

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0120.02 Owen Hatch x2698

HOUSE BILL 25-1259

HOUSE SPONSORSHIP

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House Committees

Health & Human Services
Appropriations

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Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING ASSISTED REPRODUCTION, AND, IN CONNECTION**
102 **THEREWITH, ADOPTING IN VITRO FERTILIZATION AND OTHER**
103 **ASSISTED REPRODUCTION AND FERTILITY PROTECTIONS AND**
104 **ELIMINATING OTHER ADMINISTRATIVE REQUIREMENTS.**

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 adds statutory protections for in vitro fertilization and other assisted reproductive procedures.

Current law requires gamete banks and fertility clinics (donor

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.

HOUSE
3rd Reading Unamended
April 21, 2025

HOUSE
Amended 2nd Reading
April 17, 2025

banks) to maintain donor identifying information and update it every 3 years. The bill requires donor banks to collect identifying information and medical history from the gamete donor only at the initial donation.

Current law prohibits donor banks from prohibiting an adult donor-conceived person from communicating about the gamete donor with the donor-conceived person's friends, family, or other third parties. The bill eliminates that prohibition.

The bill repeals certain provisions relating to gamete donor record stewardship in the event of donor bank dissolution, bankruptcy, or insolvency and eliminates the requirement that donor banks inform a recipient parent about future implications about a gamete donor's medical history or other persons conceived using the same gamete donor.

Current law requires the department of public health and environment (department) to draft written materials that must be provided to individuals prior to donating or receiving gametes. The bill removes the responsibility from the department and requires donor banks to create the materials.

Current law requires donor recipients to update and inform donor banks regarding live births using donated gametes. The bill allows donor banks to only recommend this step to recipients of donor gametes.

Donor bank licensure renewal is extended from annually to once every 5 years. The requirement that the department investigate donor banks outside the state of Colorado is eliminated, and the fine for donor banks that are out of compliance is modified from an automatic \$20,000 per-day fine to a fine to be determined by the state board of health.

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

2 **SECTION 1. Short title.** The short title of this act is the
3 "Reducing Barriers to Building Families Act".

4 **SECTION 2. Legislative declaration.** (1) The general assembly
5 finds that:

6 (a) On February 16, 2024, the Alabama supreme court ruled that
7 embryos formed through in vitro fertilization, or IVF, are considered
8 children under the state's "Wrongful Death of a Minor Act";

9 == ==

10 **(b)** The ruling raised great concerns about the impact on, in
11 particular, provision of women's health-care services, fertility care for all

1 individuals, and assisted reproductive technologies. == ==

2 (c) After the ruling, IVF clinics in Alabama ceased providing
3 infertility medical services and also ceased transferring embryos owned
4 by their patients to clinics outside of Alabama due to potential legal and
5 felony risks if an embryo was inadvertently destroyed.

6 (2) (a) The Alabama ruling, coupled with new, intrusive, and
7 difficult-to-implement requirements for gamete donation, has had
8 negative impacts on people seeking fertility treatments in Colorado.

9 (b) Colorado has been recognized for decades as a medical
10 destination for those seeking sophisticated and cutting-edge medical care
11 for infertility. Colorado's fertility clinics are highly respected; the state's
12 medical practitioners are known as pioneers in assisted reproductive
13 technologies, or ART medical care; and Colorado continues to advance
14 and provide top-notch ART fertility care.

15 (c) Equally matching its sophisticated ART medical care,
16 Colorado also ranks highly among all states due to its progressive laws
17 and legal protections for children born through assisted reproductive
18 technologies, laws that ensure donors of gametes (ova and sperm) and
19 embryos are not considered legal parents of any resulting children, and
20 the laws protect the parental rights of parents whose children are born
21 through ART, including through donated gametes and surrogacy.
22 Children born through ART in Colorado legally are able to know who
23 their parents are from the moment of birth, and potential parents are
24 likewise safeguarded due to Colorado's protections, including not
25 requiring a genetic relationship between parent and child and not
26 requiring parents to be married, and including opposite gender
27 individuals' access to ART, making Colorado a top choice for domestic

1 and international individuals seeking assisted reproduction medical care
2 treatment options.

