

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 17-0235.01 Jane Ritter x4342

SENATE BILL 17-223

SENATE SPONSORSHIP

Gardner, Cooke, Guzman, Holbert, Kagan

HOUSE SPONSORSHIP

Herod, Foote, Lee, Willett, Wist

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE NONSUBSTANTIVE RELOCATION OF LAWS RELATED**
102 **TO THE TREATMENT OF HUMAN BODIES AFTER DEATH FROM**
103 **TITLE 12, COLORADO REVISED STATUTES, AS PART OF THE**
104 **ORGANIZATIONAL RECODIFICATION OF TITLE 12.**

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/>.)

Committee on Legal Services. Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions 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.

SENATE
2nd Reading Unamended
April 5, 2017

occupations. To implement the initial recommendations of the study:

- ! **Section 1** of the bill relocates parts 1 and 2 of article 34 of title 12 of the Colorado Revised Statutes related to anatomical gift and unclaimed human bodies to new parts 2 and 3 of article 19 of title 15, Colorado Revised Statutes;
- ! **Sections 2 through 20** of the bill make conforming amendments; and
- ! **Section 21** repeals article 34 of title 12, Colorado Revised Statutes.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add with amended**
3 **and relocated provisions** parts 2 and 3 to article 19 of title 15 as follows:

4 PART 2

5 REVISED UNIFORM ANATOMICAL GIFT ACT

6 **15-19-201. [Formerly 12-34-101] Short title.** ~~This part 1 shall be~~
7 ~~known and may be cited as~~ THE SHORT TITLE OF THIS PART 2 IS the
8 "Revised Uniform Anatomical Gift Act".

9 **15-19-202. [Formerly 12-34-102] Definitions.** In this ~~part 1~~ PART
10 2:

11 (1) "Adult" means an individual who is at least eighteen years of
12 age.

13 (2) "Agent" means an individual:

14 (A) Authorized to make health-care decisions on the principal's
15 behalf by a power of attorney for health care; or

16 (B) Expressly authorized to make an anatomical gift on the
17 principal's behalf by any other record signed by the principal.

18 (3) "Anatomical gift" means a donation of all or part of a human
19 body, to take effect after the donor's death, for the purpose of
20 transplantation, therapy, research, or education.

1 (4) "Decedent" means a deceased individual whose body or part
2 is or may be the source of an anatomical gift. The term includes a
3 stillborn infant and, subject to restrictions imposed by law other than this
4 ~~part~~ PART 2, a fetus.

5 (5) "Disinterested witness" means a witness other than the spouse,
6 child, parent, sibling, grandchild, grandparent, or guardian of the
7 individual who makes, amends, revokes, or refuses to make an anatomical
8 gift, or another adult who exhibited special care and concern for the
9 individual. The term does not include a person to which an anatomical
10 gift could pass under ~~section 12-34-111~~ SECTION 15-19-211.

11 (6) "Document of gift" means a donor card or other record used
12 to make an anatomical gift. The term includes a statement or symbol on
13 a driver's license, identification card, or donor registry.

14 (7) "Donor" means an individual whose body or part is the subject
15 of an anatomical gift.

16 (8) "Donor registry" means a database that contains records of
17 anatomical gifts and amendments to or revocations of anatomical gifts.

18 (9) "Driver's license" means a license or permit issued by the
19 department of revenue to operate a vehicle, whether or not conditions are
20 attached to the license or permit.

21 (10) "Eye bank" means a person that is licensed, accredited, or
22 regulated under federal or state law to engage in the recovery, screening,
23 testing, processing, storage, or distribution of human eyes or portions of
24 human eyes.

25 (11) "Guardian" means a person appointed by a court to make
26 decisions regarding the support, care, education, health, or welfare of an
27 individual. The term does not include a guardian ad litem.

1 (12) "Hospital" means a facility licensed as a hospital under the
2 law of any state or a facility operated as a hospital by the United States,
3 a state, or a subdivision of a state.

4 (13) "Identification card" means an identification card issued by
5 the department of revenue or the department's agent.

6 (14) "Know" means to have actual knowledge.

7 (15) "Minor" means an individual who is under eighteen years of
8 age.

9 (16) "Organ procurement organization" means a person
10 designated by the secretary of the United States department of health and
11 human services as an organ procurement organization.

12 (17) "Parent" means a parent whose parental rights have not been
13 terminated.

14 (18) "Part" means an organ, an eye, or tissue of a human being.
15 The term does not include the whole body.

16 (19) "Person" means an individual, corporation, business trust,
17 estate, trust, partnership, limited liability company, association, joint
18 venture, public corporation, government or governmental subdivision,
19 agency, or instrumentality, or any other legal or commercial entity.

20 (20) "Physician" means an individual authorized to practice
21 medicine or osteopathy under the law of any state.

22 (21) "Procurement organization" means an eye bank, organ
23 procurement organization, or tissue bank.

24 (22) "Prospective donor" means an individual who is dead or near
25 death and has been determined by a procurement organization to have a
26 part that could be medically suitable for transplantation, therapy, research,
27 or education. The term does not include an individual who has made a

1 refusal.

2 (23) "Reasonably available" means able to be contacted by a
3 procurement organization without undue effort and willing and able to act
4 in a timely manner consistent with existing medical criteria necessary for
5 the making of an anatomical gift.

6 (24) "Recipient" means an individual into whose body a
7 decedent's part has been or is intended to be transplanted.

8 (25) "Record" means information that is inscribed on a tangible
9 medium or that is stored in an electronic or other medium and is
10 retrievable in perceivable form.

11 (26) "Refusal" means a record created under ~~section 12-34-107~~
12 SECTION 15-19-207 that expressly states an intent to bar other persons
13 from making an anatomical gift of an individual's body or part.

14 (27) "Sign" means, with the present intent to authenticate or adopt
15 a record:

16 (A) To execute or adopt a tangible symbol; or

17 (B) To attach to or logically associate with the record an
18 electronic symbol, sound, or process.

19 (28) "State" means a state of the United States, the District of
20 Columbia, Puerto Rico, the United States Virgin Islands, or any territory
21 or insular possession subject to the jurisdiction of the United States.

22 (29) "Technician" means an individual determined to be qualified
23 to remove or process parts by an appropriate organization that is licensed,
24 accredited, or regulated under federal or state law. The term includes an
25 enucleator.

26 (30) "Tissue" means a portion of the human body other than an
27 organ or an eye. The term does not include blood unless the blood is

1 donated for the purpose of research or education.

2 (31) "Tissue bank" means a person that is licensed, accredited, or
3 regulated under federal or state law to engage in the recovery, screening,
4 testing, processing, storage, or distribution of tissue.

5 (32) "Transplant hospital" means a hospital that furnishes organ
6 transplants and other medical and surgical specialty services required for
7 the care of transplant patients.

8 **15-19-203. [Formerly 12-34-103] Applicability.** This ~~part~~
9 PART 2 applies to an anatomical gift or amendment to, revocation of, or
10 refusal to make an anatomical gift, whenever made.

11 **15-19-204. [Formerly 12-34-104] Who may make anatomical**
12 **gift before donor's death.** Subject to ~~section 12-34-108~~ SECTION
13 15-19-208, an anatomical gift of a donor's body or part may be made
14 during the life of the donor for the purpose of transplantation, therapy,
15 research, or education in the manner provided in ~~section 12-34-105~~
16 SECTION 15-19-205 by:

17 (1) The donor, if the donor is an adult or if the donor is a minor
18 and is:

19 (A) Emancipated; or

20 (B) Authorized under state law to apply for a driver's license
21 because the donor is at least sixteen years of age;

22 (2) An agent of the donor, unless the power of attorney for health
23 care or other record prohibits the agent from making an anatomical gift;

24 (3) A parent of the donor, if the donor is an unemancipated minor;

25 or

26 (4) The donor's guardian.

27 **15-19-205. [Formerly 12-34-105] Manner of making**

1 **anatomical gift before donor's death.** (a) A donor may make an
2 anatomical gift:

3 (1) By authorizing a statement or symbol indicating that the donor
4 has made an anatomical gift to be imprinted on the donor's driver's license
5 or identification card;

6 (2) In a will;

7 (3) During a terminal illness or injury of the donor, by any form
8 of communication addressed to at least two adults, at least one of whom
9 is a disinterested witness; or

10 (4) As provided in subsection (b) of this section.

11 (b) A donor or other person authorized to make an anatomical gift
12 under ~~section 12-34-104~~ SECTION 15-19-204 may make a gift by a donor
13 card or other record signed by the donor or other person making the gift
14 or by authorizing that a statement or symbol indicating that the donor has
15 made an anatomical gift be included on a donor registry. If the donor or
16 other person is physically unable to sign a record, the record may be
17 signed by another individual at the direction of the donor or other person
18 and must:

19 (1) Be witnessed by at least two adults, at least one of whom is a
20 disinterested witness, who have signed at the request of the donor or the
21 other person; and

22 (2) State that it has been signed and witnessed as provided in
23 ~~paragraph (1) of this subsection (b)~~ SUBSECTION (b)(1) OF THIS SECTION.

24 (c) Revocation, suspension, expiration, or cancellation of a
25 driver's license or identification card upon which an anatomical gift is
26 indicated does not invalidate the gift.

27 (d) An anatomical gift made by will takes effect upon the donor's

1 death whether or not the will is probated. Invalidation of the will after the
2 donor's death does not invalidate the gift.

