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H.777

Introduced by Representatives Rachelson of Burlington and Holcombe of
Norwich

Referred to Committee on

Date:

Subject: Health; reproductive health; gamete agencies, gamete banks, and
fertility clinics; donor-conceived persons

Statement of purpose of bill as introduced: This bill proposes to regulate
gamete agencies, gamete banks, and fertility clinics, including creating
licensure requirements for these facilities. The bill would also establish
requirements for collecting and disclosing identifying information and medical
history about the donors of sperm, eggs, and embryos and would impose limits
on the number of live births per egg or sperm donor and on the number of egg-
retrieval cycles per egg donor.

An act relating to donor-conceived persons and gamete agencies, gamete
banks, and fertility clinics

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. chapter 108 is added to read:

CHAPTER 108. DONOR-CONCEIVED PERSONS AND GAMETE
AGENCIES, GAMETE BANKS, AND FERTILITY CLINICS

1 § 5241. FINDINGS

2 The General Assembly finds that:

3 (1) Many Vermonters are conceived or establish their families through
4 some form of assisted reproduction involving a third-party sperm, egg, or
5 embryo provider, also known as a gamete “donor,” whose identity is unknown
6 to the family at the time of donation. The individuals conceived through
7 assisted reproduction with a donor are referred to in this chapter as “donor-
8 conceived persons.”

9 (2) The interests of donor-conceived persons must be considered and
10 protected. Information about the personal and family medical history of the
11 gamete donors used in conception can impact medical care for donor-
12 conceived persons and their children, and nonidentifying medical information
13 about the gamete donor used in conception must be available to all donor-
14 conceived persons and their parents.

15 (3) It is important to many, but not all, donor-conceived persons to
16 know the identity of the gamete donor used in their conception. A donor-
17 conceived person must have the ability to access identifying information about
18 the gamete donor used in the donor-conceived person’s conception on or after
19 the date on which the donor-conceived person attains 18 years of age. Some
20 donor-conceived persons are or may be interested in having contact with the
21 donor and among persons conceived and families established with the same

1 donor who was unknown to the donor-conceived person's recipient parents at
2 the time of donation. A limit on the number of live births per donor per
3 gamete agency, gamete bank, or fertility clinic furthers the ability of these
4 donor-conceived persons to establish this contact.

5 (4) Studies have shown that family secrecy about family formation can
6 negatively affect children and family relationships.

7 (5) Before using donated gametes, individuals who are considering
8 using donated gametes to conceive children should have access to more
9 information and resources about donor-conceived persons, including tools and
10 resources for discussing donor conception with their children in ways that are
11 age-appropriate and reflect the interests and lived experience of donor-
12 conceived persons.

13 (6) Before donating gametes, gamete donors should have access to
14 information and resources about the interests of donor-conceived persons and
15 have clarity about the information that may be shared with recipient parents
16 and donor-conceived persons.

17 (7) Most gametes or embryos from donors that are provided to recipients
18 located in Vermont are provided from gamete agencies, gamete banks, or
19 fertility clinics located in other states.

20 (8) It is necessary and appropriate to protect the health and welfare of
21 donor-conceived persons and their families in Vermont by regulating the use of

1 donated gametes provided from gamete agencies, gamete banks, or fertility
2 clinics located within or outside Vermont to recipients in, or who are residents
3 of, Vermont.

4 § 5242. DEFINITIONS

5 As used in this chapter:

6 (1) “Assisted reproduction” means a method of causing pregnancy other
7 than sexual intercourse. The term includes:

8 (A) intrauterine or intracervical insemination;

9 (B) donation of gametes or embryos;

10 (C) in-vitro fertilization and transfer of embryos; and

11 (D) intracytoplasmic sperm injection.

12 (2) “Department” means the Vermont Department of Health.

13 (3) “Donor” means an individual who produces eggs or sperm collected
14 by a gamete agency, gamete bank, or fertility clinic or whose eggs or sperm
15 created an embryo received by a gamete agency, gamete bank, or fertility
16 clinic for use in assisted reproduction by a recipient who is unknown to the
17 donor of the gametes at the time of donation. The term “donor” only applies to
18 the regulation of gamete agencies, gamete banks, or fertility clinics pursuant to
19 this chapter and does not apply for the purposes of determining parentage.