3 (3) Therefore, the general assembly declares that:

4 (a) Colorado should remain a world-class destination for all
5 people who want to start a family, providing safe, cutting-edge medical
6 care for individuals in need of those services;

7 (b) It is also important to keep the transparency and rules around
8 disclosure in order to address the concerns of donor-conceived
9 individuals while preserving the whole ecosystem of Colorado's
10 world-class assisted reproduction technologies, infertility medical care
11 options, and gamete donation medical environment; and

12 (c) _____ This act seeks to streamline implementation of the
13 provisions of the "Donor-Conceived Persons Protection Act" while
14 preserving the important transparency and reporting requirements.

15 **SECTION 3.** In Colorado Revised Statutes, **add** 25-57-113 as
16 follows:

17 **25-57-113. Reproductive health care - fertility treatment -**
18 **protections - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (a) "FERTILITY TREATMENT" MEANS ANY TEST, PROCEDURE,
21 MEDICATION, SURGERY, OR SERVICE TO DIAGNOSE, ENHANCE, OR ASSIST
22 AN INDIVIDUAL'S ABILITY TO REPRODUCE OR ACHIEVE PREGNANCY,
23 INCLUDING, BUT NOT LIMITED TO:

24 (I) IN VITRO FERTILIZATION;

25 (II) INTRAUTERINE INSEMINATION;

26 (III) OVULATION INDUCTION;

27 (IV) TESTICULAR OR OVARIAN BIOPSY;

1 (V) EMBRYO BIOPSY;
2 (VI) CRYOPRESERVATION AND THAWING OF GAMETES AND
3 EMBRYOS;
4 (VII) CRYOPRESERVATION OF TESTICULAR AND OVARIAN TISSUE;
5 (VIII) STORAGE, DONATION, OR DISPOSAL OF GAMETES, EMBRYOS,
6 OR REPRODUCTIVE TISSUE;
7 (IX) PRE-IMPLANTATION GENETIC TESTING, OR ANY OTHER
8 MEDICAL SCREENING OR EVALUATION OF EMBRYOS OR GAMETES; AND

9 ==
10 (X) SURROGACY.

11 (b) "REPRODUCTIVE HEALTH CARE" HAS THE SAME MEANING SET
12 FORTH IN SECTION 25-6-402.

13 ==
14 (2) EVERY INDIVIDUAL HAS A RIGHT TO MAKE AUTONOMOUS
15 DECISIONS ABOUT THE INDIVIDUAL'S OWN REPRODUCTIVE HEALTH,
16 INCLUDING THE RIGHT TO USE OR REFUSE REPRODUCTIVE HEALTH CARE,
17 INCLUDING THE RIGHT TO USE GAMETES AND EMBRYOS, DESTROY
18 GAMETES AND EMBRYOS, AND INCLUDING THE RIGHT TO DONATE GAMETES
19 AND EMBRYOS TO THIRD PARTIES FOR PROCREATION OR RESEARCH. THIS
20 SUBSECTION (2) DOES NOT PREVENT OR LIMIT THE IMPLEMENTATION OF
21 OTHER PROVISIONS OF THIS ARTICLE 57.

22 (3) THE STATE AND LOCAL GOVERNMENTS SHALL NOT INTERFERE
23 WITH OR RESTRICT A PHYSICIAN OR LICENSED MEDICAL PROVIDER'S
24 ABILITY TO PROVIDE REPRODUCTIVE HEALTH CARE, AS DEFINED IN THIS
25 SECTION.

