

STATE OF NEW YORK

690--A

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GALLIVAN, BORRELLO, FAHY, OBERACKER, ORTT, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to establishing the "donor-conceived person protection act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "donor-conceived person protection act".
3 § 2. Legislative findings and intent. The legislature acknowledges
4 the importance of parents and donor-conceived persons knowing the
5 medical history of individuals who have donated reproductive tissue to a
6 reproductive tissue bank for purposes of an artificial insemination or
7 assisted reproductive technology procedure and disseminating this histo-
8 ry information to a recipient and donor-conceived person upon request,
9 if any.
10 The legislature further acknowledges knowing the medical history of a
11 donor will provide recipients with the necessary information to make
12 informed decisions regarding the process of artificial insemination or
13 assisted reproductive technology procedure and for donor-conceived
14 persons to obtain essential medical information, which may reveal any
15 relevant inheritable conditions.
16 The legislature finds that reproductive tissue banks have a duty to
17 collect and verify medical history information provided by donors on
18 donor self-reported medical histories and during the donor screening
19 processes and to keep detailed records of such for use by recipients and
20 donor-conceived persons, if any, prior to a procedure and in the future.
21 § 3. The public health law is amended by adding a new section 4369-a
22 to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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§ 4369-a. Donor-conceived person protection act. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Reproductive tissue bank" means any person or facility, which procures, stores, or arranges for the storage of or distributes and/or releases reproductive tissue to an insemination/implantation site or recipient for use in artificial insemination or assisted reproductive technology procedures. Reproductive tissue banks include, but are not limited to, semen banks, oocyte donation programs and embryo banks.

(b) "Reproductive tissue donor" means a person who provides reproductive tissue for use in artificial insemination or assisted reproductive procedures performed on recipients other than that person or that person's regular sexual partner, and includes known donors.

(c) "Donor reproductive tissue" means any tissue from the reproductive tract intended for use in artificial insemination or any other assisted reproductive technology procedure. This includes, but is not limited to, semen, oocytes, embryos, spermatozoa, spermatids.

(d) "Recipient" means an intended parent who receives reproductive tissue from a donor.

(e) "Donor-conceived person" means a person born after being conceived through an assisted reproductive technology procedure or artificial insemination via the donation of donor reproductive tissue.

(f) "Known donor" means a reproductive tissue donor whose identity is known to the recipient.

(g) "Relevant medical information" means information provided by a reproductive tissue bank donor on their medical history, both individual and family, including first-degree and second-degree relatives, at the time of donation, including all available information setting forth conditions or diseases believed to be hereditary, and any drugs or medication being taken by the donor. Any medical information relative to reproductive health services shall be excluded from the records shared to recipients and donor-conceived persons.

2. Notwithstanding any other provision of law to the contrary, the commissioner shall ensure that reproductive tissue banks, licensed by the department, before providing a recipient with donor reproductive tissue, collect and verify relevant medical information as provided for under paragraph (e) of subdivision four of this section from any donor it procures reproductive tissue from and to disseminate such information to a recipient before a recipient receives such tissue, and to donor-conceived persons born after being conceived with such tissue, if any, when such persons turn either: (a) eighteen years of age; or (b) earlier, upon consent of the recipient parent or guardian, consistent with this section.

3. A reproductive tissue bank donor shall:

(a) Provide the reproductive tissue bank with relevant medical information. The commissioner may require through regulation any additional medical history that may adversely affect the quality of reproductive tissue or impair the recipient's and/or the donor-conceived person's health;

(b) Provide, to the best of their ability, the names of any licensed medical professional or licensed health care practitioner that are primarily responsible for the medical care of such donor, within the preceding five years from the date of donation to the reproductive tissue bank;

(c) Provide the reproductive tissue bank written consent authorizing the reproductive tissue bank to obtain all records concerning relevant medical information held by any such licensed medical professional or

1 licensed health care practitioner who are primarily responsible for the
2 medical care of the donor in the preceding five years; and

3 (d) Provide written consent authorizing the release of relevant
4 medical information as provided for under paragraph (e) of subdivision
5 four of this section by the reproductive tissue bank, subject to appli-
6 cable federal and state health information protection laws, to potential
7 recipients and their physicians, as well as to donor-conceived persons
8 born after being conceived with the donor's reproductive tissue.