1 (4) “Donor-conceived person” means an individual of any age who was
2 born as a result of assisted reproduction using gametes from a donor unknown
3 to the recipient parent or parents at the time of donation.

4 (5) “Fertility clinic” means an entity or organization that performs
5 assisted reproduction medical procedures and receives donor gametes for a
6 recipient in, or who is a resident of, Vermont, and the recipient and gamete
7 donor are unknown to each other at time of donation.

8 (6) “Gamete” means unfertilized oocytes or sperm.

9 (7) “Gamete agency” means an oocyte or sperm donor matching agency
10 that is located within or outside Vermont and matches gamete donors with
11 recipients in, or who are residents of, Vermont, and the potential recipients and
12 gamete donors are unknown to each other at time of donation.

13 (8) “Gamete bank” means an entity or organization that collects gametes
14 from a donor or receives embryos and provides gametes or embryos to a
15 recipient parent or parents or the recipient parent’s medical provider when the
16 recipient and donor are unknown to each other at time of donation, and that is
17 located within or outside Vermont and provides gametes or embryos to a
18 recipient parent or parents in, or who are residents of, Vermont.

19 (9) “Identifying information” means:

20 (A) the donor’s full name;

21 (B) the donor’s date of birth; and

1 (C) the donor’s permanent and, if different, current address or other
2 contact information at the time of the donation, or, if different, the donor’s
3 current address or other contact information, or both, as retained by the gamete
4 agency, gamete bank, or fertility clinic.

5 (10) “Matches” or “matches gametes” means the process of matching a
6 donor with a recipient in, or who is a resident of, Vermont.

7 (11) “Medical history” means information regarding any:

8 (A) present physical illness of the donor;

9 (B) past illness of the donor; and

10 (C) social, genetic, and family medical history pertaining to the
11 donor’s health.

12 (12) “Mental health professional” means a person who is licensed,
13 registered, or certified to provide mental health services as a psychiatrist
14 pursuant to 26 V.S.A. chapter 23 or 33; as a psychologist pursuant to
15 26 V.S.A. chapter 55; as a social worker pursuant to 26 V.S.A. chapter 61; as a
16 clinical mental health counselor pursuant to 26 V.S.A. chapter 65; as a
17 marriage and family therapist pursuant to 26 V.S.A. chapter 76; as a
18 psychoanalyst pursuant to 26 V.S.A. chapter 77; or an out-of-state professional
19 who is a licensed psychiatrist, clinical psychologist, or professional counselor.

20 (13) “Recipient” or “recipient parent” means a person who receives
21 donor gametes or embryos as an intended parent from a gamete agency,

1 gamete bank, or fertility clinic for use in assisted reproduction for the purpose
2 of conceiving a child.

3 § 5243. COLLECTION OF IDENTIFYING INFORMATION AND
4 MEDICAL HISTORY

5 (a) Except as provided in subsection (c) of this section, a gamete agency,
6 gamete bank, or fertility clinic that collects gametes from a donor or matches a
7 donor with a recipient shall collect the donor's identifying information and
8 medical history and shall make a good-faith effort to maintain current contact
9 information and updates on medical history of the donor by requesting updates
10 from the donor at least once every three years.

11 (b) A gamete agency, gamete bank, or fertility clinic that receives gametes
12 or embryos collected by a different gamete agency, gamete bank, or fertility
13 clinic shall collect the name, address, telephone number, and e-mail address of
14 the gamete agency, gamete bank, or fertility clinic from which it received the
15 gametes or embryos at the time it receives the gametes or embryos. A gamete
16 bank or fertility clinic that collects gametes from a donor who was matched
17 with a recipient by a gamete agency that is a separate entity shall collect and
18 maintain the name, address, telephone number, and e-mail address of that
19 gamete agency.

20 (c) A fertility clinic that collects gametes from a donor who was matched
21 with a recipient by a gamete agency that is a separate entity is not subject to

1 the requirements of subsection (a) of this section but shall provide copies of
2 any and all medical and screening records of the donor, including the results of
3 genetic testing, to the gamete agency that matched the donor.

