



## DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 28, 2023

The Honorable Joseline A. Peña-Melnyk  
Chair, House Health and Government Operations Committee  
Room 241, House Office Building  
Annapolis, Maryland 21401

**Re: HB 482 - Health – Donor–Conceived Individuals and Gamete Agencies, Gamete Banks, and Fertility Clinics - Letter of Concern**

Dear Chair Peña-Melnyk and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of concern for House Bill (HB) 482 - Health - Donor-Conceived Individuals and Gamete Agencies, Gamete Banks, and Fertility Clinics. This bill relates to donor–conceived individuals, gamete agencies, gamete banks, and fertility clinics.

The Office of Health Care Quality (OHCQ) is the agency within MDH charged with monitoring the quality of care in health care facilities and community-based programs, including tissue banks. Maryland is one of only several states that regulate tissue banks, which include both fertility clinics and gamete banks. Currently, OHCQ licenses 14 fertility clinics and gamete banks within Maryland and 32 outside of the state that provide services to Marylanders.

HB 482 will effectively eliminate anonymous gamete donation as it requires a gamete donor to consent to the disclosure of the gamete donor’s identity to an individual of a certain age who was conceived with the donated gametes. The industry has not reached a consensus on the right of every donor-conceived individual to learn the identity of their gamete donor.

Additionally, HB 482 seeks to establish a second licensure category for fertility clinics and gamete banks. There is no indication that the services provided in these sites require a second licensing system. Over the past decade, OHCQ has received only two complaints related to fertility centers and gamete banks.

Lastly, in consultation with the American Society of Reproductive Medicine and organizations representing the interests of ovum donors, OHCQ must adopt regulations establishing a lifetime limit of six cycles per ovum donor. Notably, OHCQ may consider an exception to the limitation for ovum donors who provide informed consent. A state agency should not have the authority to make a determination if a donor is permitted or not permitted to exceed an ovum donation limit.

If you would like to discuss this further, please do not hesitate to contact Megan Peters, Acting Director of Governmental Affairs at [megan.peters@maryland.gov](mailto:megan.peters@maryland.gov) or (410) 260-3190.

Sincerely,

Laura Herrera Scott, M.D., M.P.H.  
Secretary