



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1259: IVF PROTECTION & GAMETE DONATION REQMNTS

Prime Sponsors:

Rep. Froelich; Brown
Sen. Cutter; Daugherty

Fiscal Analyst:

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Fiscal note status: This revised fiscal note reflects the reengrossed bill.

Summary Information

Overview. The bill protects access to in vitro fertilization and other assisted reproductive procedures in state law and modifies certain requirements for donor banks.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Revenue
- Minimal State Workload

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28
State Revenue (Cash Funds)	\$0	-\$22,500	\$0
State Expenditures	\$0	\$0	\$0
Transferred Funds	\$0	\$0	\$0
Change in TABOR Refunds	\$0	-\$22,500	\$0
Change in State FTE	0.0 FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill creates a right to fertility services and other assisted reproductive procedures. The bill also makes changes to current requirements for gamete banks and fertility clinics (donor banks) including:

- removing the requirement that donor banks must continually update donor information;
- requiring donor banks to encourage donors to inform on significant medical history, and if provided, store the information and notify recipients in accordance with existing regulations;
- establishing the right of a donor-conceived person to contact the donor and the right of a donor to engage or decline communication;
- repealing the requirement that donor banks submit a plan for approval around permanently maintaining donor records in the event of dissolution, requiring instead that the plan be created and made available upon request;
- making the requirement for the Department of Public Health and Environment (CDPHE) to develop informational materials for donor banks optional, requiring instead that donor banks develop written materials; and
- prohibiting donor banks from disseminating a donor's gametes to additional recipients without the recipient's consent if the donor informs the donor bank of a significant medical history update.

The bill also changes donor bank licensure renewal from annually to every two years, with the ability for CDPHE to extend the period to up to five years. It also removes the requirement for CDPHE to investigate out-of-state donor banks.

Background

[Senate Bill 22-224](#) required the licensure of gamete agencies, gamete banks, and fertility clinics starting January 1, 2025, by the State Board of Health in CDPHE. [Senate Bill 24-223](#) extended the licensing requirement out six months to July 1, 2025, and created an annual appropriated transfer from the General Fund to the Gamete Agency, Gamete Bank, or Fertility Clinic Fund of \$125,000 per year.

State Revenue

The bill reduces state revenue from modifying license renewals beginning in FY 2026-27 and every two years thereafter.

Fee Revenue from License Renewals

The bill decreases state revenue to the Gamete Agency, Gamete Bank, and Fertility Clinic Fund by reducing the frequency of licensure fees paid by donor banks. As discussed in the Background section, donor banks must be licensed annually beginning July 1, 2025, which is

estimated to generate up to \$22,500 per year in fee revenue, assuming 45 donor banks apply for licensure each year and based on the statutory fee cap of \$500 per license.

Under the bill, licenses would be renewed every other year, instead of annually, which results in an estimated loss of \$22,500 per year after a renewal year. If all donor banks apply for licensure in FY 2025-26, the next renewal and licensing fee would be collected in FY 2027-28. Revenue from licensing fees are subject to TABOR.

State Expenditures

CDPHE will have additional workload related to enforcing new regulations, which is expected to be minimal as it already oversees donor bank licensure. Conversely, workload will decrease as CDPHE is no longer obligated to create informational materials, investigate out-of-state donor banks, or approve plans from donor banks around recordkeeping. Overall, these workload impacts require no change in appropriations. Decreased revenue from licensing fees is not anticipated to impact CDPHE's ability to provide regulatory oversight of donor banks, as it receives a General Fund appropriation.

TABOR Refunds

The bill is expected to decrease the amount of state revenue required to be refunded to taxpayers by the amounts discussed in the State Revenue section above, assuming the March 2025 LCS revenue forecast. Because TABOR refunds are paid from the General Fund, decreased cash fund revenue increases the amount of General Fund available to spend or save.

Technical Note

The bill may interfere with CPDHE's regulatory oversight of donor banks, as the bill establishes the right to reproductive procedures and prohibits state and local governments from interfering or restricting a provider's ability to provide that care. The fiscal note has not factored in any impact related to this.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Judicial
Law

Public Health and Environment