

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

**“DONOR CONCEIVED PERSONS AND FAMILIES OF  
DONOR CONCEIVED PERSONS PROTECTION ACT”**

**RELEVANT EXISTING STATE CODE SECTIONS WILL INCLUDE:**

ANY STATUTE PROVIDING DONORS HAVE NO PARENTAL RIGHTS/OBLIGATIONS

ANY STATUTE REGULATING ASSISTED REPRODUCTION

ANY STATUTE REGULATING TISSUE BANKS

**SECTION 101. SHORT TITLE.** THE SHORT TITLE OF THIS ARTICLE ## IS THE "DONOR-CONCEIVED PERSONS AND FAMILIES OF DONOR-CONCEIVED PERSONS PROTECTION ACT".

**SECTION 102. LEGISLATIVE DECLARATION.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(A) MANY [STATE RESIDENT NAME] ARE BORN, OR ESTABLISH THEIR FAMILIES, THROUGH SOME FORM OF ASSISTED REPRODUCTION INVOLVING A THIRD-PARTY SPERM, EGG, OR EMBRYO PROVIDER, ALSO KNOWN AS A GAMETE "DONOR", WHOSE IDENTITY IS UNKNOWN TO THE FAMILY AT THE TIME OF DONATION. THE PEOPLE CONCEIVED THROUGH ASSISTED REPRODUCTION WITH A DONOR ARE REFERRED TO IN THIS ARTICLE ## AS "DONOR-CONCEIVED PERSONS".

(B) THE INTERESTS OF DONOR-CONCEIVED PERSONS MUST BE CONSIDERED AND PROTECTED. INFORMATION ABOUT THE PERSONAL AND FAMILY MEDICAL HISTORY OF THE GAMETE DONORS USED IN CONCEPTION CAN IMPACT MEDICAL CARE FOR DONOR-CONCEIVED PERSONS AND THEIR CHILDREN, AND NON-IDENTIFYING MEDICAL INFORMATION ABOUT THE GAMETE DONOR USED IN CONCEPTION MUST BE AVAILABLE TO ALL DONOR-CONCEIVED PERSONS AND THEIR PARENTS.

(C) IT IS IMPORTANT TO MANY, BUT NOT ALL, DONOR-CONCEIVED PERSONS TO KNOW THE IDENTITY OF THE GAMETE DONOR USED IN THEIR CONCEPTION. A DONOR-CONCEIVED PERSON MUST HAVE THE ABILITY TO ACCESS IDENTIFYING INFORMATION ABOUT THE GAMETE DONOR USED IN THE DONOR-CONCEIVED PERSON'S CONCEPTION AT LEAST ON OR AFTER THE DONOR-CONCEIVED PERSON REACHES EIGHTEEN YEARS OF AGE.

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

(D) SOME DONOR-CONCEIVED PERSONS ARE OR MAY BE INTERESTED IN CONTACT WITH THE DONOR AND AMONG PERSONS CONCEIVED AND FAMILIES ESTABLISHED WITH THE SAME DONOR. A LIMIT ON THE NUMBER OF FAMILIES PER DONOR PER GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC FURTHERS THE ABILITY OF THESE DONOR-CONCEIVED PERSONS TO ESTABLISH THIS CONTACT.

(E) GAMETE DONATION CAN POTENTIALLY LEAD TO A LARGE NUMBER OF PERSONS BORN AS THE RESULT OF USING THE SAME DONOR'S GAMETES. DONOR-CONCEIVED PERSONS MAY FACE PSYCHOSOCIAL HARM UPON DISCOVERY OF OR CONTACT WITH AN UNEXPECTEDLY LARGE NUMBER OF PERSONS BORN AS THE RESULT OF USING THE SAME DONOR'S GAMETES. GAMETE DONORS MAY FACE PSYCHOSOCIAL HARM UPON DISCOVERY OF AN UNEXPECTEDLY LARGE NUMBER OF PEOPLE BORN AS THE RESULT OF USING THEIR DONATED GAMETES AND MAY BE NEGATIVELY AFFECTED WHEN CONTACTED BY A LARGE NUMBER OF GENETICALLY RELATED, BUT PERSONALLY UNFAMILIAR, INDIVIDUALS. A LIMIT ON THE NUMBER OF FAMILIES PER GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC ALSO REDUCES THE RISK OF SUCH HARM TO DONORS AND DONOR-CONCEIVED PERSONS.

(F) STUDIES HAVE SHOWN THAT FAMILY SECRECY ABOUT FAMILY FORMATION CAN NEGATIVELY AFFECT CHILDREN AND FAMILY RELATIONSHIPS AND THAT DISCLOSURE OF DONOR CONCEPTION TO A DONOR-CONCEIVED CHILD AT AN EARLY AGE IS ASSOCIATED WITH BENEFICIAL IMPACTS ON PERSONAL WELL-BEING AND FAMILY RELATIONSHIPS FOR DONOR-CONCEIVED PERSONS AND THEIR PARENTS;

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

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

(I) MOST GAMETES OR EMBRYOS FROM DONORS THAT ARE PROVIDED TO RECIPIENTS LOCATED IN [STATE] ARE PROVIDED FROM GAMETE AGENCIES, GAMETE

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

BANKS, OR FERTILITY CLINICS LOCATED IN OTHER STATES.

