

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0257.01 Kip Kolkmeier x4510

HOUSE BILL 17-1027

HOUSE SPONSORSHIP

Becker J. and Buckner,

SENATE SPONSORSHIP

Gardner and Garcia,

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE EMILY MAUREEN ELLEN KEYES ORGAN AND TISSUE**
102 **DONATION AWARENESS FUND, AND, IN CONNECTION THEREWITH,**
103 **REMOVING THE REPEAL DATE OF THE FUND, REQUIRING AN**
104 **ANNUAL REPORT ON THE USE OF DONATED FUNDS, CLARIFYING**
105 **THAT AN ORGAN AND TISSUE DONOR DESIGNATION IS EFFECTIVE**
106 **UNLESS REVOKED BY THE DONOR, AND MAKING AN**
107 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Section 1 of the bill clarifies that designation as an organ and tissue donor (donor) by an applicant for a driver's license, instruction permit, or license renewal remains in effect until revoked by the applicant. Section 1 also removes the repeal date of the Emily Maureen Ellen Keyes organ and tissue donation awareness fund (fund). **Section 2** of the bill continues the option that allows applicants for a driver's license, instruction permit, or license renewal to donate to the fund and, if not already a donor, to volunteer to become a donor. **Section 3** of the bill requires the state auditor to conduct an audit of the fund every 10 years beginning on July 1, 2018, and submit the report to the legislative audit committee.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-107, **amend**
3 **(4)(b)(III)(A), (4)(b)(III)(C), (4)(b)(V), and (4)(b)(VII) as follows:**

4 **42-2-107. Application for license or instruction permit -**
5 **anatomical gifts - donations to Emily Maureen Ellen Keyes organ and**
6 **tissue donation awareness fund - legislative declaration - rules -**
7 **annual report.** (4) (b) (III) At least quarterly, the state treasurer shall
8 transfer all available moneys from the Emily Maureen Ellen Keyes organ
9 and tissue donation awareness fund:

10 (A) To donor alliance, inc., or its successor organization, to
11 provide funding for activities to promote organ and tissue donation
12 through the creation and dissemination, by means of electronic media and
13 otherwise, of educational information including public service
14 announcements and information to increase awareness in the medical
15 professions and related fields. Donor alliance, inc., or its successor
16 organization, shall create, by amendment to its articles of incorporation
17 or bylaws or otherwise, as appropriate, an advisory group to allocate
18 moneys received pursuant to this sub-subparagraph (A). Such advisory
19 body shall include a representative of any qualified transplant

1 organization. Such organizations shall include those for organs, tissue,
2 ~~bone marrow, and blood~~ AND LIVING DONATIONS. The advisory body
3 created under this sub-subparagraph (A) shall report in writing in a form
4 and manner determined by the department and at such intervals as
5 required by the department on the use of moneys received under this
6 sub-subparagraph (A). No moneys made available pursuant to this
7 paragraph (b) shall be used to encourage fetal tissue donation.

8 (C) Before any payment to Donor Alliance, Inc., or its successor
9 organization, from the Emily Maureen Ellen Keyes organ and tissue
10 donation awareness fund may be made for any purpose, to the department
11 for the reasonable costs associated with the initial installation of the organ
12 and tissue donor registry, the setup for electronic transfer of the donor
13 information for the organ and tissue donor registry to the federally
14 designated organ procurement organization, and computer programming,
15 REPROGRAMMING, and form changes necessary as a result of the creation
16 OR MODIFICATION of the organ and tissue donor registry.

17 (V) An applicant may make a donation of one dollar or more to
18 the Emily Maureen Ellen Keyes organ and tissue donation awareness
19 fund, created in ~~subparagraph (H) of this paragraph (b)~~, SUBSECTION
20 (4)(b)(II) OF THIS SECTION, to promote the donation of organs and tissues
21 under the ~~provisions of the~~ "Revised Uniform Anatomical Gift Act", part
22 1 of article 34 of title 12. ~~C.R.S.~~ The department shall collect such
23 FINANCIAL donations and transmit them to the state treasurer, who shall
24 credit ~~the same~~ THEM to the Emily Maureen Ellen Keyes organ and tissue
25 donation awareness fund. The donation prescribed in this ~~subparagraph~~
26 ~~(V)~~ SUBSECTION (4)(b)(V) is voluntary and may be refused by the
27 applicant. The department shall make available informational booklets or

