

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0770.07 Jane Ritter x4342

**SENATE BILL 22-224**

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**SENATE SPONSORSHIP**

**Fenberg and Gardner**, Bridges, Buckner, Danielson, Donovan, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Holbert, Jaquez Lewis, Kolker, Lee, Liston, Moreno, Pettersen, Rodriguez, Sonnenberg, Story

**HOUSE SPONSORSHIP**

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Appropriations

**House Committees**

Finance  
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**A BILL FOR AN ACT**

101      **CONCERNING THE CREATION OF THE "DONOR-CONCEIVED PERSONS**  
102                    **AND FAMILIES OF DONOR-CONCEIVED PERSONS PROTECTION**  
103                    **ACT", AND, IN CONNECTION THEREWITH, MAKING AN**  
104                    **APPROPRIATION.**

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**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

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.

SENATE  
3rd Reading Unamended  
May 4, 2022

SENATE  
Amended 2nd Reading  
May 3, 2022

- pregnancy other than sexual intercourse;
- "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.  
A gamete bank to ensure that, prior to tissue donation or sale of tissue, each tissue donor and intended recipient receives written materials prepared by the department discussing various subjects related to DCPs and gamete donation.

The act creates the donor gamete bank and fertility clinic fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 57 to title  
3 25 as follows:

4 **ARTICLE 57**

5 **Donor-conceived Persons and Gamete Agencies, Gamete Banks,**  
6 **and Fertility Clinics**

7 **25-57-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 57 IS  
8 THE "DONOR-CONCEIVED PERSONS AND FAMILIES OF DONOR-CONCEIVED  
9 PERSONS PROTECTION ACT".

10 **25-57-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
11 FINDS AND DECLARES THAT:

12 (a) MANY COLORADANS ARE CONCEIVED, OR ESTABLISH THEIR  
13 FAMILIES, THROUGH SOME FORM OF ASSISTED REPRODUCTION \_\_\_\_\_  
14 INVOLVING A THIRD-PARTY SPERM, EGG, OR EMBRYO PROVIDER, ALSO  
15 KNOWN AS A GAMETE "DONOR", WHOSE IDENTITY IS UNKNOWN TO THE  
16 FAMILY AT THE TIME OF DONATION. THE PEOPLE CONCEIVED THROUGH  
17 ASSISTED REPRODUCTION WITH A DONOR ARE REFERRED TO IN THIS  
18 ARTICLE 57 AS "DONOR-CONCEIVED PERSONS".

19 (b) THE INTERESTS OF DONOR-CONCEIVED PERSONS MUST BE  
20 CONSIDERED AND PROTECTED. INFORMATION ABOUT THE PERSONAL AND  
21 FAMILY MEDICAL HISTORY OF THE GAMETE DONORS USED IN CONCEPTION  
22 CAN IMPACT MEDICAL CARE FOR DONOR-CONCEIVED PERSONS AND THEIR

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. SOME  
10 DONOR-CONCEIVED PERSONS ARE OR MAY BE INTERESTED IN CONTACT  
11 WITH THE DONOR AND AMONG PERSONS CONCEIVED AND FAMILIES  
12 ESTABLISHED WITH THE SAME DONOR WHO WAS UNKNOWN TO THE  
13 DONOR-CONCEIVED PERSON'S RECIPIENT PARENTS AT THE TIME OF  
14 DONATION. A LIMIT ON THE NUMBER OF FAMILIES PER DONOR PER GAMETE  
15 AGENCY, GAMETE BANK, OR FERTILITY CLINIC FURTHERS THE ABILITY OF  
16 THESE DONOR-CONCEIVED PERSONS TO ESTABLISH THIS CONTACT.

17 (d) STUDIES HAVE SHOWN THAT FAMILY SECRECY ABOUT FAMILY  
18 FORMATION CAN NEGATIVELY AFFECT CHILDREN AND FAMILY  
19 RELATIONSHIPS;

20 (e) BEFORE USING DONATED GAMETES, PEOPLE WHO ARE  
21 CONSIDERING USING DONATED GAMETES TO CONCEIVE CHILDREN SHOULD  
22 HAVE ACCESS TO MORE INFORMATION AND RESOURCES ABOUT  
23 DONOR-CONCEIVED PERSONS, INCLUDING TOOLS AND RESOURCES FOR  
24 DISCUSSING DONOR CONCEPTION WITH THEIR CHILDREN IN WAYS THAT ARE  
25 AGE-APPROPRIATE AND REFLECT THE INTERESTS AND LIVED EXPERIENCE  
26 OF DONOR-CONCEIVED PERSONS;

27 (f) BEFORE DONATING GAMETES, GAMETE DONORS SHOULD HAVE

1 ACCESS TO INFORMATION AND RESOURCES ABOUT THE INTERESTS OF  
2 DONOR-CONCEIVED PERSONS AND HAVE CLARITY ABOUT THE  
3 INFORMATION THAT MAY BE SHARED WITH RECIPIENT PARENTS AND  
4 DONOR-CONCEIVED PERSONS; AND

5 (g) MOST GAMETES OR EMBRYOS FROM DONORS THAT ARE  
6 PROVIDED TO RECIPIENTS LOCATED IN COLORADO ARE PROVIDED FROM  
7 GAMETE AGENCIES, GAMETE BANKS, OR FERTILITY CLINICS LOCATED IN  
8 OTHER STATES.

9 (2) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT TO PROTECT  
10 THE HEALTH AND WELFARE OF DONOR-CONCEIVED PERSONS AND THEIR  
11 FAMILIES IN COLORADO, IT IS ESSENTIAL TO ENACT THE  
12 "DONOR-CONCEIVED PERSONS AND FAMILIES OF DONOR-CONCEIVED  
13 PERSONS PROTECTION ACT" TO REGULATE THE USE OF DONATED GAMETES  
14 PROVIDED FROM GAMETE AGENCIES, GAMETE BANKS, OR FERTILITY  
15 CLINICS LOCATED INSIDE OR OUTSIDE OF COLORADO TO RECIPIENTS IN, OR  
16 WHO ARE RESIDENTS OF, COLORADO.

17 **25-57-103. Definitions.** AS USED IN THIS ARTICLE 57, UNLESS THE  
18 CONTEXT OTHERWISE REQUIRES:

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

- 21 (a) INTRAUTERINE OR INTRACERVICAL INSEMINATION;
- 22 (b) DONATION OF GAMETES OR EMBRYOS;
- 23 (c) IN-VITRO FERTILIZATION AND TRANSFER OF EMBRYOS; AND
- 24 (d) INTRACYTOPLASMIC SPERM INJECTION.

25 (2) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF  
26 PUBLIC HEALTH AND ENVIRONMENT.

