

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**REVISED**

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

LLS NO. 24-0576.01 Josh Schultz x5486

**HOUSE BILL 24-1254**

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**HOUSE SPONSORSHIP**

**Hamrick and Bradley**, Lieder, Young, Boesenecker, Brown, Duran, English, Jodeh,  
Lindsay, Lindstedt, Ortiz, Soper

**SENATE SPONSORSHIP**

**Smallwood**,

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**House Committees**

Health & Human Services  
Appropriations

**Senate Committees**

Health & Human Services

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**A BILL FOR AN ACT**

101      **CONCERNING THE CONTINUATION OF THE REGULATION OF**  
102                    **NONTRANSPLANT TISSUE BANKS, AND, IN CONNECTION**  
103                    **THEREWITH, IMPLEMENTING RECOMMENDATIONS CONTAINED**  
104                    **IN THE 2023 SUNSET REPORT BY THE DEPARTMENT OF**  
105                    **REGULATORY AGENCIES.**

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**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/>.)*

**Sunset Process - House Health and Human Services Committee.** The bill implements recommendations of the department of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

SENATE  
2nd Reading Unamended  
April 12, 2024

HOUSE  
3rd Reading Unamended  
March 25, 2024

HOUSE  
Amended 2nd Reading  
March 22, 2024

regulatory agencies' (department) sunset review and report on the regulation of nontransplant tissue banks by:

- Continuing the regulation of nontransplant tissue banks for 9 years, to 2033; and
- Granting the director of the division of professions and occupations in the department the authority to create rules necessary for the regulation of nontransplant tissue banks.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **amend**  
3 (25)(a)(XIII); and **add** (34)(a)(IX) as follows:

4 **24-34-104. General assembly review of regulatory agencies**  
5 **and functions for repeal, continuation, or reestablishment - legislative**  
6 **declaration - repeal.** (25) (a) The following agencies, functions, or both,  
7 are scheduled for repeal on September 1, 2024:

8 (XIII) The regulation of persons registered to practice mortuary  
9 science by sections 12-135-110 and 12-135-111 and cremation by  
10 sections 12-135-303 and 12-135-304 and the administration thereof in  
11 accordance with part 4 of article 135 of title 12; ~~and the regulation of~~  
12 ~~nontransplant tissue banks by section 12-140-103;~~

13 (34) (a) The following agencies, functions, or both, are scheduled  
14 for repeal on September 1, 2033:

15 (IX) THE REGULATION OF NONTRANSPLANT TISSUE BANKS BY THE  
16 DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE  
17 DEPARTMENT OF REGULATORY AGENCIES PURSUANT TO SECTION  
18 12-140-103.

19 **SECTION 2.** In Colorado Revised Statutes, 12-140-103, **amend**  
20 (4); and **add** (1)(c) as follows:

21 **12-140-103. Registration required - subject to review - repeal.**  
22 (1) (c) IF A NONTRANSPLANT TISSUE BANK WITHDRAWS OR DOES NOT

1 RENEW ITS REGISTRATION, FOR A PERIOD OF THREE YEARS AFTER THE END  
2 OF REGISTRATION, THE NONTRANSPLANT TISSUE BANK SHALL CONTINUE  
3 TO MAINTAIN ON FILE WITH THE DIRECTOR CURRENT INFORMATION  
4 REGARDING ITEMS DESCRIBED IN SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF  
5 THIS SECTION.

6 (4) This section is repealed, effective ~~September 1, 2024~~  
7 SEPTEMBER 1, 2033. Before the repeal, this section is scheduled for  
8 review in accordance with section 24-34-104.

9 **SECTION 3.** In Colorado Revised Statutes, 12-140-105, **amend**  
10 (1)(b) and (1)(c); and **add** (1)(d), (4), and (5) as follows:

11 **12-140-105. Standards of practice.** (1) A nontransplant tissue  
12 bank shall:

13 (b) Be equipped with instruments and supplies necessary to  
14 protect the health and safety of the public and employees of the  
15 nontransplant tissue bank; ~~and~~

16 (c) Affix identification to all human remains delivered to the  
17 nontransplant tissue bank and provide tracking paperwork to match the  
18 identification; ~~AND~~

19 (d) MAINTAIN A PROPER CHAIN OF CUSTODY OF HUMAN REMAINS  
20 WHILE THE HUMAN REMAINS ARE IN THE POSSESSION OF THE  
21 NONTRANSPLANT TISSUE BANK.

