



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2418

Introduced 2/10/2023, by Sen. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

See Index

Creates the Donor-Conceived Persons and Families of Donor-Conceived Persons Protection Act. Requires a gamete agency, gamete bank, or fertility clinic to: collect and maintain identifying information and medical history from a donor; obtain a declaration from a donor agreeing to an identity disclosure; provide a donor-conceived person, upon request, with the identifying information of the donor; provide a donor-conceived person, or the parents of a minor donor-conceived person, upon request, nonidentifying medical history of the donor; permanently maintain other specified information; submit a proposed plan to permanently maintain records in the event of dissolution, insolvency, or bankruptcy; and comply with federal reporting requirements. Requires the Department of Public Health to develop written materials for intended recipient parents and gamete donors, which shall be provided to the intended recipient parents and gamete donors by a gamete agency, gamete bank, or fertility clinic. Provides for limitations regarding: the number of families established with gamete matches; the number of donor retrieval cycles per ovum donor; and the age of donors. On or after January 1, 2025, requires a gamete agency, gamete bank, or fertility clinic to be licensed by the Department, and includes application and renewal procedures. Requires the Department to establish a schedule of fees to meet the direct and indirect costs of administration and enforcement of the Act, including a fee for licensure, to be deposited into the Gamete Agency, Gamete Bank, or Fertility Clinic Fund. Allows the Department to issue a provisional license. Provides that it is a violation of the Act for any person, corporation, or other entity to operate as a gamete agency, gamete bank, or fertility clinic without a valid license or in violation of the terms and conditions of a license. Allows the Department to revoke or refuse to renew a license or assess a civil penalty of not more than \$20,000 for each day the person violates the Act. Makes conforming changes in the Freedom of Information Act, the State Finance Act, and the Illinois Parentage Act of 2015. Effective immediately.

LRB103 27438 LNS 53810 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Donor-Conceived Persons and Families of Donor-Conceived
6 Persons Protection Act.

7 Section 5. Legislative intent.

8 (a) Many Illinoisans are conceived or establish their
9 families through some form of assisted reproductive technology
10 involving a third party sperm, egg, or embryo provider, also
11 known as a gamete "donor", whose identity is unknown to the
12 family at the time of donation. A person conceived through
13 assisted reproduction with a donor are referred to in this Act
14 as a "donor-conceived person".

15 (b) The interests of donor-conceived persons must be
16 considered and protected. Information about the personal and
17 family medical history of the gamete donors used in conception
18 can impact medical care for donor-conceived persons and their
19 children, and nonidentifying medical information about the
20 gamete donor used in conception must be available to all
21 donor-conceived persons and their parents.

22 (c) It is important to many, but not all, donor-conceived
23 persons to know the identity of the gamete donor used in their

1 conception. A donor-conceived person must have the ability to
2 access identifying information about the gamete donor used in
3 the donor-conceived person's conception on or after the
4 donor-conceived person reaches 18 years of age. Some
5 donor-conceived persons are or may be interested in contact
6 with the donor and among persons conceived and families
7 established with the same donor who was unknown to the
8 donor-conceived person's recipient parents at the time of
9 donation. A limit on the number of families per donor per
10 gamete agency, gamete bank, or fertility clinic furthers the
11 ability of these donor-conceived persons to establish this
12 contact.

13 (d) Studies have shown that family secrecy about family
14 formation can negatively affect children and family
15 relationships.

16 (e) Before using donated gametes, people who are
17 considering using donated gametes to conceive children should
18 have access to more information and resources about
19 donor-conceived persons, including tools and resources for
20 discussing donor conception with their children in ways that
21 are age-appropriate and reflect the interests and lived
22 experience of donor-conceived persons.

23 (f) Before donating gametes, gamete donors should have
24 access to information and resources about the interests of
25 donor-conceived persons and have clarity about the information
26 that may be shared with recipient parents and donor-conceived

1 persons.

2 (g) The General Assembly finds that to protect the health
3 and welfare of donor-conceived persons and their families in
4 Illinois, the State has a compelling interest to enact the
5 Donor-Conceived Persons and Families of Donor-Conceived
6 Persons Protection Act to regulate the use of donated gametes
7 and provided by gamete agencies, gamete banks, or fertility
8 clinics located inside or outside of Illinois to recipients in
9 or residents of Illinois.

10 Section 10. Definitions. As used in this Act:

11 "Assisted reproduction" means a method of achieving a
12 pregnancy through an artificial insemination or embryo
13 transfer, including gamete and embryo donation. "Assisted
14 reproduction" does not include any pregnancy achieved through
15 sexual intercourse.

16 "Department" means the Department of Public Health.

17 "Donor" means an individual who participates in an
18 assisted reproductive technology arrangement by providing
19 gametes and relinquishes all rights and responsibilities to
20 the gametes so that another individual or individuals may
21 become the legal parent or parents of any resulting child.
22 "Donor" does not include a spouse in any assisted reproductive
23 technology arrangement in which his or her spouse will parent
24 any resulting child.

