whilst not a legal requirement, it is important that if donor sperm is used, medical advice is sought for the safety of all those involved. Consideration should also be given to obtaining legal advice particularly relating to the legal parentage of the child to be born and the rights of the sperm donor.

Fact sheets are advisory only and are not legally binding. They are based on the Legal and Legislative Policy Team's understanding of the *Assisted Reproductive Treatment Act 1988* and how assisted reproductive treatment practice works. This is not legal advice.

For more information

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