

STATE OF NEW YORK

690--B

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 -- 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

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

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

§ 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, insemination/implantation sites 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 directed and non-identified 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 individual who receives reproductive tissue from a donor through artificial insemination or assisted reproductive technologies, including a surrogate.

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

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

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

(h) "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 and gender-affirming health services shall be excluded from the records provided to or shared with recipients and donor-conceived persons.

(i) "Surrogate" means an individual who carries a pregnancy for another person and who does not intend to parent any offspring resulting from such pregnancy.

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.

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.