4 (d) A gamete agency, gamete bank, or fertility clinic shall disclose the
5 information collected pursuant to subsections (a) through (c) of this section
6 pursuant to the requirements of section 5246 of this chapter.

7 § 5244. DECLARATION REGARDING DISCLOSURE OF IDENTIFYING
8 INFORMATION AND MEDICAL HISTORY

9 (a) Except as provided in subsection (e) of this section, a gamete agency,
10 gamete bank, or fertility clinic that matches or collects gametes from a donor
11 who is unknown to the recipient parent or parents at the time of the donation
12 shall do all of the following:

13 (1) Provide the donor with information about disclosure of identifying
14 information and medical history in its records.

15 (2) Obtain a declaration from the donor agreeing to the identity
16 disclosure described in subsection (b) of this section.

17 (3) Maintain identifying information and medical history about each
18 donor. The gamete agency, gamete bank, or fertility clinic that matched or
19 collected the gametes shall maintain records of donor and gamete screening
20 and testing and comply with reporting requirements, in accordance with federal
21 law and applicable laws of this State other than those set forth in this chapter

1 and consistent with the guidelines of the American Medical Association and
2 the American Society for Reproductive Medicine.

3 (b) Except as provided in subsection (e) of this section, a gamete agency,
4 gamete bank, or fertility clinic shall have each donor sign a declaration,
5 attested by a notarial officer or witnesses, that the donor agrees to the
6 disclosure of the donor's identity to a donor-conceived person conceived with
7 the donor's gametes or embryo formed with the donor's gametes on request of
8 the donor-conceived person after the donor-conceived person is 18 years of age
9 or older.

10 (c) A gamete agency, gamete bank, or fertility clinic located in Vermont
11 shall not match or collect gametes from a donor who does not agree to the
12 disclosure of the donor's identity as set forth in subsection (b) of this section.

13 (d) A gamete agency, gamete bank, or fertility clinic located outside
14 Vermont shall not match or provide gametes from a donor who does not agree
15 to the disclosure of the donor's identity as set forth in subsection (b) of this
16 section to a recipient parent or parents located in, or who are residents of,
17 Vermont.

18 (e) A gamete bank or fertility clinic that collects gametes from a donor who
19 was matched with a recipient by a gamete agency that is a separate entity is not
20 subject to the requirements of subsection (a) or (b) of this section.

1 § 5245. DISCLOSURE OF IDENTIFYING INFORMATION AND

2 MEDICAL HISTORY

3 (a) Except as provided in subsection (d) of this section, upon the request of
4 a donor-conceived person who is 18 years of age or older, a gamete agency,
5 gamete bank, or fertility clinic that matched or collected the gametes used in
6 the assisted reproduction of such donor-conceived person shall provide the
7 donor-conceived person with the identifying information of the donor who
8 provided the gametes or embryo. A gamete agency, gamete bank, or fertility
9 clinic shall not impede or prohibit compliance with this section or
10 communication between:

11 (1) an adult donor-conceived person and the donor whose gametes
12 were used to conceive the donor-conceived person; or

13 (2) an adult donor-conceived person and the person's friends, family,
14 or other third parties about the donor whose gametes were used to conceive the
15 donor-conceived person.

16 (b) Except as provided in subsection (d) of this section, upon the request of
17 a donor-conceived person who is 18 years of age or older, or, if the donor-
18 conceived person is a minor, by a parent or guardian of the minor donor-
19 conceived person, a gamete agency, gamete bank, or fertility clinic that
20 matched or collected the gametes used in the assisted reproduction, regardless
21 of whether the gamete agency, gamete bank, or fertility clinic performed the

1 assisted reproduction, shall provide the donor-conceived person, or, if the
2 donor-conceived person is a minor, by a parent or guardian of the minor donor-
3 conceived person, access to any nonidentifying medical history of the donor
4 that is maintained by the gamete agency, gamete bank, or fertility clinic.