3 **15-19-206. [Formerly 12-34-106] Amending or revoking**
4 **anatomical gift before donor's death.** (a) Subject to ~~section 12-34-108~~
5 SECTION 15-19-208, a donor or other person authorized to make an
6 anatomical gift under ~~section 12-34-104~~ SECTION 15-19-204 may amend
7 or revoke an anatomical gift by:

8 (1) A record signed by:

9 (A) The donor;

10 (B) The other person; or

11 (C) Subject to subsection (b) of this section, another individual
12 acting at the direction of the donor or the other person if the donor or
13 other person is physically unable to sign; or

14 (2) A later-executed document of gift that amends or revokes a
15 previous anatomical gift or portion of an anatomical gift, either expressly
16 or by inconsistency.

17 (b) A record signed pursuant to ~~subparagraph (C) of paragraph (1)~~
18 ~~of subsection (a)~~ SUBSECTION (a)(1)(C) of this section must:

19 (1) Be witnessed by at least two adults, at least one of whom is a
20 disinterested witness, who have signed at the request of the donor or the
21 other person; and

22 (2) State that it has been signed and witnessed as provided in
23 ~~paragraph (1) of this subsection (b)~~ SUBSECTION (b)(1) OF THIS SECTION.

24 (c) Subject to ~~section 12-34-108~~ SECTION 15-19-208, a donor or
25 other person authorized to make an anatomical gift under ~~section~~
26 ~~12-34-104~~ SECTION 15-19-204 may revoke an anatomical gift by the
27 destruction or cancellation of the document of gift, or the portion of the

1 document of gift used to make the gift, with the intent to revoke the gift.

2 (d) A donor may amend or revoke an anatomical gift that was not
3 made in a will by any form of communication during a terminal illness or
4 injury addressed to at least two adults, at least one of whom is a
5 disinterested witness.

6 (e) A donor who makes an anatomical gift in a will may amend or
7 revoke the gift in the manner provided for amendment or revocation of
8 wills or as provided in subsection (a) of this section.

9 **15-19-207. [Formerly 12-34-107] Refusal to make anatomical**
10 **gift - effect of refusal.** (a) An individual may refuse to make an
11 anatomical gift of the individual's body or part by:

12 (1) A record signed by:

13 (A) The individual; or

14 (B) Subject to subsection (b) of this section, another individual
15 acting at the direction of the individual if the individual is physically
16 unable to sign;

17 (2) The individual's will, whether or not the will is admitted to
18 probate or invalidated after the individual's death; or

19 (3) Any form of communication made by the individual during the
20 individual's terminal illness or injury addressed to at least two adults, at
21 least one of whom is a disinterested witness.

22 (b) A record signed pursuant to ~~subparagraph (B) of paragraph (1)~~
23 ~~of subsection (a)~~ SUBSECTION (a)(1)(B) of this section must:

24 (1) Be witnessed by at least two adults, at least one of whom is a
25 disinterested witness, who have signed at the request of the individual;
26 and

27 (2) State that it has been signed and witnessed as provided in

1 ~~paragraph (1) of this subsection (b)~~ SUBSECTION (b)(1) OF THIS SECTION.

2 (c) An individual who has made a refusal may amend or revoke
3 the refusal:

4 (1) In the manner provided in subsection (a) of this section for
5 making a refusal;

6 (2) By subsequently making an anatomical gift pursuant to ~~section~~
7 ~~12-34-105~~ SECTION 15-19-205 that is inconsistent with the refusal; or

8 (3) By destroying or canceling the record evidencing the refusal,
9 or the portion of the record used to make the refusal, with the intent to
10 revoke the refusal.

11 (d) Except as otherwise provided in ~~section 12-34-108 (h)~~
12 SECTION 15-19-208 (h), in the absence of an express, contrary indication
13 by the individual set forth in the refusal, an individual's unrevoked refusal
14 to make an anatomical gift of the individual's body or part bars all other
15 persons from making an anatomical gift of the individual's body or part.

16 **15-19-208. [Formerly 12-34-108] Preclusive effect of**
17 **anatomical gift, amendment, or revocation.** (a) Except as otherwise
18 provided in subsection (g) of this section and subject to subsection (f) of
19 this section, in the absence of an express, contrary indication by the
20 donor, a person other than the donor is barred from making, amending,
21 or revoking an anatomical gift of a donor's body or part if the donor made
22 an anatomical gift of the donor's body or part under ~~section 12-34-105~~
23 SECTION 15-19-205 or an amendment to an anatomical gift of the donor's
24 body or part under ~~section 12-34-106~~ SECTION 15-19-206.

25 (b) A donor's revocation of an anatomical gift of the donor's body
26 or part under ~~section 12-34-106~~ SECTION 15-19-206 is not a refusal and
27 does not bar another person specified in ~~section 12-34-104 or 12-34-109~~

1 SECTION 15-19-204 OR 15-19-209 from making an anatomical gift of the
2 donor's body or part under ~~section 12-34-105 or 12-34-110~~ SECTION
3 15-19-205 OR 15-19-210.

4 (c) If a person other than the donor makes an unrevoked
5 anatomical gift of the donor's body or part under ~~section 12-34-105~~
6 SECTION 15-19-205 or an amendment to an anatomical gift of the donor's
7 body or part under ~~section 12-34-106~~ SECTION 15-19-206, another person
8 may not make, amend, or revoke the gift of the donor's body or part under
9 ~~section 12-34-110~~ SECTION 15-19-210.

10 (d) A revocation of an anatomical gift of a donor's body or part
11 under ~~section 12-34-106~~ SECTION 15-19-206 by a person other than the
12 donor does not bar another person from making an anatomical gift of the
13 body or part under ~~section 12-34-105 or 12-34-110~~ SECTION 15-19-205 OR
14 15-19-210.

15 (e) In the absence of an express, contrary indication by the donor
16 or other person authorized to make an anatomical gift under ~~section~~
17 ~~12-34-104~~ SECTION 15-19-204, an anatomical gift of a part is neither a
18 refusal to give another part nor a limitation on the making of an
19 anatomical gift of another part at a later time by the donor or another
20 person.

21 (f) In the absence of an express, contrary indication by the donor
22 or other person authorized to make an anatomical gift under ~~section~~
23 ~~12-34-104~~ SECTION 15-19-204, an anatomical gift of a part for one or
24 more of the purposes set forth in ~~section 12-34-104~~ SECTION 15-19-204
25 is not a limitation on the making of an anatomical gift of the part for any
26 of the other purposes by the donor or any other person under ~~section~~
27 ~~12-34-105 or 12-34-110~~ SECTION 15-19-205 OR 15-19-210.

1 (g) If a donor who is an unemancipated minor dies, a parent of the
2 donor who is reasonably available may revoke or amend an anatomical
3 gift of the donor's body or part.

4 (h) If an unemancipated minor who signed a refusal dies, a parent
5 of the minor who is reasonably available may revoke the minor's refusal.

6 **15-19-209. [Formerly 12-34-109] Who may make anatomical**
7 **gift of decedent's body or part.** (a) Subject to subsections (b) and (c) of
8 this section and unless barred by ~~section 12-34-107 or 12-34-108~~ SECTION
9 15-19-207 OR 15-19-208, an anatomical gift of a decedent's body or part
10 for purpose of transplantation, therapy, research, or education may be
11 made by any member of the following classes of persons who is
12 reasonably available, in the order of priority listed:

13 (1) An agent of the decedent at the time of death who could have
14 made an anatomical gift under ~~section 12-34-104 (2)~~ SECTION 15-19-204

15 (2) immediately before the decedent's death;

16 (2) The spouse of the decedent;

17 (2.5) A person who is designated by the decedent as a designated
18 beneficiary in a designated beneficiary agreement pursuant to article 22
19 of THIS title 15, ~~C.R.S.~~, with the right to be an agent to make, revoke, or
20 object to anatomical gifts of the decedent;

21 (3) Adult children of the decedent;

22 (4) Parents of the decedent;

23 (5) Adult siblings of the decedent;

24 (6) Adult grandchildren of the decedent;

25 (7) Grandparents of the decedent;

26 (8) An adult who exhibited special care and concern for the
27 decedent;

1 (9) The persons who were acting as the guardians of the person of
2 the decedent at the time of death; and

3 (10) Any other person having the authority to dispose of the
4 decedent's body.

5 (b) If there is more than one member of a class listed in ~~paragraph~~
6 ~~(1), (3), (4), (5), (6), (7), or (9) of subsection (a)~~ SUBSECTION (a)(1),
7 (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), OR (a)(9) of this section entitled to
8 make an anatomical gift, an anatomical gift may be made by a member of
9 the class unless that member or a person to which the gift may pass under
10 ~~section 12-34-111~~ SECTION 15-19-211 knows of an objection by another
11 member of the class. If an objection is known, the gift may be made only
12 by a majority of the members of the class who are reasonably available.

13 (c) A person may not make an anatomical gift if, at the time of the
14 decedent's death, a person in a prior class under subsection (a) of this
15 section is reasonably available to make or to object to the making of an
16 anatomical gift.

17 **15-19-210. [Formerly 12-34-110] Manner of making,**
18 **amending, or revoking anatomical gift of decedent's body or part.**

19 (a) A person authorized to make an anatomical gift under ~~section~~
20 ~~12-34-109~~ SECTION 15-19-209 may make an anatomical gift by a
21 document of gift signed by the person making the gift or by that person's
22 oral communication that is electronically recorded or is
23 contemporaneously reduced to a record and signed by the individual
24 receiving the oral communication.

25 (b) Subject to subsection (c) of this section, an anatomical gift by
26 a person authorized under ~~section 12-34-109~~ SECTION 15-19-209 may be
27 amended or revoked orally or in a record by any member of a prior class

1 who is reasonably available. If more than one member of the prior class
2 is reasonably available, the gift made by a person authorized under
3 ~~section 12-34-109~~ SECTION 15-19-209 may be:

4 (1) Amended only if a majority of the reasonably available
5 members agree to the amending of the gift; or

6 (2) Revoked only if a majority of the reasonably available
7 members agree to the revoking of the gift or if they are equally divided
8 as to whether to revoke the gift.

