

**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, AND**
105 **CLARIFYING THAT AN ORGAN AND TISSUE DONOR DESIGNATION**
106 **IS EFFECTIVE UNLESS REVOKED BY THE DONOR.**

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/>.)

Section 1 of the bill clarifies that designation as an organ and

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.

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.

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

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

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

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

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

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

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

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

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

1 INC.'S ANNUAL REPORT AS PART OF ITS "STATE MEASUREMENT FOR
2 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
3 GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203.

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

6 **42-2-118. Renewal of license in person or by mail - donations**
7 **to Emily Maureen Ellen Keyes organ and tissue donation awareness**

8 **fund.** (1) (a) (II) (A) An applicant may make a donation of one dollar or

9 more to the Emily Maureen Ellen Keyes organ and tissue donation

10 awareness fund, created in section 42-2-107 (4)(b)(II), to promote the

11 donation of organs and tissues under the provisions of the "Revised

12 Uniform Anatomical Gift Act", part 1 of article 34 of title 12. ~~C.R.S.~~ The

13 department shall collect such donations and transmit them to the state

14 treasurer, who shall credit the same to the Emily Maureen Ellen Keyes

15 organ and tissue donation awareness fund. The donation prescribed in this

16 ~~sub-subparagraph (A)~~ SUBSECTION (1)(a)(II)(A) is voluntary and may be

17 refused by the applicant. The department shall make available

18 informational booklets or other informational sources on the importance

19 of organ and tissue donations to applicants as designed and approved by

20 the advisory body created under section 42-2-107 (4)(b)(III)(A). The

21 department shall inquire of each applicant at the time the completed

22 application is presented whether the applicant is interested in making a

23 donation of one dollar or more ~~and~~ TO THE FUND. IF THE APPLICANT HAS

24 NOT ALREADY MADE A DONOR DESIGNATION, THE DEPARTMENT shall also

25 specifically inform the applicant of the option for organ and tissue

26 donations by having a "Y" placed in the donor field on the front of the

27 document. The department shall ~~also~~ advise each applicant volunteering

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

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

7

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