

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0257.01 Kip Kolkmeier x4510

HOUSE BILL 17-1027

HOUSE SPONSORSHIP

Becker J. and Buckner,

SENATE SPONSORSHIP

Gardner,

House Committees

Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE EMILY MAUREEN ELLEN KEYES ORGAN AND TISSUE
102 DONATION AWARENESS FUND, AND, IN CONNECTION THEREWITH,
103 REMOVING THE REPEAL DATE OF THE FUND, REQUIRING AN
104 AUDIT EVERY TEN YEARS, AND CLARIFYING THAT AN ORGAN AND
105 TISSUE DONOR DESIGNATION IS EFFECTIVE UNLESS REVOKED BY
106 THE DONOR.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Section 1 of the bill clarifies that designation as an organ and

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.

tissue donor (donor) by an applicant for a driver's license, instruction permit, or license renewal remains in effect until revoked by the applicant. Section 1 also removes the repeal date of the Emily Maureen Ellen Keyes organ and tissue donation awareness fund (fund). **Section 2** of the bill continues the option that allows applicants for a driver's license, instruction permit, or license renewal to donate to the fund and, if not already a donor, to volunteer to become a donor. **Section 3** of the bill requires the state auditor to conduct an audit of the fund every 10 years beginning on July 1, 2018, and submit the report to the legislative audit committee.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-107, **amend**
3 (4)(b)(V) and (4)(b)(VII) as follows:

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 - rules - audit.**

7 (4) (b) (V) An applicant may make a donation of one dollar or more to
8 the Emily Maureen Ellen Keyes organ and tissue donation awareness
9 fund, created in ~~subparagraph (H) of this paragraph (b)~~; SUBSECTION
10 (4)(b)(II) OF THIS SECTION, to promote the donation of organs and tissues
11 under the ~~provisions of the~~ "Revised Uniform Anatomical Gift Act", part
12 1 of article 34 of title 12. ~~C.R.S.~~ The department shall collect such
13 FINANCIAL donations and transmit them to the state treasurer, who shall
14 credit ~~the same~~ THEM to the Emily Maureen Ellen Keyes organ and tissue
15 donation awareness fund. The donation prescribed in this ~~subparagraph~~
16 ~~(V)~~ SUBSECTION (4)(b)(V) is voluntary and may be refused by the
17 applicant. The department shall make available informational booklets or
18 other informational sources on the importance of organ and tissue
19 donations to applicants as designed and approved by the advisory body
20 created under ~~sub-subparagraph (A) of subparagraph (H) of this~~

1 ~~paragraph (b)~~ SUBSECTION (4)(b)(III)(A) OF THIS SECTION. The
2 department shall inquire of each applicant at the time the completed
3 application is presented whether the applicant is interested in making a
4 donation of one dollar or more and shall also specifically inform the
5 applicant of the option for organ and tissue donations. The department
6 shall also provide written information designed and approved by the
7 advisory body created under ~~sub-subparagraph (A) of subparagraph (HH)~~
8 ~~of this paragraph (b)~~ SUBSECTION (4)(b)(III)(A) OF THIS SECTION to each
9 applicant volunteering to become an organ and tissue donor. The written
10 information shall disclose that the applicant's name shall be transmitted
11 to the organ and tissue donor registry authorized in section 12-34-120
12 ~~C.R.S.~~, and that the applicant shall notify the federally designated organ
13 procurement organization of any changes to the applicant's donor status.
14 THE ISSUANCE OF A DRIVER'S LICENSE OR INSTRUCTION PERMIT WITH A
15 DONOR'S DESIGNATION COMPLETES THE DONATION PROCESS AND IS
16 EFFECTIVE UNLESS REVOKED PURSUANT TO SECTION 12-34-106 OF THE
17 "REVISED UNIFORM ANATOMICAL GIFT ACT", PART 1 OF ARTICLE 34 OF
18 TITLE 12.

19 (VII) ~~This paragraph (b) is repealed, effective July 1, 2018~~ THE
20 STATE AUDITOR SHALL CONDUCT PERIODIC AUDITS OF THE EMILY
21 MAUREEN ELLEN KEYES ORGAN AND TISSUE DONATION AWARENESS FUND
22 AS REQUIRED BY SECTION 2-3-124.

23 **SECTION 2.** In Colorado Revised Statutes, 42-2-118, **amend**
24 (1)(a)(II)(A); and **repeal** (1)(a)(II)(B) as follows:

25 **42-2-118. Renewal of license in person or by mail - donations**
26 **to Emily Maureen Ellen Keyes organ and tissue donation awareness**
27 **fund.** (1) (a) (II) (A) An applicant may make a donation of one dollar or

1 more to the Emily Maureen Ellen Keyes organ and tissue donation
2 awareness fund, created in section 42-2-107 (4)(b)(II), to promote the
3 donation of organs and tissues under the provisions of the "Revised
4 Uniform Anatomical Gift Act", part 1 of article 34 of title 12. ~~C.R.S.~~ The
5 department shall collect such donations and transmit them to the state
6 treasurer, who shall credit the same to the Emily Maureen Ellen Keyes
7 organ and tissue donation awareness fund. The donation prescribed in this
8 ~~sub-subparagraph (A)~~ SUBSECTION (1)(a)(II)(A) is voluntary and may be
9 refused by the applicant. The department shall make available
10 informational booklets or other informational sources on the importance
11 of organ and tissue donations to applicants as designed and approved by
12 the advisory body created under section 42-2-107 (4)(b)(III)(A). The
13 department shall inquire of each applicant at the time the completed
14 application is presented whether the applicant is interested in making a
15 donation of one dollar or more ~~and~~ TO THE FUND. IF THE APPLICANT HAS
16 NOT ALREADY MADE A DONOR DESIGNATION, THE DEPARTMENT shall also
17 specifically inform the applicant of the option for organ and tissue
18 donations by having a "Y" placed in the donor field on the front of the
19 document. The department shall ~~also~~ advise each applicant volunteering
20 to become an organ and tissue donor that the applicant's name shall be
21 transmitted to the organ and tissue donor registry authorized in section
22 12-34-120 ~~C.R.S.~~, and that the applicant shall notify the federally
23 designated organ procurement organization of any changes to the
24 applicant's donation.

25 (B) ~~This subparagraph (H) is repealed, effective July 1, 2018.~~

26 **SECTION 3.** In Colorado Revised Statutes, **add** 2-3-124 as
27 follows:

1 **2-3-124. Periodic audits of the Emily Maureen Ellen Keyes**
2 **organ and tissue donation awareness fund - reports.** NO LATER THAN
3 JULY 1, 2018, AND EVERY TEN YEARS THEREAFTER, THE STATE AUDITOR
4 SHALL CONDUCT OR CAUSE TO BE CONDUCTED A PERFORMANCE AUDIT OF
5 THE EMILY MAUREEN ELLEN KEYES ORGAN AND TISSUE DONATION
6 AWARENESS FUND CREATED IN SECTION 42-2-107 (4)(b)(II). THE STATE
7 AUDITOR SHALL PREPARE A REPORT AND RECOMMENDATIONS ON EACH
8 AUDIT CONDUCTED AND SHALL PRESENT THE REPORT AND
9 RECOMMENDATIONS TO THE COMMITTEE.

10 **SECTION 4. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2018 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.