9 (c) A revocation under subsection (b) of this section is effective
10 only if, before an incision has been made to remove a part from the
11 donor's body or before invasive procedures have begun to prepare the
12 recipient, the procurement organization, transplant hospital, or physician
13 or technician knows of the revocation.

14 **15-19-211. [Formerly 12-34-111] Persons that may receive**
15 **anatomical gift - purpose of anatomical gift.** (a) An anatomical gift
16 may be made to the following persons named in the document of gift:

17 (1) A hospital; accredited medical school, dental school, college,
18 or university; organ procurement organization; or other appropriate
19 person, for research or education;

20 (2) Subject to subsection (b) of this section, an individual
21 designated by the person making the anatomical gift if the individual is
22 the recipient of the part;

23 (3) An eye bank or tissue bank.

24 (b) If an anatomical gift to an individual under ~~paragraph (2) of~~
25 ~~subsection (a)~~ SUBSECTION (a)(2) of this section cannot be transplanted
26 into the individual, the part passes in accordance with subsection (g) of
27 this section in the absence of an express, contrary indication by the person

1 making the anatomical gift.

2 (c) If an anatomical gift of one or more specific parts or of all
3 parts is made in a document of gift that does not name a person described
4 in subsection (a) of this section but identifies the purpose for which an
5 anatomical gift may be used, the following rules apply:

6 (1) If the part is an eye and the gift is for the purpose of
7 transplantation or therapy, the gift passes to the appropriate eye bank.

8 (2) If the part is tissue and the gift is for the purpose of
9 transplantation or therapy, the gift passes to the appropriate tissue bank.

10 (3) If the part is an organ and the gift is for the purpose of
11 transplantation or therapy, the gift passes to the appropriate organ
12 procurement organization as custodian of the organ.

13 (4) If the part is an organ, an eye, or tissue and the gift is for the
14 purpose of research or education, the gift passes to the appropriate
15 procurement organization.

16 (d) For the purpose of subsection (c) of this section, if there is
17 more than one purpose of an anatomical gift set forth in the document of
18 gift but the purposes are not set forth in any priority, the gift must be used
19 for transplantation or therapy, if suitable. If the gift cannot be used for
20 transplantation or therapy, the gift may be used for research or education.

21 (e) If an anatomical gift of one or more specific parts is made in
22 a document of gift that does not name a person described in subsection (a)
23 of this section and does not identify the purpose of the gift, the gift may
24 be used only for transplantation or therapy, and the gift passes in
25 accordance with subsection (g) of this section.

26 (f) If a document of gift specifies only a general intent to make an
27 anatomical gift by words such as "donor", "organ donor", or "body

1 donor", or by a symbol or statement of similar import, the gift may be
2 used only for transplantation or therapy, and the gift passes in accordance
3 with subsection (g) of this section.

4 (g) For purposes of subsections (b), (e), and (f) of this section the
5 following rules apply:

6 (1) If the part is an eye, the gift passes to the appropriate eye bank.

7 (2) If the part is tissue, the gift passes to the appropriate tissue
8 bank.

9 (3) If the part is an organ, the gift passes to the appropriate organ
10 procurement organization as custodian of the organ.

11 (h) An anatomical gift of an organ for transplantation or therapy,
12 other than an anatomical gift under ~~paragraph (2) of subsection (a)~~
13 SUBSECTION (a)(2) of this section, passes to the organ procurement
14 organization as custodian of the organ.

15 (i) If an anatomical gift does not pass pursuant to subsections (a)
16 through (h) of this section or the decedent's body or part is not used for
17 transplantation, therapy, research, or education, custody of the body or
18 part passes to the person under obligation to dispose of the body or part.

19 (j) A person may not accept an anatomical gift if the person knows
20 that the gift was not effectively made under ~~section 12-34-105 or~~
21 ~~12-34-110~~ SECTION 15-19-205 OR 15-19-210 or if the person knows that
22 the decedent made a refusal under ~~section 12-34-107~~ SECTION 15-19-207
23 that was not revoked. For purposes of this subsection (j), if a person
24 knows that an anatomical gift was made on a document of gift, the person
25 is deemed to know of any amendment or revocation of the gift or any
26 refusal to make an anatomical gift on the same document of gift.

27 (k) Except as otherwise provided in ~~paragraph (2) of subsection~~

1 (a) SUBSECTION (a)(2) of this section, nothing in this ~~part~~ PART 2 affects
2 the allocation of organs for transplantation or therapy.

3 **15-19-212. [Formerly 12-34-112] Search and**
4 **notification.** (Reserved)

5 **15-19-213. [Formerly 12-34-113] Delivery of document of gift**
6 **not required - right to examine.** (a) A document of gift need not be
7 delivered during the donor's lifetime to be effective.

8 (b) Upon or after an individual's death, a person in possession of
9 a document of gift or a refusal to make an anatomical gift with respect to
10 the individual shall allow examination and copying of the document of
11 gift or refusal by a person authorized to make or object to the making of
12 an anatomical gift with respect to the individual or by a person to which
13 the gift could pass under ~~section 12-34-111~~ SECTION 15-19-211.

14 **15-19-214. [Formerly 12-34-114] Rights and duties of**
15 **procurement organization and others.** (a) When a hospital refers an
16 individual at or near death to a procurement organization, the
17 organization shall make a reasonable search of the records of the
18 department of revenue and any donor registry that it knows exists for the
19 geographical area in which the individual resides to ascertain whether the
20 individual has made an anatomical gift.

21 (b) A procurement organization must be allowed reasonable
22 access to information in the records of the department of revenue to
23 ascertain whether an individual at or near death is a donor.

24 (c) When a hospital refers an individual at or near death to a
25 procurement organization, the organization may conduct any reasonable
26 examination necessary to ensure the medical suitability of a part that is or
27 could be the subject of an anatomical gift for transplantation, therapy,

1 research, or education from a donor or a prospective donor. During the
2 examination period, measures necessary to ensure the medical suitability
3 of the part may not be withdrawn unless the hospital or procurement
4 organization knows that the individual expressed a contrary intent.

5 (d) Unless prohibited by law other than this ~~part~~ PART 2, at any
6 time after a donor's death, the person to which a part passes under ~~section~~
7 ~~12-34-111~~ SECTION 15-19-211 may conduct any reasonable examination
8 necessary to ensure the medical suitability of the body or part for its
9 intended purpose.

10 (e) Unless prohibited by law other than this ~~part~~ PART 2, an
11 examination under subsection (c) or (d) of this section may include an
12 examination of all medical and dental records of the donor or prospective
13 donor.

14 (f) Upon the death of a minor who was a donor or had signed a
15 refusal, unless a procurement organization knows the minor is
16 emancipated, the procurement organization shall conduct a reasonable
17 search for the parents of the minor and provide the parents with an
18 opportunity to revoke or amend the anatomical gift or revoke the refusal.

19 (g) Upon referral by a hospital under subsection (a) of this section,
20 a procurement organization shall make a reasonable search for any person
21 listed in ~~section 12-34-109~~ SECTION 15-19-209 having priority to make an
22 anatomical gift on behalf of a prospective donor. If a procurement
23 organization receives information that an anatomical gift to any other
24 person was made, amended, or revoked, it shall promptly advise the other
25 person of all relevant information.

26 (h) Subject to ~~sections 12-34-111 (i) and 12-34-123~~ SECTIONS
27 15-19-211 (i) AND 15-19-223, the rights of the person to which a part

1 passes under ~~section 12-34-111~~ SECTION 15-19-211 are superior to the
2 rights of all others with respect to the part. The person may accept or
3 reject an anatomical gift in whole or in part. Subject to the terms of the
4 document of gift and this ~~part~~ PART 2, a person that accepts an
5 anatomical gift of an entire body may allow embalming, burial or
6 cremation, and use of remains in a funeral service. If the gift is of a part,
7 the person to which the part passes under ~~section 12-34-111~~ SECTION
8 15-19-211, upon the death of the donor and before embalming, burial, or
9 cremation, shall cause the part to be removed without unnecessary
10 mutilation.

11 (i) Neither the physician who attends the decedent at death nor the
12 physician who determines the time of the decedent's death may participate
13 in the procedures for removing or transplanting a part from the decedent.

14 (j) A physician or technician may remove a donated part from the
15 body of a donor that the physician or technician is qualified to remove.

16 **15-19-215. [Formerly 12-34-115] Coordination of procurement**
17 **and use.** Each hospital in this state shall enter into agreements or
18 affiliations with procurement organizations for coordination of
19 procurement and use of anatomical gifts.

20 **15-19-216. [Formerly 12-34-116] Sale or purchase of parts**
21 **prohibited.** (a) Except as otherwise provided in subsection (b) of this
22 section, a person that knowingly acquires, receives, or otherwise transfers
23 a part for valuable consideration for transplantation may be liable as
24 specified in 42 U.S.C. sec. 274e.

25 (b) A person may charge a reasonable amount for the removal,
26 processing, preservation, quality control, storage, transportation,
27 implantation, or disposal of a part.

1 **15-19-217. [Formerly 12-34-117] Other prohibited acts.** A
2 person that, in order to obtain a financial gain, intentionally falsifies,
3 forges, conceals, defaces, or obliterates a document of gift, an amendment
4 or revocation of a document of gift, or a refusal commits a class 1
5 misdemeanor as specified in section 18-1.3-501. ~~C.R.S.~~

6 **15-19-218. [Formerly 12-34-118] Immunity.** (a) A person that
7 acts in accordance with this ~~part~~ PART 2 or with the applicable
8 anatomical gift law of another state, or attempts in good faith to do so, is
9 not liable for the act in a civil action, criminal prosecution, or
10 administrative proceeding.

