

# STATE OF NEW YORK

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690--B

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

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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 -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- 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

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

LBD02581-06-6

1 processes and to keep detailed records of such for use by recipients and  
2 donor-conceived persons, if any, prior to a procedure and in the future.

3 § 3. The public health law is amended by adding a new section 4369-a  
4 to read as follows:

5 § 4369-a. Donor-conceived person protection act. 1. For the purposes  
6 of this section, the following terms shall have the following meanings:

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

14 (b) "Reproductive tissue donor" means a person who provides reproduc-  
15 tive tissue for use in artificial insemination or assisted reproductive  
16 procedures performed on recipients other than that person or that  
17 person's regular sexual partner, and includes directed and non-identi-  
18 fied donors.

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

23 (d) "Recipient" means an individual who receives reproductive tissue  
24 from a donor through artificial insemination or assisted reproductive  
25 technologies, including a surrogate.

26 (e) "Donor-conceived person" means a person born after being conceived  
27 through artificial insemination or assisted reproductive technology  
28 using a donor's reproductive tissue.

29 (f) "Directed donor" means a donor who knows and is known by the  
30 recipient, including a surrogate.

31 (g) "Non-identified donor" means a donor whose identity is unknown to  
32 the recipient at the time of artificial insemination or assisted repro-  
33 ductive procedure.

34 (h) "Relevant medical information" means information provided by a  
35 reproductive tissue bank donor on their medical history, both individual  
36 and family, including first-degree and second-degree relatives, at the  
37 time of donation, including all available information setting forth  
38 conditions or diseases believed to be hereditary, and any drugs or medi-  
39 cation being taken by the donor. Any medical information relative to  
40 reproductive and gender-affirming health services shall be excluded from  
41 the records provided to or shared with recipients and donor-conceived  
42 persons.

43 (i) "Surrogate" means an individual who carries a pregnancy for anoth-  
44 er person and who does not intend to parent any offspring resulting from  
45 such pregnancy.

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

1 3. A reproductive tissue bank donor shall:

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

7 (b) Provide, to the best of their ability, the names of any licensed  
8 medical professional or licensed health care practitioner that are  
9 primarily responsible for the medical care of such directed or non-iden-  
10 tified donor, within the preceding five years from the date of donation  
11 to the reproductive tissue bank;

12 (c) Provide the reproductive tissue bank written consent authorizing  
13 the reproductive tissue bank to obtain all records, except for records  
14 related to reproductive and gender-affirming health services, concerning  
15 relevant medical information held by any such licensed medical profes-  
16 sional or licensed health care practitioner who are primarily responsi-  
17 ble for the medical care of the directed or non-identified donor in the  
18 preceding five years; and

19 (d) Provide written consent authorizing the release of redacted rele-  
20 vant medical information, except for records related to reproductive and  
21 gender-affirming health services, as provided for under paragraph (e) of  
22 subdivision four of this section by the reproductive tissue bank,  
23 subject to applicable federal and state health information protection  
24 laws, to potential recipients and their physicians, as well as to  
25 donor-conceived persons born after being conceived with the donor's  
26 reproductive tissue.

27 4. A reproductive tissue bank procuring donor reproductive tissue  
28 shall:

29 (a) Provide a statement, signed by the directed or non-identified  
30 donor, informing them of their obligations contained within the  
31 provisions of subdivision three of this section.

32 (b) Verify relevant medical information provided by the directed or  
33 non-identified donor as required pursuant to subdivision two of this  
34 section against such donor's medical records, if any.

35 (c) Disclose to recipients before providing them with directed or  
36 non-identified donor reproductive tissue, and if applicable, donor-con-  
37 ceived persons born after being conceived with the donor's reproductive  
38 tissue upon request when such persons either: (i) turn eighteen years of  
39 age; or (ii) earlier, upon consent of the recipient parent or guardian,  
40 all records concerning redacted relevant medical information as provided  
41 for under paragraph (e) of subdivision four of this section of such  
42 directed or non-identified donor obtained pursuant to subdivision two of  
43 this section, as well as any other information required to be provided  
44 by such donor, except that if the reproductive tissue bank is unable to  
45 obtain such relevant medical information from such donor's medical  
46 records, it shall note the reason why such records were unable to be  
47 obtained.

48 (d) Produce a standard form, identifying by reporting status, all  
49 relevant medical information required to be provided by the directed or  
50 non-identified donor under this section, utilizing verifiable informa-  
51 tion contained in such donor's records concerning relevant medical  
52 information, and any unverifiable relevant medical information provided  
53 by the directed or non-identified donor to the reproductive tissue bank.  
54 Such form with redacted relevant medical information shall be made  
55 available at no charge to both the recipient and their physician, as

1 well as any donor-conceived persons born after being conceived with the  
2 donor's reproductive tissue upon request.

3 (e) Except in the case of directed donors, redact any personal identi-  
4 fying information contained in the donor's records concerning relevant  
5 medical information released to a recipient, physician and/or donor-con-  
6 ceived persons born after being conceived with the donor's reproductive  
7 tissue, if any. Such information shall include the donor's name,  
8 address, and any other information which would directly or indirectly  
9 identify the donor. Redacted records shall be made available at no  
10 charge to the recipient, applicable physician and/or donor-conceived  
11 persons born after being conceived with the donor's reproductive tissue  
12 upon request.

13 (f) Donor-conceived persons born after being conceived outside of the  
14 state of New York with reproductive tissue procured by a reproductive  
15 tissue bank located within the state of New York shall have access to  
16 the directed and non-identified donor's records concerning relevant  
17 medical information as allowed under this section.

18 (g) Reproductive tissue banks shall keep the directed and non-identi-  
19 fied donor's records concerning relevant medical information required  
20 pursuant to subdivision two of this section for at least twenty-five  
21 years after the release of reproductive tissue for artificial insemina-  
22 tions or assisted reproductive technology procedures known to have  
23 resulted in a live birth.

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

31 (i) No donor reproductive tissue procured by a reproductive tissue  
32 bank located within the state of New York shall be shipped or trans-  
33 ferred to a recipient, their medical professional or health care practi-  
34 tioner or a reproductive tissue bank located in another state unless the  
35 reproductive tissue is accompanied by a signed certification from the  
36 medical director of the reproductive tissue bank from which the donor  
37 reproductive tissue was procured that the reproductive tissue bank  
38 complied with the medical verification requirements of this section.

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