
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

AB 1896 (Quirk) - Gamete banks

Version: June 15, 2022

Urgency: No

Hearing Date: August 1, 2022

Policy Vote: HEALTH 9 - 0

Mandate: No

Consultant: Agnes Lee

Bill Summary: AB 1896 would require gamete banks to provide specified information to individuals obtaining donor gametes in order to conceive children, including the limitations of donor screening, the increased possibility of consanguineous relationships between half-siblings or closely related individuals from large donor-sibling groups, and any other information the California Department of Public Health (CDPH) deems appropriate.

Fiscal Impact: CDPH estimates costs of \$375,000 (Tissue Bank Fund) over 3 years to develop the information specified in the bill and to oversee the implementation of clarifying regulations.

Background: CDPH licenses and surveys several types of tissue facilities, including assisted reproductive technology facilities, such as sperm banks, autologous tissue storage facilities, as well as fertility clinics. However, while various types of facilities are considered tissue banks, each may interact and use the tissue for different purposes. For instance, an assisted reproductive technology facility, like a sperm bank, may collect donor tissue and send it to a fertility clinic, where the tissue will be used. Federal Food and Drug Administration (FDA) regulations require the sperm bank to collect relevant donor information, conduct tests on the tissue, and make a determination of donor-eligibility. When the sperm bank sends the tissue to a fertility clinic for use, certain information must follow the tissue. However, the sperm bank is generally not permitted to send the donor's personal information to the fertility clinic along with the tissue. The sperm bank will retain the donor's personal information along with a declaration of whether or not the donor wishes to disclose their identity.

Direct-to-consumer genetic testing (e.g., 23andMe, AncestryDNA) and genealogy-based registries have revealed cases of large donor-sibling groups (many dozens to hundreds) and helped donor-conceived persons connect with each other. Given that conceptions using donor insemination have increased and donor sperm can be sold to recipient parents or distributed to other gamete banks without tracking of or limits on resultant births, the number and size of donor-sibling groups remains indeterminate.

Proposed Law: Specific provisions of the bill would:

- Require gamete banks to provide specified information to individuals obtaining donor gametes in order to conceive children, including the limitations of donor screening, the increased possibility of consanguineous relationships between half-siblings or closely related individuals from large donor-sibling groups.

- Require gamete banks to provide specified information to prospective gamete donors, including information regarding the potential of genetic technologies to reveal the relatedness of the donor to children conceived with the donor's gametes, even if the donor has chosen to remain anonymous at the time of donation.
- Require CDPH to develop the specified information and guidance to be provided, in consultation with specified stakeholders and to post that guidance on their website.
- Authorize CDPH to suspend or revoke the license of a gamete bank for a violation of these provisions.

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