(2) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT TO PROTECT THE HEALTH AND WELFARE OF DONOR-CONCEIVED PERSONS AND THEIR FAMILIES IN [STATE], IT IS ESSENTIAL TO ENACT THE "DONOR-CONCEIVED PERSONS AND FAMILIES OF DONOR-CONCEIVED PERSONS PROTECTION ACT" TO REGULATE THE USE OF DONATED GAMETES PROVIDED FROM GAMETE AGENCIES, GAMETE BANKS, OR FERTILITY CLINICS LOCATED INSIDE OR OUTSIDE OF [STATE] TO RECIPIENTS IN, OR WHO ARE RESIDENTS OF, [STATE].

**SECTION 103. DEFINITIONS.** AS USED IN THIS ARTICLE ##, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ASSISTED REPRODUCTION" MEANS A METHOD OF CAUSING PREGNANCY OTHER THAN SEXUAL INTERCOURSE. THE TERM INCLUDES, BUT IS NOT LIMITED TO:

- (A) INTRAUTERINE OR INTRACERVICAL INSEMINATION;
- (B) DONATION OF GAMETES OR EMBRYOS;
- (C) IN-VITRO FERTILIZATION AND TRANSFER OF EMBRYOS; AND
- (D) INTRACYTOPLASMIC SPERM INJECTION.

(2) "DEPARTMENT" MEANS THE [STATE] HEALTH AUTHORITY.

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

(4) "DONOR-CONCEIVED PERSON" MEANS AN INDIVIDUAL OF ANY AGE WHO WAS BORN AS A RESULT OF ASSISTED REPRODUCTION USING GAMETES FROM

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

A DONOR.

(5) "FERTILITY CLINIC" MEANS AN ENTITY OR ORGANIZATION THAT PERFORMS ASSISTED REPRODUCTION MEDICAL PROCEDURES AND RECEIVES DONOR GAMETES FOR A RECIPIENT IN, OR WHO IS A RESIDENT OF, [STATE].

(6) "GAMETE" MEANS UNFERTILIZED OOCYTES OR SPERM.

(7) "GAMETE AGENCY" MEANS AN OOCYTE OR SPERM DONOR MATCHING AGENCY THAT IS LOCATED WITHIN OR OUTSIDE OF [STATE] AND MATCHES GAMETE DONORS WITH RECIPIENTS IN, OR WHO ARE RESIDENTS OF, [STATE].

(8) "GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC" MEANS ANY ONE OF SUCH ENTITIES AS DEFINED IN THIS SECTION.

(9) "GAMETE BANK" MEANS AN ENTITY OR ORGANIZATION THAT COLLECTS GAMETES FROM A DONOR OR RECEIVES EMBRYOS AND PROVIDES GAMETES OR EMBRYOS TO A RECIPIENT PARENT OR PARENTS OR THE RECIPIENT PARENT'S MEDICAL PROVIDER, AND THAT IS LOCATED WITHIN OR OUTSIDE OF [STATE] AND PROVIDES GAMETES OR EMBRYOS TO A RECIPIENT PARENT OR PARENTS IN, OR WHO ARE RESIDENTS OF, [STATE].

(10) "IDENTIFYING INFORMATION" MEANS:

(A) THE DONOR'S FULL NAME;

(B) THE DONOR'S DATE OF BIRTH; AND

(C) THE DONOR'S PERMANENT AND, IF DIFFERENT, CURRENT ADDRESS OR OTHER CONTACT INFORMATION AT THE TIME OF THE DONATION, OR, IF DIFFERENT, THE DONOR'S CURRENT ADDRESS OR OTHER CONTACT INFORMATION OR BOTH AS RETAINED BY THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC.

(11) "MATCHES" OR "MATCHES GAMETES" MEANS THE PROCESS OF MATCHING A DONOR WITH A RECIPIENT IN, OR WHO IS A RESIDENT OF, [STATE].

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

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

- (A) PRESENT PHYSICAL ILLNESS OF THE DONOR;
- (B) PAST ILLNESS OF THE DONOR; AND
- (C) SOCIAL, GENETIC, AND FAMILY MEDICAL HISTORY PERTAINING TO THE DONOR'S HEALTH.

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

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

**SECTION 104. COLLECTION OF IDENTIFYING INFORMATION AND MEDICAL HISTORY - APPLICABILITY.** (1) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT COLLECTS GAMETES FROM A DONOR OR MATCHES A DONOR WITH A RECIPIENT SHALL COLLECT THE DONOR'S IDENTIFYING INFORMATION AND MEDICAL HISTORY AND SHALL MAKE A GOOD-FAITH EFFORT TO MAINTAIN CURRENT CONTACT INFORMATION AND UPDATES ON MEDICAL HISTORY OF THE DONOR BY REQUESTING UPDATES FROM THE DONOR AT LEAST ONCE EVERY THREE YEARS.

