

## CHAPTER 410

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**HEALTH AND ENVIRONMENT**


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**HOUSE BILL 08-1372**

BY REPRESENTATIVE(S) Primavera, Benefield, Borodkin, Carroll M., Ferrandino, Fischer, Gagliardi, Gardner B., Garza-Hicks, Green, Hodge, Jahn, Kefalas, Kerr J., Labuda, Looper, Madden, Marostica, Marshall, Massey, McFadyen, McGihon, Merrifield, Peniston, Pommer, Rice, Riesberg, Roberts, Romanoff, Scanlan, Solano, Stafford, Stephens, Summers, Todd, and White; also SENATOR(S) Hagedorn, Boyd, Brophy, Gibbs, Groff, Isgar, Johnson, Kester, Kopp, Mitchell S., Penry, Renfroe, Sandoval, Schultheis, Shaffer, Spence, Tapia, Taylor, Tupa, Veiga, Ward, Wiens, and Williams.

**AN ACT**

**CONCERNING THE VOLUNTARY DONATION OF UMBILICAL CORDS FOR THE PURPOSE OF AIDING IN THE CURE OF LIFE-THREATENING DISEASES THROUGH THE USE OF ADULT BLOOD STEM CELLS.**

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

**SECTION 1.** Title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 40**  
**Umbilical Cord Blood Collection and Awareness**

**25-40-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO CURES ACT".

**25-40-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT:

(a) THE NATIONAL MARROW DONOR PROGRAM REPORTS THAT RESEARCHERS ARE STUDYING UMBILICAL CORD BLOOD, ALSO KNOWN AS CORD BLOOD, AS A SOURCE OF ADULT BLOOD STEM CELLS THAT CAN BE USED TO TREAT LEUKEMIA, LYMPHOMA, AND OTHER LIFE-THREATENING DISEASES;

(b) FOR MANY PATIENTS WITH A LIFE-THREATENING DISEASE, A CORD BLOOD TRANSPLANT MAY BE THE BEST AND ONLY HOPE FOR A CURE;

(c) CORD BLOOD IS DESIRABLE FOR USE IN STEM CELL TRANSPLANTS BECAUSE IT

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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.*

HAS A LARGE NUMBER OF ADULT BLOOD STEM CELLS;

(d) BLOOD FROM EACH DONATED UMBILICAL CORD IS FROZEN AND MADE AVAILABLE FOR TRANSPLANT, AND IF IT CANNOT BE USED FOR TRANSPLANT, THE CORD BLOOD STEM CELLS MAY BE USED FOR RESEARCH;

(e) CORD BLOOD DONATIONS ARE URGENTLY NEEDED TO KEEP UP WITH THE DEMAND FOR TRANSPLANTS AND RESEARCH; AND

(f) MANY WOMEN IN GOOD HEALTH MAY BE ELIGIBLE TO VOLUNTARILY DONATE THEIR CHILDREN'S CORD BLOOD BUT ARE UNAWARE OF ITS UNIQUE VALUE OR OF THE EXISTENCE OF DONATION PROGRAMS.

(2) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CREATE THE ADULT STEM CELLS CURE FUND FOR THE PURPOSE OF ADVANCING UMBILICAL CORD BLOOD COLLECTION FOR PUBLIC BLOOD BANKS AND PROMOTING AWARENESS ACROSS THE STATE.

**25-40-103. Adult stem cells cure fund - creation.** (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE ADULT STEM CELLS CURE FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF GIFTS, GRANTS, AND DONATIONS TRANSFERRED TO THE FUND, WHICH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT IS AUTHORIZED TO ACCEPT, AND ANY VOLUNTARY CONTRIBUTIONS TO THE FUND PURSUANT TO PART 35 OF ARTICLE 22 OF TITLE 39, C.R.S.

(2) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL TRANSFER ANY GIFTS, GRANTS, AND DONATIONS TO THE FUND TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ALL MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE DEPOSITED INTO ANY OTHER FUND. THE MONEYS IN THE FUND SHALL BE ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSES OF THIS ARTICLE.