27 (3) "DONOR" MEANS AN INDIVIDUAL WHO PRODUCES EGGS OR

1 SPERM COLLECTED BY A GAMETE AGENCY, GAMETE BANK, OR FERTILITY  
2 CLINIC OR WHOSE EGGS OR SPERM CREATED AN EMBRYO RECEIVED BY A  
3 GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC FOR USE IN  
4 ASSISTED REPRODUCTION BY A RECIPIENT WHO IS UNKNOWN TO THE  
5 DONOR OF THE GAMETES AT THE TIME OF DONATION. THE TERM "DONOR"  
6 ONLY APPLIES TO THE REGULATION OF GAMETE AGENCIES, GAMETE BANKS,  
7 OR FERTILITY CLINICS PURSUANT TO THIS ARTICLE 57 AND DOES NOT  
8 APPLY FOR THE PURPOSES OF DETERMINING PARENTAGE.

9 (4) "DONOR-CONCEIVED PERSON" MEANS AN INDIVIDUAL OF ANY  
10 AGE WHO WAS CONCEIVED THROUGH ASSISTED REPRODUCTION USING  
11 GAMETES FROM A DONOR UNKNOWN TO THE RECIPIENT PARENT OR  
12 PARENTS AT THE TIME OF DONATION.

13 (5) "FERTILITY CLINIC" MEANS AN ENTITY OR ORGANIZATION THAT  
14 PERFORMS ASSISTED REPRODUCTION MEDICAL PROCEDURES AND RECEIVES  
15 DONOR GAMETES FOR A RECIPIENT IN, OR WHO IS A RESIDENT OF,  
16 COLORADO, AND THE RECIPIENT AND GAMETE DONOR ARE UNKNOWN TO  
17 EACH OTHER.

18 (6) "GAMETE" MEANS UNFERTILIZED OOCYTES OR SPERM.

19 (7) "GAMETE AGENCY" MEANS AN OOCYTE OR SPERM DONOR  
20 MATCHING AGENCY THAT IS LOCATED WITHIN OR OUTSIDE OF COLORADO  
21 AND MATCHES POTENTIAL GAMETE DONORS WITH POTENTIAL RECIPIENTS  
22 IN, OR WHO ARE RESIDENTS OF, COLORADO, AND THE POTENTIAL  
23 RECIPIENTS AND GAMETE DONORS ARE UNKNOWN TO EACH OTHER.

24 (8) "GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC"  
25 MEANS ANY ONE OF SUCH ENTITIES AS DEFINED IN THIS SECTION.

26 (9) "GAMETE BANK" MEANS AN ENTITY OR ORGANIZATION THAT  
27 COLLECTS GAMETES FROM A DONOR OR RECEIVES EMBRYOS AND PROVIDES

1 GAMETES OR EMBRYOS TO A RECIPIENT PARENT OR PARENTS OR THE  
2 RECIPIENT PARENT'S MEDICAL PROVIDER WHEN THE RECIPIENT AND DONOR  
3 ARE UNKNOWN TO EACH OTHER, AND THAT IS LOCATED WITHIN OR  
4 OUTSIDE OF COLORADO AND PROVIDES GAMETES OR EMBRYOS TO A  
5 RECIPIENT PARENT OR PARENTS IN, OR WHO ARE RESIDENTS OF,  
6 COLORADO.

7 (10) "IDENTIFYING INFORMATION" MEANS:  
8 (a) THE DONOR'S FULL NAME;  
9 (b) THE DONOR'S DATE OF BIRTH; AND  
10 (c) THE DONOR'S PERMANENT AND, IF DIFFERENT, CURRENT  
11 ADDRESS OR OTHER CONTACT INFORMATION AT THE TIME OF THE  
12 DONATION, OR, IF DIFFERENT, THE DONOR'S CURRENT ADDRESS OR OTHER  
13 CONTACT INFORMATION OR BOTH AS RETAINED BY THE GAMETE AGENCY,  
14 GAMETE BANK, OR FERTILITY CLINIC.

15 (11) "MATCHES" OR "MATCHES GAMETES" MEANS THE PROCESS OF  
16 MATCHING A DONOR WITH AN INTENDED RECIPIENT IN, OR WHO IS A  
17 RESIDENT OF, COLORADO.

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

23 (13) "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON WHO IS  
24 CERTIFIED OR LICENSED PURSUANT TO ARTICLE 245 OF TITLE 12 OR AN  
25 OUT-OF-STATE PROFESSIONAL WHO IS A LICENSED PSYCHIATRIST, CLINICAL  
26 PSYCHOLOGIST, OR PROFESSIONAL COUNSELOR.

27 (14) "RECIPIENT" OR "RECIPIENT PARENT" MEANS A PERSON WHO

1 RECEIVES DONOR GAMETES OR EMBRYOS AS AN INTENDED PARENT FROM  
2 A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC FOR USE IN  
3 ASSISTED REPRODUCTION FOR THE PURPOSE OF CONCEIVING A CHILD.

4 (15) "STATE BOARD" MEANS THE COLORADO STATE BOARD OF  
5 HEALTH.

6 **25-57-104. Collection of identifying information and medical**  
7 **history - applicability.** (1) EXCEPT AS PROVIDED IN SUBSECTION (3) OF  
8 THIS SECTION, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC  
9 THAT COLLECTS GAMETES FROM A DONOR OR MATCHES A DONOR WITH A  
10 RECIPIENT SHALL COLLECT THE DONOR'S IDENTIFYING INFORMATION AND  
11 MEDICAL HISTORY AND SHALL MAKE A GOOD-FAITH EFFORT TO MAINTAIN  
12 CURRENT CONTACT INFORMATION AND UPDATES ON MEDICAL HISTORIES  
13 OF THE DONOR BY REQUESTING UPDATES FROM THE DONOR AT LEAST ONCE  
14 EVERY THREE YEARS.

15 (2) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT  
16 RECEIVES GAMETES OR EMBRYOS COLLECTED BY A DIFFERENT GAMETE  
17 AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL COLLECT THE NAME,  
18 ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF THE GAMETE  
19 AGENCY, GAMETE BANK, OR FERTILITY CLINIC FROM WHICH IT RECEIVED  
20 THE GAMETES OR EMBRYOS AT THE TIME IT RECEIVES THE GAMETES OR  
21 EMBRYOS. A GAMETE BANK OR FERTILITY CLINIC THAT COLLECTS  
22 GAMETES FROM A DONOR WHO WAS MATCHED WITH A RECIPIENT BY A  
23 GAMETE AGENCY THAT IS A SEPARATE ENTITY SHALL COLLECT AND  
24 MAINTAIN THE NAME, ADDRESS, TELEPHONE NUMBER, AND EMAIL  
25 ADDRESS OF THAT GAMETE AGENCY.