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

(3) A FERTILITY CLINIC THAT COLLECTS GAMETES FROM A DONOR WHO

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

WAS MATCHED WITH A RECIPIENT BY A GAMETE AGENCY THAT IS A SEPARATE ENTITY IS NOT SUBJECT TO THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, BUT SHALL PROVIDE COPIES OF ANY AND ALL MEDICAL AND SCREENING RECORDS OF THE DONOR, INCLUDING THE RESULTS OF GENETIC TESTING, TO THE GAMETE AGENCY THAT MATCHED THE DONOR.

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

(5) THIS SECTION APPLIES ONLY TO GAMETES COLLECTED AND EMBRYOS FORMED WITH GAMETES COLLECTED BY A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC ON OR AFTER JANUARY 1, 202#, FOR USE BY A RECIPIENT PARENT OR PARENTS WHO ARE UNKNOWN TO THE DONOR AT THE TIME OF THE DONATION.

**SECTION 105. DECLARATION REGARDING DISCLOSURE OF IDENTIFYING INFORMATION AND MEDICAL HISTORY - APPLICABILITY.** (1) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT MATCHES OR COLLECTS GAMETES FROM A DONOR.

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

(B) OBTAIN A WRITTEN DECLARATION FROM THE DONOR AGREEING TO THE IDENTITY DISCLOSURE DESCRIBED IN SUBSECTION (2) OF THIS SECTION; AND

(C) MAINTAIN IDENTIFYING INFORMATION AND MEDICAL HISTORY ABOUT EACH DONOR. THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT MATCHED OR COLLECTED THE GAMETES SHALL MAINTAIN RECORDS OF DONOR AND GAMETE SCREENING AND TESTING AND COMPLY WITH REPORTING REQUIREMENTS, IN ACCORDANCE WITH FEDERAL LAW AND APPLICABLE LAWS OF THIS STATE OTHER THAN THOSE SET FORTH IN THIS ARTICLE ## AND CONSISTENT WITH THE GUIDELINES OF THE AMERICAN MEDICAL ASSOCIATION AND THE AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE.

(2) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL HAVE EACH DONOR

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

SIGN A DECLARATION, ATTESTED BY A NOTARIAL OFFICER OR WITNESSES, THAT THE DONOR AGREES TO THE DISCLOSURE OF THE DONOR'S IDENTITY TO A DONOR-CONCEIVED PERSON CONCEIVED WITH THE DONOR'S GAMETES OR EMBRYO FORMED WITH THE DONOR'S GAMETES ON REQUEST OF THE DONOR-CONCEIVED PERSON AFTER THE DONOR-CONCEIVED PERSON IS EIGHTEEN YEARS OF AGE OR OLDER.

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

(4) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC LOCATED OUTSIDE OF [STATE] SHALL NOT MATCH OR PROVIDE GAMETES FROM A DONOR WHO DOES NOT AGREE TO THE DISCLOSURE OF THE DONOR'S IDENTITY AS SET FORTH IN SUBSECTION (2) OF THIS SECTION TO A RECIPIENT PARENT OR PARENTS LOCATED IN, OR WHO ARE RESIDENTS OF, [STATE].

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

(6) THIS SECTION APPLIES ONLY TO GAMETES COLLECTED AND EMBRYOS FORMED WITH GAMETES COLLECTED BY A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC ON OR AFTER JANUARY 1, 202#, FOR USE BY A RECIPIENT PARENT OR PARENTS.

**SECTION 106. DISCLOSURE OF IDENTIFYING INFORMATION AND MEDICAL HISTORY - APPLICABILITY.** (1) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, UPON THE REQUEST OF A DONOR-CONCEIVED PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT MATCHED OR COLLECTED THE GAMETES USED TO CONCEIVE SUCH DONOR-CONCEIVED PERSON SHALL PROVIDE THE DONOR-CONCEIVED PERSON WITH THE IDENTIFYING INFORMATION OF THE DONOR WHO PROVIDED THE GAMETES OR EMBRYO.

A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL NOT IMPEDE OR PROHIBIT COMPLIANCE WITH THIS SECTION OR COMMUNICATION BETWEEN:

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

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

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

(2) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, UPON THE REQUEST OF A DONOR-CONCEIVED PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT MATCHED OR COLLECTED THE GAMETES USED IN THE ASSISTED REPRODUCTION, REGARDLESS OF WHETHER THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC PERFORMED THE ASSISTED REPRODUCTION, SHALL PROVIDE THE DONOR-CONCEIVED PERSON, OR, IF THE DONOR-CONCEIVED PERSON IS A MINOR, BY A PARENT OR GUARDIAN OF THE MINOR DONOR-CONCEIVED PERSON, ACCESS TO ANY NON-IDENTIFYING MEDICAL HISTORY OF THE DONOR THAT IS MAINTAINED BY THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC.