11 (b) Neither the person making an anatomical gift nor the donor's
12 estate is liable for any injury or damage that results from the making or
13 use of the gift.

14 (c) In determining whether an anatomical gift has been made,
15 amended, or revoked under this ~~part~~ PART 2, a person may rely upon
16 representations of an individual listed in ~~section 12-34-109 (a) (2), (a) (3),~~
17 ~~(a) (4), (a) (5), (a) (6), (a) (7), or (a) (8)~~ SECTION 15-19-209 (a)(2), (a)(3),
18 (a)(4), (a)(5), (a)(6), (a)(7), OR (a)(8) relating to the individual's
19 relationship to the donor or prospective donor unless the person knows
20 that the representation is untrue.

21 **15-19-219. [Formerly 12-34-119] Law governing validity -**
22 **choice of law as to execution of document of gift - presumption of**
23 **validity.** (a) A document of gift is valid if executed in accordance with:

- 24 (1) This ~~part~~ PART 2;
- 25 (2) The laws of the state or country where it was executed; or
- 26 (3) The laws of the state or country where the person making the
27 anatomical gift was domiciled, has a place of residence, or was a national

1 at the time the document of gift was executed.

2 (b) If a document of gift is valid under this section, the law of this
3 state governs the interpretation of the document of gift.

4 (c) A person may presume that a document of gift or amendment
5 of an anatomical gift is valid unless that person knows that it was not
6 validly executed or was revoked.

7 **15-19-220. [Formerly 12-34-120] Donor registry.** (a) The
8 department of revenue may establish or contract for the establishment of
9 a donor registry.

10 (b) The department of revenue shall cooperate with a person that
11 administers any donor registry that this state establishes, contracts for, or
12 recognizes for the purpose of transferring to the donor registry all relevant
13 information regarding a donor's making, amendment to, or revocation of
14 an anatomical gift.

15 (c) A donor registry must:

16 (1) Allow a donor or other person authorized under ~~section~~
17 ~~12-34-104~~ SECTION 15-19-204 to include on the donor registry a statement
18 or symbol that the donor has made, amended, or revoked an anatomical
19 gift;

20 (2) Be accessible to a procurement organization to allow it to
21 obtain relevant information on the donor registry to determine, at or near
22 death of the donor or a prospective donor, whether the donor or
23 prospective donor has made, amended, or revoked an anatomical gift; and

24 (3) Be accessible for purposes of ~~paragraphs (1) and (2) of this~~
25 ~~subsection (c)~~ SUBSECTION (c)(1) AND (c)(2) OF THIS SECTION seven days
26 a week on a twenty-four-hour basis.

27 (d) Personally identifiable information on a donor registry about

1 a donor or prospective donor may not be used or disclosed without the
2 express consent of the donor, prospective donor, or person that made the
3 anatomical gift for any purpose other than to determine, at or near death
4 of the donor or prospective donor, whether the donor or prospective
5 donor has made, amended, or revoked an anatomical gift.

6 (e) This section does not prohibit any person from creating or
7 maintaining a donor registry that is not established by or under contract
8 with the state. Any such registry must comply with subsections (c) and (d)
9 of this section.

10 **15-19-221. [Formerly 12-34-121] Effect of anatomical gift on**
11 **advance health-care directive.** (a) In this section:

12 (1) "Advance health-care directive" means a power of attorney for
13 health care or a record signed or authorized by a prospective donor
14 containing the prospective donor's direction concerning a health-care
15 decision for the prospective donor.

16 (2) "Declaration" means a record signed by a prospective donor
17 specifying the circumstances under which a life support system may be
18 withheld or withdrawn from the prospective donor.

19 (3) "Health-care decision" means any decision regarding the
20 health care of the prospective donor.

21 (b) If a prospective donor has a declaration or health-care
22 directive, and the terms of the declaration or directive and the express or
23 implied terms of a potential anatomical gift are in conflict with regard to
24 the administration of measures necessary to ensure the medical suitability
25 of a part for transplantation or therapy, the prospective donor's attending
26 physician and prospective donor shall confer to resolve the conflict. If the
27 prospective donor is incapable of resolving the conflict, an agent acting

1 under the prospective donor's declaration or directive, or, if none or the
2 agent is not reasonably available, another person authorized by law other
3 than this article to make health-care decisions on behalf of the prospective
4 donor, shall act for the donor to resolve the conflict. The conflict must be
5 resolved as expeditiously as possible. Information relevant to the
6 resolution of the conflict may be obtained from the appropriate
7 procurement organization and any other person authorized to make an
8 anatomical gift for the prospective donor under ~~section 12-34-109~~
9 SECTION 15-19-209. Before resolution of the conflict, measures necessary
10 to ensure the medical suitability of the part may not be withheld or
11 withdrawn from the prospective donor if withholding or withdrawing the
12 measures is not contraindicated by appropriate end-of-life care.

13 **15-19-222. [Formerly 12-34-122] Cooperation between coroner**
14 **and procurement organization.** (a) A coroner shall cooperate with
15 procurement organizations to maximize the opportunity to recover
16 anatomical gifts for the purpose of transplantation or therapy.

17 (b) Subject to ~~section 12-34-123~~ SECTION 15-19-223, if a coroner
18 receives notice from a procurement organization that an anatomical gift
19 might be available or was made with respect to a decedent whose body is
20 under the jurisdiction of the coroner and a post-mortem examination is
21 going to be performed, the coroner or designee shall make every
22 reasonable effort to conduct a post-mortem examination of the body or
23 the part in a manner and within a period compatible with its preservation
24 for the purposes of the gift and the medicolegal death investigation.

25 (c) A part may not be removed from the body of a decedent under
26 the jurisdiction of a coroner for transplantation, therapy, research, or
27 education unless the part is the subject of an anatomical gift. The body of

1 a decedent under the jurisdiction of the coroner may not be delivered to
2 a person for research or education unless the body is the subject of an
3 anatomical gift. This subsection (c) does not preclude a coroner from
4 performing the medicolegal investigation upon the body or parts of a
5 decedent under the jurisdiction of the coroner.

6 **15-19-223. [Formerly 12-34-123] Facilitation of anatomical gift**
7 **from decedent whose body is under jurisdiction of coroner.** (a) Upon
8 request of a procurement organization, a coroner shall release to the
9 procurement organization the name, contact information, and available
10 medical and social history of a decedent whose body is under the
11 jurisdiction of the coroner. If the decedent's body or part is medically
12 suitable for transplantation or therapy, the coroner shall release
13 post-mortem examination results to the procurement organization. The
14 procurement organization may make a subsequent disclosure of the
15 post-mortem examination results or other information received from the
16 coroner only if relevant to transplantation or therapy.

17 (b) The coroner may conduct a medicolegal examination by
18 reviewing all medical records, laboratory test results, X-rays, other
19 diagnostic results, and other information that any person possesses about
20 a donor or prospective donor whose body is under the jurisdiction of the
21 coroner which the coroner determines may be relevant to the
22 investigation.

23 (c) A person that has any information requested by a coroner
24 pursuant to subsection (b) of this section shall provide that information
25 as expeditiously as possible to allow the coroner to conduct the
26 medicolegal investigation within a period compatible with the
27 preservation of parts for the purpose of transplantation or therapy.

1 (d) If an anatomical gift has been or might be made of a part of a
2 decedent whose body is under the jurisdiction of the coroner and a
3 post-mortem examination is not required, or the coroner determines that
4 a post-mortem examination is required but that the recovery of the part
5 that is the subject of an anatomical gift will not interfere with the
6 examination, the coroner and procurement organization shall cooperate
7 in the timely removal of the part from the decedent for the purpose of
8 transplantation or therapy.

9 (e) If an anatomical gift of a part from the decedent under the
10 jurisdiction of the coroner has been or might be made, but the coroner
11 initially believes that the recovery of the part could interfere with the
12 post-mortem investigation into the decedent's cause or manner of death
13 or preservation or collection of evidence, the coroner shall consult with
14 the procurement organization or physician or technician designated by the
15 procurement organization about the proposed recovery. The procurement
16 organization shall obtain and provide the coroner with all available
17 information which could relate to the cause or manner of the decedent's
18 death. After consultation, the coroner may allow the recovery, or may
19 deny or delay the recovery as provided in subsection (f), (g), or (h) of this
20 section.

21 (f) The coroner, district attorney, and a procurement organization
22 shall enter into an agreement establishing protocols and procedures
23 governing the relations between them when an anatomical gift of a part
24 from a decedent whose body is under the jurisdiction of the coroner has
25 been or might be made but the coroner or the district attorney believes
26 that the recovery of the part could interfere with the post-mortem
27 investigation into the decedent's cause or manner of death or the

1 documentation or preservation of evidence. Decisions regarding the
2 recovery of the part from the decedent shall be made in accordance with
3 the agreement. The coroner, district attorney, and procurement
4 organization shall evaluate the effectiveness of the agreement at regular
5 intervals but no less frequently than every two years.