26 (4) IT IS CONTRARY TO THE PUBLIC POLICY OF THIS STATE TO
27 PERMIT AN INDIVIDUAL TO BRING A CIVIL OR CRIMINAL ACTION

1 AUTHORIZED IN ANOTHER STATE AGAINST AN INDIVIDUAL IN THIS STATE
2 FOR ENGAGING OR ATTEMPTING TO ENGAGE IN THE FOLLOWING CONDUCT:

- 3 (a) TERMINATING OR SEEKING TO TERMINATE A PREGNANCY;
4 (b) PERFORMING OR INDUCING THE TERMINATION OF A
5 PREGNANCY;
6 (c) KNOWINGLY ENGAGING IN CONDUCT THAT AIDS OR ABETS THE
7 PERFORMANCE OR INDUCEMENT OF THE TERMINATION OF PREGNANCY;
8 (d) PROVIDING REPRODUCTIVE HEALTH CARE, AS DEFINED IN THIS
9 SECTION; OR
10 (e) PROVIDING FERTILITY TREATMENT, AS DEFINED IN THIS
11 SECTION.

12 **SECTION 4.** In Colorado Revised Statutes, 25-57-104, **amend**
13 **(1); and add (1.5)** as follows:

14 **25-57-104. Collection of identifying information and medical**
15 **history - applicability.** (1) Except as provided in subsection (3) of this
16 section, a gamete agency, gamete bank, or fertility clinic that collects
17 gametes from a donor or matches a donor with a recipient shall collect the
18 donor's identifying information and medical history. ~~and shall make a~~
19 ~~good faith effort to maintain current contact information and updates on~~
20 ~~the medical history of the donor by requesting updates from the donor at~~
21 ~~least once every three years.~~

22 (1.5) (a) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC
23 SHALL ENCOURAGE A DONOR TO INFORM THE GAMETE AGENCY, GAMETE
24 BANK, OR FERTILITY CLINIC OF SIGNIFICANT MEDICAL HISTORY UPDATES
25 AFTER DONATION.

26 (b) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC
27 SHALL DOCUMENT A DONOR'S REPORT OF ANY SIGNIFICANT MEDICAL

1 HISTORY UPDATES, AND THE INFORMATION SHALL BE RETAINED AS PART
2 OF THE RECORDS REFERENCED IN SECTION 25-57-107.

3 (c) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC SHALL
4 DOCUMENT A DONOR'S REPORT OF SIGNIFICANT MEDICAL HISTORY
5 UPDATES AFTER DONATION.

6

7 **SECTION 5.** In Colorado Revised Statutes, 25-57-106, **amend**
8 (1) as follows:

9 **25-57-106. Disclosure of identifying information and medical**
10 **history - applicability.** (1) Except as provided in subsection (4) of this
11 section, upon the request of a donor-conceived person who is eighteen
12 years of age or older, a gamete agency, gamete bank, or fertility clinic that
13 matched or collected the gametes used in the assisted reproduction of
14 ~~such~~ THE donor-conceived person shall provide the donor-conceived
15 person with the identifying information of the donor who provided the
16 gametes or embryo. A gamete agency, gamete bank, or fertility clinic
17 shall not impede or prohibit compliance with this section or
18 communication between:

19 (a) An adult donor-conceived person and the donor whose
20 gametes were used to conceive the donor-conceived person; or

21 (b) An adult donor-conceived person and the person's friends,
22 family, or other third parties about the donor whose gametes were used
23 to conceive the donor-conceived person. THE DONOR-CONCEIVED PERSON
24 HAS THE RIGHT, IN ACCORDANCE WITH RELEVANT LAWS, TO CONTACT THE
25 DONOR. THE DONOR HAS A RIGHT TO RESPOND, ENGAGE, OR DECLINE
26 CONTACT AND COMMUNICATION.

27 (c) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC IS

1 ENCOURAGED TO PROVIDE INFORMATION TO A DONOR-CONCEIVED PERSON
2 REGARDING THE PHYSICAL AND EMOTIONAL RISKS ASSOCIATED WITH
3 PUBLICLY RELEASING A DONOR'S PRIVATE AND SENSITIVE INFORMATION.