26 (3) A FERTILITY CLINIC THAT COLLECTS GAMETES FROM A DONOR  
27 WHO WAS MATCHED WITH A RECIPIENT BY A GAMETE AGENCY THAT IS A



1 SEPARATE ENTITY IS NOT SUBJECT TO THE REQUIREMENTS OF SUBSECTION  
2 (1) OF THIS SECTION, BUT SHALL PROVIDE COPIES OF ANY AND ALL  
3 MEDICAL AND SCREENING RECORDS OF THE DONOR, INCLUDING THE  
4 RESULTS OF GENETIC TESTING, TO THE GAMETE AGENCY THAT MATCHED  
5 THE DONOR.

6 (4) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC  
7 SHALL DISCLOSE THE INFORMATION COLLECTED PURSUANT TO  
8 SUBSECTIONS (1) THROUGH (3) OF THIS SECTION PURSUANT TO THE  
9 REQUIREMENTS OF SECTION 25-57-106.

10 (5) THIS SECTION APPLIES ONLY TO GAMETES COLLECTED AND  
11 EMBRYOS FORMED WITH GAMETES COLLECTED BY A GAMETE AGENCY,  
12 GAMETE BANK, OR FERTILITY CLINIC ON OR AFTER JANUARY 1, 2025, FOR  
13 USE BY A RECIPIENT PARENT OR PARENTS WHO ARE UNKNOWN TO THE  
14 DONOR AT THE TIME OF THE DONATION.

15 **25-57-105. Declaration regarding disclosure of identifying**  
16 **information and medical history - applicability.** (1) EXCEPT AS  
17 PROVIDED IN SUBSECTION (5) OF THIS SECTION, A GAMETE AGENCY,  
18 GAMETE BANK, OR FERTILITY CLINIC THAT MATCHES OR COLLECTS  
19 GAMETES FROM A DONOR WHO IS UNKNOWN TO THE RECIPIENT PARENT OR  
20 PARENTS AT THE TIME OF THE DONATION SHALL:

21 (a) PROVIDE THE DONOR WITH INFORMATION [REDACTED] ABOUT  
22 DISCLOSURE OF IDENTIFYING INFORMATION AND MEDICAL HISTORY IN ITS  
23 RECORDS;

24 (b) OBTAIN A DECLARATION FROM THE DONOR AGREEING TO THE  
25 IDENTITY DISCLOSURE DESCRIBED IN SUBSECTION (2) OF THIS SECTION;  
26 AND

27 (c) MAINTAIN IDENTIFYING INFORMATION AND MEDICAL HISTORY

1 ABOUT EACH DONOR. THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY  
2 CLINIC THAT MATCHED OR COLLECTED THE GAMETES SHALL MAINTAIN  
3 RECORDS OF DONOR AND GAMETE SCREENING AND TESTING AND COMPLY  
4 WITH REPORTING REQUIREMENTS, IN ACCORDANCE WITH FEDERAL LAW  
5 AND APPLICABLE LAWS OF THIS STATE OTHER THAN THOSE SET FORTH IN  
6 THIS ARTICLE 57 AND CONSISTENT WITH THE GUIDELINES OF THE  
7 AMERICAN MEDICAL ASSOCIATION AND THE AMERICAN SOCIETY FOR  
8 REPRODUCTIVE MEDICINE.

9 (2) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, A  
10 GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL HAVE EACH  
11 DONOR SIGN A DECLARATION, ATTESTED BY A NOTARIAL OFFICER OR  
12 WITNESSES, THAT THE DONOR AGREES TO THE DISCLOSURE OF THE  
13 DONOR'S IDENTITY TO A DONOR-CONCEIVED PERSON CONCEIVED WITH THE  
14 DONOR'S GAMETES OR EMBRYO FORMED WITH THE DONOR'S GAMETES ON  
15 REQUEST OF THE DONOR-CONCEIVED PERSON AFTER THE  
16 DONOR-CONCEIVED PERSON IS EIGHTEEN YEARS OF AGE OR OLDER.

17 (3) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC  
18 LOCATED IN COLORADO SHALL NOT MATCH OR COLLECT GAMETES FROM  
19 A DONOR WHO DOES NOT AGREE TO THE DISCLOSURE OF THE DONOR'S  
20 IDENTITY AS SET FORTH IN SUBSECTION (2) OF THIS SECTION.

21 (4) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC  
22 LOCATED OUTSIDE OF COLORADO SHALL NOT MATCH OR PROVIDE  
23 GAMETES FROM A DONOR WHO DOES NOT AGREE TO THE DISCLOSURE OF  
24 THE DONOR'S IDENTITY AS SET FORTH IN SUBSECTION (2) OF THIS SECTION  
25 TO A RECIPIENT PARENT OR PARENTS LOCATED IN, OR WHO ARE RESIDENTS  
26 OF, COLORADO.

27 (5) A GAMETE BANK OR FERTILITY CLINIC THAT COLLECTS

1 GAMETES FROM A DONOR WHO WAS MATCHED WITH A RECIPIENT BY A  
2 GAMETE AGENCY THAT IS A SEPARATE ENTITY IS NOT SUBJECT TO THE  
3 REQUIREMENTS OF SUBSECTION (1) OR (2) OF THIS SECTION.

4 (6) THIS SECTION APPLIES ONLY TO GAMETES COLLECTED AND  
5 EMBRYOS FORMED WITH GAMETES COLLECTED BY A GAMETE AGENCY,  
6 GAMETE BANK, OR FERTILITY CLINIC ON OR AFTER JANUARY 1, 2025, FOR  
7 USE BY A RECIPIENT PARENT OR PARENTS WHO ARE UNKNOWN TO THE  
8 DONOR AT THE TIME OF THE DONATION.

9 **25-57-106. Disclosure of identifying information and medical**  
10 **history - applicability.** (1) EXCEPT AS PROVIDED IN SUBSECTION (4) OF  
11 THIS SECTION, UPON THE REQUEST OF A DONOR-CONCEIVED PERSON WHO  
12 IS EIGHTEEN YEARS OF AGE OR OLDER, A GAMETE AGENCY, GAMETE  
13 BANK, OR FERTILITY CLINIC THAT MATCHED OR COLLECTED THE GAMETES  
14 USED IN THE ASSISTED REPRODUCTION OF SUCH DONOR-CONCEIVED  
15 PERSON SHALL PROVIDE THE DONOR-CONCEIVED PERSON WITH THE  
16 IDENTIFYING INFORMATION OF THE DONOR WHO PROVIDED THE GAMETES  
17 OR EMBRYO. A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC  
18 SHALL NOT IMPEDE OR PROHIBIT COMPLIANCE WITH THIS SECTION  
19 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) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION,  
26 UPON THE REQUEST OF A DONOR-CONCEIVED PERSON WHO IS EIGHTEEN  
27 YEARS OF AGE OR OLDER, OR, IF THE DONOR-CONCEIVED PERSON IS A

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

11 (3) UPON THE REQUEST OF A DONOR-CONCEIVED PERSON WHO IS  
12 EIGHTEEN YEARS OF AGE OR OLDER, OR, IF THE DONOR-CONCEIVED PERSON  
13 IS A MINOR, A PARENT OR GUARDIAN OF THE MINOR DONOR-CONCEIVED  
14 PERSON:

15 (a) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT  
16 RECEIVED THE GAMETES OR EMBRYO USED IN THE ASSISTED  
17 REPRODUCTION FROM ANOTHER GAMETE AGENCY, GAMETE BANK, OR  
18 FERTILITY CLINIC SHALL DISCLOSE THE NAME, ADDRESS, TELEPHONE  
19 NUMBER, AND E-MAIL ADDRESS OF THE GAMETE AGENCY, GAMETE BANK,  
20 OR FERTILITY CLINIC FROM WHICH IT RECEIVED THE GAMETES OR EMBRYO.