6 (g) In the absence of an agreement as provided in subsection (f)
7 of this section that establishes protocols and procedures governing the
8 relations between the coroner, district attorney, and procurement
9 organization when an anatomical gift of an organ from a decedent whose
10 body is under the jurisdiction of the coroner has been or might be made,
11 and following the consultation under subsection (e) of this section, if the
12 coroner intends to deny recovery of the organ, the coroner or designee, at
13 the request of the procurement organization, shall view the body either at
14 the hospital or recovery location or by electronic means, prior to making
15 a decision whether or not to allow the procurement organization to
16 recover the organ. After viewing the body, the coroner or designee may
17 allow recovery by the procurement organization to proceed, or, if the
18 coroner or designee reasonably believes that the part may be involved in
19 determining the decedent's cause or manner of death or preservation or
20 collection of evidence, deny recovery by the procurement organization.
21 The coroner or designee shall comply with all the requirements of this
22 section in a manner and within a time period compatible with the
23 preservation and purposes of the organ.

24 (h) In the absence of an agreement establishing protocols and
25 procedures governing the relations between the coroner, district attorney,
26 and procurement organization when an anatomical gift of an eye or
27 tissues from a decedent whose body is under the jurisdiction of the

1 coroner has been or might be made, and following the consultation under
2 subsection (e) of this section, the coroner may allow, deny, or delay the
3 recovery of the eye or tissues until after the collection of evidence or
4 autopsy, in order to preserve and collect evidence, to maintain a proper
5 chain-of-custody, or to allow an accurate determination of the decedent's
6 cause of death. When a determination to delay the recovery of the eye or
7 tissues is made, every effort possible shall be made by the coroner to
8 complete the collection of evidence or autopsy in a timely manner
9 compatible with the preservation of the eye or tissues for the purpose of
10 transplantation or therapy.

11 (i) If the coroner or designee denies or delays recovery under
12 subsection (f), (g), or (h) of this section, the coroner or designee shall:

13 (1) State in a record the specific reasons for not allowing recovery
14 of the part;

15 (2) Include the specific reasons in the records of the coroner; and

16 (3) Upon request by a procurement organization, provide a record
17 within two weeks of the date of the request with the specific reasons for
18 not allowing recovery of the part.

19 (j) If the coroner or designee allows recovery of a part, in addition
20 to any information required pursuant to the protocol under subsection (f)
21 of this section, the procurement organization shall cooperate with the
22 coroner in any documentation of injuries and the preservation and
23 collection of evidence prior to and during the recovery of the part and,
24 upon the coroner's request, shall cause the physician or technician who
25 removes the part to provide the coroner, as soon as practicable, with a
26 record that includes: The names of all personnel participating in the
27 removal of the part; a report documenting any internal or external injuries

1 observed, any evidence observed, and describing the condition of the part;
2 photographs or other documentation of evidence as identified in the
3 protocol; and any other information and observations that would assist in
4 the post mortem.

5 (k) If a coroner or designee is required to be present to view the
6 body at the hospital or recovery location under subsection (g) of this
7 section, upon request the procurement organization requesting the
8 recovery of the part shall reimburse the coroner or designee for the
9 reasonable additional cost of travel incurred in complying with subsection
10 (g) of this section.

11 **15-19-224. [Formerly 12-34-124] Uniformity of application and**
12 **construction.** In applying and construing this ~~part~~ PART 2, consideration
13 must be given to the need to promote uniformity of the law with respect
14 to its subject matter among states that enact it.

15 **15-19-225. [Formerly 12-34-125] Relation to "Electronic**
16 **Signatures in Global and National Commerce Act".** This ~~act~~ PART 2
17 modifies, limits, and supersedes the "Electronic Signatures in Global and
18 National Commerce Act", 15 U.S.C. sec. 7001 et seq., but does not
19 modify, limit, or supersede section 101 (a) of that act, 15 U.S.C. sec.
20 7001, or authorize electronic delivery of any of the notices described in
21 section 103 (b) of that act, 15 U.S.C. sec. 7003 (b).

22 PART 3

23 UNCLAIMED HUMAN BODIES

24 **15-19-301. [Formerly 12-34-201] Board for distribution of**
25 **unclaimed human bodies - rules.** (1) The deans and the heads of the
26 departments of anatomy and surgery of the accredited medical and dental
27 schools of this state are constituted a board for the distribution and

1 delivery of unclaimed dead human bodies, described in this ~~part 2~~ PART
2 3, to and among such institutions ~~which~~ THAT, under the provisions of
3 this ~~part 2~~ PART 3, are entitled to distribution. The board has full power
4 to establish rules ~~and regulations~~ for its government, and to appoint and
5 remove officers, and shall keep full and complete minutes of its
6 transactions. Records shall also be kept, under its direction, of all bodies
7 received and distributed by ~~said~~ THE board, and of the institutions to
8 which the same may be distributed. ~~which~~ THE minutes and records shall
9 be open at all times to the inspection of each member of ~~said~~ THE board
10 and of any district attorney of any county within this state. The name of
11 ~~said~~ THE board of distribution shall be the anatomical board of the state
12 of Colorado, called, in this ~~part 2~~ PART 3, the "anatomical board". The
13 anatomical board, in its discretion, may exempt any counties or other
14 districts from the provisions of this ~~part 2~~ PART 3 for any calendar year by
15 the ~~regulations~~ RULES of the board issued for ~~such~~ THAT year.

16 (2) Repealed.

17 **15-19-302. [Formerly 12-34-202] Duty of public officers as to**
18 **unclaimed bodies.** (1) All public officers, agents, and servants, and all
19 officers, agents, and servants of every county, city, township, borough,
20 district, and other municipality, and every almshouse, prison, morgue,
21 hospital, or other municipal or other public institution, and all other
22 persons having charge or control over unclaimed dead human bodies
23 required to be buried at public expense shall use reasonable effort to
24 ascertain if ~~said~~ THE deceased person has any relative, friend, or other
25 representative who will assume charge of ~~said~~ THE body for burial at his
26 OR HER expense. If ~~such~~ THE effort does not result in the discovery of a
27 claimant within twenty-four hours after death, ~~such~~ THE officers, agents,

1 or other persons shall immediately notify the anatomical board or such
2 person as may from time to time be designated by ~~said~~ THE board as its
3 duly authorized officer or agent, when such unclaimed body or bodies
4 come into his OR HER possession, charge, or control. In any county ~~which~~
5 THAT is entirely located more than one hundred fifty miles from any
6 accredited medical or dental school, the minimum period of notification
7 shall be extended to forty-eight hours. ~~Such~~ THE officers, agents, or other
8 persons, without fee or reward, shall deliver ~~such~~ THE unclaimed body to
9 the anatomical board and permit the board or its agents to take and
10 remove all ~~such~~ THE unclaimed bodies to be used for the advancement of
11 medical and anatomical sciences.

12 (2) Such notices shall be given to the anatomical board in all
13 cases, but no such body shall be delivered if any relative, by blood or
14 marriage, shall previously claim the body for burial at the expense of ~~such~~
15 THE relative, but the body shall be surrendered to ~~said~~ THE claimant for
16 interment; nor shall any such body be delivered if any representative of
17 a fraternal society of which the deceased was a member, or a
18 representative of any charitable organization, or if any friend of the
19 deceased shall claim the body for burial prior to delivery to the board,
20 ~~said~~ THE burial to be at the expense of ~~such~~ THE fraternal society,
21 charitable organization, or friend. In the case of death of any person
22 whose body is required to be buried at public expense and the duly
23 authorized officer or agent of the anatomical board deems ~~such~~ THE body
24 unfit for anatomical purposes, he OR SHE shall notify the board of county
25 commissioners or such other agency as may be in charge of the county
26 paupers of the county in which ~~such~~ THE person dies, in writing, and the
27 board of county commissioners or other agency shall direct some person

1 to take charge of the body of ~~such~~ THE deceased indigent person, and
2 cause it to be buried, and draw warrants upon the treasurer of ~~said~~ THE
3 county for the payment of such expenses.

4 (3) No warrants for the payment of the expenses of the burial of
5 any person whose body is required to be buried at public expense shall be
6 drawn or paid except upon the certificate of the duly authorized officer
7 or agent of the anatomical board to the effect that ~~such~~ THE unclaimed
8 body is unfit for anatomical purposes, by reason of decomposition or
9 contagious disease, and that the provisions of this ~~part 2~~ PART 3 have been
10 complied with. If, through the failure of any person to deliver the body of
11 a deceased indigent as required by this ~~part 2~~, ~~such~~ PART 3, THE unclaimed
12 body becomes unfit for anatomical purposes, and is so certified by the
13 duly authorized officer or agent of ~~said~~ THE anatomical board, ~~such~~ THE
14 body shall be buried in accordance with the provisions of this ~~part 2~~ PART
15 3, and the person so failing to deliver ~~such~~ THE unclaimed body shall pay
16 to the county treasurer the expense so incurred. Upon the refusal or
17 failure of ~~such~~ THE person, on demand, to pay ~~such~~ THE expense, the
18 board of county commissioners, or such other agency as may be in charge
19 of the county paupers, may bring suit to recover the expenses, and the
20 same may be recovered as debts of like amount are collectible by law.

21 **15-19-303. [Formerly 12-34-203] Claiming of body -**
22 **publication of notice.** After an unclaimed body has been received by the
23 anatomical board or its duly authorized agent, and has been preserved and
24 stored, ~~said~~ THE body may be claimed within twenty days after death by
25 relatives, friends, or fraternal or charitable organizations for burial or
26 cremation at the expense of ~~said~~ THE claimant, and the body shall be
27 surrendered to ~~such~~ THE claimant without charge of any character. During

1 the twenty-day period the board shall publish at least two notices in ~~some~~
2 A newspaper of general circulation, published in the county in which the
3 death occurred or in which the body was first discovered, stating that the
4 body is unclaimed and giving the name of the deceased if it is known.
5 ~~Such~~ THE notice shall be published in the name of the coroner of ~~such~~
6 THE county.

