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Release Date: May 11, 2022

FOR IMMEDIATE RELEASE

Colorado Passes First Act in Nation Providing Protections for Donor Conceived People

DENVER, Co., May 11, 2022 – Colorado passed landmark legislation yesterday with the “Donor-Conceived Persons and Families of Donor-Conceived Persons Protection Act,” which will protect the rights of people conceived using sperm, eggs, or embryos provided by third parties.

The act will give adult donor conceived people the right to obtain the identity of the donor used to conceive them and set a limit on the number of families that may be established from one donor (25 families per donor worldwide, with no limit on the number of children per family). The act will have prospective application beginning in 2025 with no impact on prior donations. Sperm and egg donation are almost entirely unregulated in the United States.

The bill was introduced by State Senate President Stephen Fenberg (D) and co-lead sponsored by Sen. Bob Gardner (R), Rep. Kerry Tipper (D), Rep. Matt Soper (R) and many others. SB 22-224 passed unanimously in the Colorado Senate and with overwhelming bipartisan support in the Colorado House of Representatives.

“Anonymity is a promise that cannot be kept due to the popularity of at-home DNA testing,” said Colorado State Senate President Stephen Fenberg. “This bill recognizes this reality and affirms that while shared DNA does not always make a family, the identity of the donor is important to the health and identity of many donor conceived persons.”

U.S. Donor Conceived Council (USDCC), the first nonprofit in the United States formed and led by donor conceived people, spearheaded passage of the act, working closely with Senator Fenberg for months to draft the bill, build support for the key measures with other interested stakeholder groups, and assemble a bevy of witnesses and experts to testify before the various committees.

“More than a million people in the United States have been created via sperm and egg donation with little consideration to their future needs or interests, including learning the identity of the person who contributed half of their DNA and having access to accurate medical information,”

said Erin Jackson, president and chief executive officer of USDCC. “With the passage of this bill, the industry can no longer ignore our voices.”

Other notable provisions of the act will require gamete agencies, banks, and fertility clinics to obtain a Colorado license and:

- Provide educational materials to potential donors and parents on the needs and interests of donor conceived persons, including how openness with a young child about their donor conception can improve their well-being and family dynamics.
- Request periodic updates from donors on their medical history and contact information.
- Ensure donors are at least 21 years of age.
- Permanently retain records on sperm and egg donors.

The act phases in these requirements from 2022 to 2025 to give gamete agencies, banks, and fertility clinics time to adjust their practices.

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