

CHAPTER 385

TAXATION

SENATE BILL 04-178

BY SENATOR(S) Lamborn, Chlouber, Groff, Grossman, Hanna, Isgar, Jones, Keller, May R., McElhany, Nichol, Sandoval, Veiga, and Windels;
also REPRESENTATIVE(S) Mitchell, Coleman, Madden, McFadyen, Romanoff, Spence, Spradley, and Stafford.

AN ACT

CONCERNING THE PROMOTION OF ANATOMICAL DONATIONS, AND, IN CONNECTION THEREWITH, ELIMINATING THE REQUIREMENT THAT AN INDIVIDUAL WHO CHOOSES TO AUTHORIZE AN ANATOMICAL DONATION BY DRIVER'S LICENSE OR IDENTIFICATION CARD SIGN THE BACK OF THE LICENSE OR CARD, REQUIRING THE DEPARTMENT OF REVENUE TO PLACE CONTACT INFORMATION FOR THE ORGAN AND TISSUE DONOR REGISTRY ON THE BACK OF EACH MINOR DRIVER'S LICENSE, DRIVER'S LICENSE, AND STATE IDENTIFICATION CARD, ADDING A LINE TO COLORADO STATE INDIVIDUAL INCOME TAX RETURN FORMS THAT ALLOWS AN INDIVIDUAL TAXPAYER TO MAKE A VOLUNTARY CONTRIBUTION TO THE ORGAN AND TISSUE DONATION AWARENESS FUND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 12-34-105 (5) (a), Colorado Revised Statutes, is amended, and the said 12-34-105 (5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

12-34-105. Manner of executing anatomical gifts. (5) (a) ~~The department of revenue shall place on the back of each minor driver's license issued pursuant to article 2 of title 42, C.R.S., to a person eighteen years of age or older and each driver's license and identification card issued pursuant to article 2 of title 42, C.R.S., a card, as provided in paragraph (c) of subsection (1) of this section, in the form as follows:~~

~~Hereby make an anatomical gift, to be effective upon my death, of:~~

- ~~A. Any needed organs/tissues
B. The following organs/tissues:~~

~~Donor signature:~~

- (d) THE DEPARTMENT OF REVENUE SHALL PLACE ON THE BACK OF EACH MINOR

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

DRIVER'S LICENSE, EACH DRIVER'S LICENSE, AND EACH IDENTIFICATION CARD ISSUED PURSUANT TO ARTICLE 2 OF TITLE 42, C.R.S., CONTACT INFORMATION FOR THE ORGAN AND TISSUE DONOR REGISTRY CREATED IN SECTION 12-34-110.

SECTION 2. 12-34-107 (4) and (5), Colorado Revised Statutes, are amended to read:

12-34-107. Amendment of the gift. (4) The donor of an anatomical gift made pursuant to ~~section 12-34-105 (5) (a)~~ SECTION 12-34-105 (1) (d) may ~~revoke the gift by crossing off his or her signature on the card and~~ REMOVE HIS OR HER NAME FROM THE ORGAN AND TISSUE DONOR REGISTRY CREATED IN SECTION 12-34-110 BY NOTIFYING the federally designated organ procurement agency of ~~the revocation of the gift so that the person's name shall be removed from the organ and tissue donor registry created in section 12-34-110~~ HIS OR HER DECISION TO BE REMOVED FROM THE REGISTRY.

(5) A person, after being issued a driver's license or identification card, may at a later date become an anatomical donor by ~~signing such person's name on the back of the license or identification card. Such person shall notify~~ NOTIFYING the federally designated organ procurement agency of the desire to become an anatomical donor for the purpose of adding the person's name to the organ and tissue donor registry created in section 12-34-110.

SECTION 3. Article 22 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 27
ORGAN DONOR AWARENESS
VOLUNTARY CONTRIBUTION

39-22-2701. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THE AVAILABILITY OF HUMAN ORGANS AND TISSUE BY VOLUNTARY DESIGNATION OF DONORS UNDER THE "UNIFORM ANATOMICAL GIFT ACT", PART 1 OF ARTICLE 34 OF TITLE 12, C.R.S., IS CRITICAL FOR ADVANCEMENTS IN MEDICAL SCIENCE TO OCCUR AND FOR THE SUCCESSFUL USE OF VARIOUS MEDICAL TREATMENTS TO SAVE AND PROLONG LIVES.

(b) THE STATE SHOULD PLAY A ROLE IN INCREASING THE AVAILABILITY OF HUMAN ORGANS AND TISSUE TO PROCUREMENT AGENCIES, AS DEFINED IN SECTION 12-34-102 (7.5), C.R.S., BY ACTING AS A CONDUIT TO MAKE MONEYS AVAILABLE FOR PROMOTING ORGAN AND TISSUE DONATION THROUGH THE VOLUNTARY CONTRIBUTION PROGRAM ESTABLISHED IN THIS PART 27.

39-22-2702. Voluntary contribution designation - procedure. FOR INCOME TAX YEARS THAT COMMENCE ON OR AFTER JANUARY 1, 2004, BUT BEFORE JANUARY 1, 2007, THE COLORADO STATE INDIVIDUAL INCOME TAX RETURN FORM SHALL CONTAIN A LINE WHEREBY EACH INDIVIDUAL TAXPAYER MAY DESIGNATE THE AMOUNT OF THE CONTRIBUTION, IF ANY, THE INDIVIDUAL WISHES TO MAKE TO THE ORGAN AND TISSUE DONATION AWARENESS FUND CREATED IN SECTION 42-2-107 (4)

(b) (II), C.R.S.