4 SECTION 6. In Colorado Revised Statutes, 25-57-107, **amend**
5 (3), (6), and (7)(b) as follows:

6 25-57-107. Record keeping - successor record keeper
7 - applicability. (3) Except as provided in subsection (6) of this section,
8 in its application for a license pursuant to section 25-57-110, a gamete
9 agency, gamete bank, or fertility clinic shall submit a proposed plan to
10 permanently maintain the records described in subsections (1) and (2) of
11 this section in the event of dissolution, insolvency, or bankruptcy. The
12 plan may include identification of a named entity to receive or maintain
13 the records, obtaining a surety bond in favor of a third party in an amount
14 sufficient to cover the costs of permanent record keeping, an obligation
15 to condition any sale on the acquiring entity's obligation to maintain
16 records consistent with this section, or similar methods. The department
17 shall not issue a license pursuant to section 25-57-110 until it approves a
18 plan that it finds sufficient to ensure that the records will be permanently
19 maintained by a viable entity. A GAMETE AGENCY, GAMETE BANK, OR
20 FERTILITY CLINIC SHALL CREATE A PLAN TO PERMANENTLY MAINTAIN THE
21 INFORMATION REQUIRED BY THIS SECTION, INCLUDING IN THE CASE OF
22 DISSOLUTION, INSOLVENCY, OR BANKRUPTCY, AND SHALL MAKE THE PLAN
23 AVAILABLE FOR INSPECTION UPON REQUEST BY THE DEPARTMENT.

24 (6) A gamete bank or fertility clinic that collects gametes from a
25 donor who was matched with a recipient by a gamete agency that is a
26 separate entity is not subject to the requirements of subsection (1), (3), or
27 (4) SUBSECTION (1) OR (3) of this section.

1 ~~(7) (b) Subsections (1), (3), and (4)~~ SUBSECTIONS (1) AND (3) of
2 this section apply only to gametes matched or collected on or after
3 January 1, 2025, for use by a recipient parent or parents who are unknown
4 to the donor at the time of the donation.

5 **SECTION 7.** In Colorado Revised Statutes, 25-57-108, **amend**
6 (1) introductory portion, (2) introductory portion, and (4) introductory
7 portion; and **add** (5) as follows:

8 **25-57-108. Written materials for recipient parents and gamete**
9 **donors.** (1) On or before January 1, 2025, the department ~~shall~~ MAY
10 develop written materials for intended recipient parents. The department
11 ~~shall~~ MAY develop the materials in conjunction with licensed mental
12 health professionals who have prior documented experience counseling
13 gamete donors, recipients, and donor-conceived persons, as well as
14 experience and competency in counseling families with lesbian, gay,
15 bisexual, and transgender parents and single parents, along with
16 organizations representing these communities. THE DEPARTMENT SHALL
17 POST THE WRITTEN MATERIAL ON ITS WEBSITE, WHICH IS DEEMED
18 SUFFICIENT TO MEET THE REQUIREMENTS IN SUBSECTIONS (3) AND (4) OF
19 THIS SECTION. GAMETE AGENCIES, GAMETE BANKS, AND FERTILITY CLINICS
20 ARE NOT REQUIRED TO USE THE WRITTEN MATERIALS DEVELOPED BY THE
21 DEPARTMENT. The materials must include information on the following
22 subjects:

23 (2) On or before January 1, 2025, the department ~~shall~~ MAY
24 develop written materials for gamete donors. The department shall
25 develop the materials in conjunction with licensed mental health
26 professionals who have prior documented experience counseling gamete
27 donors, recipients, and donor-conceived persons, as well as experience

1 and competency in counseling families with lesbian, gay, bisexual, and
2 transgender parents and single parents, along with organizations
3 representing these communities. THE DEPARTMENT SHALL POST THE
4 WRITTEN MATERIAL ON ITS WEBSITE, WHICH IS DEEMED SUFFICIENT TO
5 MEET THE REQUIREMENTS IN SUBSECTIONS (3) AND (4) OF THIS SECTION.
6 GAMETE AGENCIES, GAMETE BANKS, AND FERTILITY CLINICS ARE NOT
7 REQUIRED TO USE THE WRITTEN MATERIALS DEVELOPED BY THE
8 DEPARTMENT. The materials must include information on the following
9 subjects:

