

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

ENGROSSED

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

LLS NO. 22-0770.07 Jane Ritter x4342

SENATE BILL 22-224

SENATE SPONSORSHIP

Fenberg and Gardner,

HOUSE SPONSORSHIP

Titone and Soper,

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

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

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

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 COLORADO.

6 (10) "IDENTIFYING INFORMATION" MEANS:

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

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

17 (12) "MEDICAL HISTORY" MEANS INFORMATION REGARDING ANY:

- 18 (a) PRESENT PHYSICAL ILLNESS OF THE DONOR;
- 19 (b) PAST ILLNESS OF THE DONOR; AND
- 20 (c) SOCIAL, GENETIC, AND FAMILY MEDICAL HISTORY PERTAINING
21 TO THE DONOR'S HEALTH.

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

26 (14) "RECIPIENT" OR "RECIPIENT PARENT" MEANS A PERSON WHO
27 RECEIVES DONOR GAMETES OR EMBRYOS AS AN INTENDED PARENT FROM

1 A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC FOR USE IN
2 ASSISTED REPRODUCTION FOR THE PURPOSE OF CONCEIVING A CHILD.

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

5 **25-57-104. Collection of identifying information and medical**
6 **history - applicability.** (1) EXCEPT AS PROVIDED IN SUBSECTION (3) OF
7 THIS SECTION, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC
8 THAT COLLECTS GAMETES FROM A DONOR OR MATCHES A DONOR WITH A
9 RECIPIENT SHALL COLLECT THE DONOR'S IDENTIFYING INFORMATION AND
10 MEDICAL HISTORY AND SHALL MAKE A GOOD-FAITH EFFORT TO MAINTAIN
11 CURRENT CONTACT INFORMATION AND UPDATES ON MEDICAL HISTORIES
12 OF THE DONOR BY REQUESTING UPDATES FROM THE DONOR AT LEAST ONCE
13 EVERY THREE YEARS.

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

25 (3) A FERTILITY CLINIC THAT COLLECTS GAMETES FROM A DONOR
26 WHO WAS MATCHED WITH A RECIPIENT BY A GAMETE AGENCY THAT IS A
27 SEPARATE ENTITY IS NOT SUBJECT TO THE REQUIREMENTS OF SUBSECTION

1 (1) OF THIS SECTION, BUT SHALL PROVIDE COPIES OF ANY AND ALL
2 MEDICAL AND SCREENING RECORDS OF THE DONOR, INCLUDING THE
3 RESULTS OF GENETIC TESTING, TO THE GAMETE AGENCY THAT MATCHED
4 THE DONOR.

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

9 (5) THIS SECTION APPLIES ONLY TO GAMETES COLLECTED AND
10 EMBRYOS FORMED BY A GAMETE AGENCY, GAMETE BANK, OR FERTILITY
11 CLINIC USING GAMETES OF DONORS UNKNOWN TO THE RECIPIENTS WHERE
12 THE GAMETE OR GAMETES WERE COLLECTED ON OR AFTER JANUARY 1,
13 2025, FOR USE BY A RECIPIENT PARENT OR PARENTS WHO ARE UNKNOWN
14 TO THE 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 COLLECTS GAMETES FROM A
19 DONOR WHO IS UNKNOWN TO THE RECIPIENT PARENT OR PARENTS AT THE
20 TIME OF THE DONATION SHALL:

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

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

26 (c) MAINTAIN IDENTIFYING INFORMATION AND MEDICAL HISTORY
27 ABOUT EACH DONOR. THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY

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

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

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

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

24 (5) A GAMETE BANK OR FERTILITY CLINIC THAT COLLECTS
25 GAMETES FROM A DONOR WHO WAS MATCHED WITH A RECIPIENT BY A
26 GAMETE AGENCY THAT IS A SEPARATE ENTITY IS NOT SUBJECT TO THE
27 REQUIREMENTS OF SUBSECTION (1) OR (2) OF THIS SECTION.

1 (6) THIS SECTION APPLIES ONLY TO GAMETES COLLECTED ON OR
2 AFTER JANUARY 1, 2025, FOR USE BY A RECIPIENT PARENT OR PARENTS
3 WHO ARE UNKNOWN TO THE DONOR AT THE TIME OF THE DONATION.

