

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0266.01 Karen Epps

SENATE BILL 07-037

SENATE SPONSORSHIP

Groff,

HOUSE SPONSORSHIP

Witwer,

Senate Committees
Health and Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE ORGAN AND TISSUE**
102 **DONATION AWARENESS FUND.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Continues the organ and tissue donation awareness fund until July 1, 2018.

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

2 **SECTION 1.** 42-2-107 (4) (b) (II), the introductory portion to

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.

1 42-2-107 (4) (b) (III), 42-2-107 (4) (b) (III) (A), (4) (b) (III) (C), (4) (b)
2 (III) (D), (4) (b) (IV), (4) (b) (V), and (4) (b) (VII), Colorado Revised
3 Statutes, are amended to read:

4 **42-2-107. Application for license or instruction permit -**
5 **anatomical gifts - donations to Emily Maureen Ellen Keyes organ and**
6 **tissue donation awareness fund - legislative declaration - repeal.**

7 (4) (b) (II) There is hereby created in the state treasury the EMILY
8 MAUREEN ELLEN KEYES organ and tissue donation awareness fund,
9 which shall consist of all moneys credited thereto from all sources
10 including but not limited to moneys collected from voluntary
11 contributions for organ and tissue donation pursuant to subparagraph (V)
12 of this paragraph (b) and sections 39-22-2702, C.R.S., and 42-2-118 (1)
13 (a) (II). All moneys in the fund are hereby continuously appropriated to
14 the department of the treasury and shall remain in the fund to be used for
15 the purposes set forth in subparagraph (III) of this paragraph (b) and shall
16 not revert to the general fund or any other fund. All interest derived from
17 the deposit and investment of this fund shall be credited to the fund. At
18 least quarterly, the state treasurer shall transfer all available moneys in the
19 EMILY MAUREEN ELLEN KEYES organ and tissue donation awareness fund
20 to the transplant council of the rockies (TCOR), OR ITS SUCCESSOR
21 ORGANIZATION, as directed by sub-subparagraph (A) of subparagraph (III)
22 of this paragraph (b).

23 (III) At least quarterly, the state treasurer shall transfer all
24 available moneys from the EMILY MAUREEN ELLEN KEYES organ and
25 tissue donation awareness fund:

26 (A) To the transplant council of the rockies (TCOR), OR ITS
27 SUCCESSOR ORGANIZATION, to provide funding for activities to promote

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

17 (C) Before any payment to transplant council of the rockies
18 (TCOR), OR ITS SUCCESSOR ORGANIZATION, from the EMILY MAUREEN
19 ELLEN KEYES organ and tissue donor DONATION awareness fund may be
20 made for any purpose, to the department of revenue for the reasonable
21 costs associated with the initial installation of the organ and tissue donor
22 registry, the setup for electronic transfer of the donor information for the
23 organ and tissue donor registry to the federally designated organ
24 procurement agency, computer programming and form changes necessary
25 as a result of the creation of the organ and tissue donor registry, and the
26 tracking and reporting of moneys designated as contributions to the fund
27 pursuant to section 39-22-2702, C.R.S.

1 (D) To the transplant council of the rockies (TCOR), OR ITS
2 SUCCESSOR ORGANIZATION, for the costs associated with educating the
3 public about the organ and tissue donor registry pursuant to section
4 12-34-110, C.R.S.

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

9 (V) An applicant may make a donation of one dollar or more to the
10 EMILY MAUREEN ELLEN KEYES organ and tissue donation awareness
11 fund, created in subparagraph (II) of this paragraph (b), to promote the
12 donation of organs and tissues under the provisions of the "Uniform
13 Anatomical Gift Act", part 1 of article 34 of title 12, C.R.S. The
14 department shall collect such donations and transmit them to the state
15 treasurer, who shall credit the same to the EMILY MAUREEN ELLEN KEYES
16 organ and tissue donation awareness fund. The donation prescribed in this
17 subparagraph (V) is voluntary and may be refused by the applicant. The
18 department shall make available informational booklets or other
19 informational sources on the importance of organ and tissue donations to
20 applicants as designed and approved by the advisory body created under
21 sub-subparagraph (A) of subparagraph (III) of this paragraph (b). The
22 department shall inquire of each applicant at the time the completed
23 application is presented whether the applicant is interested in making a
24 donation of one dollar or more and shall also specifically inform the
25 applicant of the option for organ and tissue donations. The department
26 shall also provide written information designed and approved by the
27 advisory body created under sub-subparagraph (A) of subparagraph (III)

1 of this paragraph (b) to each applicant volunteering to become an organ
2 and tissue donor. The written information shall disclose that the
3 applicant's name shall be transmitted to the organ and tissue donor
4 registry created in section 12-34-110, C.R.S., and that the applicant shall
5 notify the federally designated organ procurement agency of any changes
6 to the applicant's donor status.

