

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 22-0770.07 Jane Ritter x4342

SENATE BILL 22-224

SENATE SPONSORSHIP

Fenberg and Gardner,

HOUSE SPONSORSHIP

Tipper,

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE "DONOR-CONCEIVED PERSONS**
102 **AND FAMILIES OF DONOR-CONCEIVED PERSONS PROTECTION**
103 **ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the "Donor-conceived Persons and Families of Donor-conceived Persons Protection Act" (act).

The act defines the following terms, among others:

- "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- "Gamete bank or fertility clinic" (gamete bank) means an IVF or fertility clinic, reproductive tissue bank, or oocyte or sperm donor matching agency that collects, processes, stores, sells, matches, distributes, provides, or releases gametes or embryos from a donor to a recipient parent or parents or the recipient's medical provider when the recipient and donor are unknown to each other, and that is located in Colorado or that is located inside or outside of Colorado and provides gametes or embryos to a recipient parent or parents in Colorado;
- "Donor-conceived person" (DCP) means a person of any age who was purposefully conceived through assisted reproduction; and
- "Recipient" or "recipient parent" means a person who receives donor gametes or embryos as an intended parent from a gamete bank for use in assisted reproduction for the purpose of conceiving a child.

The act requires:

- The board to prioritize the best interests of donor-conceived persons and families of donor-conceived persons;
- A donor to agree and consent in writing, prior to donation, to the release of identifying information and medical history (information) when any DCP conceived using the donor's gametes reaches 18 years of age;
- A gamete bank to take good-faith measures and keep adequate records to ensure that a donor's gametes are used to establish no more than a total of 10 families in or outside of Colorado;
- A gamete bank operating in Colorado or providing donor gametes for use in assisted reproduction in Colorado to obtain a license that is conditioned on compliance with the act and implementing rules;
- The board to establish a schedule of fees for licensure, with the department of public health and environment (department) collecting the appropriate fee at the time of application for licensure;
- The department to revoke licensure and issue fines for violations of the license, act, and implementing rules;
- Release of information to a DCP who is 18 years of age or older, or the DCP's legal parent or guardian;
- A gamete bank to securely maintain any records related to tissue donation and donor conception. The gamete bank shall also regularly request that a donor provide updates to the donor's contact information and medical history.

1 CHILDREN, AND NON-IDENTIFYING MEDICAL INFORMATION ABOUT THE
2 GAMETE DONOR USED IN CONCEPTION MUST BE AVAILABLE TO ALL
3 DONOR-CONCEIVED PERSONS AND THEIR PARENTS.

4 (c) IT IS IMPORTANT TO MANY, BUT NOT ALL, DONOR-CONCEIVED
5 PERSONS TO KNOW THE IDENTITY OF THE GAMETE DONOR USED IN THEIR
6 CONCEPTION. A DONOR-CONCEIVED PERSON MUST HAVE THE ABILITY TO
7 ACCESS IDENTIFYING INFORMATION ABOUT THE GAMETE DONOR USED IN
8 THE DONOR-CONCEIVED PERSON'S CONCEPTION ON OR AFTER THE
9 DONOR-CONCEIVED PERSON REACHES EIGHTEEN YEARS OF AGE.

10 (d) STUDIES HAVE SHOWN THAT FAMILY SECRECY ABOUT FAMILY
11 FORMATION CAN NEGATIVELY AFFECT CHILDREN AND FAMILY
12 RELATIONSHIPS;

13 (e) BEFORE USING DONATED GAMETES, PEOPLE WHO ARE
14 CONSIDERING USING DONATED GAMETES TO CONCEIVE CHILDREN SHOULD
15 HAVE ACCESS TO MORE INFORMATION AND RESOURCES ABOUT
16 DONOR-CONCEIVED PERSONS, INCLUDING TOOLS AND RESOURCES FOR
17 DISCUSSING DONOR CONCEPTION WITH THEIR CHILDREN IN WAYS THAT ARE
18 AGE-APPROPRIATE AND REFLECT THE INTERESTS AND LIVED EXPERIENCE
19 OF DONOR-CONCEIVED PERSONS;

20 (f) BEFORE DONATING GAMETES, GAMETE DONORS SHOULD HAVE
21 ACCESS TO INFORMATION AND RESOURCES ABOUT THE INTERESTS OF
22 DONOR-CONCEIVED PERSONS AND HAVE CLARITY ABOUT THE
23 INFORMATION THAT MAY BE SHARED WITH RECIPIENT PARENTS AND
24 DONOR-CONCEIVED PERSONS; AND

25 (g) MOST GAMETES OR EMBRYOS FROM DONORS THAT ARE
26 PROVIDED TO RECIPIENTS LOCATED IN COLORADO ARE PROVIDED FROM
27 GAMETE BANKS OR FERTILITY CLINICS LOCATED IN OTHER STATES.

1 (2) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT TO PROTECT
2 THE HEALTH AND WELFARE OF DONOR-CONCEIVED PERSONS AND THEIR
3 FAMILIES IN COLORADO, IT IS ESSENTIAL TO ENACT THE
4 "DONOR-CONCEIVED PERSONS AND FAMILIES OF DONOR-CONCEIVED
5 PERSONS PROTECTION ACT" TO REGULATE THE USE OF DONATED GAMETES
6 PROVIDED FROM GAMETE BANKS OR FERTILITY CLINICS LOCATED INSIDE OR
7 OUTSIDE OF COLORADO TO RECIPIENTS WHO LIVE IN COLORADO.

8 **25-57-103. Definitions.** AS USED IN THIS ARTICLE 57, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "ASSISTED REPRODUCTION" MEANS A METHOD OF CAUSING
11 PREGNANCY OTHER THAN SEXUAL INTERCOURSE. THE TERM INCLUDES:

12 (a) INTRAUTERINE OR INTRACERVICAL INSEMINATION;

13 (b) DONATION OF GAMETES OR EMBRYOS;

14 (c) IN-VITRO FERTILIZATION AND TRANSFER OF EMBRYOS; AND

15 (d) INTRACYTOPLASMIC SPERM INJECTION.