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

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

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

(4) A GAMETE BANK OR FERTILITY CLINIC THAT COLLECTS GAMETES FROM A DONOR WHO WAS MATCHED WITH A RECIPIENT BY A GAMETE AGENCY THAT

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

IS A SEPARATE ENTITY IS NOT SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS (1) OR (2) OF THIS SECTION.

(5) (A) SUBSECTIONS (1) AND (2) OF THIS SECTION APPLY ONLY TO GAMETES COLLECTED AND EMBRYOS FORMED WITH GAMETES COLLECTED BY A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC ON OR AFTER JANUARY 1, 202#, FOR USE BY A RECIPIENT PARENT OR PARENTS WHO ARE UNKNOWN TO THE DONOR AT THE TIME OF THE DONATION.

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

**SECTION 107. RECORD KEEPING - SUCCESSOR RECORD-KEEPER - APPLICABILITY.** (1) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL PERMANENTLY MAINTAIN:

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

(B) INFORMATION ABOUT THE NUMBER OF FAMILIES ESTABLISHED WITH EACH DONOR'S GAMETES AND THE EFFORTS OF THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC TO OBTAIN THAT INFORMATION PURSUANT TO SECTION 109; AND

(C) RECORDS OF GAMETE SCREENING AND TESTING.

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

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

RECIPIENT.

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

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

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

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

(C) INFORM BY MAIL AND ELECTRONIC MAIL SENT TO THE LAST KNOWN ADDRESS ON FILE ALL GAMETE DONORS WHOSE GAMETES WERE COLLECTED, MATCHED, OR RECEIVED BY THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC, AS WELL AS RECIPIENT PARENTS WHO RECEIVED GAMETES OR EMBRYOS FROM THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC AND REPORTED A PREGNANCY OR LIVE BIRTH, THE NAME AND CONTACT INFORMATION OF THE SUCCESSOR ENTITY THAT WILL RECEIVE AND MAINTAIN THE RECORDS DESCRIBED IN SUBSECTIONS (1) AND (2) OF THIS SECTION.

(5) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

COMPLY WITH REPORTING REQUIREMENTS ABOUT GAMETE SCREENING AND TESTING IN ACCORDANCE WITH FEDERAL LAW AND APPLICABLE LAWS OF THIS STATE OTHER THAN THOSE SET FORTH IN THIS ARTICLE ##.

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

(7) (A) SUBSECTION (2) OF THIS SECTION APPLIES ONLY TO GAMETES OR EMBRYOS MATCHED OR RECEIVED ON OR AFTER JULY 1, 202#.

(B) SUBSECTIONS (1), (3), AND (4) OF THIS SECTION APPLY ONLY TO GAMETES MATCHED OR COLLECTED ON OR AFTER JANUARY 1, 202#, FOR USE BY A RECIPIENT PARENT OR PARENTS WHO ARE UNKNOWN TO THE DONOR AT THE TIME OF THE DONATION.

**SECTION 108. WRITTEN MATERIALS FOR RECIPIENT PARENTS AND GAMETE DONORS.** (1) ON OR BEFORE JANUARY 1, 202#, THE DEPARTMENT SHALL DEVELOP WRITTEN MATERIALS FOR INTENDED RECIPIENT PARENTS. THE DEPARTMENT SHALL DEVELOP THE MATERIALS IN CONSULTATION WITH EXPERTS AND STAKEHOLDERS, INCLUDING, BUT NO LIMITED TO, ORGANIZATIONS OF DONOR-CONCEIVED PERSONS, DEMONSTRABLY INVOLVED IN THE REPRESENTATION OF DONOR-CONCEIVED PEOPLE, ORGANIZATIONS REPRESENTING GAY, LESBIAN, BISEXUAL AND TRANSGENDER PERSONS AND FAMILIES, ORGANIZATIONS REPRESENTING GAMETE DONORS, INCLUDING EGG, SPERM, AND EMBRYO DONORS, OR IF NO SUCH ORGANIZATIONS EXIST, INDIVIDUALS WITH PRIOR EXPERIENCE AS GAMETE DONORS, INCLUDING NONANONYMOUS DONORS, LICENSED MENTAL HEALTH PROFESSIONALS WITH PRIOR DOCUMENTED EXPERIENCE COUNSELING INTENDED PARENTS AND DONOR-CONCEIVED PERSONS, GENETIC COUNSELORS, LICENSED MEDICAL GENETICISTS, LICENSED PHYSICIANS WITH EXPERTISE IN THIRD-PARTY ASSISTED REPRODUCTION, AND REPRESENTATIVES OF GAMETE BANKS, GAMETE AGENCIES, AND FERTILITY CLINICS OPERATING IN THE STATE. THE MATERIALS MUST INCLUDE INFORMATION ON THE FOLLOWING SUBJECTS:

(A) THAT, IN LIGHT OF STUDIES SHOWING THAT FAMILY SECRECY ABOUT FAMILY FORMATION CAN NEGATIVELY AFFECT CHILDREN AND FAMILY RELATIONSHIPS, TELLING A DONOR-CONCEIVED CHILD AT A YOUNG AGE, IN AN AGE-APPROPRIATE MANNER, THAT THE CHILD IS DONOR-CONCEIVED IS ASSOCIATED WITH IMPROVED

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

FAMILY FUNCTIONING AND WELL-BEING OF THE DONOR-CONCEIVED CHILD;

(B) THE ABILITY, AND AVAILABLE TOOLS FOR DISCUSSING THE ABILITY, THAT A DONOR-CONCEIVED PERSON WILL HAVE TO LEARN THE IDENTITY OF THE DONOR OF THE GAMETES USED IN THE DONOR-CONCEIVED PERSON'S CONCEPTION AND THE IMPORTANCE OF UNDERSTANDING THAT MANY, BUT NOT ALL, DONOR-CONCEIVED PERSONS HAVE A STRONG DESIRE TO KNOW THE IDENTITY OF THE DONOR AND OF OTHER PERSONS BORN AS A RESULT OF USING THE SAME DONOR'S GAMETES;

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

(D) THE LIMITATIONS OF DONOR SCREENING;

(E) THAT SOME DONOR-CONCEIVED PERSONS ARE OR MAY BE INTERESTED IN CONTACT WITH THE DONOR WHOSE GAMETES WERE USED FOR THEIR CONCEPTION, OR WITH OTHER PERSONS BORN AS THE RESULT OF USING AND FAMILIES ESTABLISHED WITH THE USE OF THE SAME DONOR'S GAMETES.

(F) THE ABILITY OF A LIMIT ON THE NUMBER OF FAMILIES THAT CAN BE ESTABLISHED WITH AN INDIVIDUAL DONOR'S GAMETES TO IMPROVE THE WELL-BEING OF DONOR-CONCEIVED PERSONS AND GAMETE DONORS, AND TO FURTHER THE ABILITY OF DONOR-CONCEIVED PERSONS TO ESTABLISH CONTACT WITH THE DONOR WHOSE GAMETES WERE USED FOR THEIR CONCEPTION, AS WELL AS OTHER PERSONS BORN AS THE RESULT OF USING AND FAMILIES ESTABLISHED WITH USE OF THE SAME DONOR'S GAMETES.

(G) WHETHER OR NOT THE GAMETE BANK ATTEMPTS TO MEET A LIMIT ON THE NUMBER OF PERSONS THAT CAN BE BORN OR THE NUMBER OF FAMILIES THAT CAN BE ESTABLISHED WITH USE OF AN INDIVIDUAL DONOR'S GAMETES. IF THE GAMETE BANK HAS SUCH A POLICY OR LIMIT, IT SHALL ADDITIONALLY DISCLOSE THEM.

(H) WHETHER OR NOT THE GAMETE BANK REQUESTS MEDICAL HISTORY UPDATES FROM THE DONOR AND PROVIDES THESE UPDATES TO PERSONS BORN AS THE RESULT OF USING AND FAMILIES ESTABLISHED WITH USE OF THE DONOR'S GAMETES. IF THE GAMETE BANK HAS A POLICY REGARDING UPDATES TO GAMETE DONOR MEDICAL HISTORY, IT SHALL ADDITIONALLY DISCLOSE IT.

(I) FUTURE IMPLICATIONS FOR THE DONOR-CONCEIVED PERSON GIVEN THAT

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

THERE MAY BE OTHER PERSONS IN OTHER FAMILIES BORN AS A RESULT OF USING THE SAME DONOR'S GAMETES; AND

(J) FUTURE IMPLICATIONS OF RECEIVING MEDICAL HISTORY UPDATES ABOUT THE DONOR OR OTHER PERSONS BORN AS A RESULT OF USING THE SAME DONOR'S GAMETES.

(2) ON OR BEFORE JANUARY 1, 202#, THE DEPARTMENT SHALL DEVELOP WRITTEN MATERIALS FOR GAMETE DONORS. THE DEPARTMENT SHALL DEVELOP THE MATERIALS IN CONJUNCTION WITH LICENSED MENTAL HEALTH PROFESSIONALS WHO HAVE PRIOR DOCUMENTED EXPERIENCE COUNSELING GAMETE DONORS, RECIPIENTS, AND DONOR-CONCEIVED PERSONS, AS WELL AS EXPERIENCE AND COMPETENCY IN COUNSELING FAMILIES WITH LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PARENTS AND SINGLE PARENTS, ALONG WITH ORGANIZATIONS REPRESENTING THESE COMMUNITIES. THE MATERIALS MUST INCLUDE INFORMATION ON THE FOLLOWING SUBJECTS:

(A) THE INFORMATION LISTED IN SECTION 108(1)(A)-(J);

(B) UNDERSTANDING THE POTENTIAL EMOTIONAL AND SOCIAL IMPACTS OF DONATING GAMETES;

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

(D) UNDERSTANDING THE POTENTIAL FOR THE BIRTH OF CHILDREN IN MULTIPLE FAMILIES USING THE DONOR'S GAMETES; AND

(E) UNDERSTANDING THE FUTURE POTENTIAL DISCLOSURE OF THE DONOR'S IDENTIFYING INFORMATION TO A PERSON BORN AS A RESULT OF USING THE DONOR'S GAMETES.