7 **15-19-304. [Formerly 12-34-204] Disposition of all or any**
8 **portion of body after death - nonliability.** (1) A person has a right
9 during his OR HER lifetime to provide for the disposition of all or any
10 portion of his OR HER body upon his OR HER death.

11 (2) No cause of action for damages shall accrue to any person
12 arising out of the removal of all or any portion of the body of any
13 deceased person if ~~such~~ THE deceased person has, prior to the time of his
14 OR HER death, executed a written consent to ~~such~~ removal, and the person
15 against whom ~~such~~ THE cause of action is alleged had no actual
16 knowledge of any revocation of such consent.

17 (3) The anatomical board, or its duly authorized agent, is
18 authorized to receive and distribute dead human bodies or parts thereof
19 bequeathed or donated to it for the advancement of medical and
20 anatomical sciences in the same manner as is now provided by law for the
21 receipt and distribution of unclaimed dead human bodies; except that no
22 publication of notice as required by ~~section 12-34-203~~ SECTION 15-19-303
23 shall be required.

24 **15-19-305. [Formerly 12-34-205] Unlawful to hold autopsy.** It
25 is unlawful for any person to hold an autopsy on any dead human body
26 mentioned in this ~~part 2~~ PART 3, except on the request of the district
27 attorney of the district where ~~such~~ THE body is located, without the

1 written, telegraphic, or telephonic consent of the secretary of the
2 anatomical board, such telegraphic or telephonic consent to be verified by
3 written consent.

4 **15-19-306. [Formerly 12-34-206] Holding of body for twenty**
5 **days.** The anatomical board, or its duly authorized agent, shall take and
6 receive any unclaimed bodies so delivered, and, after holding ~~said~~ THE
7 bodies for a period of twenty days to determine if ~~said~~ THE bodies are
8 claimed, shall distribute and deliver ~~said~~ THE unclaimed bodies on
9 requisition to and among the institutions mentioned in this ~~part 2~~ PART 3,
10 to be used for anatomical purposes as ~~such~~ THE institutions shall
11 determine.

12 **15-19-307. [Formerly 12-34-207] Disposition of remains.** After
13 the institutions to which ~~said~~ THE unclaimed bodies have been distributed
14 by the anatomical board have completed the scientific study of ~~such~~ THE
15 unclaimed bodies, the remains thereof shall in every case be disposed of
16 by burial or cremation.

17 **15-19-308. [Formerly 12-34-208] Expense to be borne by**
18 **institutions.** Neither the county, municipality, nor any officer, agent, or
19 servant thereof shall incur any expense by reason of the delivery or
20 distribution of any ~~such~~ unclaimed body, but all the expenses thereof and
21 of the anatomical board shall be borne by those institutions receiving ~~said~~
22 THE unclaimed bodies in the manner determined by the board.

23 **15-19-309. [Formerly 12-34-209] Penalty.** Any person having
24 duties enjoined upon him OR HER by the provisions of this ~~part 2~~ PART 3,
25 who neglects, refuses, or omits to perform the same as required in this
26 ~~part 2~~ PART 3, upon conviction thereof, shall be punished by a fine of not
27 less than fifty dollars nor more than five hundred dollars for each offense.

1 **SECTION 2.** In Colorado Revised Statutes, 12-54-104, **amend**
2 (1)(i) introductory portion and (1)(i)(VIII) as follows:

3 **12-54-104. Unlawful acts.** (1) It is unlawful:

4 (i) For a funeral director, mortuary science practitioner, or
5 embalmer to admit or permit any person to visit the embalming,
6 cremation, or preparation room during the time a body is being
7 embalmed, cremated, or prepared for final disposition, unless ~~such~~ THE
8 person:

9 (VIII) Is a technician representing a procurement organization as
10 defined in ~~section 12-34-102~~ SECTION 15-19-202 for purposes of an
11 anatomical gift; or

12 **SECTION 3.** In Colorado Revised Statutes, 12-54-301, **amend**
13 (1)(e) introductory portion and (1)(e)(VIII) as follows:

14 **12-54-301. Unlawful acts.** (1) It is unlawful for a crematory:

15 (e) To admit or permit any person to visit the crematory or
16 preparation room during the time a body is being cremated or prepared
17 for final disposition unless ~~such~~ THE person:

18 (VIII) Is a technician representing a procurement organization as
19 defined in ~~section 12-34-102~~ SECTION 15-19-202 for purposes of an
20 anatomical gift; or

21 **SECTION 4.** In Colorado Revised Statutes, 13-22-103, **amend**
22 (1) as follows:

23 **13-22-103. Minors - consent for medical, dental, and related**
24 **care.** (1) Except as otherwise provided in ~~sections 12-34-104, 18-1.3-407~~
25 ~~(4.5), and 25-4-409, C.R.S.~~ SECTIONS 15-19-204, 18-1.3-407 (4.5), AND
26 25-4-409, a minor eighteen years of age or older, or a minor fifteen years
27 of age or older who is living separate and apart from his or her parent,

1 parents, or legal guardian, with or without the consent of his or her
2 parent, parents, or legal guardian, and is managing his or her own
3 financial affairs, regardless of the source of his or her income, or any
4 minor who has contracted a lawful marriage may give consent to organ
5 or tissue donation or the furnishing of hospital, medical, dental,
6 emergency health, and surgical care to himself or herself. Such consent
7 is not subject to disaffirmance because of minority, and, when such
8 consent is given, ~~said~~ THE minor has the same rights, powers, and
9 obligations as if he or she had obtained majority. Consent to organ or
10 tissue donation may be revoked pursuant to ~~section 12-34-106, C.R.S.~~
11 SECTION 15-19-206.

12 **SECTION 5.** In Colorado Revised Statutes, 14-15-107, **amend**
13 (5)(q) as follows:

14 **14-15-107. Rights, benefits, protections, duties, obligations,**
15 **responsibilities, and other incidents of parties to a civil union.**

16 (5) Rights, benefits, protections, duties, obligations, responsibilities, and
17 other incidents under law as are granted to or imposed upon spouses, that
18 apply in like manner to parties to a civil union under this section, include
19 but are not limited to:

20 (q) Laws relating to making, revoking, and objecting to
21 anatomical gifts by others pursuant to the "Revised Uniform Anatomical
22 Gift Act", ~~part 1 of article 34 of title 12, C.R.S.~~ PART 2 OF ARTICLE 19 OF
23 TITLE 15;

24 **SECTION 6.** In Colorado Revised Statutes, 15-14-506, **amend**
25 (3.5) as follows:

26 **15-14-506. Medical durable power of attorney.** (3.5) Any
27 medical durable power of attorney executed under sections 15-14-503 to

1 15-14-509 may also have a document with a written statement as
2 provided in ~~section 12-34-105 (b), C.R.S.~~ SECTION 15-19-205 (b), or a
3 statement in substantially similar form, indicating a decision regarding
4 organ and tissue donation. ~~Such a~~ THE document shall be executed in
5 accordance with the provisions of the "Revised Uniform Anatomical Gift
6 Act", ~~part 1 of article 34 of title 12, C.R.S.~~ PART 2 OF ARTICLE 19 OF THIS
7 TITLE 15. ~~Such a~~ THE written statement may be in the following form:

8 I hereby make an anatomical gift, to be effective upon my death, of:

9 A. ____ Any needed organs/tissues

10 B. ____ The following organs/tissues:

11 _____

12 Donor signature: _____

13 **SECTION 7.** In Colorado Revised Statutes, 15-18-104, **amend**
14 (6) as follows:

15 **15-18-104. Declaration as to medical treatment.** (6) A
16 declaration executed pursuant to this article may include a document with
17 a written statement as provided in ~~section 12-34-105 (a), C.R.S.~~ SECTION
18 15-19-205 (a), or a written statement in substantially similar form,
19 indicating a decision regarding organ and tissue donation. ~~Such a~~ THE
20 document shall be executed in accordance with the provisions of the
21 "Revised Uniform Anatomical Gift Act", ~~part 1 of article 34 of title 12,~~
22 ~~C.R.S.~~ PART 2 OF ARTICLE 19 OF THIS TITLE 15.

23 **SECTION 8.** In Colorado Revised Statutes, 15-18.6-103, **amend**
24 (2)(i) as follows:

25 **15-18.6-103. CPR directive forms - duties of state board of**
26 **health.** (2) CPR directive protocols to be adopted by the state board shall
27 require the following information concerning the person who is the

1 subject of the CPR directive:

2 (i) The person's directive in the form of a document with a written
3 statement as provided in ~~section 12-34-105 (b), C.R.S.~~ SECTION
4 15-19-205 (b), or a statement in substantially similar form, indicating a
5 decision regarding tissue donation. ~~Such a~~ THE document shall be
6 executed in accordance with the provisions of the "Revised Uniform
7 Anatomical Gift Act", ~~part 1 of article 34 of title 12, C.R.S. Such a~~ PART
8 2 OF ARTICLE 19 OF THIS TITLE 15. THE written statement may be in the
9 following form:

10 I hereby make an anatomical gift, to be effective upon my death, of:

11 A. ___ Any needed tissues

12 B. ___ The following tissues:

13 ___ Skin

14 ___ Cornea

15 ___ Bone, related tissues, and tendons

16 Donor signature: _____

17 **SECTION 9.** In Colorado Revised Statutes, **amend** 15-19-101 as
18 follows:

19 **15-19-101. Short title.** ~~This article shall be known and may be~~
20 ~~cited as~~ THE SHORT TITLE OF THIS PART 1 IS the "Disposition of Last
21 Remains Act".

22 **SECTION 10.** In Colorado Revised Statutes, 15-19-102, **amend**
23 (2) and (3) introductory portion as follows:

24 **15-19-102. Legislative declaration - construction.** (2) This
25 ~~article~~ PART 1 shall be interpreted liberally to carry out a decedent's intent
26 when not conflicting with this ~~article~~ PART 1.

