

**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 22-244**

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**SENATE SPONSORSHIP**

**Fenberg and Gardner,**

**HOUSE SPONSORSHIP**

**Tipper,**

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**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

**House Committees**

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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".**

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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 pregnancy other than sexual intercourse;

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

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

The act requires:

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

- 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 Banks and Fertility Clinics**

6           **25-57-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 57 IS  
7 THE "DONOR-CONCEIVED PERSONS AND FAMILIES OF DONOR-CONCEIVED  
8 PERSONS PROTECTION ACT".

9           **25-57-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
10 FINDS AND DECLARES THAT:

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

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

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

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

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

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

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

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

- 12           (a) INTRAUTERINE OR INTRACERVICAL INSEMINATION;
- 13           (b) DONATION OF GAMETES OR EMBRYOS;
- 14           (c) IN-VITRO FERTILIZATION AND TRANSFER OF EMBRYOS; AND
- 15           (d) INTRACYTOPLASMIC SPERM INJECTION.

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

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

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

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

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

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

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

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

1 PSYCHOLOGIST, OR PROFESSIONAL COUNSELOR.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (c) RECORDS OF GAMETE SCREENING AND TESTING.

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

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

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

1 BANK OR FERTILITY CLINIC SHALL:

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

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

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

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

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

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

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

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

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

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

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

23 (d) THE LIMITATIONS OF DONOR SCREENING;

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

27 (f) FUTURE IMPLICATIONS OF RECEIVING MEDICAL HISTORY

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

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

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

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

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

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

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

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

1 UNKNOWN TO THE RECIPIENT OR RECIPIENTS; AND

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

1 OF THE CORRECTIVE ACTION PLAN.

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

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

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

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

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

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

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

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

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

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

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

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