(3) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC LOCATED IN [STATE] SHALL:

(A) PRIOR TO AN INTENDED RECIPIENT MATCHING WITH OR RECEIVING DONOR GAMETES OBTAINED THROUGH THAT GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC, PROVIDE THE WRITTEN MATERIALS DESCRIBED IN SUBSECTION (1)

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

OF THIS SECTION TO EACH INTENDED RECIPIENT OF GAMETES FROM A DONOR AND DISCUSS IN PERSON THESE MATERIALS WITH THE INTENDED RECIPIENTS;

(B) PRIOR TO THE DONATION OF GAMETES BY A DONOR, PROVIDE THE WRITTEN MATERIALS DESCRIBED IN SUBSECTION (2) OF THIS SECTION TO EACH POTENTIAL DONOR OF GAMETES COLLECTED BY THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC FROM A DONOR AND DISCUSS IN PERSON THESE MATERIALS WITH THE DONOR. DONOR RECEIPT OF THE WRITTEN MATERIALS IS NOT IN LIEU OF ANY MENTAL HEALTH EVALUATIONS OF AN UNKNOWN DONOR THAT ARE REQUIRED BY THE INDIVIDUAL PRACTICES OF A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC; AND

(C) PRIOR TO THE DONATION OF GAMETES BY A DONOR, HAVE A QUALIFIED AND EXPERIENCED MENTAL HEALTH PROFESSIONAL CONDUCT AT LEAST ONE PSYCHOLOGICAL ASSESSMENT OF THE POTENTIAL DONOR.

(4) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC LOCATED OUTSIDE OF [STATE] THAT EITHER MATCHES DONORS TO OR PROVIDES GAMETES OR EMBRYOS TO RECIPIENTS IN, OR WHO ARE RESIDENTS OF, [STATE] SHALL:

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

(B) PRIOR TO THE DONATION OF GAMETES BY A DONOR, PROVIDE WRITTEN MATERIALS TO THE DONOR THAT, AT A MINIMUM, COVER THE TOPICS DESCRIBED IN SUBSECTIONS (1) AND (2) OF THIS SECTION AND DISCUSS THESE MATERIALS WITH THE DONOR. DONOR RECEIPT OF THE WRITTEN MATERIALS IS NOT IN LIEU OF ANY MENTAL HEALTH EVALUATIONS OF AN UNKNOWN DONOR THAT ARE REQUIRED BY THE INDIVIDUAL PRACTICES OF A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC.

**SECTION 109. DONOR AGE LIMITS - LIMITS ON NUMBER OF FAMILIES PER DONOR - LIMITS ON EGG-RETRIEVAL CYCLES PER OVUM DONOR - RULES - APPLICABILITY.** (1) (A) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL MAKE A GOOD-FAITH EFFORT TO DETERMINE HOW MANY FAMILIES ARE ESTABLISHED WITH GAMETES MATCHED OR PROVIDED BY THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC FROM EACH DONOR BY CONDUCTING SUFFICIENT RECORD KEEPING, REQUIRING

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

RECIPIENTS, AS A CONDITION OF RECEIVING DONOR GAMETES, TO PROVIDE INFORMATION ON LIVE BIRTHS, AND REQUESTING INFORMATION FROM RECIPIENTS, PHYSICIANS, AND MIDWIVES, ON LIVE BIRTHS, AND USING INDUSTRY BEST PRACTICES, INCLUDING METHODS OR PROCESSES TO ACCOUNT FOR THE NUMBER OR PERCENTAGE OF LIVE BIRTHS THAT ARE LIKELY NOT REPORTED, SUCH AS THE CORRELATION BETWEEN THE NUMBER OF UNITS OF DONOR GAMETES SOLD OR RELEASED AND THE RESULTING LIVE BIRTHS. A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL NOT MATCH OR PROVIDE GAMETES FROM A DONOR TO ADDITIONAL FAMILIES ONCE THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC HAS RECORD OF OR SHOULD REASONABLY KNOW THAT TEN FAMILIES HAVE BEEN ESTABLISHED USING A SINGLE DONOR'S GAMETES IN OR OUTSIDE OF [STATE], WITH NO LIMIT ON THE NUMBER OF CHILDREN CONCEIVED BY EACH OF THE FAMILIES, UNLESS THE DONOR REQUESTS, AND THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC AGREES TO, A LOWER LIMIT ON THE NUMBER OF FAMILIES. THIS LIMIT DOES NOT INCLUDE ANY CHILDREN CONCEIVED BY THE DONOR AS A PARENT OR CHILDREN CONCEIVED WITH THE DONOR'S GAMETES WHEN THE DONOR IS KNOWN TO THE RECIPIENT PARENT OR PARENTS AT THE TIME OF THE DONATION. THIS LIMIT DOES NOT INCLUDE DONATIONS OF EMBRYOS FROM ONE FAMILY TO ANOTHER FAMILY.