4 **25-57-106. Disclosure of identifying information and medical**
5 **history - applicability.** (1) EXCEPT AS PROVIDED IN SUBSECTION (4) OF
6 THIS SECTION, UPON THE REQUEST OF A DONOR-CONCEIVED PERSON WHO
7 IS EIGHTEEN YEARS OF AGE OR OLDER, OR LESS THAN EIGHTEEN YEARS OF
8 AGE BUT LEGALLY EMANCIPATED, A GAMETE AGENCY, GAMETE BANK, OR
9 FERTILITY CLINIC THAT MATCHED OR COLLECTED THE GAMETES USED IN
10 THE ASSISTED REPRODUCTION OF SUCH DONOR-CONCEIVED PERSON SHALL
11 PROVIDE THE DONOR-CONCEIVED PERSON WITH THE IDENTIFYING
12 INFORMATION OF THE DONOR WHO PROVIDED THE GAMETES. A GAMETE
13 AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL NOT LIMIT OR
14 INTERFERE WITH, BY CONTRACT OR OTHERWISE, ANY ACTUAL OR
15 POTENTIAL COMMUNICATION BETWEEN:

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

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

21 (2) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION,
22 UPON THE REQUEST OF A DONOR-CONCEIVED PERSON WHO IS EIGHTEEN
23 YEARS OF AGE OR OLDER, OR, IF THE DONOR-CONCEIVED PERSON IS A
24 MINOR, BY A PARENT OR GUARDIAN OF THE MINOR DONOR-CONCEIVED
25 PERSON, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT
26 MATCHED OR COLLECTED THE GAMETES USED IN THE ASSISTED
27 REPRODUCTION, REGARDLESS OF WHETHER THE GAMETE AGENCY, GAMETE

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

7 (3) UPON THE REQUEST OF A DONOR-CONCEIVED PERSON WHO IS
8 EIGHTEEN YEARS OF AGE OR OLDER, OR, IF THE DONOR-CONCEIVED PERSON
9 IS A MINOR, A PARENT OR GUARDIAN OF THE MINOR DONOR-CONCEIVED
10 PERSON:

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

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

22 (4) A GAMETE BANK OR FERTILITY CLINIC THAT COLLECTS
23 GAMETES FROM A DONOR WHO WAS MATCHED WITH A RECIPIENT BY A
24 GAMETE AGENCY THAT IS A SEPARATE ENTITY IS NOT SUBJECT TO THE
25 REQUIREMENTS OF SUBSECTIONS (1) OR (2) OF THIS SECTION.

26 (5) (a) SUBSECTIONS (1) AND (2) OF THIS SECTION APPLY ONLY TO
27 GAMETES MATCHED OR COLLECTED BY A GAMETE AGENCY, GAMETE BANK,

1 OR FERTILITY CLINIC ON OR AFTER JANUARY 1, 2025, FOR USE BY A
2 RECIPIENT PARENT OR PARENTS WHO ARE UNKNOWN TO THE DONOR AT
3 THE TIME OF THE DONATION.

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

7 **25-57-107. Record keeping - successor record-keeper -**
8 **applicability.** (1) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS
9 SECTION, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL
10 PERMANENTLY MAINTAIN:

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

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

19 (c) RECORDS OF GAMETE SCREENING AND TESTING.

20 (2) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT
21 RECEIVES GAMETES OR EMBRYOS FROM ANOTHER GAMETE AGENCY,
22 GAMETE BANK, OR FERTILITY CLINIC SHALL PERMANENTLY MAINTAIN THE
23 NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF THE
24 GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC FROM WHICH IT
25 RECEIVED THE GAMETES OR EMBRYOS. A GAMETE BANK OR FERTILITY
26 CLINIC THAT COLLECTED GAMETES FROM A DONOR WHO WAS MATCHED
27 WITH A RECIPIENT BY A GAMETE AGENCY THAT IS A SEPARATE ENTITY

1 SHALL PERMANENTLY MAINTAIN THE NAME, ADDRESS, TELEPHONE
2 NUMBER, AND EMAIL ADDRESS OF THE GAMETE AGENCY THAT MATCHED
3 THE DONOR AND THE RECIPIENT.

