

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

January 17, 2007  
Date

Committee on Health and Human Services.

After consideration on the merits, the Committee recommends the following:

SB07-037 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 1, line 2, after "42-2-107", insert "(4) (b) (II),  
2 the introductory portion to 42-2-107 (4) (b) (III), 42-2-107 (4) (b) (III)  
3 (A), (4) (b) (III) (C), (4) (b) (III) (D), (4) (b) (IV), (4) (b) (V), and".

4 Page 2, line 1, strike "is" and substitute "are";

5 strike lines 3 and 4 and substitute the following:

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

1 ORGANIZATION, as directed by sub-subparagraph (A) of subparagraph (III)  
2 of this paragraph (b).

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

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

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

35 (D) To the transplant council of the rockies (TCOR), OR ITS  
36 SUCCESSOR ORGANIZATION, for the costs associated with educating the  
37 public about the organ and tissue donor registry pursuant to section  
38 12-34-110, C.R.S.



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

5 (V) An applicant may make a donation of one dollar or more to the  
6 EMILY MAUREEN ELLEN KEYES organ and tissue donation awareness  
7 fund, created in subparagraph (II) of this paragraph (b), to promote the  
8 donation of organs and tissues under the provisions of the "Uniform  
9 Anatomical Gift Act", part 1 of article 34 of title 12, C.R.S. The  
10 department shall collect such donations and transmit them to the state  
11 treasurer, who shall credit the same to the EMILY MAUREEN ELLEN KEYES  
12 organ and tissue donation awareness fund. The donation prescribed in this  
13 subparagraph (V) is voluntary and may be refused by the applicant. The  
14 department shall make available informational booklets or other  
15 informational sources on the importance of organ and tissue donations to  
16 applicants as designed and approved by the advisory body created under  
17 sub-subparagraph (A) of subparagraph (III) of this paragraph (b). The  
18 department shall inquire of each applicant at the time the completed  
19 application is presented whether the applicant is interested in making a  
20 donation of one dollar or more and shall also specifically inform the  
21 applicant of the option for organ and tissue donations. The department  
22 shall also provide written information designed and approved by the  
23 advisory body created under sub-subparagraph (A) of subparagraph (III)  
24 of this paragraph (b) to each applicant volunteering to become an organ  
25 and tissue donor. The written information shall disclose that the  
26 applicant's name shall be transmitted to the organ and tissue donor  
27 registry created in section 12-34-110, C.R.S., and that the applicant shall  
28 notify the federally designated organ procurement agency of any changes  
29 to the applicant's donor status.

30 (VII) This paragraph (b)";

31 after line 5, insert the following:

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

34 **42-2-118. Renewal of license in person or by mail - donations**  
35 **to Emily Maureen Ellen Keyes organ and tissue donation awareness**  
36 **fund - repeal.** (1) (a) (II) (A) An applicant may make a donation of one  
37 dollar or more to the EMILY MAUREEN ELLEN KEYES organ and tissue



1 donation awareness fund, created in section 42-2-107 (4) (b) (II), to  
2 promote the donation of organs and tissues under the provisions of the  
3 "Uniform Anatomical Gift Act", part 1 of article 34 of title 12, C.R.S. The  
4 department shall collect such donations and transmit them to the state  
5 treasurer, who shall credit the same to the EMILY MAUREEN ELLEN KEYES  
6 organ and tissue donation awareness fund. The donation prescribed in this  
7 sub-subparagraph (A) is voluntary and may be refused by the applicant.  
8 The department shall make available informational booklets or other  
9 informational sources on the importance of organ and tissue donations to  
10 applicants as designed and approved by the advisory body created under  
11 section 42-2-107 (4) (b) (III) (A). The department shall inquire of each  
12 applicant at the time the completed application is presented whether the  
13 applicant is interested in making a donation of one dollar or more and  
14 shall also specifically inform the applicant of the option for organ and  
15 tissue donations by having a "Y" placed in the donor field on the front of  
16 the document. The department shall also advise each applicant  
17 volunteering to become an organ and tissue donor that the applicant's  
18 name shall be transmitted to the organ and tissue donor registry created  
19 in section 12-34-110, C.R.S., and that the applicant shall notify the  
20 federally designated organ procurement agency of any changes to the  
21 applicant's donation.

22 (B) This subparagraph (II) is repealed, effective ~~July 1, 2008~~ JULY  
23 1, 2018.

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

26 **39-22-2702. Voluntary contribution designation - procedure.**  
27 For income tax years that commence on or after January 1, 2004, but  
28 before January 1, 2007, the Colorado state individual income tax return  
29 form shall contain a line whereby each individual taxpayer may designate  
30 the amount of the contribution, if any, the individual wishes to make to  
31 the EMILY MAUREEN ELLEN KEYES organ and tissue donation awareness  
32 fund created in section 42-2-107 (4) (b) (II), C.R.S.

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

35 **39-22-2703. Contributions credited to the Emily Maureen Ellen**  
36 **Keyes organ and tissue donation awareness fund.** The department of  
37 revenue shall determine annually the total amount designated pursuant to



1 section 39-22-2702 and shall report that amount to the state treasurer and  
2 to the general assembly. The state treasurer shall credit that amount to the  
3 EMILY MAUREEN ELLEN KEYES organ and tissue donation awareness fund  
4 created in section 42-2-107 (4) (b) (II), C.R.S. All moneys credited to the  
5 fund shall be used for the purposes set forth in section 42-2-107 (4) (b)  
6 (III), C.R.S.

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

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

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

16           **12-34-110. Registry - creation and operation.** (1) The  
17 department of revenue shall electronically transfer to the federally  
18 designated organ procurement agency all information that appears on the  
19 front of the driver's license or identification card including, but not  
20 limited to, the name, gender, date of birth, and most recent address of any  
21 person who obtains a driver's license or identification card who  
22 volunteers to donate organs or tissue upon death. Moneys from the EMILY  
23 MAUREEN ELLEN KEYES organ and tissue donation awareness fund  
24 created in section 42-2-107, C.R.S., shall be transferred to the department  
25 of revenue for the reasonable costs associated with the initial installation  
26 and setup for electronic transfer of the donor information. All subsequent  
27 electronic transfers of donor information shall be at no charge to the  
28 federally designated organ procurement agency. Information obtained by  
29 the federally designated organ procurement agency shall be used for the  
30 purpose of establishing a statewide organ and tissue donor registry  
31 accessible to in-state recognized cadaveric organ and cadaveric tissue  
32 agencies for the recovery or placement of organs and tissue and to  
33 procurement agencies in another state when a Colorado resident is a  
34 donor of an anatomical gift and is not located in Colorado at the time of  
35 death or immediately before the death of the donor. No organ or tissue  
36 donation organization may obtain information from the organ and tissue  
37 donor registry for the purposes of fund-raising. Organ and tissue donor  
38 registry information shall not be further disseminated unless authorized



- 1 in this part 1 or by federal law. Dissemination of organ and tissue donor
- 2 registry information may be made by the organ procurement agency to a
- 3 recognized in-state procurement agency for other tissue recovery, or an
- 4 out-of-state federally designated organ procurement agency."
  
- 5 Renumber succeeding section accordingly.

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