25 "Donor-conceived person" means an individual of any age

1 who was born as a result of assisted reproduction using
2 gametes from a donor unknown to the recipient parent or
3 parents at the time of donation.

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

9 "Gamete" means an unfertilized oocyte or sperm.

10 "Gamete agency" means an oocyte or sperm donor matching
11 agency located within or outside of this State and matches
12 gamete donors with recipients in, or who are residents of,
13 this State, and the potential recipients and gamete donors are
14 unknown to each other at the time of donation.

15 "Gamete bank" means an entity or organization that
16 collects gametes from a donor or receives embryos and provides
17 gametes or embryos to a recipient parent or parents or the
18 recipient parent's medical provider when the recipient and
19 donor are unknown to each other at the time of donation, and
20 that is located within or outside of this State and provides
21 gametes or embryos to a recipient parent or parents in, or who
22 are residents of, this State.

23 "Identifying information" means:

- 24 (1) the donor's full name;
25 (2) the donor's date of birth; and
26 (3) the donor's permanent and, if different, current

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

5 "Matches" or "matches gametes" means the process of
6 matching a donor with a recipient in, or who is a resident of,
7 this State.

8 "Medical history" means information regarding any:

- 9 (1) present physical illness of the donor;
10 (2) past illness of the donor; and
11 (3) social, genetic, and family medical history
12 pertaining to the donor's health.

13 "Mental health professional" means a person who is a
14 licensed psychiatrist, clinical psychologist, or professional
15 counselor.

16 "Recipient" or "recipient parent" means a person who
17 receives donor gametes or embryos as an intended parent from a
18 gamete agency, gamete bank, or fertility clinic for use in
19 assisted reproduction for the purpose of conceiving a child.

20 Section 15. Collection of identifying information and
21 medical history; applicability.

22 (a) Except as provided in subsection (c), a gamete agency,
23 gamete bank, or fertility clinic that collects gametes from a
24 donor or matches a donor with a recipient shall collect the
25 donor's identifying information and medical history and shall

1 make a good-faith effort to maintain current contact
2 information and updates on medical history of the donor by
3 requesting updates from the donor at least once every 3 years.

4 (b) A gamete agency, gamete bank, or fertility clinic that
5 receives gametes or embryos collected by a different gamete
6 agency, gamete bank, or fertility clinic shall collect the
7 name, address, telephone number, and email address of the
8 gamete agency, gamete bank, or fertility clinic from which it
9 received the gametes or embryos at the time it receives
10 gametes or embryos. A gamete bank or fertility clinic that
11 collects gametes from a donor who was matched with a recipient
12 by a gamete agency that is a separate entity shall collect and
13 maintain the name, address, telephone number, and email
14 address of that gamete agency.

15 (c) A fertility clinic that collects gametes from a donor
16 who was matched with a recipient by a gamete agency that is a
17 separate entity is not subject to the requirements of
18 subsection (a), but shall provide copies of any and all
19 medical and screening records of the donor, including the
20 results of genetic testing, to the gamete agency that matched
21 the donor.

22 (d) A gamete agency, gamete bank, or fertility clinic
23 shall disclose the information collected under subsections (a)
24 through (c) as required by Section 30.

25 (e) This Section only applies to gametes collected and
26 embryos formed with gametes collected by a gamete agency,

1 gamete bank, or fertility clinic on or after January 1, 2025
2 for use by a recipient parent or parents who are unknown to the
3 donor at the time of the donation.

4 Section 20. Declaration regarding disclosure of
5 identifying information and medical history; applicability.

6 (a) Except as provided in subsection (e), a gamete agency,
7 gamete bank, or fertility clinic that matches or collects
8 gametes from a donor who is unknown to the recipient parent or
9 parents at the time of the donation shall:

10 (1) provide the donor with information about
11 disclosure of identifying information and medical history
12 in its records;

13 (2) obtain a declaration from the donor agreeing to
14 the identity disclosure described in subsection (b); and

15 (3) maintain identifying information and medical
16 history about each donor.

17 This information shall be maintained in a manner that
18 protects donor privacy consistent with applicable State and
19 federal laws.

20 (b) Except as provided in subsection (e), a gamete agency,
21 gamete bank, or fertility clinic shall have each donor sign a
22 declaration, attested by a notarial officer or witnesses, that
23 the donor agrees to the disclosure of the donor's identity to a
24 donor-conceived person conceived with the donor's gametes or
25 embryo formed with the donor's gametes on request of the

1 donor-conceived person after the donor-conceived person is 18
2 years of age or older.

3 (c) A gamete agency, gamete bank, or fertility clinic
4 located in this State shall not match or collect gametes from a
5 donor who does not agree to the disclosure of the donor's
6 identity as set forth in subsection (b).

7 (d) A gamete agency, gamete bank, or fertility clinic
8 located outside of this State shall not match or provide
9 gametes from a donor who does not agree to the disclosure of
10 the donor's identity as set forth in subsection (b) to a
11 recipient parent or parents located in, or who are residents
12 of, this State.