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

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

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

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

1 (c) INFORM BY MAIL AND ELECTRONIC MAIL SENT TO THE LAST
2 KNOWN ADDRESS ON FILE ALL GAMETE DONORS WHOSE GAMETES WERE
3 COLLECTED, MATCHED, OR RECEIVED BY THE GAMETE AGENCY, GAMETE
4 BANK, OR FERTILITY CLINIC, AS WELL AS RECIPIENT PARENTS WHO
5 RECEIVED GAMETES OR EMBRYOS FROM THE GAMETE AGENCY, GAMETE
6 BANK, OR FERTILITY CLINIC AND REPORTED A PREGNANCY OR LIVE BIRTH,
7 WILL RECEIVE AND MAINTAIN THE RECORDS DESCRIBED IN SUBSECTIONS
8 (1) AND (2) OF THIS SECTION.

9 (5) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC
10 SHALL COMPLY WITH REPORTING REQUIREMENTS ABOUT GAMETE
11 SCREENING AND TESTING IN ACCORDANCE WITH FEDERAL LAW AND
12 APPLICABLE LAWS OF THIS STATE OTHER THAN THOSE SET FORTH IN THIS
13 ARTICLE 57.

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

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

20 (b) SUBSECTIONS (1), (3), AND (4) OF THIS SECTION APPLY ONLY TO
21 GAMETES MATCHED OR COLLECTED ON OR AFTER JANUARY 2, 2025, FOR
22 USE BY A RECIPIENT PARENT OR PARENTS WHO ARE UNKNOWN TO THE
23 DONOR AT THE TIME OF THE DONATION.

24 **25-57-108. Written materials for recipient parents and gamete**
25 **donors.** (1) ON OR BEFORE JANUARY 1, 2025, 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 ORGANIZATIONS 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 JANUARY 1, 2025, 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 AGENCY, GAMETE BANK, OR FERTILITY CLINIC
23 LOCATED IN COLORADO SHALL:

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

1 RECIPIENT OF GAMETES FROM A DONOR WHO IS UNKNOWN TO THE
2 RECIPIENT OR RECIPIENTS; AND

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

12 (4) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC
13 LOCATED OUTSIDE OF COLORADO THAT EITHER MATCHES DONORS TO OR
14 PROVIDES GAMETES OR EMBRYOS TO RECIPIENTS IN COLORADO SHALL:

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

19 (b) PRIOR TO THE DONATION OF GAMETES BY A DONOR, PROVIDE
20 WRITTEN MATERIALS TO THE DONOR THAT, AT A MINIMUM, COVER THE
21 TOPICS DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND DISCUSS THESE
22 MATERIALS WITH THE DONOR. DONOR RECEIPT OF THE WRITTEN
23 MATERIALS IS NOT IN LIEU OF ANY MENTAL HEALTH EVALUATIONS OF AN
24 UNKNOWN OVUM DONOR THAT ARE REQUIRED BY THE INDIVIDUAL
25 PRACTICES OF A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC.

26 **25-57-109. Donor age limits - limits on number of families per**
27 **donor - limits on egg-retrieval cycles per ovum donor - rules -**

1 **applicability.** (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS
2 SECTION, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL
3 MAKE A GOOD-FAITH EFFORT TO DETERMINE HOW MANY FAMILIES ARE
4 CREATED WITH GAMETES PROVIDED BY THE GAMETE AGENCY, GAMETE
5 BANK, OR FERTILITY CLINIC FROM EACH DONOR BY CONDUCTING
6 SUFFICIENT RECORD KEEPING, REQUIRING RECIPIENTS, AS A CONDITION OF
7 RECEIVING DONOR GAMETES, TO PROVIDE INFORMATION ON LIVE BIRTHS,
8 AND REQUESTING INFORMATION FROM RECIPIENTS ON LIVE BIRTHS. A
9 GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC _____ SHALL NOT
10 MATCH OR PROVIDE GAMETES FROM A DONOR TO ADDITIONAL FAMILIES
11 ONCE THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC HAS
12 RECORD OF OR SHOULD REASONABLY KNOW THAT TWENTY-FIVE, FAMILIES
13 HAVE BEEN ESTABLISHED USING A SINGLE DONOR'S GAMETES IN OR
14 OUTSIDE OF COLORADO, WITH NO LIMIT ON THE NUMBER OF CHILDREN
15 CONCEIVED BY EACH OF THE _____ FAMILIES, UNLESS THE DONOR REQUESTS,
16 AND THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC AGREES
17 TO, A LOWER LIMIT ON THE NUMBER OF FAMILIES. THIS LIMIT DOES NOT
18 INCLUDE ANY CHILDREN CONCEIVED BY THE DONOR AS A PARENT OR
19 CHILDREN CONCEIVED WITH THE DONOR'S GAMETES WHEN THE DONOR IS
20 KNOWN TO THE RECIPIENT PARENT OR PARENTS AT THE TIME OF THE
21 DONATION. THIS LIMIT DOES NOT INCLUDE DONATIONS OF EMBRYOS FROM
22 ONE FAMILY TO ANOTHER FAMILY.