22 (4) (a) A NONTRANSPLANT TISSUE BANK MAY COMPENSATE A  
23 FUNERAL ESTABLISHMENT FOR TRANSPORTATION OF HUMAN REMAINS AND  
24 OTHER REASONABLE EXPENSES.

25 (b) A NONTRANSPLANT TISSUE BANK SHALL NOT COMPENSATE A  
26 FUNERAL ESTABLISHMENT FOR HUMAN REMAINS.

27 (5) THE DONOR OR THE PERSON AUTHORIZED BY LAW TO CONSENT

1 TO DONATION MAY LIMIT THE SALE OF THE DONATED HUMAN REMAINS BY  
2 A NONTRANSPLANT TISSUE BANK, INCLUDING PROHIBITING SALE TO  
3 FOREIGN BUYERS, FOR NON-MEDICAL RESEARCH USES, OR FOR MILITARY  
4 USES.

5 **SECTION 4.** In Colorado Revised Statutes, 12-140-106, **amend**  
6 (1)(b); and **add** (1)(d), (1)(e), (1)(f), and (1)(g) as follows:

7 **12-140-106. Disclosure.** (1) A nontransplant tissue bank shall  
8 disclose, in clear and unambiguous terms, the following information to  
9 the donor or to the person authorized by law to consent to donation:

10 (b) That the donated human remains may be returned, in whole or  
11 in part, to the nontransplant tissue bank; ~~and~~

12 (d) THAT THE DONOR OR THE PERSON AUTHORIZED BY LAW TO  
13 CONSENT TO DONATION IS DONATING HUMAN REMAINS TO A  
14 NONTRANSPLANT TISSUE BANK;

15 (e) THAT THE NONTRANSPLANT TISSUE BANK MAY SELL ALL OR  
16 ANY PORTION OF THE HUMAN REMAINS;

17 (f) THAT THE NONTRANSPLANT TISSUE BANK MAY COMPENSATE A  
18 FUNERAL ESTABLISHMENT FOR TRANSPORTATION OF HUMAN REMAINS AND  
19 OTHER REASONABLE EXPENSES, BUT THE NONTRANSPLANT TISSUE BANK  
20 SHALL NOT COMPENSATE A FUNERAL ESTABLISHMENT FOR HUMAN  
21 REMAINS; AND

22 (g) THAT THE DONOR OR THE PERSON AUTHORIZED BY LAW TO  
23 CONSENT TO DONATION MAY LIMIT THE SALE OF THE DONATED HUMAN  
24 REMAINS BY A NONTRANSPLANT TISSUE BANK, INCLUDING PROHIBITING  
25 SALE TO FOREIGN BUYERS, FOR NON-MEDICAL RESEARCH USES, OR FOR  
26 MILITARY USES.

27 **SECTION 5.** In Colorado Revised Statutes, **add** 12-140-109 as

1 follows:

2 **12-140-109. Rules.** (1) THE DIRECTOR MAY PROMULGATE RULES  
3 AS NECESSARY TO IMPLEMENT THIS ARTICLE 140. IN FULFILLING THE  
4 REQUIREMENTS OF SECTION 24-4-103 (2), THE DIRECTOR SHALL SEEK  
5 INPUT AND ADVICE FROM:

6 (a) PERSONS, INCLUDING ANY PROFESSIONAL ORGANIZATION OF  
7 INDIVIDUALS THAT HAS SIGNED UP WITH THE DEPARTMENT FOR  
8 RULE-MAKING NOTIFICATION, OFFERING SERVICES THAT REQUIRE  
9 REGISTRATION PURSUANT TO THIS ARTICLE 140; AND

10 (b) CONSUMERS OR CONSUMER REPRESENTATIVES WHO ADVOCATE  
11 FOR CONSUMERS AFFECTED BY THIS ARTICLE 140 AND WHO HAVE SIGNED  
12 UP WITH THE DEPARTMENT FOR RULE-MAKING NOTIFICATION.