1 other informational sources on the importance of organ and tissue
2 donations to applicants as designed and approved by the advisory body
3 created under ~~sub-subparagraph (A) of subparagraph (III) of this~~
4 ~~paragraph (b)~~ SUBSECTION (4)(b)(III)(A) OF THIS SECTION. The
5 department shall inquire of each applicant at the time the completed
6 application is presented whether the applicant is interested in making a
7 donation of one dollar or more and shall also specifically inform the
8 applicant of the option for organ and tissue donations. The department
9 shall also provide written information designed and approved by the
10 advisory body created under ~~sub-subparagraph (A) of subparagraph (III)~~
11 ~~of this paragraph (b)~~ SUBSECTION (4)(b)(III)(A) OF THIS SECTION to each
12 applicant volunteering to become an organ and tissue donor. The written
13 information shall disclose that the applicant's name shall be transmitted
14 to the organ and tissue donor registry authorized in section 12-34-120
15 ~~C.R.S.~~, and that the applicant shall notify the federally designated organ
16 procurement organization of any changes to the applicant's donor status.
17 THE ISSUANCE OF AN IDENTIFICATION CARD, A DRIVER'S LICENSE, OR AN
18 INSTRUCTION PERMIT WITH A DONOR'S DESIGNATION COMPLETES THE
19 DONATION PROCESS AND IS EFFECTIVE UNLESS REVOKED PURSUANT TO
20 SECTION 12-34-106 OF THE "REVISED UNIFORM ANATOMICAL GIFT ACT",
21 PART 1 OF ARTICLE 34 OF TITLE 12.

22 (VII) ~~This paragraph (b) is repealed July 1, 2018 BY OCTOBER 1,~~
23 ~~2017, AND BY EACH OCTOBER 1 THEREAFTER, DONOR ALLIANCE, INC., OR~~
24 ~~ITS SUCCESSOR ORGANIZATION, SHALL SUBMIT TO THE DEPARTMENT AN~~
25 ~~ANNUAL REPORT DETAILING THE AMOUNTS AND SPECIFIC USES OF ALL~~
26 ~~FUNDS RECEIVED BY DONOR ALLIANCE, INC., FROM THE EMILY MAUREEN~~
27 ~~ELLEN KEYES ORGAN AND TISSUE DONATION AWARENESS FUND.~~

1 BEGINNING IN 2017, THE DEPARTMENT SHALL PRESENT DONOR ALLIANCE,
2 INC.'S ANNUAL REPORT AS PART OF ITS "STATE MEASUREMENT FOR
3 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
4 GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203.

5 SECTION 2. In Colorado Revised Statutes, 42-2-118, **amend**
6 (1)(a)(II)(A); and **repeal** (1)(a)(II)(B) as follows:

7 **42-2-118. Renewal of license in person or by mail - donations**
8 **to Emily Maureen Ellen Keyes organ and tissue donation awareness**

9 **fund.** (1) (a) (II) (A) An applicant may make a donation of one dollar or
10 more to the Emily Maureen Ellen Keyes organ and tissue donation
11 awareness fund, created in section 42-2-107 (4)(b)(II), to promote the
12 donation of organs and tissues under the provisions of the "Revised
13 Uniform Anatomical Gift Act", part 1 of article 34 of title 12. ~~C.R.S.~~ The
14 department shall collect such donations and transmit them to the state
15 treasurer, who shall credit the same to the Emily Maureen Ellen Keyes
16 organ and tissue donation awareness fund. The donation prescribed in this

17 ~~sub-subparagraph (A)~~ SUBSECTION (1)(a)(II)(A) is voluntary and may be
18 refused by the applicant. The department shall make available
19 informational booklets or other informational sources on the importance
20 of organ and tissue donations to applicants as designed and approved by
21 the advisory body created under section 42-2-107 (4)(b)(III)(A). The
22 department shall inquire of each applicant at the time the completed
23 application is presented whether the applicant is interested in making a
24 donation of one dollar or more ~~and~~ TO THE FUND. IF THE APPLICANT HAS
25 NOT ALREADY MADE A DONOR DESIGNATION, THE DEPARTMENT shall also
26 specifically inform the applicant of the option for organ and tissue
27 donations by having a "Y" placed in the donor field on the front of the

1 document. The department shall also advise each applicant volunteering
2 to become an organ and tissue donor that the applicant's name shall be
3 transmitted to the organ and tissue donor registry authorized in section
4 12-34-120 C.R.S., and that the applicant shall notify the federally
5 designated organ procurement organization of any changes to the
6 applicant's donation.

7 (B) ~~This subparagraph (H) is repealed, effective July 1, 2018.~~

8

9 **SECTION 3. Appropriation.** For the 2017-18 state fiscal year,
10 \$33,750 is appropriated to the department of revenue. This appropriation
11 is from the Emily Maureen Ellen Keyes organ and tissue donation
12 awareness fund created in section 42-2-107 (4)(b)(II), C.R.S. To
13 implement this act, the department may use this appropriation for CITA
14 annual maintenance and support.

15 **SECTION 4. Appropriation. Act subject to petition - effective**
16 **date.** This act takes effect September 15, 2017; except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within the ninety-day period after final adjournment of the general
20 assembly, then the act, item, section, or part will not take effect unless
21 approved by the people at the general election to be held in November
22 2018 and, in such case, will take effect on the date of the official
23 declaration of the vote thereon by the governor.