23 (b) FOR THE PURPOSES OF THIS SUBSECTION (1), A FAMILY IS
24 CONSIDERED ESTABLISHED WHEN A RECIPIENT PARENT OR PARENTS
25 CONCEIVE A CHILD USING GAMETES FROM A DONOR AND A LIVE BIRTH
26 RESULTS. A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL
27 MAKE REASONABLE GOOD-FAITH EFFORTS TO OBTAIN INFORMATION FROM

1 A RECIPIENT PARENT ABOUT WHETHER AND WHEN A LIVE BIRTH HAS
2 OCCURRED, INCLUDING REQUESTING SUCH INFORMATION FROM A
3 RECIPIENT PARENT OR THE PARENT'S MEDICAL PROVIDER AT LEAST THREE
4 TIMES BY MAIL, EMAIL, AND TELEPHONE.

5 (2) ON OR BEFORE JANUARY 1, 2025, THE STATE BOARD SHALL
6 PROMULGATE A RULE ESTABLISHING A LIMIT ON THE TOTAL NUMBER OF
7 RETRIEVAL CYCLES PER OVUM DONOR, WHICH MUST NOT EXCEED A
8 LIFETIME LIMIT OF SIX CYCLES PER OVUM DONOR. IN PROMULGATING THE
9 RULE, THE STATE BOARD SHALL CONSULT WITH THE AMERICAN SOCIETY
10 FOR REPRODUCTIVE MEDICINE AND ADVOCACY GROUPS REPRESENTING
11 THE INTERESTS OF OVUM DONORS. IN PROMULGATING THE RULE, THE
12 STATE BOARD MAY CONSIDER ADOPTING AN EXCEPTION TO THIS LIMIT FOR
13 PRIOR DONORS WHO PROVIDE INFORMED CONSENT TO UNDERGO
14 ADDITIONAL RETRIEVAL CYCLES FOR FAMILIES INTENDING TO CONCEIVE
15 A CHILD USING THE SAME DONOR USED TO CONCEIVE THEIR OTHER CHILD.

16 (3) A DONOR MUST BE AT LEAST TWENTY-ONE YEARS OF AGE OR
17 OLDER AT THE TIME OF COLLECTION OF GAMETES, AND A GAMETE AGENCY,
18 GAMETE BANK, OR FERTILITY CLINIC ___ SHALL VERIFY THE AGE OF THE
19 DONOR AT THE TIME OF THE COLLECTION OF GAMETES.

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

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

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

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

15 (b) (I) ON OR BEFORE JANUARY 1, 2025, THE STATE BOARD SHALL
16 PROMULGATE RULES ESTABLISHING A SCHEDULE OF FEES OF NOT MORE
17 THAN FIVE HUNDRED DOLLARS PER YEAR, SUBJECT TO ANNUAL
18 ADJUSTMENT FOR INFLATION, BASED ON THE ANNUAL PERCENTAGE
19 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF
20 LABOR STATISTICS CONSUMER PRICE INDEX FOR
21 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN
22 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, TO
23 HELP MEET THE DIRECT AND INDIRECT COSTS OF ADMINISTRATION AND
24 ENFORCEMENT OF THIS ARTICLE 57. A GAMETE AGENCY, GAMETE BANK,
25 OR FERTILITY CLINIC THAT IS A NONPROFIT ORGANIZATION IS EXEMPT
26 FROM SUCH FEES.