(B) FOR THE PURPOSES OF THIS SUBSECTION (1), A FAMILY IS CONSIDERED ESTABLISHED WHEN A RECIPIENT PARENT OR PARENTS CONCEIVE A CHILD USING GAMETES FROM A DONOR AND A LIVE BIRTH RESULTS OR LIKELY RESULTED. A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL MAKE REASONABLE GOOD-FAITH EFFORTS, AND DOCUMENT SUCH EFFORTS, TO OBTAIN INFORMATION FROM A RECIPIENT PARENT ABOUT WHETHER AND WHEN A LIVE BIRTH HAS OCCURRED, INCLUDING REQUESTING SUCH INFORMATION FROM A RECIPIENT PARENT AND THE PARENT'S MEDICAL PROVIDER INCLUDING OB/GYNS AND MIDWIVES USING MULTIPLE COMMERCIALY REASONABLE METHODS AND OBTAINING A REASONABLE DEPOSIT FROM A RECIPIENT PARENT THAT IS RETURNED UPON THE PARENT REPORTING SUCH INFORMATION.

(2) ON OR BEFORE JANUARY 1, 202#, THE STATE DEPARTMENT SHALL PROMULGATE A RULE ESTABLISHING A LIMIT ON THE TOTAL NUMBER OF DONOR RETRIEVAL CYCLES PER OVUM DONOR, WHICH MUST NOT EXCEED A LIFETIME LIMIT OF SIX CYCLES PER OVUM DONOR. IN PROMULGATING THE RULE, THE STATE DEPARTMENT SHALL CONSULT WITH THE AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE AND ORGANIZATIONS REPRESENTING THE INTERESTS OF OVUM DONORS. IN PROMULGATING THE RULE, THE STATE DEPARTMENT MAY CONSIDER ADOPTING AN

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

EXCEPTION TO THIS LIMIT FOR PRIOR DONORS WHO PROVIDE INFORMED CONSENT TO UNDERGO ADDITIONAL RETRIEVAL CYCLES FOR FAMILIES INTENDING TO CONCEIVE A CHILD USING THE SAME DONOR USED TO CONCEIVE THEIR OTHER CHILD.

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

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

(5) THIS SECTION APPLIES ONLY TO GAMETES MATCHED OR COLLECTED ON OR AFTER JANUARY 1, 202#, FOR USE BY RECIPIENT PARENTS WHO ARE UNKNOWN TO THE DONOR AT THE TIME OF THE DONATION.

**SECTION 110. LICENSE REQUIRED - APPLICATION - INSPECTION - ISSUANCE, DENIAL, SUSPENSION, OR REVOCATION - FEES - CIVIL PENALTIES - RULES.** (1) ON OR AFTER JANUARY 1, 202#, A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL NOT OPERATE AS A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC IN [STATE], OR MATCH OR PROVIDE GAMETES OR EMBRYOS TO RECIPIENTS IN [STATE], WITHOUT HAVING FIRST OBTAINED A LICENSE FROM THE DEPARTMENT. SUCH LICENSE IS CONDITIONED ON COMPLIANCE WITH THE APPLICABLE STANDARDS, REQUIREMENTS, AND OTHER PROVISIONS OF THIS ARTICLE ## AND ITS IMPLEMENTING RULES.

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

(B) (I) ON OR BEFORE JANUARY 1, 202#, THE DEPARTMENT SHALL PROMULGATE RULES ESTABLISHING A SCHEDULE OF FEES OF NOT MORE THAN FIVE HUNDRED DOLLARS PER YEAR, SUBJECT TO ANNUAL ADJUSTMENT FOR INFLATION, BASED ON THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, TO HELP MEET THE DIRECT AND INDIRECT COSTS OF ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE ##. A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT IS A NONPROFIT ORGANIZATION IS EXEMPT FROM SUCH FEES.

(II) THE DEPARTMENT SHALL ASSESS AND COLLECT, FROM EACH GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT IS APPLYING FOR LICENSURE PURSUANT TO THIS SECTION, A FEE IN ACCORDANCE WITH THE FEE SCHEDULE ESTABLISHED BY THE DEPARTMENT PURSUANT TO SUBSECTION (2)(B)(I) OF THIS SECTION.

