

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-1150.01 Jane Ritter x4342

SENATE BILL 24-223

SENATE SPONSORSHIP

Fenberg,

HOUSE SPONSORSHIP

(None),

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

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

The bill adds a requirement that applicants for an original and

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (a) MATCHES GAMETE DONORS WITH RECIPIENTS; AND

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

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

21 (II) IS LOCATED OUTSIDE OF COLORADO AND MATCHES GAMETE
22 DONORS WITH RECIPIENTS LOCATED IN COLORADO.

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

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

25 (b) Provides gametes or embryos to a recipient parent or parents
26 or the recipient parent's medical provider when the recipient and donor
27 are unknown to each other at time of donation; and

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

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

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

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

13 **25-57-105. Declaration regarding disclosure of identifying**
14 **information and medical history - applicability.** (4) A gamete agency,
15 gamete bank, or fertility clinic located outside of Colorado shall not
16 match or provide gametes from a donor who does not agree to the
17 disclosure of the donor's identity as set forth in subsection (2) of this
18 section to a recipient parent or parents located in ~~or who are residents of~~,
19 Colorado.

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

22 **25-57-108. Written materials for recipient parents and gamete**
23 **donors.** (4) A gamete agency, gamete bank, or fertility clinic located
24 outside of Colorado that either matches donors to or provides gametes or
25 embryos to recipients in ~~or who are residents of~~, Colorado shall:

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

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

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

23 **SECTION 6.** In Colorado Revised Statutes, **amend** 25-57-112 as
24 follows:

25 **25-57-112. Gamete agency, gamete bank, or fertility clinic**
26 **fund - created - priorities - appropriation.** (1) The gamete agency,
27 gamete bank, or fertility clinic fund, referred to in this section as the

1 "fund", is created in the state treasury. The fund consists of money
2 credited to the fund pursuant to section 25-57-110 AND ANY MONEY
3 APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY. The money in
4 the fund is subject to annual appropriation by the general assembly for the
5 direct and indirect costs of the department in performing its duties
6 pursuant to this article 57. At the end of any fiscal year, all unexpended
7 and unencumbered money in the fund remains in the fund and is not
8 credited or transferred to the general fund or any other fund.

9 (2) THE DEPARTMENT SHALL PRIORITIZE THE USE OF MONEY IN THE
10 FUND FOR PROVIDING TECHNICAL AND COMPLIANCE ASSISTANCE AND
11 PROCESSING LICENSES, YET RETAIN ADEQUATE RESOURCES FOR
12 ENFORCEMENT.

13 (3) BEGINNING IN FISCAL YEAR 2025-26, THE GENERAL ASSEMBLY
14 SHALL ANNUALLY APPROPRIATE TWO HUNDRED TWENTY-NINE THOUSAND
15 THREE HUNDRED THIRTY-FIVE DOLLARS TO THE FUND.

16 **SECTION 7. Safety clause.** The general assembly finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety or for appropriations for
19 the support and maintenance of the departments of the state and state
20 institutions.