5 (c) Upon the request of a donor-conceived person who is 18 years of age or
6 older, or, if the donor-conceived person is a minor, a parent or guardian of the
7 minor donor-conceived person:

8 (1) a gamete agency, gamete bank, or fertility clinic that received the
9 gametes or embryo used in the assisted reproduction from another gamete
10 agency, gamete bank, or fertility clinic shall disclose the name, address,
11 telephone number, and e-mail address of the gamete agency, gamete bank, or
12 fertility clinic from which it received the gametes or embryo; and

13 (2) a gamete bank or fertility clinic that collected gametes from a donor
14 who was matched with a recipient by a gamete agency that is a separate entity
15 shall disclose the name, address, telephone number, and e-mail address of the
16 gamete agency that matched the donor and the recipient.

17 (d) A gamete bank or fertility clinic that collects gametes from a donor who
18 was matched with a recipient by a gamete agency that is a separate entity is not
19 subject to the requirements of subsection (a) or (b) of this section.

1 § 5246. RECORDKEEPING; SUCCESSOR RECORDKEEPERS

2 (a) Except as provided in subsection (f) of this section, a gamete agency,
3 gamete bank, or fertility clinic shall permanently maintain:

4 (1) identifying information and medical history for each donor with
5 whom it matches or from whom it collects gametes for use by a recipient
6 parent or parents who are unknown to the donor at the time of the donation;

7 (2) information about the number of live births established with each
8 donor's gametes and the efforts of the gamete agency, gamete bank, or fertility
9 clinic to obtain that information pursuant to section 5248 of this chapter; and

10 (3) records of gamete screening and testing.

11 (b) A gamete agency, gamete bank, or fertility clinic that receives gametes
12 or embryos from another gamete agency, gamete bank, or fertility clinic shall
13 permanently maintain the name, address, telephone number, and e-mail
14 address of the gamete agency, gamete bank, or fertility clinic from which it
15 received the gametes or embryos. A gamete bank or fertility clinic that
16 collected gametes from a donor who was matched with a recipient by a gamete
17 agency that is a separate entity shall permanently maintain the name, address,
18 telephone number, and e-mail address of the gamete agency that matched the
19 donor and the recipient.

20 (c) Except as provided in subsection (f) of this section, in its application
21 for a license pursuant to section 5249 of this chapter, a gamete agency, gamete

1 bank, or fertility clinic shall submit a proposed plan to permanently maintain
2 the records described in subsections (a) and (b) of this section in the event of
3 dissolution, insolvency, or bankruptcy. The plan may include identification of
4 a named entity to receive or maintain the records, acquisition of a surety bond
5 in favor of a third party in an amount sufficient to cover the costs of permanent
6 recordkeeping, an obligation to condition any sale on the acquiring entity's
7 obligation to maintain records consistent with this section, or similar methods.
8 The Department shall not issue a license pursuant to section 5249 of this
9 chapter until it approves a plan that it finds sufficient to ensure that the records
10 will be permanently maintained by a viable entity.

11 (d) Except as provided in subsection (f) of this section, upon dissolution,
12 insolvency, or bankruptcy, a gamete agency, gamete bank, or fertility clinic
13 shall:

14 (1) implement the plan approved by the Department pursuant to
15 subsection (c) of this section;

16 (2) file with the Department a statement providing the name and contact
17 information of the successor entity, if any, that will receive and maintain the
18 records described in subsections (a) and (b) of this section; and

19 (3) inform by mail and electronic mail sent to the last known address on
20 file all gamete donors whose gametes were collected, matched, or received by
21 the gamete agency, gamete bank, or fertility clinic, as well as recipient parents

1 who received gametes or embryos from the gamete agency, gamete bank, or
2 fertility clinic and reported a pregnancy or live birth, the name and contact
3 information of the successor entity that will receive and maintain the records
4 described in subsections (a) and (b) of this section.

5 (e) A gamete agency, gamete bank, or fertility clinic shall comply with any
6 other reporting requirements regarding gamete screening and testing in
7 accordance with federal law and applicable laws of this State in addition to
8 those set forth in this chapter.

9 (f) A gamete bank or fertility clinic that collects gametes from a donor who
10 was matched with a recipient by a gamete agency that is a separate entity is not
11 subject to the requirements of subsection (a), (b), or (d) of this section.

