

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 17-0257.01 Kip Kolkmeier x4510 & Christy Chase x2008 **HOUSE BILL 17-1027**

HOUSE SPONSORSHIP

Becker J. and Buckner,

SENATE SPONSORSHIP

Gardner and Garcia,

House Committees

Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE EMILY MAUREEN ELLEN KEYES ORGAN AND TISSUE**
102 **DONATION AWARENESS FUND, AND, IN CONNECTION THEREWITH,**
103 **CHANGING THE NAME OF THE FUND, EXTENDING THE REPEAL**
104 **DATE OF THE FUND, REQUIRING AN ANNUAL REPORT ON THE USE**
105 **OF DONATED FUNDS, CLARIFYING THAT AN ORGAN AND TISSUE**
106 **DONOR DESIGNATION IS EFFECTIVE UNLESS REVOKED BY THE**
107 **DONOR, AND MAKING AN APPROPRIATION.**

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/>.)

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.*

SENATE
Amended 2nd Reading
April 7, 2017

HOUSE
Amended 3rd Reading
March 1, 2017

HOUSE
Amended 2nd Reading
February 28, 2017

Section 1 of the bill clarifies that designation as an organ and 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)(II), (4)(b)(III) introductory portion, (4)(b)(III)(A), (4)(b)(III)(C),**
4 **(4)(b)(IV), (4)(b)(V), and (4)(b)(VII); and add (4)(b)(VIII) as follows:**

5 **42-2-107. Application for license or instruction permit -**
6 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**
7 **and tissue donation awareness fund - legislative declaration - rules -**
8 **annual report - repeal.** (4)(b)(II) There is hereby created in the state
9 treasury the ~~Emily Maureen Ellen Keyes~~ **EMILY KEYES - JOHN W.**
10 **BUCKNER** organ and tissue donation awareness fund, which shall consist
11 of all moneys credited thereto from all sources including but not limited
12 to moneys collected from voluntary contributions for organ and tissue
13 donation pursuant to subparagraph (V) of this paragraph (b) and section
14 42-2-118 (1)(a)(II). All moneys in the fund are hereby continuously
15 appropriated to the department of the treasury and shall remain in the
16 fund to be used for the purposes set forth in subparagraph (III) of this
17 paragraph (b) and shall not revert to the general fund or any other fund.
18 All interest derived from the deposit and investment of this fund shall be
19 credited to the fund. At least quarterly, the state treasurer shall transfer all

1 available moneys in the ~~Emily Maureen Ellen Keyes~~ EMILY KEYES - JOHN
2 W. BUCKNER organ and tissue donation awareness fund to donor alliance,
3 inc., or its successor organization, as directed by sub-subparagraph (A) of
4 subparagraph (III) of this paragraph (b).

5 (III) At least quarterly, the state treasurer shall transfer all
6 available moneys from the EMILY KEYES - JOHN W. BUCKNER organ and
7 tissue donation awareness fund:

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

25 (C) Before any payment to Donor Alliance, Inc., or its successor
26 organization, from the EMILY KEYES - JOHN W. BUCKNER organ and
27 tissue donation awareness fund may be made for any purpose, to the

1 department for the reasonable costs associated with the initial installation
2 of the organ and tissue donor registry, the setup for electronic transfer of
3 the donor information for the organ and tissue donor registry to the
4 federally designated organ procurement organization, and computer
5 programming, REPROGRAMMING, and form changes necessary as a result
6 of the creation OR MODIFICATION of the organ and tissue donor registry.

7 (IV) Appropriations made by the general assembly pursuant to
8 subparagraph (III) of this paragraph (b) shall not exceed moneys in the
9 ~~Emily Maureen Ellen Keyes~~ EMILY KEYES - JOHN W. BUCKNER organ and
10 tissue donation awareness fund that are available for appropriation.

11 (V) An applicant may make a donation of one dollar or more to
12 the EMILY KEYES - JOHN W. BUCKNER organ and tissue donation
13 awareness fund, created in ~~subparagraph (II) of this paragraph (b),~~
14 SUBSECTION (4)(b)(II) OF THIS SECTION, to promote the donation of organs
15 and tissues under the provisions of the "Revised Uniform Anatomical Gift
16 Act", part 1 of article 34 of title 12. ~~C.R.S.~~ The department shall collect
17 such FINANCIAL donations and transmit them to the state treasurer, who
18 shall credit ~~the same~~ THEM to the EMILY KEYES - JOHN W. BUCKNER
19 organ and tissue donation awareness fund. The donation prescribed in this
20 ~~subparagraph (V)~~ SUBSECTION (4)(b)(V) is voluntary and may be refused
21 by the applicant. The department shall make available informational
22 booklets or other informational sources on the importance of organ and
23 tissue donations to applicants as designed and approved by the advisory
24 body created under ~~sub-subparagraph (A) of subparagraph (III) of this~~
25 ~~paragraph (b)~~ SUBSECTION (4)(b)(III)(A) OF THIS SECTION. The
26 department shall inquire of each applicant at the time the completed
27 application is presented whether the applicant is interested in making a

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

16 (VII) ~~This paragraph (b) is repealed July 1, 2018 BY OCTOBER 1,~~
17 ~~2017, AND BY EACH OCTOBER 1 THEREAFTER, DONOR ALLIANCE, INC., OR~~
18 ~~ITS SUCCESSOR ORGANIZATION, SHALL SUBMIT TO THE DEPARTMENT AN~~
19 ~~ANNUAL REPORT DETAILING THE AMOUNTS AND SPECIFIC USES OF ALL~~
20 ~~FUNDS RECEIVED BY DONOR ALLIANCE, INC., FROM THE EMILY KEYES~~
21 ~~- JOHN W. BUCKNER ORGAN AND TISSUE DONATION AWARENESS FUND.~~

22 (VIII) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE
23 SEPTEMBER 1, 2027.

24 **SECTION 2.** In Colorado Revised Statutes, 42-2-118, **amend**
25 (1)(a)(II) as follows:

26 **42-2-118. Renewal of license in person or by mail - donations**
27 **to Emily Keyes - John W. Buckner organ and tissue donation**

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

26 (B) This subparagraph (H) SUBSECTION (1)(a)(II) is repealed,
27 effective July 1, 2018 SEPTEMBER 1, 2027.

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SECTION 3. Appropriation. For the 2017-18 state fiscal year, \$33,750 is appropriated to the department of revenue. This appropriation is from the EMILY KEYES - JOHN W. BUCKNER organ and tissue donation awareness fund created in section 42-2-107 (4)(b)(II), C.R.S. To implement this act, the department may use this appropriation for CITA annual maintenance and support.

SECTION 4. Act subject to petition - effective date. This act takes effect September 15, 2017; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.