13 **SECTION 6.** In Colorado Revised Statutes, 12-20-204, **amend**  
14 (2)(a) and (2)(c); and **repeal** (2)(d) as follows:

15 **12-20-204. Regulator's rule-making authority.** (2) Subsection  
16 (1) of this section does not apply to the following:

17 (a) Article 110 of this title 12 concerning combative sports; AND

18 (c) Article 135 of this title 12 concerning mortuaries and  
19 crematories. ~~and~~

20 (d) ~~Article 140 of this title 12 concerning nontransplant tissue~~  
21 ~~banks.~~

22 **SECTION 7.** In Colorado Revised Statutes, 12-135-105, **amend**  
23 (1)(p) as follows:

24 **12-135-105. Unlawful acts.** (1) It is unlawful:

25 (p) For a person owning an indirect OR A DIRECT interest with  
26 ~~more than ten-percent ownership in a funeral establishment or for a~~  
27 ~~person owning a direct interest in a funeral establishment to own an~~

1 indirect interest with more than ten-percent ownership in a nontransplant  
2 tissue bank, as defined in section 12-140-102 (3), or to own a direct  
3 interest in a nontransplant tissue bank;

4 **SECTION 8.** In Colorado Revised Statutes, 12-140-102, **amend**  
5 (3) as follows:

6 **12-140-102. Definitions.** As used in this article 140, unless the  
7 context otherwise requires:

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

13 (I) RECOVERY;

14 (II) COLLECTION;

15 (III) ACQUISITION;

16 (IV) DISTRIBUTION;

17 (V) SCREENING;

18 (VI) STORAGE; OR

19 (VII) ARRANGEMENT.

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

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

24 (II) A funeral establishment registered in accordance with section  
25 12-135-110; ~~or~~

26 (III) A crematory registered in accordance with section  
27 12-135-303; OR

1 (IV) AN APPROVED MEDICAL COLLEGE, AS DEFINED IN SECTION  
2 12-240-104 (3), OR SIMILAR EDUCATIONAL INSTITUTION THAT ACCEPTS  
3 HUMAN REMAINS PRIMARILY FOR ITS OWN EDUCATIONAL OR RESEARCH  
4 PURPOSES.

5 **SECTION 9.** In Colorado Revised Statutes, 12-140-104, **add** (4)  
6 as follows:

7 **12-140-104. Records and receipts.** (4) A NONTRANSPLANT  
8 TISSUE BANK AND ITS DESIGNEE EACH SHALL MAINTAIN THE RECORDS AND  
9 RECEIPTS REQUIRED BY THIS SECTION. IF A NONTRANSPLANT TISSUE BANK  
10 WITHDRAWS OR DOES NOT RENEW ITS REGISTRATION, THE  
11 NONTRANSPLANT TISSUE BANK AND ITS DESIGNEE SHALL MAINTAIN THE  
12 RECORDS AND RECEIPTS REQUIRED BY THIS SECTION FOR A PERIOD OF  
13 THREE YEARS AFTER THE END OF REGISTRATION.

14 **SECTION 10.** In Colorado Revised Statutes, **amend** 12-140-108  
15 as follows:

16 **12-140-108. Violations and penalties - private civil right of**  
17 **action.** (1) A person who violates this article 140 commits a class 1  
18 misdemeanor.

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

23 (b) IF A COURT DETERMINES THAT A PERSON SUBJECT TO THIS  
24 ARTICLE 140 VIOLATED SECTION 12-140-105 OR 12-140-106, IN ADDITION  
25 TO ALL OTHER REMEDIES, THE COURT SHALL AWARD A STATUTORY  
26 PENALTY OF THE GREATER OF THREE THOUSAND FIVE HUNDRED DOLLARS  
27 OR ALL COMPENSATION RECEIVED BY THE NONTRANSPLANT TISSUE BANK

1 FOR THE DISTRIBUTION OF THE DECEDENT'S HUMAN REMAINS.

2 (c) IF A COURT DETERMINES THAT A VIOLATION OF SECTION  
3 12-140-105 OR 12-140-106 WAS WILLFUL OR WANTON, THE AMOUNT OF  
4 THE STATUTORY PENALTY IS TRIPLED.

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

7 (e) THERE MUST BE ONLY ONE CIVIL ACTION PER DECEDENT WHOSE  
8 HUMAN REMAINS WERE DONATED. IF MULTIPLE PLAINTIFFS ARE JOINED IN  
9 THE ACTION, THE COURT MAY ALLOCATE THE PENALTY AMONG THE  
10 PLAINTIFFS AS IT DEEMS JUST.

11 **SECTION 11. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly; except  
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
15 of the state constitution against this act or an item, section, or part of this  
16 act within such period, then the act, item, section, or part will not take  
17 effect unless approved by the people at the general election to be held in  
18 November 2024 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.