12 § 5247. WRITTEN MATERIALS FOR RECIPIENT PARENTS AND
13 GAMETE DONORS

14 (a) On or before January 1, 2026, the Department shall develop written
15 materials for intended recipient parents. The Department shall develop the
16 materials in conjunction with licensed mental health professionals who have
17 prior documented experience counseling gamete donors, recipients, and donor-
18 conceived persons, as well as experience and competency in counseling
19 families with lesbian, gay, bisexual, and transgender parents and single
20 parents, along with organizations representing these communities. The
21 materials must include information on the following subjects:

1 (1) that, in light of studies showing that family secrecy about family
2 formation can negatively affect children and family relationships, telling a
3 donor-conceived child at a young age, in an age-appropriate manner, that the
4 child is donor-conceived is associated with improved family functioning and
5 well-being of the donor-conceived child;

6 (2) the ability, and available tools for discussing the ability, that a
7 donor-conceived person will have to learn the identity of the donor of the
8 gametes used in the donor-conceived person's conception and the importance
9 of understanding that many, but not all, donor-conceived persons have a strong
10 desire to know the identity of the donor and of other donor-conceived persons
11 conceived with the same donor's gametes;

12 (3) the needs and interests of donor-conceived persons;

13 (4) the limitations of donor screening;

14 (5) future implications for the donor-conceived person given that there
15 may be other persons in other families conceived with the same donor's
16 gametes; and

17 (6) future implications of receiving medical history updates about the
18 donor or other persons conceived with the same donor's gametes.

19 (b) On or before January 1, 2026, the Department shall develop written
20 materials for gamete donors. The Department shall develop the materials in
21 conjunction with licensed mental health professionals who have prior

1 documented experience counseling gamete donors, recipients, and donor-
2 conceived persons, as well as experience and competency in counseling
3 families with lesbian, gay, bisexual, and transgender parents and single
4 parents, along with organizations representing these communities. The
5 materials must include information on the following subjects:

6 (1) understanding the potential emotional and social impacts of donating
7 gametes;

8 (2) understanding what information will be disclosed to the recipient
9 parent or parents and donor-conceived persons;

10 (3) understanding the potential for the birth of children in multiple
11 families using the donor's gametes; and

12 (4) understanding the future potential disclosure of the donor's
13 identifying information to a person conceived with the donor's gametes.

14 (c)(1) A gamete agency, gamete bank, or fertility clinic located in Vermont
15 shall, prior to an intended recipient matching with or receiving donor gametes
16 obtained through that gamete agency, gamete bank, or fertility clinic, provide
17 the written materials described in subsection (a) of this section to each
18 intended recipient of gametes from a donor who is unknown to the recipient or
19 recipients.

20 (2) A gamete agency, gamete bank, or fertility clinic located in Vermont
21 shall, prior to the donation of gametes by a donor, provide the written materials

1 described in subsection (b) of this section to each potential donor of gametes
2 collected by the gamete agency, gamete bank, or fertility clinic from a donor
3 who is unknown to the recipient or recipients and discuss these materials with
4 the donor. Donor receipt of the written materials is not in lieu of any mental
5 health evaluations of an unknown donor that are required by the individual
6 practices of a gamete agency, gamete bank, or fertility clinic.

7 (d) A gamete agency, gamete bank, or fertility clinic located outside
8 Vermont that either matches donors to or provides gametes or embryos to
9 recipients in, or who are residents of, Vermont shall:

10 (1) Prior to an intended recipient matching with or receiving donor
11 gametes, provide written materials to recipients that, at a minimum, cover the
12 topics described in subsection (a) of this section.

13 (2) Prior to the donation of gametes by a donor, provide written
14 materials to the donor that, at a minimum, cover the topics described in
15 subsection (b) of this section and discuss these materials with the donor.
16 Donor receipt of the written materials is not in lieu of any mental health
17 evaluations of an unknown ovum donor that are required by the individual
18 practices of a gamete agency, gamete bank, or fertility clinic.

1 § 5248. LIMITS ON NUMBER OF LIVE BIRTHS PER DONOR; LIMITS
2 ON EGG-RETRIEVAL CYCLES PER OVUM DONOR;
3 RULEMAKING

4 (a)(1)(A) Except as provided in subsection (d) of this section, a gamete
5 agency, gamete bank, or fertility clinic shall make a good-faith effort to
6 determine how many live births are established with gametes matched or
7 provided by the gamete agency, gamete bank, or fertility clinic from each
8 donor by conducting sufficient record keeping, requiring recipients, as a
9 condition of receiving donor gametes, to provide information on live births,
10 and requesting information from recipients on live births, and using industry
11 best practices, including methods or processes to account for the number or
12 percentage of live births that are likely not reported, such as the correlation
13 between the number of units of donor gametes sold or released and the
14 resulting live births.