13 (e) A gamete bank or fertility clinic that collects
14 gametes from a donor who was matched with a recipient by a
15 gamete agency that is a separate entity is not subject to the
16 requirements of subsection (a) or (b).

17 (f) This Section applies only to gametes collected and
18 embryos formed with gametes collected by a gamete agency,
19 gamete bank, or fertility clinic on or after January 1, 2025,
20 for use by a recipient parent or parents who are unknown to the
21 donor at the time of the donation.

22 Section 25. Disclosure of identifying information and
23 medical history; applicability.

24 (a) Except as provided in subsection (d), upon the request
25 of a donor-conceived person who is 18 years of age or older, a

1 gamete agency, gamete bank, or fertility clinic that matched
2 or collected the gametes used in the assisted reproduction of
3 such donor-conceived person shall provide the donor-conceived
4 person with the identifying information of the donor who
5 provided the gametes or embryo. A gamete agency, gamete bank,
6 or fertility clinic shall not impede or prohibit compliance
7 with this Section or communication between:

8 (1) an adult donor-conceived person and the donor
9 whose gametes were used to conceive the donor-conceived
10 person; or

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

15 (b) Except as provided in subsection (d), upon the request
16 of a donor-conceived person who is 18 years of age or older,
17 or, if the donor-conceived person is a minor, by a parent or
18 guardian of the minor donor-conceived person, a gamete agency,
19 gamete bank, or fertility clinic that matched or collected the
20 gametes used in the assisted reproduction, regardless of
21 whether the gamete agency, gamete bank, or fertility clinic
22 performed the assisted reproduction, shall provide the
23 donor-conceived person, or, if the donor-conceived person is a
24 minor, the parent or guardian of the minor donor-conceived
25 person, access to any nonidentifying medical history of the
26 donor that is maintained by the gamete agency, gamete bank, or

1 fertility clinic.

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

6 (1) A gamete agency, gamete bank, or fertility clinic
7 that received the gametes or embryo used in the assisted
8 reproduction from another gamete agency, gamete bank, or
9 fertility clinic shall disclose the name, address,
10 telephone number, and email address of the gamete agency,
11 gamete bank, or fertility clinic from which it received
12 the gametes or embryo.

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

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

22 (e) Subsections (a) and (b) apply only to gametes
23 collected and embryos formed with gametes collected by a
24 gamete agency, gamete bank, or fertility clinic on or after
25 January 1, 2025, for use by a recipient parent or parents who
26 are unknown to the donor at the time of the donation.

1 Subsection (c) applies only to gametes or embryos received by
2 a gamete agency, gamete bank, or fertility clinic on or after
3 July 1, 2024.

4 Section 30. Recordkeeping; successor recordkeeper;
5 applicability.

6 (a) Except as provided in subsection (f), a gamete agency,
7 gamete bank, or fertility clinic shall permanently maintain:

8 (1) identifying information and medical history for
9 each donor with which it matches or from which it collects
10 gametes for use by a recipient parent or parents who are
11 unknown to the donor at the time of the donation;

12 (2) information about the number of families
13 established with each donor's gametes and the efforts of
14 the gamete agency, gamete bank, or fertility clinic to
15 obtain that information under Section 40; and

16 (3) records of gamete screening and testing.

17 (b) A gamete agency, gamete bank, or fertility clinic that
18 receives gametes or embryos from another gamete agency, gamete
19 bank, or fertility clinic shall permanently maintain the name,
20 address, telephone number, and email address of the gamete
21 agency, gamete bank, or fertility clinic from which it
22 received the gametes or embryos. A gamete bank or fertility
23 clinic that collected gametes from a donor who was matched
24 with a recipient by a gamete agency that is a separate entity
25 shall permanently maintain the name, address, telephone

1 number, and email address of the gamete agency that matched
2 the donor and the recipient.

3 (c) Except as provided in subsection (f), in its
4 application for a license under Section 45, a gamete agency,
5 gamete bank, or fertility clinic shall submit a proposed plan
6 to permanently maintain the records described in subsections
7 (a) and (b) in the event of dissolution, insolvency, or
8 bankruptcy. The plan may include identification of a named
9 entity to receive or maintain the records, obtaining a surety
10 bond in favor of a third party in an amount sufficient to cover
11 the costs of permanent recordkeeping, an obligation to
12 condition any sale on the acquiring entity's obligation to
13 maintain records consistent with this Section, or similar
14 methods. The Department shall not issue a license under
15 Section 45 until it approves a plan that it finds sufficient to
16 ensure that the records will be permanently maintained by a
17 viable entity.

