

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

REVISED

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

LLS NO. 22-0770.07 Jane Ritter x4342

SENATE BILL 22-224

SENATE SPONSORSHIP

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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.**

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.

HOUSE
Amended 2nd Reading
May 9, 2022

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.

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 BORN AS A RESULT OF 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 AT TIME OF DONATION.

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 GAMETE DONORS WITH RECIPIENTS IN, OR WHO ARE
22 RESIDENTS OF, COLORADO, AND THE POTENTIAL RECIPIENTS AND GAMETE
23 DONORS ARE UNKNOWN TO EACH OTHER AT TIME OF DONATION.

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 AT TIME OF DONATION, AND THAT IS
4 LOCATED WITHIN OR OUTSIDE OF COLORADO AND PROVIDES GAMETES OR
5 EMBRYOS TO A RECIPIENT PARENT OR PARENTS IN, OR WHO ARE RESIDENTS
6 OF, 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 A RECIPIENT IN, OR WHO IS A RESIDENT OF,
17 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 HISTORY OF
13 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 OR
19 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) 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 THE BIRTH OF CHILDREN
23 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 DONOR THAT ARE REQUIRED BY THE INDIVIDUAL PRACTICES
16 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 MATCHED OR PROVIDED BY THE ___ GAMETE
11 AGENCY, GAMETE BANK, OR FERTILITY CLINIC FROM EACH DONOR BY
12 CONDUCTING SUFFICIENT RECORD KEEPING, REQUIRING RECIPIENTS, AS A
13 CONDITION OF RECEIVING DONOR GAMETES, TO PROVIDE INFORMATION ON
14 LIVE BIRTHS, AND REQUESTING INFORMATION FROM RECIPIENTS ON LIVE
15 BIRTHS, AND USING INDUSTRY BEST PRACTICES, INCLUDING METHODS OR
16 PROCESSES TO ACCOUNT FOR THE NUMBER OR PERCENTAGE OF LIVE
17 BIRTHS THAT ARE LIKELY NOT REPORTED, SUCH AS THE CORRELATION
18 BETWEEN THE NUMBER OF UNITS OF DONOR GAMETES SOLD OR RELEASED
19 AND THE RESULTING LIVE BIRTHS. A GAMETE AGENCY, GAMETE BANK, OR
20 FERTILITY CLINIC ___ SHALL NOT MATCH OR PROVIDE GAMETES FROM A
21 DONOR TO ADDITIONAL FAMILIES ONCE THE GAMETE AGENCY, GAMETE
22 BANK, OR FERTILITY CLINIC HAS RECORD OF OR SHOULD REASONABLY
23 KNOW THAT TWENTY-FIVE, FAMILIES HAVE BEEN ESTABLISHED USING A
24 SINGLE DONOR'S GAMETES IN OR OUTSIDE OF COLORADO, WITH NO LIMIT
25 ON THE NUMBER OF CHILDREN CONCEIVED BY EACH OF THE ___ FAMILIES,
26 UNLESS THE DONOR REQUESTS, AND THE GAMETE AGENCY, GAMETE BANK,
27 OR 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 USING MULTIPLE COMMERCIALY
15 REASONABLE METHODS.

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 ORGANIZATIONS REPRESENTING THE
22 INTERESTS OF OVUM DONORS. IN PROMULGATING THE RULE, THE STATE
23 BOARD MAY CONSIDER ADOPTING AN EXCEPTION TO THIS LIMIT FOR PRIOR
24 DONORS WHO PROVIDE INFORMED CONSENT TO UNDERGO ADDITIONAL
25 RETRIEVAL CYCLES FOR FAMILIES INTENDING TO CONCEIVE A CHILD USING
26 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.