21 (b) A GAMETE BANK OR FERTILITY CLINIC THAT COLLECTED  
22 GAMETES FROM A DONOR WHO WAS MATCHED WITH A RECIPIENT BY A  
23 GAMETE AGENCY THAT IS A SEPARATE ENTITY SHALL DISCLOSE THE NAME,  
24 ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS OF THE GAMETE  
25 AGENCY THAT MATCHED THE DONOR AND THE RECIPIENT.

26 (4) A GAMETE BANK OR FERTILITY CLINIC THAT COLLECTS  
27 GAMETES FROM A DONOR WHO WAS MATCHED WITH A RECIPIENT BY A

1 GAMETE AGENCY THAT IS A SEPARATE ENTITY IS NOT SUBJECT TO THE  
2 REQUIREMENTS OF SUBSECTIONS (1) OR (2) OF THIS SECTION.

3 (5) (a) SUBSECTIONS (1) AND (2) OF THIS SECTION APPLY ONLY TO  
4 GAMETES COLLECTED AND EMBRYOS FORMED WITH GAMETES COLLECTED  
5 BY A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC ON OR AFTER  
6 JANUARY 1, 2025, FOR USE BY A RECIPIENT PARENT OR PARENTS WHO ARE  
7 UNKNOWN TO THE DONOR AT THE TIME OF THE DONATION.

8 (b) SUBSECTION (3) OF THIS SECTION APPLIES ONLY TO GAMETES  
9 OR EMBRYOS RECEIVED BY A GAMETE AGENCY, GAMETE BANK, OR  
10 FERTILITY CLINIC ON OR AFTER JULY 1, 2023.

11 **25-57-107. Record keeping - successor record-keeper -**  
12 **applicability.** (1) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS  
13 SECTION, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL  
14 PERMANENTLY MAINTAIN:

15 (a) IDENTIFYING INFORMATION AND MEDICAL HISTORY FOR EACH  
16 DONOR WITH WHICH IT MATCHES OR FROM WHICH IT COLLECTS GAMETES  
17 FOR USE BY A RECIPIENT PARENT OR PARENTS WHO ARE UNKNOWN TO THE  
18 DONOR AT THE TIME OF THE DONATION;

19 (b) INFORMATION ABOUT THE NUMBER OF FAMILIES ESTABLISHED  
20 WITH EACH DONOR'S GAMETES AND THE EFFORTS OF THE GAMETE AGENCY,  
21 GAMETE BANK, OR FERTILITY CLINIC TO OBTAIN THAT INFORMATION  
22 PURSUANT TO SECTION 25-57-109; AND

23 (c) RECORDS OF GAMETE SCREENING AND TESTING.

24 (2) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT  
25 RECEIVES GAMETES OR EMBRYOS FROM ANOTHER GAMETE AGENCY,  
26 GAMETE BANK, OR FERTILITY CLINIC SHALL PERMANENTLY MAINTAIN THE  
27 NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF THE

1 GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC FROM WHICH IT  
2 RECEIVED THE GAMETES OR EMBRYOS. A GAMETE BANK OR FERTILITY  
3 CLINIC THAT COLLECTED GAMETES FROM A DONOR WHO WAS MATCHED  
4 WITH A RECIPIENT BY A GAMETE AGENCY THAT IS A SEPARATE ENTITY  
5 SHALL PERMANENTLY MAINTAIN THE NAME, ADDRESS, TELEPHONE  
6 NUMBER, AND EMAIL ADDRESS OF THE GAMETE AGENCY THAT MATCHED  
7 THE DONOR AND THE RECIPIENT.

8 (3) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, IN  
9 ITS APPLICATION FOR A LICENSE PURSUANT TO SECTION 25-57-110, A  
10 GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL SUBMIT A  
11 PROPOSED PLAN TO PERMANENTLY MAINTAIN THE RECORDS DESCRIBED IN  
12 SUBSECTIONS (1) AND (2) OF THIS SECTION IN THE EVENT OF DISSOLUTION,  
13 INSOLVENCY, OR BANKRUPTCY. THE PLAN MAY INCLUDE IDENTIFICATION  
14 OF A NAMED ENTITY TO RECEIVE OR MAINTAIN THE RECORDS, OBTAINING  
15 A SURETY BOND IN FAVOR OF A THIRD PARTY IN AN AMOUNT SUFFICIENT  
16 TO COVER THE COSTS OF PERMANENT RECORD-KEEPING, AN OBLIGATION  
17 TO CONDITION ANY SALE ON THE ACQUIRING ENTITY'S OBLIGATION TO  
18 MAINTAIN RECORDS CONSISTENT WITH THIS SECTION, OR SIMILAR  
19 METHODS. THE DEPARTMENT SHALL NOT ISSUE A LICENSE PURSUANT TO  
20 SECTION 25-57-110 UNTIL IT APPROVES A PLAN THAT IT FINDS SUFFICIENT  
21 TO ENSURE THAT THE RECORDS WILL BE PERMANENTLY MAINTAINED BY A  
22 VIABLE ENTITY.

23 (4) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION,  
24 UPON DISSOLUTION, INSOLVENCY, OR BANKRUPTCY, A GAMETE AGENCY,  
25 GAMETE BANK, OR FERTILITY CLINIC SHALL:

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

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

5 (c) INFORM BY MAIL AND ELECTRONIC MAIL SENT TO THE LAST  
6 KNOWN ADDRESS ON FILE ALL GAMETE DONORS WHOSE GAMETES WERE  
7 COLLECTED, MATCHED, OR RECEIVED BY THE GAMETE AGENCY, GAMETE  
8 BANK, OR FERTILITY CLINIC, AS WELL AS RECIPIENT PARENTS WHO  
9 RECEIVED GAMETES OR EMBRYOS FROM THE GAMETE AGENCY, GAMETE  
10 BANK, OR FERTILITY CLINIC AND REPORTED A PREGNANCY OR LIVE BIRTH,  
11 THE NAME AND CONTACT INFORMATION 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 AGENCY, GAMETE BANK, OR FERTILITY CLINIC  
15 SHALL COMPLY WITH REPORTING REQUIREMENTS ABOUT GAMETE  
16 SCREENING AND TESTING IN ACCORDANCE WITH FEDERAL LAW AND  
17 APPLICABLE LAWS OF THIS STATE OTHER THAN THOSE SET FORTH IN THIS  
18 ARTICLE 57.