18 (d) Except as provided in subsection (f), upon
19 dissolution, insolvency, or bankruptcy, a gamete agency,
20 gamete bank, or fertility clinic shall:

21 (1) implement the plan approved by the Department
22 pursuant to subsection (c);

23 (2) file with the Department a statement providing the
24 name and contact information of the successor entity, if
25 any, that will receive and maintain the records described
26 in subsections (a) and (b); and

1 (3) inform by mail and email sent to the last known
2 address on file all gamete donors whose gametes were
3 collected, matched, or received by the gamete agency,
4 gamete bank, or fertility clinic, as well as recipient
5 parents who received gametes or embryos from the gamete
6 agency, gamete bank, or fertility clinic and reported a
7 pregnancy or live birth, the name and contact information
8 of the successor entity that will receive and maintain the
9 records described in subsections (a) and (b).

10 (e) A gamete agency, gamete bank, or fertility clinic
11 shall comply with reporting requirements about gamete
12 screening and testing in accordance with federal law and
13 applicable laws of this State in addition to those set forth in
14 this Act.

15 (f) A gamete bank or fertility clinic that collects
16 gametes from a donor who was matched with a recipient by a
17 gamete agency that is a separate entity is not subject to the
18 requirements of subsection (a), (c), or (d).

19 (g) Subsection (b) applies only to gametes or embryos
20 matched or received on or after July 1, 2024. Subsections (a),
21 (c), and (d) apply only to gametes matched or collected on or
22 after January 1, 2025, for use by a recipient parent or parents
23 who are unknown to the donor at the time of the donation.

24 Section 35. Written materials for recipient parents and
25 gamete donors.

1 (a) On or before January 1, 2025, the Department shall
2 develop written materials for intended recipient parents. The
3 Department shall develop the materials in conjunction with
4 licensed mental health professionals who have prior documented
5 experience counseling gamete donors, recipients, and
6 donor-conceived persons, as well as experience and competency
7 in counseling families with lesbian, gay, bisexual, and
8 gender-diverse parents and single parents, along with
9 organizations representing these communities. The materials
10 must include information on the following subjects:

11 (1) that, in light of studies showing that family
12 secrecy about family formation can negatively affect
13 children and family relationships, telling a
14 donor-conceived child at a young age, in an
15 age-appropriate manner, that the child is donor-conceived
16 is associated with improved family functioning and
17 well-being of the donor-conceived child;

18 (2) the ability, and available tools for discussing
19 the ability, that a donor-conceived person will have to
20 learn the identity of the donor of the gametes used in the
21 donor-conceived person's conception and the importance of
22 understanding that many, but not all, donor-conceived
23 persons have a strong desire to know the identity of the
24 donor and of other donor-conceived persons conceived with
25 the same donor's gametes;

26 (3) the needs and interests of donor-conceived

1 persons;

2 (4) the limitations of donor screening;

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

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

9 (b) On or before January 1, 2025, the Department shall
10 develop written materials for gamete donors. The Department
11 shall develop the materials in conjunction with licensed
12 mental health professionals who have prior documented
13 experience counseling gamete donors, recipients, and
14 donor-conceived persons, as well as experience and competency
15 in counseling families with lesbian, gay, bisexual, and
16 gender-diverse parents and single parents, along with
17 organizations representing these communities. The materials
18 must include information on the following subjects:

19 (1) understanding the potential emotional and social
20 impacts of donating gametes;

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

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

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

4 (c) A gamete agency, gamete bank, or fertility clinic
5 located in this State shall:

6 (1) prior to an intended recipient matching with or
7 receiving donor gametes obtained through that gamete
8 agency, gamete bank, or fertility clinic, provide the
9 written materials described in subsection (a) to each
10 intended recipient of gametes from a donor who is unknown
11 to the recipient or recipients; and

12 (2) prior to the donation of gametes by a donor,
13 provide the written materials described in subsection (b)
14 to each potential donor of gametes collected by the gamete
15 agency, gamete bank, or fertility clinic from a donor who
16 is unknown to the recipient or recipients and discuss
17 these materials with the donor. Donor receipt of the
18 written materials is not in lieu of any mental health
19 evaluations of an unknown donor that are required by the
20 individual practices of a gamete agency, gamete bank, or
21 fertility clinic.

22 (d) A gamete agency, gamete bank, or fertility clinic
23 located outside of this State that either matches donors to or
24 provides gametes or embryos to recipients in, or who are
25 residents of, this State shall:

26 (1) prior to an intended recipient matching with or

1 receiving donor gametes, provide written materials to
2 recipients that, at a minimum, cover the topics described
3 in subsection (a); and

4 (2) prior to the donation of gametes by a donor,
5 provide written materials to the donor that, at a minimum,
6 cover the topics described in subsection (b) and discuss
7 these materials with the donor. Donor receipt of the
8 written materials is not in lieu of any mental health
9 evaluations of an unknown ovum donor that are required by
10 the individual practices of a gamete agency, gamete bank,
11 or fertility clinic.

