

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-1150.01 Jane Ritter x4342

SENATE BILL 24-223

SENATE SPONSORSHIP

Fenberg and Gardner, Bridges, Buckner, Cutter, Michaelson Jenet, Mullica, Priola

HOUSE SPONSORSHIP

Snyder,

Senate Committees

Finance
Appropriations

House Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING LICENSING ISSUES FOR CLINICS THAT PERFORM SERVICES**
102 **RELATED TO FERTILITY.**

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>.)

Current law requires a gamete agency, gamete bank, or fertility clinic (clinic) to obtain a license from the department of public health and environment (department) on or after January 1, 2025, before the clinic may match or provide gametes or embryos to recipients in Colorado. The bill extends this deadline to July 1, 2025.

The bill adds a requirement that applicants for an original and

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

HOUSE
2nd Reading Unamended
May 7, 2024

SENATE
3rd Reading Unamended
May 3, 2024

SENATE
Amended 2nd Reading
May 2, 2024

renewal license must submit documentation to demonstrate compliance with licensing requirements.

Subject to available appropriations, the department may, as it deems necessary, perform on-site inspections or complaint investigations of clinics located outside of Colorado.

Beginning in fiscal year 2025-26, the bill requires the general assembly to annually appropriate \$229,335 to the gamete agency, gamete bank, or fertility clinic fund.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-57-102, **amend**
3 (2) as follows:

4 **25-57-102. Legislative declaration.** (2) Therefore, the general
5 assembly finds that to protect the health and welfare of donor-conceived
6 persons and their families in Colorado, it is essential to enact the
7 "Donor-conceived Persons and Families of Donor-conceived Persons
8 Protection Act" to regulate the use of donated gametes provided from
9 gamete agencies, gamete banks, or fertility clinics located inside or
10 outside of Colorado to recipients in ~~or who are residents of~~, Colorado.

11 **SECTION 2.** In Colorado Revised Statutes, 25-57-103, **amend**
12 (3), (5), (7), (9), and (11) as follows:

13 **25-57-103. Definitions.** As used in this article 57, unless the
14 context otherwise requires:

15 (3) "Donor" means an individual who produces eggs or sperm
16 collected by a gamete agency, gamete bank, or fertility clinic or whose
17 eggs or sperm created an embryo received by a gamete agency, gamete
18 bank, or fertility clinic for use in assisted reproduction by a recipient who
19 is unknown to the donor of the gametes at the time of donation. A DONOR
20 AND A RECIPIENT PARENT OR PARENTS ARE "UNKNOWN" TO EACH OTHER
21 IF A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC INTRODUCED

1 OR INITIATED THE MATCH OR CONNECTION BETWEEN THE DONOR AND
2 RECIPIENT PARENTS, AND THE DONOR AND RECIPIENT PARENT OR PARENTS
3 DO NOT MUTUALLY EXCHANGE IDENTIFYING INFORMATION. The term
4 "donor" only applies to the regulation of gamete agencies, gamete banks,
5 or fertility clinics pursuant to this article 57 and does not apply for the
6 purposes of determining parentage.

7 (5) "Fertility clinic" means an entity or organization LOCATED IN
8 COLORADO that performs assisted reproduction medical procedures and
9 receives donor gametes for a recipient in ~~or who is a resident of,~~
10 Colorado, and the recipient and gamete donor are unknown to each other
11 at time of donation.

12 (7) "Gamete agency" means an oocyte or sperm donor matching
13 agency that: ~~is located within or outside of Colorado and matches gamete~~
14 ~~donors with recipients in or who are residents of, Colorado, and the~~
15 ~~potential recipients and gamete donors are unknown to each other at time~~
16 ~~of donation.~~

17 (a) MATCHES GAMETE DONORS WITH RECIPIENTS; AND

18 (b) MATCHES THE POTENTIAL RECIPIENTS AND GAMETE DONORS
19 WHO ARE UNKNOWN TO EACH OTHER AT THE TIME OF THE DONATION; AND

20 (c) (I) IS LOCATED WITHIN COLORADO; OR

21 (II) IS LOCATED OUTSIDE OF COLORADO AND MATCHES INTENDED
22 RECIPIENTS LOCATED IN COLORADO DURING THE MATCHING PROCESS WITH
23 GAMETE DONORS.

24 (9) "Gamete bank" means an entity or organization that:

25 (a) Collects gametes from a donor or receives embryos; and

26 (b) Provides gametes or embryos to a recipient parent or parents
27 or the recipient parent's medical provider when the recipient and donor

1 are unknown to each other at time of donation; and

2 (c) (I) ~~that~~ Is located within ~~or outside of~~ Colorado; OR

3 (II) IS LOCATED OUTSIDE OF COLORADO and provides gametes or
4 embryos to a recipient parent or parents LOCATED in ~~or who are residents~~
5 ~~of~~, Colorado.

6 (11) "Matches" or "matches gametes" means the process of
7 matching a donor with a recipient in ~~or who is a resident of~~, Colorado. A
8 "MATCH" IS MADE BY A GAMETE AGENCY, AND A MATCH IS CONSIDERED
9 MADE WHEN AN INTENDED RECIPIENT PARENT SELECTS A SPECIFIC
10 POTENTIAL DONOR, OR AGREES TO RECEIVE A SPECIFIC POTENTIAL DONOR'S
11 GAMETES, PRIOR TO THE COLLECTION OF THE GAMETES.