16 (2) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF
17 PUBLIC HEALTH AND ENVIRONMENT.

18 (3) "DONOR" MEANS AN INDIVIDUAL WHO PRODUCES EGGS OR
19 SPERM COLLECTED BY A GAMETE BANK OR FERTILITY CLINIC OR WHOSE
20 EGGS OR SPERM CREATED AN EMBRYO RECEIVED BY A GAMETE BANK OR
21 FERTILITY CLINIC FOR USE IN ASSISTED REPRODUCTION BY A RECIPIENT
22 WHO IS UNKNOWN TO THE DONOR OF THE GAMETES AT THE TIME OF
23 DONATION. THE TERM "DONOR" ONLY APPLIES TO THE REGULATION OF
24 GAMETE BANKS AND FERTILITY CLINICS PURSUANT TO THIS ARTICLE 57
25 AND DOES NOT APPLY FOR THE PURPOSES OF DETERMINING PARENTAGE.

26 (4) "DONOR-CONCEIVED PERSON" MEANS AN INDIVIDUAL OF ANY
27 AGE WHO WAS CONCEIVED THROUGH ASSISTED REPRODUCTION USING

1 GAMETES FROM A DONOR UNKNOWN TO THE RECIPIENT PARENT OR
2 PARENTS AT THE TIME OF DONATION.

3 (5) "GAMETE BANK OR FERTILITY CLINIC" MEANS AN IVF OR
4 FERTILITY CLINIC, REPRODUCTIVE TISSUE BANK, OR OOCYTE OR SPERM
5 DONOR MATCHING AGENCY THAT COLLECTS, PROCESSES, STORES, SELLS,
6 MATCHES, DISTRIBUTES, PROVIDES, OR RELEASES GAMETES OR EMBRYOS
7 FROM A DONOR TO A RECIPIENT PARENT OR PARENTS OR THE RECIPIENT'S
8 MEDICAL PROVIDER WHEN THE RECIPIENT AND DONOR ARE UNKNOWN TO
9 EACH OTHER, AND THAT IS LOCATED IN COLORADO OR THAT IS LOCATED
10 INSIDE OR OUTSIDE OF COLORADO AND PROVIDES GAMETES OR EMBRYOS
11 TO A RECIPIENT PARENT OR PARENTS IN COLORADO.

12 (6) "IDENTIFYING INFORMATION" MEANS:
13 (a) THE DONOR'S FULL NAME;
14 (b) THE DONOR'S DATE OF BIRTH; AND
15 (c) THE DONOR'S PERMANENT AND, IF DIFFERENT, CURRENT
16 ADDRESS OR OTHER CONTACT INFORMATION AT THE TIME OF THE
17 DONATION, OR, IF DIFFERENT, THE DONOR'S CURRENT ADDRESS OR OTHER
18 CONTACT INFORMATION OR BOTH AS RETAINED BY THE GAMETE BANK OR
19 FERTILITY CLINIC.

20 (7) "MEDICAL HISTORY" MEANS INFORMATION REGARDING ANY:
21 (a) PRESENT PHYSICAL ILLNESS OF THE DONOR;
22 (b) PAST ILLNESS OF THE DONOR; AND
23 (c) SOCIAL, GENETIC, AND FAMILY MEDICAL HISTORY PERTAINING
24 TO THE DONOR'S HEALTH.

25 (8) "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON WHO IS
26 CERTIFIED OR LICENSED PURSUANT TO ARTICLE 245 OF TITLE 12 OR AN
27 OUT-OF-STATE PROFESSIONAL WHO IS A LICENSED PSYCHIATRIST, CLINICAL

1 PSYCHOLOGIST, OR PROFESSIONAL COUNSELOR.

2 (9) "RECIPIENT" OR "RECIPIENT PARENT" MEANS A PERSON WHO
3 RECEIVES DONOR GAMETES OR EMBRYOS AS AN INTENDED PARENT FROM
4 A GAMETE BANK OR FERTILITY CLINIC FOR USE IN ASSISTED REPRODUCTION
5 FOR THE PURPOSE OF CONCEIVING A CHILD.

6 (10) "STATE BOARD" MEANS THE COLORADO STATE BOARD OF
7 HEALTH.

8 **25-57-104. Collection of identifying information and medical**
9 **history - applicability.** (1) A GAMETE BANK OR FERTILITY CLINIC SHALL
10 COLLECT FROM A DONOR THE DONOR'S IDENTIFYING INFORMATION AND
11 MEDICAL HISTORY AT THE TIME OF THE DONATION. THE GAMETE BANK OR
12 FERTILITY CLINIC SHALL MAKE A GOOD-FAITH EFFORT TO MAINTAIN
13 CURRENT CONTACT INFORMATION AND UPDATES ON MEDICAL HISTORIES
14 ON EACH DONOR BY REQUESTING UPDATES FROM EACH DONOR AT LEAST
15 ONCE EVERY THREE YEARS.

16 (2) A GAMETE BANK OR FERTILITY CLINIC THAT RECEIVES
17 GAMETES OR EMBRYOS COLLECTED BY A DIFFERENT GAMETE BANK OR
18 FERTILITY CLINIC SHALL COLLECT THE NAME, ADDRESS, TELEPHONE
19 NUMBER, AND E-MAIL ADDRESS OF THE GAMETE BANK OR FERTILITY
20 CLINIC FROM WHICH IT RECEIVED THE GAMETES OR EMBRYOS AT THE TIME
21 IT RECEIVES THE GAMETES OR EMBRYOS.

22 (3) A GAMETE BANK OR FERTILITY CLINIC SHALL DISCLOSE THE
23 INFORMATION COLLECTED PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS
24 SECTION PURSUANT TO THE REQUIREMENTS OF SECTION 25-57-106.