12 Section 40. Donor limits.

13 (a) Except as provided in subsection (d), a gamete agency,
14 gamete bank, or fertility clinic shall make a good-faith
15 effort to determine how many families are established with
16 gametes matched or provided by the gamete agency, gamete bank,
17 or fertility clinic from each donor by conducting sufficient
18 recordkeeping, requiring recipients, as a condition of
19 receiving donor gametes, to provide information on live
20 births, and requesting information from recipients on live
21 births, and using industry best practices, including methods
22 or processes to account for the number or percentage of live
23 births that are likely not reported, such as the correlation
24 between the number of units of donor gametes sold or released
25 and the resulting live births. A gamete agency, gamete bank,

1 or fertility clinic shall not match or provide gametes from a
2 donor to additional families once the gamete agency, gamete
3 bank, or fertility clinic has record of or should reasonably
4 know that 25 families have been established using a single
5 donor's gametes in or outside of this State, with no limit on
6 the number of children conceived by each of the families,
7 unless the donor requests, and the gamete agency, gamete bank,
8 or fertility clinic agrees to, a lower limit on the number of
9 families. This limit does not include any children conceived
10 by the donor as a parent or children conceived with the donor's
11 gametes when the donor is known to the recipient parent or
12 parents at the time of the donation. This limit does not
13 include donations of embryos from one family to another
14 family.

15 For the purposes of this subsection, a family is
16 considered established when a recipient parent or parents
17 conceive a child using gametes from a donor and a live birth
18 results or likely resulted. A gamete agency, gamete bank, or
19 fertility clinic shall make reasonable good-faith efforts, and
20 document such efforts, to obtain information from a recipient
21 parent about whether and when a live birth has occurred,
22 including requesting such information from a recipient parent
23 or the parent's medical provider using multiple commercially
24 reasonable methods.

25 (b) On or before January 1, 2025, the Department shall
26 adopt a rule establishing a limit on the total number of donor

1 retrieval cycles per ovum donor, which must not exceed a
2 lifetime limit of 6 cycles per ovum donor. In adopting the
3 rule, the Department shall establish rules that are consistent
4 with the clinical standards for appropriate practice in this
5 field. In adopting the rule, the Department may consider
6 adopting an exception to this limit for prior donors who
7 provide informed consent to undergo additional retrieval
8 cycles for families intending to conceive a child using the
9 same donor used to conceive their other child.

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

14 (d) A gamete agency, gamete bank, or fertility clinic that
15 collects gametes from a donor who was matched with a recipient
16 by a gamete agency that is a separate entity is not subject to
17 the requirements of subsection (a).

18 (e) This Section applies only to gametes matched or
19 collected on or after January 1, 2025, for use by recipient
20 parents who are unknown to the donor at the time of the
21 donation.

22 Section 45. License required.

23 (a) On or after January 1, 2025, a gamete agency, gamete
24 bank, or fertility clinic shall not operate as a gamete
25 agency, gamete bank, or fertility clinic in this State, or

1 match or provide gametes or embryos to recipients in this
2 State, without having first obtained a license from the
3 Department. Such license is conditioned on compliance with the
4 applicable standards, requirements, and other provisions of
5 this Act and its implementing rules.

6 (b) A gamete agency, gamete bank, or fertility clinic
7 shall submit an annual application and fee for a license to
8 operate on the form and in the manner prescribed by the
9 Department.

10 On or before January 1, 2025, the Department shall adopt
11 rules establishing a schedule of fees of not more than \$500 per
12 year, subject to annual adjustment for inflation to help meet
13 the direct and indirect costs of administration and
14 enforcement of this Act. A gamete agency, gamete bank, or
15 fertility clinic that is a nonprofit organization is exempt
16 from such fees.

17 The Department shall assess and collect, from each gamete
18 agency, gamete bank, or fertility clinic that is applying for
19 licensure under this Section, a fee in accordance with the fee
20 schedule established by the Department under this subsection.

21 The Department shall transmit fees collected under this
22 Section to the Gamete Agency, Gamete Bank, or Fertility Clinic
23 Fund.

24 Fees collected under this subsection may be used by the
25 Department to provide technical assistance and education to
26 the public and to gamete agencies, gamete banks, or fertility

1 clinics related to the provision of and compliance with State
2 law, in addition to regulatory and administrative functions.
3 The Department may contract with private entities to assist
4 the Department in providing technical assistance and education
5 but not in providing regulatory or administrative functions.

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

14 The gamete agency, gamete bank, or fertility clinic shall
15 submit in writing, in a form prescribed by the Department, a
16 corrective action plan detailing the measures it will take to
17 correct any violations found by the Department as a result of
18 inspections undertaken in accordance with this subsection. The
19 Department shall conduct a follow-up inspection to ensure
20 implementation of the corrective action plan.

21 The Department shall not retain any identifying
22 information about donors, recipients, or donor-conceived
23 persons, and shall keep confidential all health care
24 information or documents obtained or viewed during an
25 inspection or investigation of a gamete agency, gamete bank,
26 or fertility clinic under this subsection. All records,

1 information, or documents so obtained are exempt from
2 disclosure under the Freedom of Information Act.