9 4. A reproductive tissue bank procuring donor reproductive tissue
10 shall:

11 (a) Provide a statement, signed by the donor, informing them of their
12 obligations contained within the provisions of subdivision three of this
13 section.

14 (b) Verify relevant medical information provided by the donor as
15 required pursuant to subdivision two of this section against the donor's
16 medical records, if any.

17 (c) Disclose to recipients before providing them with donor reproduc-
18 tive tissue, and if applicable, donor-conceived persons born after being
19 conceived with the donor's reproductive tissue upon request when such
20 persons either: (i) turn eighteen years of age; or (ii) earlier, upon
21 consent of the recipient parent or guardian, all records concerning
22 relevant medical information as provided for under paragraph (e) of
23 subdivision four of this section of such donor obtained pursuant to
24 subdivision two of this section, as well as any other information
25 required to be provided by the donor, except that if the reproductive
26 tissue bank is unable to obtain such relevant medical information from
27 the donor's medical records, it shall note the reason why such records
28 were unable to be obtained.

29 (d) Produce a standard form, identifying by reporting status, all
30 relevant medical information required to be provided by the donor under
31 this section, utilizing verifiable information contained in the donor's
32 records concerning relevant medical information, and any unverifiable
33 relevant medical information provided by the donor to the reproductive
34 tissue bank. Such form shall be made available at no charge to both the
35 recipient and their physician, as well as any donor-conceived persons
36 born after being conceived with the donor's reproductive tissue upon
37 request.

38 (e) Except in the case of known donors, redact any personal identify-
39 ing information contained in the donor's records concerning relevant
40 medical information released to a recipient, physician and/or donor-con-
41 ceived persons born after being conceived with the donor's reproductive
42 tissue, if any. Such information shall include the donor's name,
43 address, and any other information which would directly or indirectly
44 identify the donor. Redacted records shall be made available at no
45 charge to the recipient, applicable physician and/or donor-conceived
46 persons born after being conceived with the donor's reproductive tissue
47 upon request.

48 (f) Donor-conceived persons born after being conceived outside of the
49 state of New York with reproductive tissue procured by a reproductive
50 tissue bank located within the state of New York shall have access to
51 the donor's records concerning relevant medical information as allowed
52 under this section.

53 (g) Reproductive tissue banks shall keep the donor's records concern-
54 ing relevant medical information required pursuant to subdivision two of
55 this section for at least twenty-five years after the release of repro-

1 ductive tissue for artificial inseminations or assisted reproductive
2 technology procedures known to have resulted in a live birth.

3 (h) Should a donor-conceived person request disclosure of the relevant
4 medical information as provided for under paragraph (e) of subdivision
5 four of this section when either: (i) they turn eighteen years of age;
6 or (ii) earlier, upon consent of the recipient parent or guardian, the
7 reproductive tissue bank, to the extent practicable, shall require from
8 the reproductive tissue donor updated records concerning relevant
9 medical information or written consent to procure such records.

10 (i) No donor reproductive tissue procured by a reproductive tissue
11 bank located within the state of New York shall be shipped or trans-
12 ferred to a recipient, their medical professional or health care practi-
13 tioner or a reproductive tissue bank located in another state unless the
14 reproductive tissue is accompanied by a signed certification from the
15 medical director of the reproductive tissue bank from which the donor
16 reproductive tissue was procured that the reproductive tissue bank
17 complied with the medical verification requirements of this section.

18 § 4. This act shall take effect on the ninetieth day after it shall
19 have become a law and shall apply to all donor reproductive tissue
20 donated on and after it shall have become a law. Effective immediately,
21 the addition, amendment and/or repeal of any rule or regulation neces-
22 sary for the implementation of this act on its effective date are
23 authorized to be made and completed on or before such effective date.