12 **SECTION 3.** In Colorado Revised Statutes, 25-57-105, **amend**
13 (4) as follows:

14 **25-57-105. Declaration regarding disclosure of identifying**
15 **information and medical history - applicability.** (4) A gamete agency,
16 gamete bank, or fertility clinic located outside of Colorado shall not
17 match INTENDED RECIPIENTS LOCATED IN COLORADO WITH DONORS, or
18 provide gametes TO A RECIPIENT PARENT OR PARENTS LOCATED IN
19 COLORADO OR TO THE RECIPIENT PARENT'S MEDICAL PROVIDER LOCATED
20 IN COLORADO, from a donor who does not agree to the disclosure of the
21 donor's identity as set forth in subsection (2) of this section. to a recipient
22 parent or parents located in or who are residents of Colorado

23 **SECTION 4.** In Colorado Revised Statutes, 25-57-108, **amend**
24 (4) introductory portion as follows:

25 **25-57-108. Written materials for recipient parents and gamete**
26 **donors.** (4) A gamete agency, gamete bank, or fertility clinic located
27 outside of Colorado that either matches donors to or provides gametes or

1 embryos to recipients in ~~or who are residents of~~, Colorado shall:

2 **SECTION 5.** In Colorado Revised Statutes, 25-57-110, **amend**
3 (1) and (3)(a)(I) as follows:

4 **25-57-110. License required - application - inspection -**
5 **issuance, denial, suspension, or revocation - fees - civil penalties -**
6 **rules.** (1) On or after ~~January~~ JULY 1, 2025, a gamete agency, gamete
7 bank, or fertility clinic shall not operate as a gamete agency, gamete bank,
8 or fertility clinic in Colorado, or match or provide gametes or embryos to
9 recipients in Colorado, without having first obtained a license from the
10 department. ~~Such~~ THE license is conditioned on compliance with the
11 applicable standards, requirements, and other provisions of this article 57
12 and its implementing rules.

13 (3) (a) (I) The department shall investigate and review each
14 original application and each renewal application for a license to operate
15 as a gamete agency, gamete bank, or fertility clinic. THE DEPARTMENT
16 SHALL REQUIRE ALL APPLICANTS TO SUBMIT INFORMATION IN THE
17 ORIGINAL AND RENEWAL APPLICATION PROCESS TO DOCUMENT
18 COMPLIANCE WITH LICENSING REQUIREMENTS. SUBJECT TO AVAILABLE
19 APPROPRIATIONS, THE DEPARTMENT MAY, AS IT DEEMS NECESSARY,
20 PERFORM ON-SITE INSPECTIONS OR COMPLAINT INVESTIGATIONS OF A
21 GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC LOCATED OUTSIDE
22 OF COLORADO. The department shall determine an applicant's compliance
23 with this article 57, and the rules adopted pursuant to this article 57, for
24 the collection and provision of gametes from donors who are unknown to
25 a recipient at the time of the donation before issuing a license.

26 **SECTION 6.** In Colorado Revised Statutes, **amend 25-57-111 as**
27 **follows:**

1 **25-57-111. Rule-making authority.** ~~On or before July 1, 2024,~~
2 ~~JANUARY 1, 2025,~~ the state board shall promulgate any rules necessary to
3 ~~implement this article 57. In promulgating rules, the state board shall~~
4 ~~consider and protect the interests of donor-conceived persons and families~~
5 ~~of donor-conceived persons, including lesbian, gay, bisexual, and~~
6 ~~transgender parents and donor-conceived persons and single parents.~~

7 **SECTION 7.** In Colorado Revised Statutes, **amend** 25-57-112 as
8 follows:

9 **25-57-112. Gamete agency, gamete bank, or fertility clinic**
10 **fund - created - priorities - appropriation.** (1) The gamete agency,
11 gamete bank, or fertility clinic fund, referred to in this section as the
12 "fund", is created in the state treasury. The fund consists of money
13 credited to the fund pursuant to section 25-57-110 AND ANY MONEY
14 APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY. The money in
15 the fund is subject to annual appropriation by the general assembly for the
16 direct and indirect costs of the department in performing its duties
17 pursuant to this article 57. At the end of any fiscal year, all unexpended
18 and unencumbered money in the fund remains in the fund and is not
19 credited or transferred to the general fund or any other fund.

20 (2) THE DEPARTMENT SHALL PRIORITIZE THE USE OF MONEY IN THE
21 FUND FOR PROVIDING TECHNICAL AND COMPLIANCE ASSISTANCE AND
22 PROCESSING LICENSES, YET RETAIN ADEQUATE RESOURCES FOR
23 ENFORCEMENT.

24 (3) BEGINNING IN FISCAL YEAR 2025-26, THE GENERAL ASSEMBLY
25 SHALL ANNUALLY APPROPRIATE ONE HUNDRED TWENTY-FIVE THOUSAND
26 DOLLARS TO THE FUND.

27 **SECTION 8. Safety clause.** The general assembly finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, or safety or for appropriations for
3 the support and maintenance of the departments of the state and state
4 institutions.