3 (d) Except as otherwise provided in subsection (e), the
4 Department shall issue or renew a license to operate as a
5 gamete agency, gamete bank, or fertility clinic when it is
6 satisfied that the applicant or licensee is in compliance with
7 the requirements set forth in this Act and the rules adopted
8 under this Act. Except for a provisional license issued in
9 accordance with subsection (e), a license issued or renewed
10 under this Section expires one year after the date of issuance
11 or renewal. This Act does not convey a property right to a
12 license and the Department may suspend or revoke a license for
13 cause.

14 (e) The Department may issue a provisional license to
15 operate as a gamete agency, gamete bank, or fertility clinic
16 to an applicant for the purpose of operating as a gamete
17 agency, gamete bank, or fertility clinic for a period of 90
18 days if the applicant is temporarily unable to conform to all
19 of the standards required under this Act. As a condition of
20 obtaining a provisional license, the applicant shall show
21 proof to the Department that significant good-faith attempts
22 are being made to conform and comply with the applicable
23 standards required under this Act. The Department may issue a
24 second provisional license, for a like term and fee, to effect
25 compliance. A further provisional license shall not be issued
26 for the current year after the second issuance.

1 (f) It is a violation of this Act for any person,
2 corporation, or other entity to operate as a gamete agency,
3 gamete bank, or fertility clinic in this State without a valid
4 license or in violation of the terms and conditions of a
5 license. The Department may revoke or refuse to renew the
6 license of a licensed gamete agency, gamete bank, or fertility
7 clinic that fails to adhere to the terms and conditions of its
8 license and the standards and requirements established by rule
9 under this Act.

10 The Department may assess a civil penalty of not more than
11 \$20,000, adjusted annually for inflation, for each day the
12 person is in violation of this Act. The assessed penalty
13 accrues from the date the Department finds that the person,
14 corporation, or entity is in violation of this Act.

15 Section 50. Rules. The Department shall adopt rules as
16 necessary to implement this Act.

17 Section 55. The Gamete Agency, Gamete Bank, or Fertility
18 Clinic Fund; creation. The Gamete Agency, Gamete Bank, or
19 Fertility Clinic Fund is created as a special fund in the State
20 treasury. The Fund shall consist of any moneys deposited into
21 the Fund as provided under subsection (b) of Section 45.
22 Moneys shall be expended by the Department as provided under
23 subsection (b) of Section 45 and for no other purpose. All
24 interest earned on moneys in the Fund shall be deposited into

1 the Fund.

2 Section 60. The Freedom of Information Act is amended by
3 changing Section 7.5 as follows:

4 (5 ILCS 140/7.5)

5 Sec. 7.5. Statutory exemptions. To the extent provided for
6 by the statutes referenced below, the following shall be
7 exempt from inspection and copying:

8 (a) All information determined to be confidential
9 under Section 4002 of the Technology Advancement and
10 Development Act.

11 (b) Library circulation and order records identifying
12 library users with specific materials under the Library
13 Records Confidentiality Act.

14 (c) Applications, related documents, and medical
15 records received by the Experimental Organ Transplantation
16 Procedures Board and any and all documents or other
17 records prepared by the Experimental Organ Transplantation
18 Procedures Board or its staff relating to applications it
19 has received.

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating
22 to known or suspected cases of sexually transmissible
23 disease or any information the disclosure of which is
24 restricted under the Illinois Sexually Transmissible

1 Disease Control Act.

2 (e) Information the disclosure of which is exempted
3 under Section 30 of the Radon Industry Licensing Act.

4 (f) Firm performance evaluations under Section 55 of
5 the Architectural, Engineering, and Land Surveying
6 Qualifications Based Selection Act.

7 (g) Information the disclosure of which is restricted
8 and exempted under Section 50 of the Illinois Prepaid
9 Tuition Act.

10 (h) Information the disclosure of which is exempted
11 under the State Officials and Employees Ethics Act, and
12 records of any lawfully created State or local inspector
13 general's office that would be exempt if created or
14 obtained by an Executive Inspector General's office under
15 that Act.

16 (i) Information contained in a local emergency energy
17 plan submitted to a municipality in accordance with a
18 local emergency energy plan ordinance that is adopted
19 under Section 11-21.5-5 of the Illinois Municipal Code.

20 (j) Information and data concerning the distribution
21 of surcharge moneys collected and remitted by carriers
22 under the Emergency Telephone System Act.

23 (k) Law enforcement officer identification information
24 or driver identification information compiled by a law
25 enforcement agency or the Department of Transportation
26 under Section 11-212 of the Illinois Vehicle Code.

1 (1) Records and information provided to a residential
2 health care facility resident sexual assault and death
3 review team or the Executive Council under the Abuse
4 Prevention Review Team Act.

5 (m) Information provided to the predatory lending
6 database created pursuant to Article 3 of the Residential
7 Real Property Disclosure Act, except to the extent
8 authorized under that Article.

9 (n) Defense budgets and petitions for certification of
10 compensation and expenses for court appointed trial
11 counsel as provided under Sections 10 and 15 of the
12 Capital Crimes Litigation Act. This subsection (n) shall
13 apply until the conclusion of the trial of the case, even
14 if the prosecution chooses not to pursue the death penalty
15 prior to trial or sentencing.