19 (6) A GAMETE BANK OR FERTILITY CLINIC THAT COLLECTS  
20 GAMETES FROM A DONOR WHO WAS MATCHED WITH A RECIPIENT BY A  
21 GAMETE AGENCY THAT IS A SEPARATE ENTITY IS NOT SUBJECT TO THE  
22 REQUIREMENTS OF SUBSECTION (1), (3), OR (4) OF THIS SECTION.

23 (7) (a) SUBSECTION (2) OF THIS SECTION APPLIES ONLY TO  
24 GAMETES OR EMBRYOS MATCHED OR RECEIVED ON OR AFTER JULY 1, 2024.

25 (b) SUBSECTIONS (1), (3), AND (4) OF THIS SECTION APPLY ONLY TO  
26 GAMETES MATCHED OR COLLECTED ON OR AFTER JANUARY 1, 2025, FOR  
27 USE BY A RECIPIENT PARENT OR PARENTS WHO ARE UNKNOWN TO THE

1 DONOR AT THE TIME OF THE DONATION.

2 **25-57-108. Written materials for recipient parents and gamete**  
3 **donors.** (1) ON OR BEFORE JANUARY 1, 2025, THE DEPARTMENT SHALL  
4 DEVELOP WRITTEN MATERIALS FOR INTENDED RECIPIENT PARENTS. THE  
5 DEPARTMENT SHALL DEVELOP THE MATERIALS IN CONJUNCTION WITH  
6 LICENSED MENTAL HEALTH PROFESSIONALS WHO HAVE PRIOR  
7 DOCUMENTED EXPERIENCE COUNSELING GAMETE DONORS, RECIPIENTS,  
8 AND DONOR-CONCEIVED PERSONS, AS WELL AS EXPERIENCE AND  
9 COMPETENCY IN COUNSELING FAMILIES WITH LESBIAN, GAY, BISEXUAL,  
10 AND TRANSGENDER PARENTS AND SINGLE PARENTS, ALONG WITH  
11 ORGANIZATIONS REPRESENTING THESE COMMUNITIES. THE MATERIALS  
12 MUST INCLUDE INFORMATION ON THE FOLLOWING SUBJECTS:

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

19 (b) THE ABILITY, AND AVAILABLE TOOLS FOR DISCUSSING THE  
20 ABILITY, THAT A DONOR-CONCEIVED PERSON WILL HAVE TO LEARN THE  
21 IDENTITY OF THE DONOR OF THE GAMETES USED IN THE DONOR-CONCEIVED  
22 PERSON'S CONCEPTION AND THE IMPORTANCE OF UNDERSTANDING THAT  
23 MANY, BUT NOT ALL, DONOR-CONCEIVED PERSONS HAVE A STRONG DESIRE  
24 TO KNOW THE IDENTITY OF THE [REDACTED] DONOR AND OF OTHER  
25 DONOR-CONCEIVED PERSONS CONCEIVED WITH THE SAME DONOR'S  
26 GAMETES;

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



- 1 (d) THE LIMITATIONS OF DONOR SCREENING;
- 2 (e) FUTURE IMPLICATIONS FOR THE DONOR-CONCEIVED PERSON
- 3 GIVEN THAT THERE MAY BE OTHER PERSONS IN OTHER FAMILIES
- 4 CONCEIVED WITH THE SAME DONOR'S GAMETES; AND
- 5 (f) FUTURE IMPLICATIONS OF RECEIVING MEDICAL HISTORY
- 6 UPDATES ABOUT THE DONOR OR OTHER PERSONS CONCEIVED WITH THE
- 7 SAME DONOR'S GAMETES.

8 (2) ON OR BEFORE JANUARY 1, 2025, THE DEPARTMENT SHALL

9 DEVELOP WRITTEN MATERIALS FOR GAMETE DONORS. THE DEPARTMENT

10 SHALL DEVELOP THE MATERIALS IN CONJUNCTION WITH LICENSED MENTAL

11 HEALTH PROFESSIONALS WHO HAVE PRIOR DOCUMENTED EXPERIENCE

12 COUNSELING GAMETE DONORS, RECIPIENTS, AND DONOR-CONCEIVED

13 PERSONS, AS WELL AS EXPERIENCE AND COMPETENCY IN COUNSELING

14 FAMILIES WITH LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PARENTS

15 AND SINGLE PARENTS, ALONG WITH ORGANIZATIONS REPRESENTING THESE

16 COMMUNITIES. THE MATERIALS MUST INCLUDE INFORMATION ON THE

17 FOLLOWING SUBJECTS:

18 (a) UNDERSTANDING THE POTENTIAL EMOTIONAL AND SOCIAL

19 IMPACTS OF DONATING GAMETES;

20 (b) UNDERSTANDING WHAT INFORMATION WILL BE DISCLOSED TO

21 THE RECIPIENT PARENT OR PARENTS AND DONOR-CONCEIVED PERSONS;

22 (c) UNDERSTANDING THE POTENTIAL FOR CONCEPTION OF

23 CHILDREN IN MULTIPLE FAMILIES USING THE DONOR'S GAMETES; AND

24 (d) UNDERSTANDING THE FUTURE POTENTIAL DISCLOSURE OF THE

25 DONOR'S IDENTIFYING INFORMATION TO A PERSON CONCEIVED WITH THE

26 DONOR'S GAMETES.

27 (3) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC

1 LOCATED IN COLORADO SHALL:

2 (a) PRIOR TO AN INTENDED RECIPIENT MATCHING WITH OR  
3 RECEIVING DONOR GAMETES OBTAINED THROUGH THAT GAMETE AGENCY,  
4 GAMETE BANK, OR FERTILITY CLINIC, PROVIDE THE WRITTEN MATERIALS  
5 DESCRIBED IN SUBSECTION (1) OF THIS SECTION TO EACH INTENDED  
6 RECIPIENT OF GAMETES FROM A DONOR WHO IS UNKNOWN TO THE  
7 RECIPIENT OR RECIPIENTS; AND

8 (b) PRIOR TO THE DONATION OF GAMETES BY A DONOR, PROVIDE  
9 THE WRITTEN MATERIALS DESCRIBED IN SUBSECTION (2) OF THIS SECTION  
10 TO EACH POTENTIAL DONOR OF GAMETES COLLECTED BY THE GAMETE  
11 AGENCY, GAMETE BANK, OR FERTILITY CLINIC FROM A DONOR WHO IS  
12 UNKNOWN TO THE RECIPIENT OR RECIPIENTS AND DISCUSS THESE  
13 MATERIALS WITH THE DONOR. DONOR RECEIPT OF THE WRITTEN  
14 MATERIALS IS NOT IN LIEU OF ANY MENTAL HEALTH EVALUATIONS OF AN  
15 UNKNOWN OVUM DONOR THAT ARE REQUIRED BY THE INDIVIDUAL  
16 PRACTICES OF A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC.