15 (B)(i) A gamete agency, gamete bank, or fertility clinic shall not
16 match or provide gametes from a donor to additional recipients once the
17 gamete agency, gamete bank, or fertility clinic has record of or should
18 reasonably know that 25 live births have been established using a single
19 donor's gametes within or outside Vermont.

20 (ii) The limit specified in subdivision (i) of this subdivision (B)
21 does not include:

1 (I) any children conceived by the donor as a parent or children
2 conceived with the donor's gametes when the donor is known to the recipient
3 parent or parents at the time of the donation; or

4 (II) donations of embryos from one family to another family.

5 (2) A gamete agency, gamete bank, or fertility clinic shall make
6 reasonable good-faith efforts, and document such efforts, to obtain information
7 from a recipient parent about whether and when a live birth has occurred,
8 including requesting such information from a recipient parent or the parent's
9 medical provider using multiple commercially reasonable methods.

10 (b) On or before January 1, 2026, the Department shall adopt a rule in
11 accordance with 3 V.S.A. chapter 25 establishing a limit on the total number of
12 donor retrieval cycles per ovum donor, which must not exceed a lifetime limit
13 of six cycles per ovum donor. In adopting the rule, the Department shall
14 consult with the American Society for Reproductive Medicine and
15 organizations representing the interests of ovum donors. In adopting the rule,
16 the Department may consider including an exception to this limit for prior
17 donors who provide informed consent to undergo additional retrieval cycles for
18 families intending to conceive a child using the same donor used to conceive
19 their other child or children.

1 (c) A donor must be at least 21 years of age or older at the time of
2 collection of gametes, and a gamete agency, gamete bank, or fertility clinic
3 shall verify the age of the donor at the time of the collection of gametes.

4 (d) A gamete agency, gamete bank, or fertility clinic that collects gametes
5 from a donor who was matched with a recipient by a gamete agency that is a
6 separate entity is not subject to the requirements of subsection (a) of this
7 section.

8 § 5249. LICENSURE; RULEMAKING

9 (a) On or after January 1, 2026, a gamete agency, gamete bank, or fertility
10 clinic shall not operate as a gamete agency, gamete bank, or fertility clinic in
11 Vermont, or match or provide gametes or embryos to recipients in Vermont,
12 without having first obtained a license from the Department. The license shall
13 be conditioned on compliance with the applicable standards, requirements, and
14 other provisions of this chapter and its implementing rules.

15 (b)(1) A gamete agency, gamete bank, or fertility clinic shall submit an
16 annual application and fee for a license to operate on the form and in the
17 manner prescribed by the Department. A gamete agency, gamete bank, or
18 fertility clinic that is a nonprofit organization shall be exempt from the fee.

19 (2) Fees collected pursuant to this subsection may be used by the
20 Department to provide technical assistance and education to the public and to
21 gamete agencies, gamete banks, or fertility clinics related to the provisions of

1 and compliance with Vermont law, in addition to regulatory and administrative
2 functions.

3 (c)(1)(A) The Department shall investigate and review each original
4 application and each renewal application for a license to operate as a gamete
5 agency, gamete bank, or fertility clinic. The Department shall determine an
6 applicant's compliance with this chapter, and the rules adopted pursuant to this
7 chapter, for the collection and provision of gametes from donors who are
8 unknown to a recipient at the time of the donation before issuing a license.

9 (B) The gamete agency, gamete bank, or fertility clinic shall submit
10 in writing, in a form prescribed by the Department, a corrective action plan
11 detailing the measures it will take to correct any violations found by the
12 Department as a result of inspections undertaken pursuant to this
13 subsection (c). The Department shall conduct a follow-up inspection to ensure
14 implementation of the corrective action plan.

15 (C) When investigating or reviewing the records of a gamete agency,
16 gamete bank, or fertility clinic located outside Vermont, the Department shall
17 investigate and review only the records pertaining to donors whose gametes or
18 embryos were matched or provided to recipients in Vermont.