25 (4) THIS SECTION APPLIES ONLY TO GAMETES COLLECTED AND
26 EMBRYOS RECEIVED BY A GAMETE BANK OR FERTILITY CLINIC ON OR
27 AFTER JULY 1, 2024, FOR USE BY A RECIPIENT PARENT OR PARENTS WHO

1 ARE UNKNOWN TO THE DONOR AT THE TIME OF THE DONATION.

2 **25-57-105. Declaration regarding disclosure of identifying**
3 **information and medical history - applicability.** (1) A GAMETE BANK
4 OR FERTILITY CLINIC THAT COLLECTS GAMETES FROM A DONOR WHO IS
5 UNKNOWN TO THE RECIPIENT PARENT OR PARENTS AT THE TIME OF THE
6 DONATION SHALL:

7 (a) PROVIDE THE DONOR WITH INFORMATION IN ITS RECORDS
8 ABOUT DISCLOSURE OF IDENTIFYING INFORMATION AND MEDICAL HISTORY;

9 (b) OBTAIN A DECLARATION FROM THE DONOR AGREEING TO THE
10 IDENTITY DISCLOSURE DESCRIBED IN SUBSECTION (2) OF THIS SECTION;
11 AND

12 (c) MAINTAIN IDENTIFYING INFORMATION AND MEDICAL HISTORY
13 ABOUT EACH DONOR. THE GAMETE BANK OR FERTILITY CLINIC SHALL
14 MAINTAIN RECORDS OF DONOR AND GAMETE SCREENING AND TESTING AND
15 COMPLY WITH REPORTING REQUIREMENTS, IN ACCORDANCE WITH FEDERAL
16 LAW AND APPLICABLE LAWS OF THIS STATE OTHER THAN THOSE SET FORTH
17 IN THIS ARTICLE 57 AND CONSISTENT WITH THE GUIDELINES OF THE
18 AMERICAN MEDICAL ASSOCIATION AND THE AMERICAN SOCIETY FOR
19 REPRODUCTIVE MEDICINE.

20 (2) A GAMETE BANK OR FERTILITY CLINIC SHALL HAVE EACH
21 DONOR SIGN A DECLARATION, ATTESTED BY A NOTARIAL OFFICER OR
22 WITNESSES, THAT THE DONOR AGREES TO THE DISCLOSURE OF THE
23 DONOR'S IDENTITY TO A DONOR-CONCEIVED PERSON CONCEIVED WITH THE
24 DONOR'S GAMETES ON REQUEST OF THE DONOR-CONCEIVED PERSON AFTER
25 THE DONOR-CONCEIVED PERSON IS EIGHTEEN YEARS OF AGE OR OLDER.

26 (3) A GAMETE BANK OR FERTILITY CLINIC LOCATED IN COLORADO
27 SHALL NOT COLLECT GAMETES FROM A DONOR WHO DOES NOT AGREE TO

1 THE DISCLOSURE OF THE DONOR'S IDENTITY AS SET FORTH IN SUBSECTION
2 (2) OF THIS SECTION.

3 (4) A GAMETE BANK OR FERTILITY CLINIC LOCATED OUTSIDE OF
4 COLORADO SHALL NOT PROVIDE GAMETES FROM A DONOR WHO DOES NOT
5 AGREE TO THE DISCLOSURE OF THE DONOR'S IDENTITY AS SET FORTH IN
6 SUBSECTION (2) OF THIS SECTION TO A RECIPIENT PARENT OR PARENTS
7 LOCATED WITHIN COLORADO.

8 (5) THIS SECTION APPLIES ONLY TO GAMETES COLLECTED ON OR
9 AFTER JULY 1, 2024, FOR USE BY A RECIPIENT PARENT OR PARENTS WHO
10 ARE UNKNOWN TO THE DONOR AT THE TIME OF THE DONATION.

11 **25-57-106. Disclosure of identifying information and medical**
12 **history - applicability.** (1) UPON THE REQUEST OF A DONOR-CONCEIVED
13 PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER, A GAMETE BANK OR
14 FERTILITY CLINIC THAT COLLECTED THE GAMETES USED IN THE ASSISTED
15 REPRODUCTION OF SUCH DONOR-CONCEIVED PERSON SHALL PROVIDE THE
16 DONOR-CONCEIVED PERSON WITH THE IDENTIFYING INFORMATION OF THE
17 DONOR WHO PROVIDED THE GAMETES. A GAMETE BANK OR FERTILITY
18 CLINIC SHALL NOT LIMIT OR INTERFERE WITH, BY CONTRACT OR
19 OTHERWISE, ANY ACTUAL OR POTENTIAL COMMUNICATION BETWEEN:

20 (a) AN ADULT DONOR-CONCEIVED PERSON AND THE DONOR WHOSE
21 GAMETES WERE USED TO CONCEIVE THE DONOR-CONCEIVED PERSON; OR

22 (b) AN ADULT DONOR-CONCEIVED PERSON AND THE PERSON'S
23 FRIENDS, FAMILY, OR OTHER THIRD PARTIES ABOUT THE DONOR WHOSE
24 GAMETES WERE USED TO CONCEIVE THE DONOR-CONCEIVED PERSON.

25 (2) UPON THE REQUEST OF A DONOR-CONCEIVED PERSON WHO IS
26 EIGHTEEN YEARS OF AGE OR OLDER, OR, IF THE DONOR-CONCEIVED PERSON
27 IS A MINOR, BY A PARENT OR GUARDIAN OF THE MINOR DONOR-CONCEIVED

1 PERSON, A GAMETE BANK OR FERTILITY CLINIC THAT COLLECTED THE
2 GAMETES USED IN THE ASSISTED REPRODUCTION, REGARDLESS OF
3 WHETHER THE GAMETE BANK OR FERTILITY CLINIC PERFORMED THE
4 ASSISTED REPRODUCTION, SHALL PROVIDE THE DONOR-CONCEIVED
5 PERSON, OR, IF THE DONOR-CONCEIVED PERSON IS A MINOR, BY A PARENT
6 OR GUARDIAN OF THE MINOR DONOR-CONCEIVED PERSON, ACCESS TO ANY
7 NON-IDENTIFYING MEDICAL HISTORY OF THE DONOR THAT IS MAINTAINED
8 BY THE GAMETE BANK OR FERTILITY CLINIC.