17 (4) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC  
18 LOCATED OUTSIDE OF COLORADO THAT EITHER MATCHES DONORS TO OR  
19 PROVIDES GAMETES OR EMBRYOS TO RECIPIENTS IN, OR WHO ARE  
20 RESIDENTS OF, COLORADO SHALL:

21 (a) PRIOR TO AN INTENDED RECIPIENT MATCHING WITH OR  
22 RECEIVING DONOR GAMETES, PROVIDE WRITTEN MATERIALS TO RECIPIENTS  
23 THAT, AT A MINIMUM, COVER THE TOPICS DESCRIBED IN SUBSECTION (1) OF  
24 THIS SECTION; AND

25 (b) PRIOR TO THE DONATION OF GAMETES BY A DONOR, PROVIDE  
26 WRITTEN MATERIALS TO THE DONOR THAT, AT A MINIMUM, COVER THE  
27 TOPICS DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND DISCUSS THESE

1 MATERIALS WITH THE DONOR. DONOR RECEIPT OF THE WRITTEN  
2 MATERIALS IS NOT IN LIEU OF ANY MENTAL HEALTH EVALUATIONS OF AN  
3 UNKNOWN OVUM DONOR THAT ARE REQUIRED BY THE INDIVIDUAL  
4 PRACTICES OF A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC.

5 **25-57-109. Donor age limits - limits on number of families per**  
6 **donor - limits on egg-retrieval cycles per ovum donor - rules -**  
7 **applicability.** (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS  
8 SECTION, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL  
9 MAKE A GOOD-FAITH EFFORT TO DETERMINE HOW MANY FAMILIES ARE  
10 ESTABLISHED WITH GAMETES PROVIDED BY THE      GAMETE AGENCY,  
11 GAMETE BANK, OR FERTILITY CLINIC FROM EACH DONOR BY CONDUCTING  
12 SUFFICIENT RECORD KEEPING, REQUIRING RECIPIENTS, AS A CONDITION OF  
13 RECEIVING DONOR GAMETES, TO PROVIDE INFORMATION ON LIVE BIRTHS,  
14 AND REQUESTING INFORMATION FROM RECIPIENTS ON LIVE BIRTHS, AND  
15 USING INDUSTRY BEST PRACTICES, INCLUDING METHODS OR PROCESSES TO  
16 ACCOUNT FOR THE NUMBER OR PERCENTAGE OF LIVE BIRTHS THAT ARE  
17 LIKELY NOT REPORTED, SUCH AS THE CORRELATION BETWEEN THE  
18 NUMBER OF UNITS OF DONOR GAMETES SOLD OR RELEASED AND THE  
19 RESULTING LIVE BIRTHS. A GAMETE AGENCY, GAMETE BANK, OR FERTILITY  
20 CLINIC      SHALL NOT MATCH OR PROVIDE GAMETES FROM A DONOR TO  
21 ADDITIONAL FAMILIES ONCE THE GAMETE AGENCY, GAMETE BANK, OR  
22 FERTILITY CLINIC HAS RECORD OF OR SHOULD REASONABLY KNOW THAT  
23 TWENTY-FIVE, FAMILIES HAVE BEEN ESTABLISHED USING A SINGLE  
24 DONOR'S GAMETES IN OR OUTSIDE OF COLORADO, WITH NO LIMIT ON THE  
25 NUMBER OF CHILDREN CONCEIVED BY EACH OF THE      FAMILIES, UNLESS  
26 THE DONOR REQUESTS, AND THE GAMETE AGENCY, GAMETE BANK, OR  
27 FERTILITY CLINIC AGREES TO, A LOWER LIMIT ON THE NUMBER OF

1 FAMILIES. THIS LIMIT DOES NOT INCLUDE ANY CHILDREN CONCEIVED BY  
2 THE DONOR AS A PARENT OR CHILDREN CONCEIVED WITH THE DONOR'S  
3 GAMETES WHEN THE DONOR IS KNOWN TO THE RECIPIENT PARENT OR  
4 PARENTS AT THE TIME OF THE DONATION. THIS LIMIT DOES NOT INCLUDE  
5 DONATIONS OF EMBRYOS FROM ONE FAMILY TO ANOTHER FAMILY.

6 (b) FOR THE PURPOSES OF THIS SUBSECTION (1), A FAMILY IS  
7 CONSIDERED ESTABLISHED WHEN A RECIPIENT PARENT OR PARENTS  
8 CONCEIVE A CHILD USING GAMETES FROM A DONOR AND A LIVE BIRTH  
9 RESULTS OR LIKELY RESULTED. A GAMETE AGENCY, GAMETE BANK, OR  
10 FERTILITY CLINIC SHALL MAKE REASONABLE GOOD-FAITH EFFORTS, AND  
11 DOCUMENT SUCH EFFORTS, TO OBTAIN INFORMATION FROM A RECIPIENT  
12 PARENT ABOUT WHETHER AND WHEN A LIVE BIRTH HAS OCCURRED,  
13 INCLUDING REQUESTING SUCH INFORMATION FROM A RECIPIENT PARENT  
14 OR THE PARENT'S MEDICAL PROVIDER AT LEAST THREE TIMES BY MAIL,  
15 EMAIL, AND TELEPHONE.

16 (2) ON OR BEFORE JANUARY 1, 2025, THE STATE BOARD SHALL  
17 PROMULGATE A RULE ESTABLISHING A LIMIT ON THE TOTAL NUMBER OF  
18 DONOR RETRIEVAL CYCLES PER OVUM DONOR, WHICH MUST NOT EXCEED  
19 A LIFETIME LIMIT OF SIX CYCLES PER OVUM DONOR. IN PROMULGATING THE  
20 RULE, THE STATE BOARD SHALL CONSULT WITH THE AMERICAN SOCIETY  
21 FOR REPRODUCTIVE MEDICINE AND ADVOCACY GROUPS REPRESENTING  
22 THE INTERESTS OF OVUM DONORS. IN PROMULGATING THE RULE, THE  
23 STATE BOARD MAY CONSIDER ADOPTING AN EXCEPTION TO THIS LIMIT FOR  
24 PRIOR DONORS WHO PROVIDE INFORMED CONSENT TO UNDERGO  
25 ADDITIONAL RETRIEVAL CYCLES FOR FAMILIES INTENDING TO CONCEIVE  
26 A CHILD USING THE SAME DONOR USED TO CONCEIVE THEIR OTHER CHILD.