7 (VII) This paragraph (b) is repealed, effective July 1, 2008 JULY
8 1, 2018.

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

11 **42-2-118. Renewal of license in person or by mail - donations**
12 **to Emily Maureen Ellen Keyes organ and tissue donation awareness**
13 **fund - repeal.** (1) (a) (II) (A) An applicant may make a donation of one
14 dollar or more to the EMILY MAUREEN ELLEN KEYES organ and tissue
15 donation awareness fund, created in section 42-2-107 (4) (b) (II), to
16 promote the donation of organs and tissues under the provisions of the
17 "Uniform Anatomical Gift Act", part 1 of article 34 of title 12, C.R.S. The
18 department shall collect such donations and transmit them to the state
19 treasurer, who shall credit the same to the EMILY MAUREEN ELLEN KEYES
20 organ and tissue donation awareness fund. The donation prescribed in this
21 sub-subparagraph (A) is voluntary and may be refused by the applicant.
22 The department shall make available informational booklets or other
23 informational sources on the importance of organ and tissue donations to
24 applicants as designed and approved by the advisory body created under
25 section 42-2-107 (4) (b) (III) (A). The department shall inquire of each
26 applicant at the time the completed application is presented whether the
27 applicant is interested in making a donation of one dollar or more and

1 shall also specifically inform the applicant of the option for organ and
2 tissue donations by having a "Y" placed in the donor field on the front of
3 the document. The department shall also advise each applicant
4 volunteering to become an organ and tissue donor that the applicant's
5 name shall be transmitted to the organ and tissue donor registry created
6 in section 12-34-110, C.R.S., and that the applicant shall notify the
7 federally designated organ procurement agency of any changes to the
8 applicant's donation.

9 (B) This subparagraph (II) is repealed, effective ~~July 1, 2008~~ JULY
10 1, 2018.

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

13 **39-22-2702. Voluntary contribution designation - procedure.**
14 For income tax years that commence on or after January 1, 2004, but
15 before January 1, 2007, the Colorado state individual income tax return
16 form shall contain a line whereby each individual taxpayer may designate
17 the amount of the contribution, if any, the individual wishes to make to
18 the EMILY MAUREEN ELLEN KEYES organ and tissue donation awareness
19 fund created in section 42-2-107 (4) (b) (II), C.R.S.

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

22 **39-22-2703. Contributions credited to the Emily Maureen Ellen**
23 **Keyes organ and tissue donation awareness fund.** The department of
24 revenue shall determine annually the total amount designated pursuant to
25 section 39-22-2702 and shall report that amount to the state treasurer and
26 to the general assembly. The state treasurer shall credit that amount to the
27 EMILY MAUREEN ELLEN KEYES organ and tissue donation awareness fund

1 created in section 42-2-107 (4) (b) (II), C.R.S. All moneys credited to the
2 fund shall be used for the purposes set forth in section 42-2-107 (4) (b)
3 (II), C.R.S.

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

6 **39-22-2704. Repeal of part.** This part 27 is repealed, effective
7 January 1, 2008, unless the voluntary contribution to the EMILY MAUREEN
8 ELLEN KEYES organ and tissue donation awareness fund established by
9 sections 39-22-2702 and 39-22-2703 is continued or reestablished by the
10 general assembly acting by bill prior to said date.

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

13 **12-34-110. Registry - creation and operation.** (1) The
14 department of revenue shall electronically transfer to the federally
15 designated organ procurement agency all information that appears on the
16 front of the driver's license or identification card including, but not
17 limited to, the name, gender, date of birth, and most recent address of any
18 person who obtains a driver's license or identification card who
19 volunteers to donate organs or tissue upon death. Moneys from the EMILY
20 MAUREEN ELLEN KEYES organ and tissue donation awareness fund
21 created in section 42-2-107, C.R.S., shall be transferred to the department
22 of revenue for the reasonable costs associated with the initial installation
23 and setup for electronic transfer of the donor information. All subsequent
24 electronic transfers of donor information shall be at no charge to the
25 federally designated organ procurement agency. Information obtained by
26 the federally designated organ procurement agency shall be used for the
27 purpose of establishing a statewide organ and tissue donor registry

1 accessible to in-state recognized cadaveric organ and cadaveric tissue
2 agencies for the recovery or placement of organs and tissue and to
3 procurement agencies in another state when a Colorado resident is a
4 donor of an anatomical gift and is not located in Colorado at the time of
5 death or immediately before the death of the donor. No organ or tissue
6 donation organization may obtain information from the organ and tissue
7 donor registry for the purposes of fund-raising. Organ and tissue donor
8 registry information shall not be further disseminated unless authorized
9 in this part 1 or by federal law. Dissemination of organ and tissue donor
10 registry information may be made by the organ procurement agency to a
11 recognized in-state procurement agency for other tissue recovery, or an
12 out-of-state federally designated organ procurement agency.

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