19 (2) The Department shall not retain any identifying information about
20 donors, recipients, or donor-conceived persons. All records, health care
21 information, or documents obtained or viewed during an inspection or

1 investigation of a gamete agency, gamete bank, or fertility clinic pursuant to
2 this subsection are exempt from public inspection and copying under the
3 Public Records Act and shall be kept confidential. Notwithstanding 1 V.S.A.
4 § 317(e), the Public Records Act exemption created in this subdivision shall
5 continue in effect and shall not be repealed through operation of 1 V.S.A.
6 § 317(e).

7 (d) Except as otherwise provided in subsection (e) of this section, the
8 Department shall issue or renew a license to operate as a gamete agency,
9 gamete bank, or fertility clinic when it is satisfied that the applicant or licensee
10 is in compliance with the requirements set forth in this chapter and the rules
11 adopted pursuant to this chapter. Except for provisional licenses issued in
12 accordance with subsection (e) of this section, a license issued or renewed
13 pursuant to this section expires one year after the date of issuance or renewal.

14 (e) The Department may issue a provisional license to operate as a gamete
15 agency, gamete bank, or fertility clinic to an applicant for the purpose of
16 operating as a gamete agency, gamete bank, or fertility clinic for a period of 90
17 days if the applicant is temporarily unable to conform to all of the standards
18 required pursuant to this chapter. As a condition of obtaining a provisional
19 license, the applicant shall show proof to the Department that significant good-
20 faith attempts are being made to conform and comply with the applicable
21 standards required pursuant to this chapter. The Department may issue a

1 second provisional license, for the same term and fee, to effect compliance. A
2 further provisional license shall not be issued for the current year after the
3 second issuance.

4 (f)(1) It is a violation of this chapter for any person to operate as a gamete
5 agency, gamete bank, or fertility clinic in Vermont without a valid license or in
6 violation of the terms and conditions of a license. The Department may revoke
7 or not renew the license of a licensed gamete agency, gamete bank, or fertility
8 clinic that fails to adhere to the terms and conditions of its license and the
9 standards and requirements established by rule pursuant to this chapter.

10 (2) The Department may assess a civil penalty of not more than
11 \$20,000.00 for each day that a person is in violation of this chapter. The
12 assessed penalty accrues from the date the Department finds that the person is
13 in violation of this chapter. The Department shall assess, enforce, and collect
14 the penalties and deposit them in the General Fund.

15 (g) On or before July 1, 2026, the Department shall adopt rules as needed
16 to implement this chapter. In adopting rules, the Department shall consider
17 and protect the interests of donor-conceived persons and families of donor-
18 conceived persons, including lesbian, gay, bisexual, and transgender parents
19 and donor-conceived persons and single parents.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2024 and shall apply as follows:

1 (1) In Sec. 1, 18 V.S.A. §§ 5243 (collection of identifying information
2 and medical history), 5244 (declaration of disclosure of identifying
3 information and medical history), and 5245(a) and (b) (disclosure of
4 identifying information and medical history) apply only to gametes collected
5 and embryos formed with gametes collected by a gamete agency, gamete bank,
6 or fertility clinic on or after January 1, 2026, for use by a recipient parent or
7 parents who are unknown to the donor at the time of the donation.

8 (2) In Sec. 1, 18 V.S.A. § 5245(c) (disclosure of other or separate
9 gamete agency, gamete bank, or fertility clinic information) applies only to
10 gametes or embryos received by a gamete agency, gamete bank, or fertility
11 clinic on or after July 1, 2024.

12 (3) In Sec. 1, 18 V.S.A. § 5246(b) (maintenance of contact information
13 for other gamete agency, gamete bank, or fertility clinic) applies only to
14 gametes or embryos matched or received on or after July 1, 2025.

15 (4) In Sec. 1, 18 V.S.A. §§ 5246(a), (c), and (d) (maintenance of records
16 of donors and families) and 5248 (limits on live births per donor and on donor
17 retrieval cycles) apply only to gametes matched or collected on or after
18 January 1, 2026, for use by a recipient parent or parents who are unknown to
19 the donor at the time of the donation.