10 (4) ~~A gamete agency, gamete bank, or fertility clinic located~~
11 ~~outside of Colorado that either matches donors to or provides~~ AN
12 INDIVIDUAL WHO EITHER MATCHES DONORS OR PROVIDES gametes or
13 embryos to recipients in Colorado shall:

14 (5) A GAMETE AGENCY, GAMETE BANK, OR FERTILITY CLINIC
15 SHALL DEVELOP WRITTEN MATERIALS TO BE SHARED WITH INTENDED
16 RECIPIENT PARENTS AND GAMETE DONORS BASED ON GUIDELINES FOR
17 PSYCHOEDUCATIONAL COUNSELING PUBLISHED BY THE AMERICAN
18 SOCIETY OF REPRODUCTIVE MEDICINE.

19 **SECTION 8.** In Colorado Revised Statutes, 25-57-109, **amend**
20 (1)(a) as follows:

21 **25-57-109. Donor age limits - limits on number of families per**
22 **donor - restriction on dissemination of gametes - limits on**
23 **egg-retrieval cycles per ovum donor - rules - applicability.**

24 (1) (a) Except as provided in subsection (4) of this section, a gamete
25 agency, gamete bank, or fertility clinic shall make a good faith effort to
26 determine how many families are established with gametes matched or
27 provided by the gamete agency, gamete bank, or fertility clinic from each

1 donor. by METHODS OF GOOD FAITH EFFORTS MAY INCLUDE, BUT ARE NOT
2 LIMITED TO, conducting sufficient record-keeping, requiring recipients,
3 as a condition of receiving donor gametes, to provide information on live
4 births, and requesting information from recipients on live births, and
5 using industry best practices, including methods or processes to account
6 for the number or percentage of live births that are likely not reported,
7 such as the correlation between the number of units of donor gametes sold
8 or released and the resulting live births. A gamete agency, gamete bank,
9 or fertility clinic shall not match or provide gametes from a donor to
10 additional families once the gamete agency, gamete bank, or fertility
11 clinic has record of or should reasonably know that twenty-five families
12 have been established using a single donor's gametes in or outside of
13 Colorado, with no limit on the number of children conceived by each of
14 the families, unless the donor requests, and the gamete agency, gamete
15 bank, or fertility clinic agrees to, a lower limit on the number of families.
16 This limit does not include any children conceived by the donor as a
17 parent or children conceived with the donor's gametes when the donor is
18 known to the recipient parent or parents at the time of the donation. This
19 limit does not include donations of embryos from one family to another
20 family.

21 ==
22 **SECTION 9.** In Colorado Revised Statutes, 25-57-110, **amend**
23 == (3)(a)(I); and repeal (3)(a)(III) as follows:

24 **25-57-110. License required - application - inspection -**
25 **issuance, denial, suspension, or revocation - fees - civil penalties -**
26 **rules.** (3) (a) (I) The department shall investigate and review each
27 original application and each renewal application for a license to operate

1 as a gamete agency, gamete bank, or fertility clinic. The department shall
2 require all applicants to submit information in the original and renewal
3 application process to document compliance with licensing requirements.
4 ~~Subject to available appropriations, the department may, as it deems~~
5 ~~necessary, perform on-site inspections or complaint investigations of a~~
6 ~~gamete agency, gamete bank, or fertility clinic located outside of~~
7 ~~Colorado.~~ The department shall determine an applicant's compliance with
8 this article 57, and the rules adopted pursuant to this article 57, for the
9 collection and provision of gametes from donors who are unknown to a
10 recipient at the time of the donation before issuing a license.

11 (III) ~~When investigating or reviewing the records of a gamete~~
12 ~~agency, gamete bank, or fertility clinic located outside of Colorado, the~~
13 ~~department shall investigate and review only the records pertaining to~~
14 ~~donors whose gametes or embryos were matched or provided to recipients~~
15 ~~in Colorado.~~

16

17 **SECTION 10. Safety clause.** The general assembly finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety or for appropriations for
20 the support and maintenance of the departments of the state and state
21 institutions.