9 (3) UPON THE REQUEST OF A DONOR-CONCEIVED PERSON WHO IS
10 EIGHTEEN YEARS OF AGE OR OLDER, OR, IF THE DONOR-CONCEIVED PERSON
11 IS A MINOR, BY A PARENT OR GUARDIAN OF THE MINOR DONOR-CONCEIVED
12 PERSON, A GAMETE BANK OR FERTILITY CLINIC THAT RECEIVED THE
13 GAMETES OR EMBRYO USED IN THE ASSISTED REPRODUCTION FROM
14 ANOTHER GAMETE BANK OR FERTILITY CLINIC SHALL DISCLOSE THE NAME,
15 ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF THE GAMETE
16 BANK OR FERTILITY CLINIC FROM WHICH IT RECEIVED THE GAMETES OR
17 EMBRYO.

18 (4) (a) SUBSECTIONS (1) AND (2) OF THIS SECTION APPLY ONLY TO
19 GAMETES COLLECTED BY A GAMETE BANK OR FERTILITY CLINIC ON OR
20 AFTER JULY 1, 2024, FOR USE BY A RECIPIENT PARENT OR PARENTS WHO
21 ARE UNKNOWN TO THE DONOR AT THE TIME OF THE DONATION.

22 (b) SUBSECTION (3) OF THIS SECTION APPLIES ONLY TO GAMETES
23 OR EMBRYOS RECEIVED BY A GAMETE BANK OR FERTILITY CLINIC ON OR
24 AFTER JANUARY 1, 2023.

25 **25-57-107. Record keeping - successor record-keeper -**
26 **applicability.** (1) A GAMETE BANK OR FERTILITY CLINIC SHALL
27 PERMANENTLY MAINTAIN:

1 (a) IDENTIFYING INFORMATION AND MEDICAL HISTORY FOR EACH
2 DONOR FROM WHICH IT COLLECTS GAMETES FOR USE BY A RECIPIENT
3 PARENT OR PARENTS WHO ARE UNKNOWN TO THE DONOR AT THE TIME OF
4 THE DONATION;

5 (b) INFORMATION ABOUT THE NUMBER OF FAMILIES ESTABLISHED
6 WITH EACH DONOR'S GAMETES AND THE EFFORTS OF THE GAMETE BANK OR
7 FERTILITY CLINIC TO OBTAIN THAT INFORMATION PURSUANT TO SECTION
8 25-57-109; AND

9 (c) RECORDS OF GAMETE SCREENING AND TESTING.

10 (2) A GAMETE BANK OR FERTILITY CLINIC THAT RECEIVES
11 GAMETES OR EMBRYOS FROM ANOTHER GAMETE BANK OR FERTILITY
12 CLINIC SHALL PERMANENTLY MAINTAIN THE NAME, ADDRESS, TELEPHONE
13 NUMBER, AND E-MAIL ADDRESS OF THE GAMETE BANK OR FERTILITY
14 CLINIC FROM WHICH IT RECEIVED THE GAMETES OR EMBRYOS.

15 (3) IN ITS APPLICATION FOR A LICENSE PURSUANT TO SECTION
16 25-57-110, A GAMETE BANK OR FERTILITY CLINIC SHALL SUBMIT A
17 PROPOSED PLAN TO PERMANENTLY MAINTAIN THE RECORDS DESCRIBED IN
18 SUBSECTIONS (1) AND (2) OF THIS SECTION IN THE EVENT OF DISSOLUTION,
19 INSOLVENCY, OR BANKRUPTCY. THE PLAN MAY INCLUDE IDENTIFICATION
20 OF A SUCCESSOR ENTITY TO RECEIVE OR MAINTAIN THE RECORDS,
21 OBTAINING A SURETY BOND IN FAVOR OF A THIRD PARTY IN AN AMOUNT
22 SUFFICIENT TO COVER THE COSTS OF PERMANENT RECORD-KEEPING, OR
23 SIMILAR METHODS. THE DEPARTMENT SHALL NOT ISSUE A LICENSE
24 PURSUANT TO SECTION 25-57-110 UNTIL IT APPROVES A PLAN THAT IT
25 FINDS SUFFICIENT TO ENSURE THAT THE RECORDS WILL BE PERMANENTLY
26 MAINTAINED BY A VIABLE ENTITY.

27 (4) UPON DISSOLUTION, INSOLVENCY, OR BANKRUPTCY, A GAMETE

1 BANK OR FERTILITY CLINIC SHALL:

2 (a) IMPLEMENT THE PLAN APPROVED BY THE DEPARTMENT
3 PURSUANT TO SUBSECTION (3) OF THIS SECTION;

4 (b) FILE WITH THE DEPARTMENT A STATEMENT PROVIDING THE
5 NAME AND CONTACT INFORMATION OF THE SUCCESSOR ENTITY, IF ANY,
6 THAT WILL RECEIVE AND MAINTAIN THE RECORDS DESCRIBED IN
7 SUBSECTIONS (1) AND (2) OF THIS SECTION; AND

8 (c) INFORM BY MAIL ALL GAMETE DONORS WHOSE GAMETES WERE
9 COLLECTED OR RECEIVED BY THE GAMETE BANK OR FERTILITY CLINIC, AS
10 WELL AS RECIPIENT PARENTS WHO RECEIVED GAMETES OR EMBRYOS FROM
11 THE GAMETE BANK OR FERTILITY CLINIC, OF THE SUCCESSOR ENTITY THAT
12 WILL RECEIVE AND MAINTAIN THE RECORDS DESCRIBED IN SUBSECTIONS
13 (1) AND (2) OF THIS SECTION.