**25-40-104. Standards for cord blood collection and donation - administrative costs.** (1) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL SET STANDARDS FOR HOSPITALS FOR THE VOLUNTARY DONATION AND COLLECTION OF UMBILICAL CORD BLOOD FOR HOSPITALS THAT VOLUNTEER TO PARTICIPATE IN UMBILICAL CORD DONATION. THE DEPARTMENT IS ENCOURAGED TO TAKE PART IN EFFORTS TO INCREASE THE NUMBER OF UMBILICAL CORD DONATIONS TO PUBLIC BLOOD BANKS AND TO PROMOTE PUBLIC AWARENESS OF THE AVAILABILITY OF UMBILICAL CORD DONATION AS AN OPTION FOR NEW MOTHERS.

(2) THE DEPARTMENT MAY USE UP TO FIVE PERCENT OF THE MONEYS APPROPRIATED FROM THE ADULT STEM CELLS CURE FUND, CREATED IN SECTION 25-40-103, FOR ADMINISTRATIVE COSTS INCURRED IN THE IMPLEMENTATION OF THIS ARTICLE. THE DEPARTMENT MAY USE UP TO TWENTY-FIVE PERCENT OF THE MONEYS APPROPRIATED TO THE DEPARTMENT FROM THE FUND FOR UMBILICAL CORD COLLECTION AWARENESS. THE DEPARTMENT SHALL WORK WITH PUBLIC CORD BLOOD BANKS AND SHALL USE THE REMAINING MONEYS APPROPRIATED TO THE

DEPARTMENT FROM THE FUND FOR ACTIVITIES IN CONNECTION WITH UMBILICAL CORD BLOOD COLLECTION FOR PUBLIC CORD BLOOD BANKS.

**SECTION 2.** Article 22 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 35  
ADULT STEM CELLS CURE FUND  
VOLUNTARY CONTRIBUTION

**39-22-3501. Voluntary contribution designation - procedure.** (1) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2008, BUT BEFORE JANUARY 1, 2011, 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 ADULT STEM CELLS CURE FUND CREATED IN SECTION 25-40-103, C.R.S.

(2) THIS PART 35 SHALL TAKE EFFECT ON SEPTEMBER 1 OF THE YEAR THAT THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE FILES A WRITTEN CERTIFICATION WITH THE REVISOR OF STATUTES THAT THERE ARE NO MORE THAN FOURTEEN OTHER LINES ON THE COLORADO STATE INDIVIDUAL INCOME TAX FORMS FOR VOLUNTARY CONTRIBUTIONS FOR THE STATE INCOME TAX YEAR COMMENCING IN JANUARY OF SUCH YEAR.

**39-22-3502. Contributions credited to the adult stem cells cure fund - appropriation.** (1) THE DEPARTMENT OF REVENUE SHALL DETERMINE ANNUALLY THE TOTAL AMOUNT DESIGNATED PURSUANT TO SECTION 39-22-3501 AND SHALL REPORT THAT AMOUNT TO THE STATE TREASURER AND TO THE GENERAL ASSEMBLY. THE STATE TREASURER SHALL CREDIT THAT AMOUNT TO THE ADULT STEM CELLS CURE FUND.

(2) THE GENERAL ASSEMBLY SHALL APPROPRIATE FROM THE ADULT STEM CELLS CURE FUND, TO THE DEPARTMENT OF REVENUE, THE DEPARTMENT OF REVENUE'S COSTS OF IMPLEMENTING THIS PART 35.

**39-22-3503. Repeal.** THIS PART 35 IS REPEALED, EFFECTIVE JANUARY 1, 2012, UNLESS THE VOLUNTARY CONTRIBUTION TO THE ADULT STEM CELLS CURE FUND AS SPECIFIED IN SECTION 39-22-3501 IS CONTINUED OR REESTABLISHED BY THE GENERAL ASSEMBLY, ACTING BY BILL, PRIOR TO SAID DATE.

**SECTION 3. 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: June 3, 2008