

## CHAPTER 73

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**HEALTH CARE POLICY AND FINANCING**

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## SENATE BILL 07-037

BY SENATOR(S) Groff, Bacon, Boyd, Brophy, Fitz-Gerald, Gordon, Hagedorn, Harvey, Isgar, Johnson, Keller, Kester, Kopp, May R., McElhany, Mitchell S., Morse, Penry, Renfro, Romer, Sandoval, Schultheis, Schwartz, Shaffer, Spence, Takis, Tapia, Taylor, Tochtrop, Tupa, Veiga, Ward, Wiens, Williams, and Windels;  
also REPRESENTATIVE(S) Witwer, Borodkin, Carroll T., Curry, Frangas, Gardner B., Green, Hodge, Kefalas, Levy, Massey, McFadyen, McGihon, Merrifield, Mitchell V., Roberts, Romanoff, Soper, Stafford, Stephens, Summers, and Todd.

**AN ACT****CONCERNING THE CONTINUATION OF THE ORGAN AND TISSUE DONATION AWARENESS FUND.**

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

**SECTION 1.** 42-2-107 (4) (b) (II), the introductory portion to 42-2-107 (4) (b) (III), 42-2-107 (4) (b) (III) (A), (4) (b) (III) (C), (4) (b) (III) (D), (4) (b) (IV), (4) (b) (V), and (4) (b) (VII), Colorado Revised Statutes, are amended to read:

**42-2-107. Application for license or instruction permit - anatomical gifts - donations to Emily Maureen Ellen Keyes organ and tissue donation awareness fund - legislative declaration - repeal.** (4) (b) (II) There is hereby created in the state treasury the EMILY MAUREEN ELLEN KEYES 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 sections 39-22-2702, C.R.S., and 42-2-118 (1) (a) (II). 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 EMILY MAUREEN ELLEN KEYES organ and tissue donation awareness fund to the transplant council of the rockies (TCOR), OR ITS SUCCESSOR ORGANIZATION, 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

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

the EMILY MAUREEN ELLEN KEYES organ and tissue donation awareness fund:

(A) To the transplant council of the rockies (TCOR), OR ITS SUCCESSOR ORGANIZATION, to provide funding for activities to promote organ and tissue donation through the creation and dissemination, by means of electronic media and otherwise, of educational information including public service announcements and information to increase awareness in the medical professions and related fields. The transplant council of the rockies (TCOR), OR ITS SUCCESSOR ORGANIZATION, shall create, by amendment to its articles of incorporation or bylaws or otherwise, as appropriate, an advisory group to allocate moneys received pursuant to this sub-subparagraph (A). Such advisory body shall include a representative of any qualified transplant organization. Such organizations shall include those for organs, tissue, bone marrow, and blood. The advisory body created under this sub-subparagraph (A) shall report in writing in a form and manner determined by the department and at such intervals as required by the department on the use of moneys received under this sub-subparagraph (A). No moneys made available pursuant to this paragraph (b) shall be used to encourage fetal tissue donation.

(C) Before any payment to transplant council of the rockies (TCOR), OR ITS SUCCESSOR ORGANIZATION, from the EMILY MAUREEN ELLEN KEYES organ and tissue ~~donor~~ DONATION 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, 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.

(D) To the transplant council of the rockies (TCOR), OR ITS SUCCESSOR ORGANIZATION, for the costs associated with educating the public about the organ and tissue donor registry pursuant to section 12-34-110, C.R.S.

(IV) Appropriations made by the general assembly pursuant to subparagraph (III) of this paragraph (b) shall not exceed moneys in the EMILY MAUREEN ELLEN KEYES organ and tissue donation awareness fund that are available for appropriation.

(V) An applicant may make a donation of one dollar or more to the EMILY MAUREEN ELLEN KEYES 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 EMILY MAUREEN ELLEN KEYES 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. 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.

(VII) This paragraph (b) is repealed, effective ~~July 1, 2008~~ JULY 1, 2018.

**SECTION 2.** 42-2-118 (1) (a) (II), Colorado Revised Statutes, is amended to read:

**42-2-118. Renewal of license in person or by mail - donations to Emily Maureen Ellen Keyes organ and tissue donation awareness fund - repeal.** (1) (a) (II) (A) An applicant may make a donation of one dollar or more to the EMILY MAUREEN ELLEN KEYES organ and tissue donation awareness fund, created in section 42-2-107 (4) (b) (II), 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 EMILY MAUREEN ELLEN KEYES organ and tissue donation awareness fund. The donation prescribed in this sub-subparagraph (A) 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 section 42-2-107 (4) (b) (III) (A). 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 having a "Y" placed in the donor field on the front of the document. The department shall also advise each applicant volunteering to become an organ and tissue donor 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 donation.

(B) This subparagraph (II) is repealed, effective ~~July 1, 2008~~ JULY 1, 2018.

**SECTION 3.** 39-22-2702, Colorado Revised Statutes, is amended to read:

**39-22-2702. Voluntary contribution designation - procedure.** For income tax years that commence on or after ~~January 1, 2004~~ JANUARY 1, 2007, but before ~~January 1, 2007~~ JANUARY 1, 2010, 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 EMILY MAUREEN ELLEN KEYES organ and tissue donation awareness fund created in section 42-2-107 (4) (b) (II), C.R.S.

**SECTION 4.** 39-22-2703, Colorado Revised Statutes, is amended to read:

**39-22-2703. Contributions credited to the Emily Maureen Ellen Keyes 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 EMILY MAUREEN ELLEN KEYES 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.

**SECTION 5.** 39-22-2704, Colorado Revised Statutes, is amended to read:

**39-22-2704. Repeal of part.** This part 27 is repealed, effective ~~January 1, 2008~~ JANUARY 1, 2011, unless the voluntary contribution to the EMILY MAUREEN ELLEN KEYES 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 prior to said date.

**SECTION 6.** 12-34-110 (1), Colorado Revised Statutes, is amended to read:

**12-34-110. Registry - creation and operation.** (1) The department of revenue shall electronically transfer to the federally designated organ procurement agency all information that appears on the front of the driver's license or identification card including, but not limited to, the name, gender, date of birth, and most recent address of any person who obtains a driver's license or identification card who volunteers to donate organs or tissue upon death. Moneys from the EMILY MAUREEN ELLEN KEYES organ and tissue donation awareness fund created in section 42-2-107, C.R.S., shall be transferred to the department of revenue for the reasonable costs associated with the initial installation and setup for electronic transfer of the donor information. All subsequent electronic transfers of donor information shall be at no charge to the federally designated organ procurement agency. Information obtained by the federally designated organ procurement agency shall be used for the purpose of establishing a statewide organ and tissue donor registry accessible to in-state recognized cadaveric organ and cadaveric tissue agencies for the recovery or placement of organs and tissue and to procurement agencies in another state when a Colorado resident is a donor of an anatomical gift and is not located in Colorado at the time of death or immediately before the death of the donor. No organ or tissue donation organization may obtain information from the organ and tissue donor registry for the purposes of fund-raising. Organ and tissue donor registry information shall not be further disseminated unless authorized in this part 1 or by federal law. Dissemination of organ and tissue donor registry information may be made by the organ procurement agency to a recognized in-state procurement agency for other tissue recovery, or an out-of-state federally designated organ procurement agency.

**SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 30, 2007