27 (3) This ~~article~~ PART 1 shall not be construed to:

1 **SECTION 11.** In Colorado Revised Statutes, 15-19-103, **amend**
2 the introductory portion, (2), and (3) as follows:

3 **15-19-103. Definitions.** As used in this ~~article~~ PART 1, unless the
4 context otherwise requires:

5 (2) "Declarant" means a competent adult who signs a declaration
6 pursuant to the provisions of this ~~article~~ PART 1.

7 (3) "Declaration" means a written instrument directing the lawful
8 disposition of the declarant's last remains and the ceremonies planned
9 after a declarant's death, in accordance with this ~~article~~ PART 1. A
10 declaration may be made within a will; prepaid funeral, burial, or
11 cremation contract; durable or medical power of attorney; a designated
12 beneficiary agreement as described in article 22 of this ~~title~~ TITLE 15; a
13 federal record of emergency data; or any other written document,
14 including, but not limited to, a document governing the disposition of last
15 remains under part 7 of article 11 of this ~~title~~ TITLE 15.

16 **SECTION 12.** In Colorado Revised Statutes, 15-19-104, **amend**
17 (3)(a)(II)(A), (3)(b), and (3)(c) as follows:

18 **15-19-104. Declaration of disposition of last remains.**

19 (3) (a) (II) (A) Notwithstanding the provisions of ~~subparagraph (I) of this~~
20 ~~paragraph (a)~~ SUBSECTION (3)(a)(I) OF THIS SECTION, if the declarant is a
21 member of the United States armed forces or the United States reserve
22 forces or a member of a state National Guard called into federal service
23 and the declarant has executed a federal record of emergency data that is
24 valid and enforceable at the time of the declarant's death, then the federal
25 record of emergency data shall control over any other declaration
26 concerning the person authorized to direct the disposition of the
27 declarant's last remains, even if the federal record of emergency data was

1 executed prior to the execution of the most recent declaration pursuant to
2 this ~~article~~ PART 1. The person authorized to direct disposition of the
3 decedent's last remains pursuant to the federal record of emergency data
4 shall do so in accordance with the provisions for the disposition of the
5 remains and the ceremonial arrangements made by the declarant in his or
6 her most recent declaration concerning ~~such~~ HIS OR HER disposition and
7 ceremonial arrangements.

8 (b) This ~~article~~ PART 1 shall govern all current and prior
9 declarations.

10 (c) If article 54 of title 12 ~~C.R.S.~~, conflicts with this ~~article~~ PART
11 1, this ~~article~~ PART 1 shall govern.

12 **SECTION 13.** In Colorado Revised Statutes, **amend** 15-19-108
13 as follows:

14 **15-19-108. Interstate effect of declaration.** (1) Unless otherwise
15 stated in a declaration, it shall be presumed that the declarant intends to
16 have his or her declaration executed pursuant to this ~~article~~ PART 1 and
17 recognized to the fullest extent possible by other states.

18 (2) Unless otherwise provided in the declaration, a declaration or
19 similar instrument executed in another state that complies with the
20 requirements of this ~~article~~ PART 1 may, in good faith, be relied upon by
21 a third party in this state if an action requested by ~~such~~ THE declarant does
22 not violate any law of the federal government, Colorado, or a political
23 subdivision.

24 **SECTION 14.** In Colorado Revised Statutes, 15-22-105, **amend**
25 (3)(h) as follows:

26 **15-22-105. Effects and applicability of a designated**
27 **beneficiary agreement.** (3) A designated beneficiary agreement shall

1 entitle the parties to exercise the following rights and enjoy the following
2 protections, unless specifically excluded from the designated beneficiary
3 agreement:

4 (h) The right, with respect to the other designated beneficiary, to
5 act as an agent and to make, revoke, or object to anatomical gifts pursuant
6 to the "Revised Uniform Anatomical Gift Act", ~~part 1 of article 34 of title~~
7 ~~12, C.R.S.~~ PART 2 OF ARTICLE 19 OF THIS TITLE 15;

8 **SECTION 15.** In Colorado Revised Statutes, 15-22-106, **amend**
9 (1) as follows:

10 **15-22-106. Statutory form of a designated beneficiary**
11 **agreement.** (1) The following statutory form shall be the standard form
12 for a designated beneficiary agreement:

13 **DESIGNATED BENEFICIARY AGREEMENT**

14 **DISCLAIMER**

15 **Warning: While this document may indicate**
16 **your wishes, certain additional documents may be**
17 **needed to protect these rights.**

18 **This designated beneficiary agreement is**
19 **operative in the absence of other estate planning**
20 **documents and will be superseded and set aside to**
21 **the extent it conflicts with valid instruments such**
22 **as a will, power of attorney, or beneficiary**
23 **designation on an insurance policy or pension**
24 **plan. This designated beneficiary agreement is**
25 **superseded by such other documents and does not**
26 **cause any changes to be made to those documents**
27 **or designations. The parties understand that**

1 **executing and signing this agreement is not**
2 **sufficient to designate the other party for**
3 **purposes of any insurance policy, pension plan,**
4 **payable upon death designation or manner in**
5 **which title to property is held and that additional**
6 **action will be required to make or change such**
7 **designations. The parties understand that this**
8 **designated beneficiary agreement may be one**
9 **component of estate planning instructions and**
10 **that they are encouraged to consult an attorney to**
11 **ensure their estate planning wishes are**
12 **accomplished.**

13 We, _____, (insert full name and address) referred to as party
14 A, and _____, (insert full name and address) referred to as
15 party B, hereby designate each other as the other's designated beneficiary
16 with the following rights and protections, granted or withheld as indicated
17 by our initials:

18 TO GRANT ONE OR MORE OF THE RIGHTS OR
19 PROTECTIONS SPECIFIED IN THIS FORM, INITIAL
20 THE LINE TO THE LEFT OF EACH RIGHT OR
21 PROTECTION YOU ARE GRANTING. TO WITHHOLD
22 A RIGHT OR PROTECTION, INITIAL THE LINE TO
23 THE RIGHT OF EACH RIGHT OR PROTECTION YOU
24 ARE WITHHOLDING.

25 A DESIGNATED BENEFICIARY AGREEMENT SHALL
26 BE PRESUMED TO GRANT ALL OF THE RIGHTS
27 AND PROTECTIONS LISTED IN THIS FORM UNLESS

1 THE PARTIES WITHHOLD A RIGHT OR
2 PROTECTION IN THE MANNER SET FORTH
3 IMMEDIATELY ABOVE.

4 ~~TO GRANT A RIGHT TO WITHHOLD A RIGHT OR PROTECTION~~
5 ~~OR PROTECTION~~

6 ~~INITIAL~~ _____ ~~INITIAL~~

7 TO GRANT A RIGHT TO WITHHOLD A RIGHT
8 OR PROTECTION OR PROTECTION

9 INITIAL INITIAL

10 Party A Party B Party A Party B

11 ___ ___ The right to acquire, hold title to, own jointly, ___ ___
12 or transfer inter vivos or at death real or
13 personal property as a joint tenant with me
14 with right of survivorship or as a tenant in
15 common with me;

16 ___ ___ The right to be designated by me as a ___ ___
17 beneficiary, payee, or owner as a trustee
18 named in an inter vivos or testamentary trust
19 for the purposes of a nonprobate transfer on
20 death;

21 ___ ___ The right to be designated by me as a ___ ___
22 beneficiary and recognized as a dependent in
23 an insurance policy for life insurance;

24 ___ ___ The right to be designated by me as a ___ ___
25 beneficiary and recognized as a dependent in
26 a health insurance policy if my employer
27 elects to provide health insurance coverage

1 for designated beneficiaries;

2 ___ ___ The right to be designated by me as a ___ ___
3 beneficiary in a retirement or pension plan;

4 ___ ___ The right to petition for and have priority for ___ ___
5 appointment as a conservator, guardian, or
6 personal representative for me;

7 ___ ___ The right to visit me in a hospital, nursing ___ ___
8 home, hospice, or similar health care facility
9 in which a party to a designated beneficiary
10 agreement resides or is receiving care;

11 ___ ___ The right to initiate a formal complaint ___ ___
12 regarding alleged violations of my rights as
13 a nursing home patient as provided in section
14 25-1-120, Colorado Revised Statutes;

15 ___ ___ The right to act as a proxy decision-maker or ___ ___
16 surrogate decision-maker to make medical
17 care decisions for me pursuant to section
18 15-18.5-103 or 15-18.5-104, Colorado
19 Revised Statutes;

20 ___ ___ The right to notice of the withholding or ___ ___
21 withdrawal of life-sustaining procedures for
22 me pursuant to section 15-18-107, Colorado
23 Revised Statutes;

24 ___ ___ The right to challenge the validity of a ___ ___
25 declaration as to medical or surgical
26 treatment of me pursuant to section
27 15-18-108, Colorado Revised Statutes;

1 ___ ___ The right to act as my agent to make, revoke, ___ ___
2 or object to anatomical gifts involving my
3 person pursuant to the "Revised Uniform
4 Anatomical Gift Act", ~~part 1 of article 34 of~~
5 ~~title 12~~ PART 2 OF ARTICLE 19 OF TITLE 15,
6 Colorado Revised Statutes;
7 ___ ___ The right to inherit real or personal property ___ ___
8 from me through intestate succession;
9 ___ ___ The right to have standing to receive benefits ___ ___
10 pursuant to the "Workers' Compensation Act
11 of Colorado", article 40 of title 8, Colorado
12 Revised Statutes, in the event of my death on
13 the job;
14 ___ ___ The right to have standing to sue for wrongful ___ ___
15 death in the event of my death; and
16 ___ ___ The right to direct the disposition of my last ___ ___
17 remains pursuant to article 19 of title 15,
18 Colorado Revised Statutes.