(III) THE DEPARTMENT SHALL TRANSMIT FEES COLLECTED PURSUANT TO THIS SECTION TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC FUND CREATED IN SECTION 112

(IV) FEES COLLECTED PURSUANT TO THIS SUBSECTION (2) MAY BE USED BY THE DEPARTMENT TO PROVIDE TECHNICAL ASSISTANCE AND EDUCATION TO THE PUBLIC AND TO GAMETE AGENCIES, GAMETE BANKS, OR FERTILITY CLINICS RELATED TO THE PROVISION OF AND COMPLIANCE WITH [STATE] LAW, IN ADDITION TO REGULATORY AND ADMINISTRATIVE FUNCTIONS. THE DEPARTMENT MAY CONTRACT WITH PRIVATE ENTITIES TO ASSIST THE DEPARTMENT IN PROVIDING TECHNICAL ASSISTANCE AND EDUCATION BUT NOT IN PROVIDING REGULATORY OR ADMINISTRATIVE FUNCTIONS.

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

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

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

INSPECTION TO ENSURE IMPLEMENTATION OF THE CORRECTIVE ACTION PLAN.

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

(B) THE DEPARTMENT SHALL NOT RETAIN ANY IDENTIFYING INFORMATION ABOUT DONORS, RECIPIENTS, OR DONOR-CONCEIVED PERSONS, AND SHALL KEEP CONFIDENTIAL ALL HEALTH-CARE INFORMATION OR DOCUMENTS OBTAINED OR VIEWED DURING AN INSPECTION OR INVESTIGATION OF A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC PURSUANT TO SUBSECTION (3)(A) OF THIS SECTION. ALL RECORDS, INFORMATION, OR DOCUMENTS SO OBTAINED ARE EXEMPT FROM DISCLOSURE PURSUANT TO THE [STATE] PUBLIC RECORDS LAW.

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

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

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

(6) (A) IT IS A VIOLATION OF THIS ARTICLE ## FOR ANY PERSON, CORPORATION, OR OTHER ENTITY TO OPERATE AS A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC IN [STATE] WITHOUT A VALID LICENSE OR IN VIOLATION OF THE TERMS AND CONDITIONS OF A LICENSE. THE DEPARTMENT MAY REVOKE OR NOT RENEW THE LICENSE IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN SECTION 104 OF A LICENSED GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC THAT FAILS TO ADHERE TO THE TERMS AND CONDITIONS OF ITS LICENSE AND THE STANDARDS AND REQUIREMENTS ESTABLISHED BY RULE PURSUANT TO THIS ARTICLE ##.

(B) THE DEPARTMENT MAY ASSESS A CIVIL PENALTY OF NOT MORE THAN TWENTY THOUSAND DOLLARS, ADJUSTED ANNUALLY FOR INFLATION, BASED ON THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR PORTLAND FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR EACH DAY THE PERSON IS IN VIOLATION OF THIS ARTICLE ##. THE ASSESSED PENALTY ACCRUES FROM THE DATE THE DEPARTMENT FINDS THAT THE PERSON, CORPORATION, OR ENTITY IS IN VIOLATION OF THIS ARTICLE ##. THE DEPARTMENT SHALL ASSESS, ENFORCE, AND COLLECT THE PENALTY IN ACCORDANCE WITH ARTICLE # OF TITLE # AND CREDIT THE MONEY TO THE GENERAL FUND. ENFORCEMENT AND COLLECTION OF THE PENALTY OCCURS FOLLOWING THE DECISION REACHED IN ACCORDANCE WITH PROCEDURES SET FORTH IN SECTION 105.

**SECTION 111. RULE-MAKING AUTHORITY.** ON OR BEFORE JULY 1, 202#, THE DEPARTMENT SHALL PROMULGATE ANY RULES NECESSARY TO IMPLEMENT THIS ARTICLE ##. IN PROMULGATING RULES, THE STATE DEPARTMENT SHALL CONSIDER AND PROTECT THE INTERESTS OF DONOR-CONCEIVED PERSONS AND FAMILIES OF DONOR-CONCEIVED PERSONS, INCLUDING LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PARENTS AND DONOR-CONCEIVED PERSONS AND SINGLE PARENTS.

**SECTION 112. GAMETE AGENCY, GAMETE BANK, AND FERTILITY CLINIC FUND - CREATED.** THE GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SECTION 110. THE MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS OF THE DEPARTMENT IN PERFORMING ITS DUTIES PURSUANT TO THIS ARTICLE ##. AT THE END OF ANY FISCAL

**U.S. DONOR CONCEIVED COUNCIL EXAMPLE LEGISLATION**  
(BASED ON COLORADO SB 22-224 & CALIFORNIA AB 1896)

YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND IS NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

**SECTION 113. APPROPRIATION.** FOR THE 202#-2# STATE FISCAL YEAR, ### IS APPROPRIATED TO THE DEPARTMENT. THIS APPROPRIATION IS FROM THE GENERAL FUND. TO IMPLEMENT THIS ACT, THE DEPARTMENT MAY USE THIS APPROPRIATION FOR THE REGULATORY OVERSIGHT PROGRAM RELATED TO LABORATORY SERVICES.