14 (5) A GAMETE BANK OR FERTILITY CLINIC SHALL COMPLY WITH
15 REPORTING REQUIREMENTS ABOUT GAMETE SCREENING AND TESTING IN
16 ACCORDANCE WITH FEDERAL LAW AND APPLICABLE LAWS OF THIS STATE
17 OTHER THAN THOSE SET FORTH IN THIS ARTICLE 57.

18 (6) (a) SUBSECTION (2) OF THIS SECTION APPLIES ONLY TO
19 GAMETES OR EMBRYOS RECEIVED ON OR AFTER JANUARY 1, 2023.

20 (b) SUBSECTIONS (1), (3), AND (4) OF THIS SECTION APPLY ONLY TO
21 GAMETES COLLECTED ON OR AFTER JULY 1, 2024, FOR USE BY A RECIPIENT
22 PARENT OR PARENTS WHO ARE UNKNOWN TO THE DONOR AT THE TIME OF
23 THE DONATION.

24 **25-57-108. Written materials for recipient parents and gamete**
25 **donors.** (1) ON OR BEFORE JULY 1, 2024, THE DEPARTMENT SHALL
26 DEVELOP WRITTEN MATERIALS FOR INTENDED RECIPIENT PARENTS. THE
27 DEPARTMENT SHALL DEVELOP THE MATERIALS IN CONJUNCTION WITH

1 LICENSED MENTAL HEALTH PROFESSIONALS WHO HAVE PRIOR
2 DOCUMENTED EXPERIENCE COUNSELING GAMETE DONORS, RECIPIENTS,
3 AND DONOR-CONCEIVED PERSONS, AS WELL AS EXPERIENCE AND
4 COMPETENCY IN COUNSELING FAMILIES WITH LESBIAN, GAY, BISEXUAL,
5 AND TRANSGENDER PARENTS AND SINGLE PARENTS, ALONG WITH
6 ADVOCACY GROUPS REPRESENTING THESE COMMUNITIES. THE MATERIALS
7 MUST INCLUDE INFORMATION ON THE FOLLOWING SUBJECTS:

8 (a) THAT, IN LIGHT OF STUDIES SHOWING THAT FAMILY SECRECY
9 ABOUT FAMILY FORMATION CAN NEGATIVELY AFFECT CHILDREN AND
10 FAMILY RELATIONSHIPS, TELLING A DONOR-CONCEIVED CHILD AT A YOUNG
11 AGE, IN AN AGE-APPROPRIATE MANNER, THAT THE CHILD IS
12 DONOR-CONCEIVED IS ASSOCIATED WITH IMPROVED FAMILY FUNCTIONING
13 AND WELL-BEING OF THE DONOR-CONCEIVED CHILD;

14 (b) THE ABILITY, AND AVAILABLE TOOLS FOR DISCUSSING THE
15 ABILITY, THAT A DONOR-CONCEIVED PERSON WILL HAVE TO LEARN THE
16 IDENTITY OF THE DONOR OF THE GAMETES USED IN THE DONOR-CONCEIVED
17 PERSON'S CONCEPTION AND THE IMPORTANCE OF UNDERSTANDING THAT
18 MANY, BUT NOT ALL, DONOR-CONCEIVED PERSONS HAVE A STRONG DESIRE
19 TO KNOW THE IDENTITY OF THE GAMETE DONOR AND OF OTHER
20 DONOR-CONCEIVED PERSONS CONCEIVED WITH THE SAME DONOR'S
21 GAMETES;

22 (c) THE NEEDS AND INTERESTS OF DONOR-CONCEIVED PERSONS;

23 (d) THE LIMITATIONS OF DONOR SCREENING;

24 (e) FUTURE IMPLICATIONS FOR THE DONOR-CONCEIVED PERSON
25 GIVEN THAT THERE MAY BE OTHER PERSONS IN OTHER FAMILIES
26 CONCEIVED WITH THE SAME DONOR'S GAMETES; AND

27 (f) FUTURE IMPLICATIONS OF RECEIVING MEDICAL HISTORY

1 UPDATES ABOUT THE DONOR OR OTHER PERSONS CONCEIVED WITH THE
2 SAME DONOR'S GAMETES.

3 (2) ON OR BEFORE JULY 1, 2024, THE DEPARTMENT SHALL
4 DEVELOP WRITTEN MATERIALS FOR GAMETE DONORS. THE DEPARTMENT
5 SHALL DEVELOP THE MATERIALS IN CONJUNCTION WITH LICENSED MENTAL
6 HEALTH PROFESSIONALS WHO HAVE PRIOR DOCUMENTED EXPERIENCE
7 COUNSELING GAMETE DONORS, RECIPIENTS, AND DONOR-CONCEIVED
8 PERSONS, AS WELL AS EXPERIENCE AND COMPETENCY IN COUNSELING
9 FAMILIES WITH LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PARENTS
10 AND SINGLE PARENTS, ALONG WITH ADVOCACY GROUPS REPRESENTING
11 THESE COMMUNITIES. THE MATERIALS MUST INCLUDE INFORMATION ON
12 THE FOLLOWING SUBJECTS:

13 (a) UNDERSTANDING THE POTENTIAL EMOTIONAL AND SOCIAL
14 IMPACTS OF DONATING GAMETES;

15 (b) UNDERSTANDING WHAT INFORMATION WILL BE DISCLOSED TO
16 THE RECIPIENT PARENT OR PARENTS AND DONOR-CONCEIVED PERSONS;

17 (c) UNDERSTANDING THE POTENTIAL FOR CONCEPTION OF
18 CHILDREN IN MULTIPLE FAMILIES USING THE DONOR'S GAMETES; AND

19 (d) UNDERSTANDING THE FUTURE POTENTIAL DISCLOSURE OF THE
20 DONOR'S IDENTIFYING INFORMATION TO A PERSON CONCEIVED WITH THE
21 DONOR'S GAMETES.