27 (3) A DONOR MUST BE AT LEAST TWENTY-ONE YEARS OF AGE OR

1 OLDER AT THE TIME OF COLLECTION OF GAMETES, AND A GAMETE AGENCY,  
2 GAMETE BANK, OR FERTILITY CLINIC \_\_\_ SHALL VERIFY THE AGE OF THE  
3 DONOR AT THE TIME OF THE COLLECTION OF GAMETES.

4 (4) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT  
5 COLLECTS GAMETES FROM A DONOR WHO WAS MATCHED WITH A  
6 RECIPIENT BY A GAMETE AGENCY THAT IS A SEPARATE ENTITY IS NOT  
7 SUBJECT TO THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION.

8 (5) THIS SECTION APPLIES ONLY TO GAMETES MATCHED OR  
9 COLLECTED ON OR AFTER JANUARY 1, 2025, FOR USE BY RECIPIENT  
10 PARENTS WHO ARE UNKNOWN TO THE DONOR AT THE TIME OF THE  
11 DONATION.

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

22 (2) (a) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC  
23 SHALL SUBMIT AN ANNUAL APPLICATION AND FEE FOR A LICENSE TO  
24 OPERATE ON THE FORM AND IN THE MANNER PRESCRIBED BY THE  
25 DEPARTMENT.

26 (b) (I) ON OR BEFORE JANUARY 1, 2025, THE STATE BOARD SHALL  
27 PROMULGATE RULES ESTABLISHING A SCHEDULE OF FEES OF NOT MORE

1 THAN FIVE HUNDRED DOLLARS PER YEAR, SUBJECT TO ANNUAL  
2 ADJUSTMENT FOR INFLATION, BASED ON THE ANNUAL PERCENTAGE  
3 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF  
4 LABOR STATISTICS CONSUMER PRICE INDEX FOR  
5 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN  
6 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, TO  
7 HELP MEET THE DIRECT AND INDIRECT COSTS OF ADMINISTRATION AND  
8 ENFORCEMENT OF THIS ARTICLE 57. A GAMETE AGENCY, GAMETE BANK,  
9 OR FERTILITY CLINIC THAT IS A NONPROFIT ORGANIZATION IS EXEMPT  
10 FROM SUCH FEES.

11 (II) THE DEPARTMENT SHALL ASSESS AND COLLECT, FROM EACH  
12 GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT IS APPLYING  
13 FOR LICENSURE PURSUANT TO THIS SECTION, A FEE IN ACCORDANCE WITH  
14 THE FEE SCHEDULE ESTABLISHED BY THE STATE BOARD PURSUANT TO  
15 SUBSECTION (2)(b)(I) OF THIS SECTION.

16 (III) THE DEPARTMENT SHALL TRANSMIT FEES COLLECTED  
17 PURSUANT TO THIS SECTION TO THE STATE TREASURER, WHO SHALL  
18 CREDIT THE MONEY TO THE GAMETE AGENCY, GAMETE BANK, OR  
19 FERTILITY CLINIC FUND CREATED IN SECTION 25-57-112.

20 (IV) FEES COLLECTED PURSUANT TO THIS SUBSECTION (2) MAY BE  
21 USED BY THE DEPARTMENT TO PROVIDE TECHNICAL ASSISTANCE AND  
22 EDUCATION TO THE PUBLIC AND TO GAMETE AGENCIES, GAMETE BANKS,  
23 OR FERTILITY CLINICS RELATED TO THE PROVISION OF AND COMPLIANCE  
24 WITH COLORADO LAW, IN ADDITION TO REGULATORY AND  
25 ADMINISTRATIVE FUNCTIONS. THE DEPARTMENT MAY CONTRACT WITH  
26 PRIVATE ENTITIES TO ASSIST THE DEPARTMENT IN PROVIDING TECHNICAL  
27 ASSISTANCE AND EDUCATION BUT NOT IN PROVIDING REGULATORY OR

1 ADMINISTRATIVE FUNCTIONS.

2 (3) (a) (I) THE DEPARTMENT SHALL INVESTIGATE AND REVIEW  
3 EACH ORIGINAL APPLICATION AND EACH RENEWAL APPLICATION FOR A  
4 LICENSE TO OPERATE AS A GAMETE AGENCY, GAMETE BANK, OR FERTILITY  
5 CLINIC. THE DEPARTMENT SHALL DETERMINE AN APPLICANT'S  
6 COMPLIANCE WITH THIS ARTICLE 57, AND THE RULES ADOPTED PURSUANT  
7 TO THIS ARTICLE 57, FOR THE COLLECTION AND PROVISION OF GAMETES  
8 FROM DONORS WHO ARE UNKNOWN TO A RECIPIENT AT THE TIME OF THE  
9 DONATION BEFORE ISSUING A LICENSE.

10 (II) THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC  
11 SHALL SUBMIT IN WRITING, IN A FORM PRESCRIBED BY THE DEPARTMENT,  
12 A CORRECTIVE ACTION PLAN DETAILING THE MEASURES IT WILL TAKE TO  
13 CORRECT ANY VIOLATIONS FOUND BY THE DEPARTMENT AS A RESULT OF  
14 INSPECTIONS UNDERTAKEN PURSUANT TO THIS SUBSECTION (3). THE  
15 DEPARTMENT SHALL CONDUCT A FOLLOW-UP INSPECTION TO ENSURE  
16 IMPLEMENTATION OF THE CORRECTIVE ACTION PLAN.

17 (III) WHEN INVESTIGATING OR REVIEWING THE RECORDS OF A  
18 GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC LOCATED OUTSIDE  
19 OF COLORADO, THE DEPARTMENT SHALL INVESTIGATE AND REVIEW ONLY  
20 THE RECORDS PERTAINING TO DONORS WHOSE GAMETES OR EMBRYOS  
21 WERE MATCHED OR PROVIDED TO RECIPIENTS IN COLORADO.

22 (b) THE DEPARTMENT SHALL NOT RETAIN ANY IDENTIFYING  
23 INFORMATION ABOUT DONORS, RECIPIENTS, OR DONOR-CONCEIVED  
24 PERSONS, AND SHALL KEEP CONFIDENTIAL ALL HEALTH-CARE  
25 INFORMATION OR DOCUMENTS OBTAINED OR VIEWED DURING AN  
26 INSPECTION OR INVESTIGATION OF A GAMETE AGENCY, GAMETE BANK, OR  
27 FERTILITY CLINIC PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION. ALL

1 RECORDS, INFORMATION, OR DOCUMENTS SO OBTAINED ARE EXEMPT FROM  
2 DISCLOSURE PURSUANT TO SECTIONS 24-72-204 AND 25-1-124.