16 (o) Information that is prohibited from being
17 disclosed under Section 4 of the Illinois Health and
18 Hazardous Substances Registry Act.

19 (p) Security portions of system safety program plans,
20 investigation reports, surveys, schedules, lists, data, or
21 information compiled, collected, or prepared by or for the
22 Department of Transportation under Sections 2705-300 and
23 2705-616 of the Department of Transportation Law of the
24 Civil Administrative Code of Illinois, the Regional
25 Transportation Authority under Section 2.11 of the
26 Regional Transportation Authority Act, or the St. Clair

1 County Transit District under the Bi-State Transit Safety
2 Act.

3 (q) Information prohibited from being disclosed by the
4 Personnel Record Review Act.

5 (r) Information prohibited from being disclosed by the
6 Illinois School Student Records Act.

7 (s) Information the disclosure of which is restricted
8 under Section 5-108 of the Public Utilities Act.

9 (t) All identified or deidentified health information
10 in the form of health data or medical records contained
11 in, stored in, submitted to, transferred by, or released
12 from the Illinois Health Information Exchange, and
13 identified or deidentified health information in the form
14 of health data and medical records of the Illinois Health
15 Information Exchange in the possession of the Illinois
16 Health Information Exchange Office due to its
17 administration of the Illinois Health Information
18 Exchange. The terms "identified" and "deidentified" shall
19 be given the same meaning as in the Health Insurance
20 Portability and Accountability Act of 1996, Public Law
21 104-191, or any subsequent amendments thereto, and any
22 regulations promulgated thereunder.

23 (u) Records and information provided to an independent
24 team of experts under the Developmental Disability and
25 Mental Health Safety Act (also known as Brian's Law).

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed
7 Carry Licensing Review Board under the Firearm Concealed
8 Carry Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (v-5) Records of the Firearm Owner's Identification
11 Card Review Board that are exempted from disclosure under
12 Section 10 of the Firearm Owners Identification Card Act.

13 (w) Personally identifiable information which is
14 exempted from disclosure under subsection (g) of Section
15 19.1 of the Toll Highway Act.

16 (x) Information which is exempted from disclosure
17 under Section 5-1014.3 of the Counties Code or Section
18 8-11-21 of the Illinois Municipal Code.

19 (y) Confidential information under the Adult
20 Protective Services Act and its predecessor enabling
21 statute, the Elder Abuse and Neglect Act, including
22 information about the identity and administrative finding
23 against any caregiver of a verified and substantiated
24 decision of abuse, neglect, or financial exploitation of
25 an eligible adult maintained in the Registry established
26 under Section 7.5 of the Adult Protective Services Act.

1 (z) Records and information provided to a fatality
2 review team or the Illinois Fatality Review Team Advisory
3 Council under Section 15 of the Adult Protective Services
4 Act.

5 (aa) Information which is exempted from disclosure
6 under Section 2.37 of the Wildlife Code.

7 (bb) Information which is or was prohibited from
8 disclosure by the Juvenile Court Act of 1987.

9 (cc) Recordings made under the Law Enforcement
10 Officer-Worn Body Camera Act, except to the extent
11 authorized under that Act.

12 (dd) Information that is prohibited from being
13 disclosed under Section 45 of the Condominium and Common
14 Interest Community Ombudsperson Act.

15 (ee) Information that is exempted from disclosure
16 under Section 30.1 of the Pharmacy Practice Act.

17 (ff) Information that is exempted from disclosure
18 under the Revised Uniform Unclaimed Property Act.

19 (gg) Information that is prohibited from being
20 disclosed under Section 7-603.5 of the Illinois Vehicle
21 Code.

22 (hh) Records that are exempt from disclosure under
23 Section 1A-16.7 of the Election Code.

24 (ii) Information which is exempted from disclosure
25 under Section 2505-800 of the Department of Revenue Law of
26 the Civil Administrative Code of Illinois.

1 (jj) Information and reports that are required to be
2 submitted to the Department of Labor by registering day
3 and temporary labor service agencies but are exempt from
4 disclosure under subsection (a-1) of Section 45 of the Day
5 and Temporary Labor Services Act.

6 (kk) Information prohibited from disclosure under the
7 Seizure and Forfeiture Reporting Act.

8 (ll) Information the disclosure of which is restricted
9 and exempted under Section 5-30.8 of the Illinois Public
10 Aid Code.

11 (mm) Records that are exempt from disclosure under
12 Section 4.2 of the Crime Victims Compensation Act.

13 (nn) Information that is exempt from disclosure under
14 Section 70 of the Higher Education Student Assistance Act.

15 (oo) Communications, notes, records, and reports
16 arising out of a peer support counseling session
17 prohibited from disclosure under the First Responders
18 Suicide Prevention Act.

19 (pp) Names and all identifying information relating to
20 an employee of an emergency services provider or law
21 enforcement agency under the First Responders Suicide
22 Prevention Act.