27 (II) THE DEPARTMENT SHALL ASSESS AND COLLECT, FROM EACH

1 GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT IS APPLYING
2 FOR LICENSURE PURSUANT TO THIS SECTION, A FEE IN ACCORDANCE WITH
3 THE FEE SCHEDULE ESTABLISHED BY THE STATE BOARD PURSUANT TO
4 SUBSECTION (2)(b)(I) OF THIS SECTION.

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

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

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

26 (II) THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC
27 SHALL SUBMIT IN WRITING, IN A FORM PRESCRIBED BY THE DEPARTMENT,

1 A CORRECTIVE ACTION PLAN DETAILING THE MEASURES IT WILL TAKE TO
2 CORRECT ANY VIOLATIONS FOUND BY THE DEPARTMENT AS A RESULT OF
3 INSPECTIONS UNDERTAKEN PURSUANT TO THIS SUBSECTION (3). THE
4 DEPARTMENT SHALL CONDUCT A FOLLOW-UP INSPECTION TO ENSURE
5 IMPLEMENTATION OF THE CORRECTIVE ACTION PLAN.

6 (III) WHEN INVESTIGATING OR REVIEWING THE RECORDS OF A
7 GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC LOCATED OUTSIDE
8 OF COLORADO, THE DEPARTMENT SHALL INVESTIGATE AND REVIEW ONLY
9 THE RECORDS PERTAINING TO DONORS WHOSE GAMETES OR EMBRYOS
10 WERE MATCHED OR PROVIDED TO RECIPIENTS IN COLORADO.

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

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

1 SHALL SUSPEND OR REVOKE A LICENSE IN ACCORDANCE WITH SECTION
2 24-4-104.

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

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

26 (b) THE DEPARTMENT MAY ASSESS A CIVIL PENALTY OF ___ NOT
27 MORE THAN TWENTY THOUSAND DOLLARS, ADJUSTED ANNUALLY FOR

1 INFLATION, BASED ON THE ANNUAL PERCENTAGE CHANGE IN THE UNITED
2 STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS
3 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL
4 ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR
5 OR SUCCESSOR INDEX, FOR EACH DAY THE PERSON IS IN VIOLATION OF THIS
6 ARTICLE 57. THE ASSESSED PENALTY ACCRUES FROM THE DATE THE
7 DEPARTMENT FINDS THAT THE PERSON, CORPORATION, OR ENTITY IS IN
8 VIOLATION OF THIS ARTICLE 57. THE DEPARTMENT SHALL ASSESS,
9 ENFORCE, AND COLLECT THE PENALTY IN ACCORDANCE WITH ARTICLE 4 OF
10 TITLE 24 AND CREDIT THE MONEY TO THE GENERAL FUND. ENFORCEMENT
11 AND COLLECTION OF THE PENALTY OCCURS FOLLOWING THE DECISION
12 REACHED IN ACCORDANCE WITH PROCEDURES SET FORTH IN SECTION
13 24-4-105.

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

21 **25-57-112. Gamete agency, gamete bank, and fertility clinic**
22 **fund - created.** THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY
23 CLINIC FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED
24 IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE
25 FUND PURSUANT TO SECTION 25-57-110. THE MONEY IN THE FUND IS
26 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE
27 DIRECT AND INDIRECT COSTS OF THE DEPARTMENT IN PERFORMING ITS

1 DUTIES PURSUANT TO THIS ARTICLE 57. AT THE END OF ANY FISCAL YEAR,
2 ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND REMAINS IN
3 THE FUND AND IS NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND
4 OR ANY OTHER FUND.

5 **SECTION 2. Appropriation.** For the 2022-23 state fiscal year,
6 \$192,293 is appropriated to the department of public health and
7 environment for use by disease control and public health response. This
8 appropriation is from the general fund and is based on an assumption that
9 the department will require an additional 1.6 FTE. To implement this act,
10 the department may use this appropriation for the regulatory oversight
11 program related to laboratory services.

12 **SECTION 3. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within such period, then the act, item, section, or part will not take
18 effect unless approved by the people at the general election to be held in
19 November 2022 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.