3 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS  
4 SECTION, THE DEPARTMENT SHALL ISSUE OR RENEW A LICENSE TO  
5 OPERATE AS A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC  
6 WHEN IT IS SATISFIED THAT THE APPLICANT OR LICENSEE IS IN COMPLIANCE  
7 WITH THE REQUIREMENTS SET FORTH IN THIS ARTICLE 57 AND THE RULES  
8 PROMULGATED PURSUANT TO THIS ARTICLE 57. EXCEPT FOR PROVISIONAL  
9 LICENSES ISSUED IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION,  
10 A LICENSE ISSUED OR RENEWED PURSUANT TO THIS SECTION EXPIRES ONE  
11 YEAR AFTER THE DATE OF ISSUANCE OR RENEWAL. THE DEPARTMENT  
12 SHALL SUSPEND OR REVOKE A LICENSE IN ACCORDANCE WITH SECTION  
13 24-4-104.

14 (5) THE DEPARTMENT MAY ISSUE A PROVISIONAL LICENSE TO  
15 OPERATE AS A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC TO  
16 AN APPLICANT FOR THE PURPOSE OF OPERATING AS A GAMETE AGENCY,  
17 GAMETE BANK, OR FERTILITY CLINIC FOR A PERIOD OF NINETY DAYS IF THE  
18 APPLICANT IS TEMPORARILY UNABLE TO CONFORM TO ALL OF THE  
19 STANDARDS REQUIRED PURSUANT TO THIS ARTICLE 57. AS A CONDITION OF  
20 OBTAINING A PROVISIONAL LICENSE, THE APPLICANT SHALL SHOW PROOF  
21 TO THE DEPARTMENT THAT SIGNIFICANT GOOD-FAITH ATTEMPTS ARE  
22 BEING MADE TO CONFORM AND COMPLY WITH THE APPLICABLE  
23 STANDARDS REQUIRED PURSUANT TO THIS ARTICLE 57. THE DEPARTMENT  
24 MAY ISSUE A SECOND PROVISIONAL LICENSE, FOR A LIKE TERM AND FEE, TO  
25 EFFECT COMPLIANCE. A FURTHER PROVISIONAL LICENSE SHALL NOT BE  
26 ISSUED FOR THE CURRENT YEAR AFTER THE SECOND ISSUANCE.

27 (6) (a) IT IS A VIOLATION OF THIS ARTICLE 57 FOR ANY PERSON,



1 CORPORATION, OR OTHER ENTITY TO OPERATE AS A GAMETE AGENCY,  
2 GAMETE BANK, OR FERTILITY CLINIC IN COLORADO WITHOUT A VALID  
3 LICENSE OR IN VIOLATION OF THE TERMS AND CONDITIONS OF A LICENSE.  
4 THE DEPARTMENT MAY REVOKE OR NOT RENEW THE LICENSE IN  
5 ACCORDANCE WITH THE PROCEDURES SET FORTH IN SECTION 24-4-104 OF  
6 A LICENSED GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT  
7 FAILS TO ADHERE TO THE TERMS AND CONDITIONS OF ITS LICENSE AND THE  
8 STANDARDS AND REQUIREMENTS ESTABLISHED BY RULE PURSUANT TO  
9 THIS ARTICLE 57.

10 (b) THE DEPARTMENT MAY ASSESS A CIVIL PENALTY OF \_\_\_ NOT  
11 MORE THAN TWENTY THOUSAND DOLLARS, ADJUSTED ANNUALLY FOR  
12 INFLATION, BASED ON THE ANNUAL PERCENTAGE CHANGE IN THE UNITED  
13 STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS  
14 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL  
15 ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR  
16 OR SUCCESSOR INDEX, FOR EACH DAY THE PERSON IS IN VIOLATION OF THIS  
17 ARTICLE 57. THE ASSESSED PENALTY ACCRUES FROM THE DATE THE  
18 DEPARTMENT FINDS THAT THE PERSON, CORPORATION, OR ENTITY IS IN  
19 VIOLATION OF THIS ARTICLE 57. THE DEPARTMENT SHALL ASSESS,  
20 ENFORCE, AND COLLECT THE PENALTY IN ACCORDANCE WITH ARTICLE 4 OF  
21 TITLE 24 AND CREDIT THE MONEY TO THE GENERAL FUND. ENFORCEMENT  
22 AND COLLECTION OF THE PENALTY OCCURS FOLLOWING THE DECISION  
23 REACHED IN ACCORDANCE WITH PROCEDURES SET FORTH IN SECTION  
24 24-4-105.

25 **25-57-111. Rule-making authority.** ON OR BEFORE JULY 1, 2024,  
26 THE STATE BOARD SHALL PROMULGATE ANY RULES NECESSARY TO  
27 IMPLEMENT THIS ARTICLE 57. IN PROMULGATING RULES, THE STATE BOARD

1 SHALL CONSIDER AND PROTECT THE     INTERESTS OF DONOR-CONCEIVED  
2 PERSONS AND FAMILIES OF DONOR-CONCEIVED PERSONS, INCLUDING  
3 LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PARENTS AND  
4 DONOR-CONCEIVED PERSONS AND SINGLE PARENTS.

5 **25-57-112. Gamete agency, gamete bank, and fertility clinic**  
6 **fund - created.** THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY  
7 CLINIC FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED  
8 IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE  
9 FUND PURSUANT TO SECTION 25-57-110. THE MONEY IN THE FUND IS  
10 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE  
11 DIRECT AND INDIRECT COSTS OF THE DEPARTMENT IN PERFORMING ITS  
12 DUTIES PURSUANT TO THIS ARTICLE 57. AT THE END OF ANY FISCAL YEAR,  
13 ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND REMAINS IN  
14 THE FUND AND IS NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND  
15 OR ANY OTHER FUND.

16 **SECTION 2. Appropriation.** For the 2022-23 state fiscal year,  
17 \$192,293 is appropriated to the department of public health and  
18 environment for use by disease control and public health response. This  
19 appropriation is from the general fund and is based on an assumption that  
20 the department will require an additional 1.6 FTE. To implement this act,  
21 the department may use this appropriation for the regulatory oversight  
22 program related to laboratory services.

23 **SECTION 3. Act subject to petition - effective date.** This act  
24 takes effect at 12:01 a.m. on the day following the expiration of the  
25 ninety-day period after final adjournment of the general assembly; except  
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
27 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take  
2 effect unless approved by the people at the general election to be held in  
3 November 2022 and, in such case, will take effect on the date of the  
4 official declaration of the vote thereon by the governor.