23 (qq) Information and records held by the Department of
24 Public Health and its authorized representatives collected
25 under the Reproductive Health Act.

26 (rr) Information that is exempt from disclosure under

1 the Cannabis Regulation and Tax Act.

2 (ss) Data reported by an employer to the Department of
3 Human Rights pursuant to Section 2-108 of the Illinois
4 Human Rights Act.

5 (tt) Recordings made under the Children's Advocacy
6 Center Act, except to the extent authorized under that
7 Act.

8 (uu) Information that is exempt from disclosure under
9 Section 50 of the Sexual Assault Evidence Submission Act.

10 (vv) Information that is exempt from disclosure under
11 subsections (f) and (j) of Section 5-36 of the Illinois
12 Public Aid Code.

13 (ww) Information that is exempt from disclosure under
14 Section 16.8 of the State Treasurer Act.

15 (xx) Information that is exempt from disclosure or
16 information that shall not be made public under the
17 Illinois Insurance Code.

18 (yy) Information prohibited from being disclosed under
19 the Illinois Educational Labor Relations Act.

20 (zz) Information prohibited from being disclosed under
21 the Illinois Public Labor Relations Act.

22 (aaa) Information prohibited from being disclosed
23 under Section 1-167 of the Illinois Pension Code.

24 (bbb) Information that is prohibited from disclosure
25 by the Illinois Police Training Act and the Illinois State
26 Police Act.

1 (ccc) Records exempt from disclosure under Section
2 2605-304 of the Illinois State Police Law of the Civil
3 Administrative Code of Illinois.

4 (ddd) Information prohibited from being disclosed
5 under Section 35 of the Address Confidentiality for
6 Victims of Domestic Violence, Sexual Assault, Human
7 Trafficking, or Stalking Act.

8 (eee) Information prohibited from being disclosed
9 under subsection (b) of Section 75 of the Domestic
10 Violence Fatality Review Act.

11 (fff) Images from cameras under the Expressway Camera
12 Act. This subsection (fff) is inoperative on and after
13 July 1, 2023.

14 (ggg) Information prohibited from disclosure under
15 paragraph (3) of subsection (a) of Section 14 of the Nurse
16 Agency Licensing Act.

17 (hhh) Information submitted to the Department of State
18 Police in an affidavit or application for an assault
19 weapon endorsement, assault weapon attachment endorsement,
20 .50 caliber rifle endorsement, or .50 caliber cartridge
21 endorsement under the Firearm Owners Identification Card
22 Act.

23 (iii) Information prohibited from disclosure under
24 subsection (c) of Section 45 of the Donor-Conceived
25 Persons and Families of Donor-Conceived Persons Protection
26 Act.

1 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
2 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
3 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
4 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
5 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
6 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
7 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
8 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
9 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23.)

10 Section 65. The State Finance Act is amended by adding
11 Section 5.990 as follows:

12 (30 ILCS 105/5.990 new)

13 Sec. 5.990. The Gamete Agency, Gamete Bank, or Fertility
14 Clinic Fund.

15 Section 70. The Illinois Parentage Act of 2015 is amended
16 by changing Section 703 as follows:

17 (750 ILCS 46/703)

18 Sec. 703. Parentage of child of assisted reproduction.

19 (a) Any individual who is an intended parent as defined by
20 this Act is the legal parent of any resulting child. If the
21 donor and the intended parent have been represented by
22 independent counsel and entered into a written legal agreement

1 in which the donor relinquishes all rights and
2 responsibilities to any resulting child, the intended parent
3 is the parent of the child. An agreement under this subsection
4 shall be entered into prior to any insemination or embryo
5 transfer. An agreement must be made in accordance with the
6 terms of the Donor-Conceived Persons and Families of
7 Donor-Conceived Persons Protection Act, if applicable.

8 (b) If a person makes an anonymous gamete donation without
9 a designated intended parent at the time of the gamete
10 donation, the intended parent is the parent of any resulting
11 child if the anonymous donor relinquished his or her parental
12 rights in writing at the time of donation. The written
13 relinquishment shall be directed to the entity to which the
14 donor donated his or her gametes. After the effective date of
15 this amendatory Act of the 103rd general assembly, gamete
16 donations shall be made in accordance with the requirements of
17 the Donor-Conceived Persons and Families of Donor-Conceived
18 Persons Protection Act.

19 (c) An intended parent may seek a court order confirming
20 the existence of a parent-child relationship prior to or after
21 the birth of a child based on compliance with subsection (a) or
22 (b) of this Section.

23 (d) If the requirements of subsection (a) of this Section
24 are not met, or subsection (b) of this Section is found by a
25 court to be inapplicable, a court of competent jurisdiction
26 shall determine parentage based on evidence of the parties'

1 intent at the time of donation.

2 (Source: P.A. 99-763, eff. 1-1-17.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 140/7.5

5 30 ILCS 105/5.990 new

6 750 ILCS 46/703