22 (3) A GAMETE BANK OR FERTILITY CLINIC LOCATED IN COLORADO
23 SHALL:

24 (a) PRIOR TO AN INTENDED RECIPIENT RECEIVING DONOR GAMETES
25 OBTAINED THROUGH THAT GAMETE BANK OR FERTILITY CLINIC, PROVIDE
26 THE WRITTEN MATERIALS DESCRIBED IN SUBSECTION (1) OF THIS SECTION
27 TO EACH INTENDED RECIPIENT OF GAMETES FROM A DONOR WHO IS

1 UNKNOWN TO THE RECIPIENT OR RECIPIENTS; AND

2 (b) PRIOR TO THE DONATION OF GAMETES BY A DONOR, PROVIDE
3 THE WRITTEN MATERIALS DESCRIBED IN SUBSECTION (2) OF THIS SECTION
4 TO EACH POTENTIAL DONOR OF GAMETES COLLECTED BY THE GAMETE
5 BANK OR FERTILITY CLINIC FROM A DONOR WHO IS UNKNOWN TO THE
6 RECIPIENT OR RECIPIENTS AND DISCUSS THESE MATERIALS WITH THE
7 DONOR.

8 (4) A GAMETE BANK OR FERTILITY CLINIC LOCATED OUTSIDE OF
9 COLORADO THAT PROVIDES GAMETES OR EMBRYOS TO RECIPIENTS IN
10 COLORADO SHALL:

11 (a) PRIOR TO AN INTENDED RECIPIENT RECEIVING DONOR GAMETES,
12 PROVIDE WRITTEN MATERIALS TO RECIPIENTS THAT, AT A MINIMUM, COVER
13 THE TOPICS DESCRIBED IN SUBSECTION (1) OF THIS SECTION; AND

14 (b) PRIOR TO THE DONATION OF GAMETES BY A DONOR, PROVIDE
15 WRITTEN MATERIALS TO THE DONOR THAT, AT A MINIMUM, COVER THE
16 TOPICS DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND DISCUSS THESE
17 MATERIALS WITH THEM.

18 **25-57-109. Donor age limits - limits on number of families -**
19 **limits on egg-retrieval cycles per ovum donor - rules - applicability.**

20 (1) (a) A GAMETE BANK OR FERTILITY CLINIC SHALL MAKE A GOOD-FAITH
21 EFFORT, INCLUDING CONDUCTING SUFFICIENT RECORD KEEPING AND
22 REQUESTING INFORMATION FROM RECIPIENTS, TO DETERMINE HOW MANY
23 FAMILIES ARE CREATED WITH GAMETES PROVIDED BY THE GAMETE BANK
24 OR FERTILITY CLINIC FROM EACH DONOR. A GAMETE BANK OR FERTILITY
25 CLINIC SHALL NOT PROVIDE GAMETES FROM A DONOR TO ADDITIONAL
26 FAMILIES ONCE THE GAMETE BANK OR FERTILITY CLINIC HAS RECORD OF
27 OR SHOULD REASONABLY KNOW THAT TEN FAMILIES HAVE BEEN

1 ESTABLISHED USING A SINGLE DONOR'S GAMETES IN OR OUTSIDE OF
2 COLORADO, WITH NO LIMIT ON THE NUMBER OF CHILDREN CONCEIVED BY
3 EACH OF THE TEN FAMILIES, UNLESS THE DONOR REQUESTS, AND THE
4 GAMETE BANK OR FERTILITY CLINIC AGREES TO, A LOWER LIMIT ON THE
5 NUMBER OF FAMILIES. THIS LIMIT DOES NOT INCLUDE ANY CHILDREN
6 CONCEIVED BY THE DONOR AS A PARENT OR CHILDREN CONCEIVED WITH
7 THE DONOR'S GAMETES WHEN THE DONOR IS KNOWN TO THE RECIPIENT
8 PARENT OR PARENTS AT THE TIME OF THE DONATION.

9 (b) FOR THE PURPOSES OF THIS SUBSECTION (1), A FAMILY IS
10 CONSIDERED ESTABLISHED WHEN A RECIPIENT PARENT OR PARENTS
11 CONCEIVE A CHILD USING GAMETES FROM A DONOR AND A LIVE BIRTH
12 RESULTS. A GAMETE BANK OR FERTILITY CLINIC SHALL MAKE REASONABLE
13 GOOD-FAITH EFFORTS TO OBTAIN INFORMATION FROM A RECIPIENT PARENT
14 ABOUT WHETHER AND WHEN A LIVE BIRTH HAS OCCURRED.

15 (2) ON OR BEFORE JULY 1, 2024, THE STATE BOARD SHALL
16 PROMULGATE A RULE ESTABLISHING A LIMIT ON THE TOTAL NUMBER OF
17 RETRIEVAL CYCLES PER OVUM DONOR, WHICH MUST NOT EXCEED A
18 LIFETIME LIMIT OF SIX CYCLES PER OVUM DONOR. IN PROMULGATING THE
19 RULE, THE STATE BOARD SHALL CONSULT WITH THE AMERICAN SOCIETY
20 OF REPRODUCTIVE MEDICINE AND ADVOCACY GROUPS REPRESENTING THE
21 INTERESTS OF OVUM DONORS. IN PROMULGATING THE RULE, THE STATE
22 BOARD MAY CONSIDER ADOPTING AN EXCEPTION TO THIS LIMIT FOR PRIOR
23 DONORS WHO PROVIDE INFORMED CONSENT TO UNDERGO ADDITIONAL
24 RETRIEVAL CYCLES FOR FAMILIES INTENDING TO CONCEIVE A CHILD USING
25 THE SAME DONOR USED TO CONCEIVE THEIR OTHER CHILD.

26 (3) A DONOR MUST BE AT LEAST TWENTY-ONE YEARS OF AGE OR
27 OLDER AT THE TIME OF COLLECTION OF GAMETES, AND A GAMETE BANK OR

1 FERTILITY CLINIC SHALL VERIFY THE AGE OF THE DONOR AT THE TIME OF
2 THE COLLECTION OF GAMETES.

3 (4) THIS SECTION APPLIES ONLY TO GAMETES COLLECTED ON OR
4 AFTER JULY 1, 2024, FOR USE BY RECIPIENT PARENTS WHO ARE UNKNOWN
5 TO THE DONOR AT THE TIME OF THE DONATION.