19 THIS DESIGNATED BENEFICIARY AGREEMENT IS EFFECTIVE
20 WHEN RECEIVED FOR RECORDING BY THE COUNTY CLERK
21 AND RECORDER OF THE COUNTY IN WHICH ONE OF THE
22 DESIGNATED BENEFICIARIES RESIDES. THIS DESIGNATED
23 BENEFICIARY AGREEMENT WILL CONTINUE IN EFFECT UNTIL
24 ONE OF THE DESIGNATED BENEFICIARIES REVOKES THIS
25 AGREEMENT BY RECORDING A REVOCATION OF DESIGNATED
26 BENEFICIARY FORM WITH THE COUNTY CLERK AND
27 RECORDER OF THE COUNTY IN WHICH THIS AGREEMENT

1 WAS RECORDED OR UNTIL THIS AGREEMENT IS SUPERSEDED
2 IN PART OR IN WHOLE BY A SUPERSEDING LEGAL
3 DOCUMENT.

4 _____ Signature of designated beneficiary
5 Signature of designated beneficiary
6 beneficiary beneficiary

7 STATE OF COLORADO
8 County of _____

9 This document was acknowledged before me on _____ date
10 by
11 _____

12 My commission expires _____
13 [Seal]
14 _____
15 Notary Public

16 SECTION 16. In Colorado Revised Statutes, 19-1-307, amend
17 (2)(c) as follows:

18 19-1-307. Dependency and neglect records and information -
19 access - fee - rules - records and reports fund - misuse of information
20 - penalty. (2) Records and reports - access to certain persons -
21 agencies. Except as otherwise provided in section 19-1-303, only the
22 following persons or agencies shall be given access to child abuse or
23 neglect records and reports:

24 (c) An agency having the legal responsibility or authorization to
25 care for, treat, or supervise a child who is the subject of a report or record
26 or a parent, guardian, legal custodian, or other person who is responsible
27 for the child's health or welfare, including, in the case of an anatomical

1 gift, a coroner and a procurement organization, as those terms are defined
2 in ~~section 12-34-102, C.R.S.~~ SECTION 15-19-202;

3 **SECTION 17.** In Colorado Revised Statutes, 24-72-204, **amend**
4 (7)(b) introductory portion and (7)(b)(XV) as follows:

5 **24-72-204. Allowance or denial of inspection - grounds -**
6 **procedure - appeal - definitions.** (7) (b) Notwithstanding ~~paragraph (a)~~
7 ~~of this subsection (7)~~ SUBSECTION (7)(a) OF THIS SECTION, only upon
8 obtaining a completed requester release form under section 42-1-206
9 (1)(b), ~~C.R.S.~~, the department may allow inspection of the information
10 referred to in ~~paragraph (a) of this subsection (7)~~ SUBSECTION (7)(a) OF
11 THIS SECTION for the following uses:

12 (XV) For use by the federally designated organ procurement
13 organization for the purposes of creating and maintaining the organ and
14 tissue donor registry authorized in ~~section 12-34-120, C.R.S.~~ SECTION
15 15-19-220.

16 **SECTION 18.** In Colorado Revised Statutes, 42-2-107, **amend**
17 (4)(b)(I)(A), (4)(b)(I)(B), (4)(b)(III) introductory portion, (4)(b)(III)(D),
18 and (4)(b)(V) as follows:

19 **42-2-107. Application for license or instruction permit -**
20 **anatomical gifts - donations to Emily Maureen Ellen Keyes organ and**
21 **tissue donation awareness fund - legislative declaration - rules -**
22 **repeal.** (4) (b) (I) (A) The general assembly hereby finds, determines,
23 and declares that the availability of human organs and tissue by voluntary
24 designation of donors under the provisions of the "Revised Uniform
25 Anatomical Gift Act", ~~part 1 of article 34 of title 12, C.R.S.~~ PART 2 OF
26 ARTICLE 19 OF TITLE 15, is critical for advancements in medical science
27 to occur and for the successful use of various medical treatments to save

1 and prolong lives.

2 (B) The general assembly further finds, determines, and declares
3 that state government should play a role in increasing the availability of
4 human organs and tissue to procurement organizations, as defined in
5 ~~section 12-34-102, C.R.S.~~ SECTION 15-19-202, by acting as a conduit to
6 make ~~moneys~~ MONEY available for promoting organ and tissue donation
7 and that this role constitutes a public purpose.

8 (III) At least quarterly, the state treasurer shall transfer all
9 available ~~moneys~~ MONEY from the Emily Maureen Ellen Keyes organ and
10 tissue donation awareness fund:

11 (D) To donor alliance, inc., or its successor organization, for the
12 costs associated with educating the public about the organ and tissue
13 donor registry pursuant to ~~section 12-34-120, C.R.S.~~ SECTION 15-19-220.

14 (V) An applicant may make a donation of one dollar or more to
15 the Emily Maureen Ellen Keyes organ and tissue donation awareness
16 fund, created in ~~subparagraph (II) of this paragraph (b)~~ SUBSECTION
17 (4)(b)(II) OF THIS SECTION, to promote the donation of organs and tissues
18 under the provisions of the "Revised Uniform Anatomical Gift Act", ~~part~~
19 ~~1 of article 34 of title 12, C.R.S.~~ PART 2 OF ARTICLE 19 OF TITLE 15. The
20 department shall collect ~~such~~ THE donations and transmit them to the state
21 treasurer, who shall credit the same to the Emily Maureen Ellen Keyes
22 organ and tissue donation awareness fund. The donation prescribed in this
23 ~~subparagraph (V)~~ SUBSECTION (4)(b)(V) is voluntary and may be refused
24 by the applicant. The department shall make available informational
25 booklets or other informational sources on the importance of organ and
26 tissue donations to applicants as designed and approved by the advisory
27 body created under ~~sub-subparagraph (A) of subparagraph (III) of this~~

1 ~~paragraph (b)~~ SUBSECTION (4)(b)(III)(A) OF THIS SECTION. The
2 department shall inquire of each applicant at the time the completed
3 application is presented whether the applicant is interested in making a
4 donation of one dollar or more and shall also specifically inform the
5 applicant of the option for organ and tissue donations. The department
6 shall also provide written information designed and approved by the
7 advisory body created under ~~sub-subparagraph (A) of subparagraph (II)~~
8 ~~of this paragraph (b)~~ SUBSECTION (4)(b)(III)(A) OF THIS SECTION to each
9 applicant volunteering to become an organ and tissue donor. The written
10 information shall disclose that the applicant's name shall be transmitted
11 to the organ and tissue donor registry authorized in ~~section 12-34-120,~~
12 ~~C.R.S.~~ SECTION 15-19-220, and that the applicant shall notify the federally
13 designated organ procurement organization of any changes to the
14 applicant's donor status.

15 **SECTION 19.** In Colorado Revised Statutes, 42-2-118, **amend**
16 (1)(a)(II)(A) as follows:

17 **42-2-118. Renewal of license in person or by mail - donations**
18 **to Emily Maureen Ellen Keyes organ and tissue donation awareness**
19 **fund - repeal.** (1) (a) (II) (A) An applicant may make a donation of one
20 dollar or more to the Emily Maureen Ellen Keyes organ and tissue
21 donation awareness fund, created in section 42-2-107 (4)(b)(II), to
22 promote the donation of organs and tissues under the provisions of the
23 "Revised Uniform Anatomical Gift Act", ~~part 1 of article 34 of title 12,~~
24 ~~C.R.S.~~ PART 2 OF ARTICLE 19 OF TITLE 15. The department shall collect
25 ~~such~~ THE donations and transmit them to the state treasurer, who shall
26 credit the same to the Emily Maureen Ellen Keyes organ and tissue
27 donation awareness fund. The donation prescribed in this

1 ~~sub-subparagraph (A)~~ SUBSECTION (1)(a)(II)(A) is voluntary and may be
2 refused by the applicant. The department shall make available
3 informational booklets or other informational sources on the importance
4 of organ and tissue donations to applicants as designed and approved by
5 the advisory body created under section 42-2-107 (4)(b)(III)(A). The
6 department shall inquire of each applicant at the time the completed
7 application is presented whether the applicant is interested in making a
8 donation of one dollar or more and shall also specifically inform the
9 applicant of the option for organ and tissue donations by having a "Y"
10 placed in the donor field on the front of the document. The department
11 shall also advise each applicant volunteering to become an organ and
12 tissue donor that the applicant's name shall be transmitted to the organ
13 and tissue donor registry authorized in ~~section 12-34-120, C.R.S.~~ SECTION
14 15-19-220, and that the applicant shall notify the federally designated
15 organ procurement organization of any changes to the applicant's
16 donation.

17 **SECTION 20.** In Colorado Revised Statutes, 42-2-121, **amend**
18 (6) as follows:

19 **42-2-121. Records to be kept by department - admission of**
20 **records in court.** (6) The department shall electronically transmit the
21 name, address, telephone number, date of birth, and gender of each
22 individual who has volunteered to donate organs or tissue upon death on
23 an instructional permit, a minor driver's license, a driver's license, an
24 identification card, or any other license application received by it to the
25 organ and tissue donor registry authorized in ~~section 12-34-120, C.R.S.~~
26 SECTION 15-19-220.

27 **SECTION 21. Repeal of relocated provisions in this act.** In

1 Colorado Revised Statutes, **repeal** article 34 of title 12.

2 **SECTION 22. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2018 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.