

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB24-1254 be amended as follows:

1 Amend printed bill, page 2, line 20, strike "(4)" and insert "(4); and **add**
2 (1)(c)".

3 Page 2, lines 21 and 22, strike "**repeal.** (4) This" and substitute "**repeal.**
4 (1) (c) IF A NONTRANSPLANT TISSUE BANK WITHDRAWS OR DOES NOT
5 RENEW ITS REGISTRATION, FOR A PERIOD OF THREE YEARS AFTER THE END
6 OF REGISTRATION, THE NONTRANSPLANT TISSUE BANK SHALL CONTINUE
7 TO MAINTAIN ON FILE WITH THE DIRECTOR CURRENT INFORMATION
8 REGARDING ITEMS DESCRIBED IN SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF
9 THIS SECTION.

10 (4) This".

11 Page 3, line 5, strike "THE" and substitute "(1) THE".

12 Page 3, line 5, after "140." add "BEFORE PROMULGATING RULES, THE
13 DIRECTOR SHALL SEEK INPUT AND ADVICE FROM:

14 (a) PERSONS, INCLUDING ANY PROFESSIONAL ORGANIZATION OF
15 INDIVIDUALS, OFFERING SERVICES THAT REQUIRE REGISTRATION
16 PURSUANT TO THIS ARTICLE 140; AND

17 (b) CONSUMERS OR CONSUMER REPRESENTATIVES WHO ADVOCATE
18 FOR CONSUMERS AFFECTED BY THIS ARTICLE 140.".

19 Page 3, after line 15 insert:

20 **"SECTION 5.** In Colorado Revised Statutes, 12-140-102, **amend**
21 (3) as follows:

22 **12-140-102. Definitions.** As used in this article 140, unless the
23 context otherwise requires:

24 (3) (a) "Nontransplant tissue bank" means a person that, for any
25 purpose other than transplantation into a living human being, ~~recovers,~~
26 ~~transports, distributes, screens, stores, and arranges~~ AND WITH THE INTENT
27 OF FURTHER DISTRIBUTION, PROVIDES OR ENGAGES IN AT LEAST ONE OF
28 THE FOLLOWING for the storage and distribution of human remains:

29 (I) RECOVERY;
30 (II) COLLECTION;
31 (III) ACQUISITION;
32 (IV) DISTRIBUTION;
33 (V) SCREENING;
34 (VI) STORAGE; OR

(VII) ARRANGEMENT.

2 (b) "Nontransplant tissue bank" does not include:

3 (I) An eye bank, an organ procurement organization, or a tissue
4 bank, as those terms are defined in section 15-19-202 (10), (16), and (31),
5 respectively;

6 (II) A funeral establishment registered in accordance with section
7 12-135-110; or

(III) A crematory registered in accordance with section 12-135-303; OR

10 (IV) AN APPROVED MEDICAL COLLEGE, AS DEFINED IN SECTION
11 12-240-104 (3), OR SIMILAR EDUCATIONAL INSTITUTION THAT ACCEPTS
12 HUMAN REMAINS PRIMARILY FOR ITS OWN EDUCATIONAL OR RESEARCH
13 PURPOSES.

14 **SECTION 6.** In Colorado Revised Statutes, 12-140-104, **add** (4)
15 as follows:

16 **12-140-104. Records and receipts.** (4) A NONTRANSPLANT
17 TISSUE BANK AND ITS DESIGNEE EACH SHALL MAINTAIN THE RECORDS AND
18 RECEIPTS REQUIRED BY THIS SECTION. IF A NONTRANSPLANT TISSUE BANK
19 WITHDRAWS OR DOES NOT RENEW ITS REGISTRATION, THE
20 NONTRANSPLANT TISSUE BANK AND ITS DESIGNEE SHALL MAINTAIN THE
21 RECORDS AND RECEIPTS REQUIRED BY THIS SECTION FOR A PERIOD OF
22 THREE YEARS AFTER THE END OF REGISTRATION.

23 **SECTION 7.** In Colorado Revised Statutes, **amend** 12-140-108
24 as follows:

25 **12-140-108. Violations and penalties - private civil right of**
26 **action.** (1) A person who violates this article 140 commits a class 1
27 misdemeanor.

28 (2) (a) A PERSON WHO SUFFERS DAMAGES AS A RESULT OF A
29 VIOLATION OF SECTION 12-140-105 OR 12-140-106 HAS A PRIVATE CIVIL
30 RIGHT OF ACTION TO RECOVER DAMAGES AGAINST ANY PERSON THAT
31 VIOLATES SECTION 12-140-105 OR 12-140-106.

32 (b) IF A COURT DETERMINES THAT A PERSON SUBJECT TO THIS
33 ARTICLE 140 VIOLATED SECTION 12-140-105 OR 12-140-106, IN ADDITION
34 TO ALL OTHER REMEDIES, THE COURT SHALL AWARD A STATUTORY
35 PENALTY OF THE GREATER OF THREE THOUSAND FIVE HUNDRED DOLLARS
36 OR ALL COMPENSATION RECEIVED BY THE NONTRANSPLANT TISSUE BANK
37 FOR THE DISTRIBUTION OF THE DECEDENT'S HUMAN REMAINS.

38 (c) IF A COURT DETERMINES THAT A VIOLATION OF SECTION
39 12-140-105 OR 12-140-106 WAS WILLFUL OR WANTON, THE AMOUNT OF
40 THE STATUTORY PENALTY IS TRIPLED.

41 (d) THE COURT SHALL AWARD A SUCCESSFUL PLAINTIFF UNDER
42 THIS SUBSECTION (2) REASONABLE COSTS AND ATTORNEY FEES.

43 (e) THERE MUST BE ONLY ONE CIVIL ACTION PER DECEDEDENT WHOSE
44 HUMAN REMAINS WERE DONATED. IF MULTIPLE PLAINTIFFS ARE JOINED IN
45 THE ACTION, THE COURT MAY ALLOCATE THE PENALTY AMONG THE

1 PLAINTIFFS AS IT DEEMS JUST.".

2 Renumber succeeding section accordingly.

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