6 **25-57-110. License required - application - inspection -**
7 **issuance, denial, suspension, or revocation - fees - civil penalties -**
8 **rules.** (1) ON OR AFTER JULY 1, 2025, A GAMETE BANK OR FERTILITY
9 CLINIC SHALL NOT OPERATE AS A GAMETE BANK OR FERTILITY CLINIC IN
10 COLORADO, OR PROVIDE GAMETES OR EMBRYOS TO RECIPIENTS IN
11 COLORADO, WITHOUT HAVING FIRST OBTAINED A LICENSE FROM THE
12 DEPARTMENT. SUCH LICENSE IS CONDITIONED ON COMPLIANCE WITH THE
13 APPLICABLE STANDARDS, REQUIREMENTS, AND OTHER PROVISIONS OF THIS
14 ARTICLE 57 AND ITS IMPLEMENTING RULES.

15 (2) (a) A GAMETE BANK OR FERTILITY CLINIC SHALL SUBMIT AN
16 ANNUAL APPLICATION AND FEE FOR A LICENSE TO OPERATE ON THE FORM
17 AND IN THE MANNER PRESCRIBED BY THE DEPARTMENT.

18 (b) (I) ON OR BEFORE JULY 1, 2024, THE STATE BOARD SHALL
19 PROMULGATE RULES ESTABLISHING A SCHEDULE OF FEES SUFFICIENT TO
20 MEET THE DIRECT AND INDIRECT COSTS OF ADMINISTRATION AND
21 ENFORCEMENT OF THIS ARTICLE 57. A GAMETE BANK OR FERTILITY
22 PROVIDER THAT IS A NONPROFIT ORGANIZATION IS EXEMPT FROM SUCH
23 FEES.

24 (II) THE DEPARTMENT SHALL ASSESS AND COLLECT, FROM EACH
25 GAMETE BANK OR FERTILITY CLINIC THAT IS APPLYING FOR LICENSURE
26 PURSUANT TO THIS SECTION, A FEE IN ACCORDANCE WITH THE FEE
27 SCHEDULE ESTABLISHED BY THE STATE BOARD PURSUANT TO SUBSECTION

1 (2)(b)(I) OF THIS SECTION.

2 (III) THE DEPARTMENT SHALL TRANSMIT FEES COLLECTED
3 PURSUANT TO THIS SECTION TO THE STATE TREASURER, WHO SHALL
4 CREDIT THE MONEY TO THE GAMETE BANK OR FERTILITY CLINIC FUND
5 CREATED IN SECTION 25-57-112.

6 (IV) FEES COLLECTED PURSUANT TO THIS SUBSECTION (2) MAY BE
7 USED BY THE DEPARTMENT TO PROVIDE TECHNICAL ASSISTANCE AND
8 EDUCATION TO THE PUBLIC AND TO GAMETE BANKS AND FERTILITY CLINICS
9 RELATED TO THE PROVISION OF AND COMPLIANCE WITH COLORADO LAW,
10 IN ADDITION TO REGULATORY AND ADMINISTRATIVE FUNCTIONS. THE
11 DEPARTMENT MAY CONTRACT WITH PRIVATE ENTITIES TO ASSIST THE
12 DEPARTMENT IN PROVIDING TECHNICAL ASSISTANCE AND EDUCATION BUT
13 NOT IN PROVIDING REGULATORY OR ADMINISTRATIVE FUNCTIONS.

14 (3) (a) (I) THE DEPARTMENT SHALL INVESTIGATE AND REVIEW
15 EACH ORIGINAL APPLICATION AND EACH RENEWAL APPLICATION FOR A
16 LICENSE TO OPERATE AS A GAMETE BANK OR FERTILITY CLINIC. THE
17 DEPARTMENT SHALL DETERMINE AN APPLICANT'S COMPLIANCE WITH THIS
18 ARTICLE 57, AND THE RULES ADOPTED PURSUANT TO THIS ARTICLE 57, FOR
19 THE COLLECTION AND PROVISION OF GAMETES FROM DONORS WHO ARE
20 UNKNOWN TO A RECIPIENT AT THE TIME OF THE DONATION BEFORE ISSUING
21 A LICENSE.

22 (II) THE GAMETE BANK OR FERTILITY CLINIC SHALL SUBMIT IN
23 WRITING, IN A FORM PRESCRIBED BY THE DEPARTMENT, A CORRECTIVE
24 ACTION PLAN DETAILING THE MEASURES IT WILL TAKE TO CORRECT ANY
25 VIOLATIONS FOUND BY THE DEPARTMENT AS A RESULT OF INSPECTIONS
26 UNDERTAKEN PURSUANT TO THIS SUBSECTION (3). THE DEPARTMENT
27 SHALL CONDUCT A FOLLOW-UP INSPECTION TO ENSURE IMPLEMENTATION

1 OF THE CORRECTIVE ACTION PLAN.

2 (III) WHEN INVESTIGATING OR REVIEWING THE RECORDS OF A
3 GAMETE BANK OR FERTILITY CLINIC LOCATED OUTSIDE OF COLORADO, THE
4 DEPARTMENT SHALL INVESTIGATE AND REVIEW ONLY THE RECORDS
5 PERTAINING TO DONORS WHOSE GAMETES OR EMBRYOS WERE PROVIDED
6 TO RECIPIENTS IN COLORADO.

7 (b) THE DEPARTMENT SHALL NOT RETAIN ANY IDENTIFYING
8 INFORMATION ABOUT DONORS, RECIPIENTS, OR DONOR-CONCEIVED
9 PERSONS, AND SHALL KEEP CONFIDENTIAL ALL HEALTH-CARE
10 INFORMATION OR DOCUMENTS OBTAINED OR VIEWED DURING AN
11 INSPECTION OR INVESTIGATION OF A GAMETE BANK OR FERTILITY CLINIC
12 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION. ALL RECORDS,
13 INFORMATION, OR DOCUMENTS SO OBTAINED ARE EXEMPT FROM
14 DISCLOSURE PURSUANT TO SECTIONS 24-72-204 AND 25-1-124.