39-22-2703. Contributions credited to the organ and tissue donation awareness fund. THE DEPARTMENT OF REVENUE SHALL DETERMINE ANNUALLY THE TOTAL AMOUNT DESIGNATED PURSUANT TO SECTION 39-22-2702 AND SHALL REPORT THAT AMOUNT TO THE STATE TREASURER AND TO THE GENERAL ASSEMBLY. THE STATE TREASURER SHALL CREDIT THAT AMOUNT TO THE ORGAN AND TISSUE DONATION AWARENESS FUND CREATED IN SECTION 42-2-107 (4) (b) (II), C.R.S. ALL MONEYS CREDITED TO THE FUND SHALL BE USED FOR THE PURPOSES SET FORTH IN SECTION 42-2-107 (4) (b) (III), C.R.S.

39-22-2704. Repeal of part. THIS PART 27 IS REPEALED, EFFECTIVE JANUARY 1, 2008, UNLESS THE VOLUNTARY CONTRIBUTION TO THE ORGAN AND TISSUE DONATION AWARENESS FUND ESTABLISHED BY SECTIONS 39-22-2702 AND 39-22-2703 IS CONTINUED OR REESTABLISHED BY THE GENERAL ASSEMBLY ACTING BY BILL DURING THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY. PRIOR TO OR DURING THE SESSION, THE COMMITTEE ON FINANCE IN EACH HOUSE OF THE GENERAL ASSEMBLY SHALL HOLD A HEARING REGARDING THE POSSIBLE TERMINATION, CONTINUATION, OR REESTABLISHMENT OF THE VOLUNTARY CONTRIBUTION TO THE FUND AS PROVIDED FOR IN THIS PART 27.

SECTION 4. 42-2-107 (4) (a), (4) (b) (II), (4) (b) (III) (C), and (4) (b) (V), Colorado Revised Statutes, are amended to read:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to organ and tissue donation awareness fund - legislative declaration - repeal. (4) (a) ~~The department shall also provide on the reverse side of such license information as provided in section 12-34-105 (5) (a), C.R.S.~~

(b) (II) There is hereby created in the state treasury the organ and tissue donation awareness fund, which shall consist of all moneys credited thereto from all sources including but not limited to moneys collected from voluntary contributions for organ and tissue donation pursuant to subparagraph (V) of this paragraph (b) and ~~section 42-2-118 (1) (a) (II)~~ SECTIONS 39-22-2702 AND 42-2-118 (1) (a) (II), C.R.S. All moneys in the fund are hereby continuously appropriated to the department of the treasury and shall remain in the fund to be used for the purposes set forth in subparagraph (III) of this paragraph (b) and shall not revert to the general fund or any other fund. All interest derived from the deposit and investment of this fund shall be credited to the fund. At least quarterly, the state treasurer shall transfer all available moneys in the organ and tissue donation awareness fund to the transplant council of the rockies (TCOR), as directed by sub-subparagraph (A) of subparagraph (III) of this paragraph (b).

(III) At least quarterly, the state treasurer shall transfer all available moneys from the organ and tissue donation awareness fund:

(C) Before any payment to transplant council of the rockies (TCOR) from the organ and tissue donor awareness fund may be made for any purpose, to the department of revenue for the reasonable costs associated with the initial installation of the organ and tissue donor registry, the setup for electronic transfer of the donor information for the organ and tissue donor registry to the federally designated organ

procurement agency, ~~and~~ computer programming and form changes necessary as a result of the creation of the organ and tissue donor registry, AND THE TRACKING AND REPORTING OF MONEYS DESIGNATED AS CONTRIBUTIONS TO THE FUND PURSUANT TO SECTION 39-22-2702, C.R.S.

(V) An applicant may make a donation of one dollar or more to the organ and tissue donation awareness fund, created in subparagraph (II) of this paragraph (b), to promote the donation of organs and tissues under the provisions of the "Uniform Anatomical Gift Act", part 1 of article 34 of title 12, C.R.S. The department shall collect such donations and transmit them to the state treasurer, who shall credit the same to the organ and tissue donation awareness fund. The donation prescribed in this subparagraph (V) is voluntary and may be refused by the applicant. The department shall make available informational booklets or other informational sources on the importance of organ and tissue donations to applicants as designed and approved by the advisory body created under sub-subparagraph (A) of subparagraph (III) of this paragraph (b). The department shall inquire of each applicant at the time the completed application is presented whether the applicant is interested in making a donation of one dollar or more and shall also specifically inform the applicant of the option for organ and tissue donations. ~~by completing the card on the reverse side of the license as provided in section 12-34-105 (5) (a), C.R.S.~~ The department shall also provide written information designed and approved by the advisory body created under sub-subparagraph (A) of subparagraph (III) of this paragraph (b) to each applicant volunteering to become an organ and tissue donor. The written information shall disclose that the applicant's name shall be transmitted to the organ and tissue donor registry created in section 12-34-110, C.R.S., and that the applicant shall notify the federally designated organ procurement agency of any changes to the applicant's donor status.

SECTION 5. Repeal. 42-2-108 (1.5) (b), Colorado Revised Statutes, is repealed as follows:

~~**42-2-108. Application of minors - repeal.** (1.5) (b) The department shall provide on such permit or minor driver's license information required in section 12-34-105 (5) (a), C.R.S.~~

SECTION 6. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the organ and tissue donation awareness fund created in section 42-2-107 (4) (b) (II), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2004, the sum of five hundred one dollars (\$501), or so much thereof as may be necessary, for the implementation of this act.

SECTION 7. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act

or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 4, 2004