15 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS
16 SECTION, THE DEPARTMENT SHALL ISSUE OR RENEW A LICENSE TO
17 OPERATE AS A GAMETE BANK OR FERTILITY CLINIC WHEN IT IS SATISFIED
18 THAT THE APPLICANT OR LICENSEE IS IN COMPLIANCE WITH THE
19 REQUIREMENTS SET FORTH IN THIS ARTICLE 57 AND THE RULES
20 PROMULGATED PURSUANT TO THIS ARTICLE 57. EXCEPT FOR PROVISIONAL
21 LICENSES ISSUED IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION,
22 A LICENSE ISSUED OR RENEWED PURSUANT TO THIS SECTION EXPIRES ONE
23 YEAR AFTER THE DATE OF ISSUANCE OR RENEWAL. THE DEPARTMENT
24 SHALL SUSPEND OR REVOKE A LICENSE IN ACCORDANCE WITH SECTION
25 24-4-104.

26 (5) THE DEPARTMENT MAY ISSUE A PROVISIONAL LICENSE TO
27 OPERATE AS A GAMETE BANK OR FERTILITY CLINIC TO AN APPLICANT FOR

1 THE PURPOSE OF OPERATING AS A GAMETE BANK OR FERTILITY CLINIC FOR
2 A PERIOD OF NINETY DAYS IF THE APPLICANT IS TEMPORARILY UNABLE TO
3 CONFORM TO ALL OF THE STANDARDS REQUIRED PURSUANT TO THIS
4 ARTICLE 57. AS A CONDITION OF OBTAINING A PROVISIONAL LICENSE, THE
5 APPLICANT SHALL SHOW PROOF TO THE DEPARTMENT THAT SIGNIFICANT
6 GOOD-FAITH ATTEMPTS ARE BEING MADE TO CONFORM AND COMPLY WITH
7 THE APPLICABLE STANDARDS REQUIRED PURSUANT TO THIS ARTICLE 57.
8 THE DEPARTMENT MAY ISSUE A SECOND PROVISIONAL LICENSE, FOR A LIKE
9 TERM AND FEE, TO EFFECT COMPLIANCE. A FURTHER PROVISIONAL LICENSE
10 SHALL NOT BE ISSUED FOR THE CURRENT YEAR AFTER THE SECOND
11 ISSUANCE.

12 (6) (a) IT IS A VIOLATION OF THIS ARTICLE 57 FOR ANY PERSON,
13 CORPORATION, OR OTHER ENTITY TO OPERATE AS A GAMETE BANK OR
14 FERTILITY CLINIC IN COLORADO WITHOUT A VALID LICENSE OR IN
15 VIOLATION OF THE TERMS AND CONDITIONS OF A LICENSE. THE
16 DEPARTMENT MAY REVOKE OR NOT RENEW THE LICENSE IN ACCORDANCE
17 WITH THE PROCEDURES SET FORTH IN SECTION 24-4-104 OF A LICENSED
18 GAMETE BANK OR FERTILITY CLINIC THAT FAILS TO ADHERE TO THE TERMS
19 AND CONDITIONS OF ITS LICENSE AND THE STANDARDS AND
20 REQUIREMENTS ESTABLISHED BY RULE PURSUANT TO THIS ARTICLE 57.

21 (b) THE DEPARTMENT MAY ASSESS A CIVIL PENALTY OF NOT LESS
22 THAN FIVE THOUSAND DOLLARS BUT NOT MORE THAN TWENTY THOUSAND
23 DOLLARS, ADJUSTED ANNUALLY FOR INFLATION, BASED ON THE ANNUAL
24 PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S
25 BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR
26 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN
27 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR

1 EACH DAY THE PERSON IS IN VIOLATION OF THIS ARTICLE 57. THE
2 ASSESSED PENALTY ACCRUES FROM THE DATE THE DEPARTMENT FINDS
3 THAT THE PERSON, CORPORATION, OR ENTITY IS IN VIOLATION OF THIS
4 ARTICLE 57. THE DEPARTMENT SHALL ASSESS, ENFORCE, AND COLLECT
5 THE PENALTY IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24 AND CREDIT
6 THE MONEY TO THE GENERAL FUND. ENFORCEMENT AND COLLECTION OF
7 THE PENALTY OCCURS FOLLOWING THE DECISION REACHED IN
8 ACCORDANCE WITH PROCEDURES SET FORTH IN SECTION 24-4-105.

9 **25-57-111. Rule-making authority.** ON OR BEFORE JULY 1, 2024,
10 THE STATE BOARD SHALL PROMULGATE ANY RULES NECESSARY TO
11 IMPLEMENT THIS ARTICLE 57. IN PROMULGATING RULES, THE STATE BOARD
12 SHALL CONSIDER AND PROTECT THE BEST INTERESTS OF
13 DONOR-CONCEIVED PERSONS AND FAMILIES OF DONOR-CONCEIVED
14 PERSONS, INCLUDING LESBIAN, GAY, BISEXUAL, AND TRANSGENDER
15 PARENTS AND DONOR-CONCEIVED PERSONS AND SINGLE PARENTS.

16 **25-57-112. Gamete bank and fertility clinic fund - created.**
17 THE GAMETE BANK AND FERTILITY CLINIC FUND, REFERRED TO IN THIS
18 SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND
19 CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SECTION
20 25-57-110. THE MONEY IN THE FUND IS SUBJECT TO ANNUAL
21 APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND
22 INDIRECT COSTS OF THE DEPARTMENT IN PERFORMING ITS DUTIES
23 PURSUANT TO THIS ARTICLE 57. AT THE END OF ANY FISCAL YEAR, ALL
24 UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND REMAINS IN THE
25 FUND AND IS NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
26 ANY OTHER FUND.

27 **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2022 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.