

CHAPTER 329

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 17-1027

BY REPRESENTATIVE(S) Becker J. and Buckner, Arndt, Becker K., Beckman, Benavidez, Bridges, Buck, Carver, Catlin, Coleman, Covarrubias, Danielson, Esgar, Everett, Exum, Foote, Garnett, Ginal, Gray, Hamner, Hansen, Herod, Hooton, Humphrey, Jackson, Kennedy, Kraft-Tharp, Landgraf, Lawrence, Lebsack, Lee, Leonard, Lewis, Liston, Lontine, Lundeen, McKean, McLachlan, Melton, Michaelson Jenet, Mitsch Bush, Navarro, Neville P., Nordberg, Pabon, Pettersen, Rankin, Ransom, Rosenthal, Saine, Salazar, Sias, Singer, Thurlow, Valdez, Van Winkle, Weissman, Willett, Williams D., Wilson, Winter, Wist, Young, Duran;
also SENATOR(S) Gardner and Garcia, Aguilar, Baumgardner, Court, Crowder, Donovan, Fenberg, Fields, Guzman, Jones, Kefalas, Kerr, Lambert, Martinez Humenik, Merrifield, Moreno, Priola, Todd, Williams A., Zenzinger.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, 42-2-107, **amend** (4)(b)(II), (4)(b)(III) introductory portion, (4)(b)(III)(A), (4)(b)(III)(C), (4)(b)(IV), (4)(b)(V), and (4)(b)(VII); and **add** (4)(b)(VIII) as follows:

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

investment of this fund shall be credited to the fund. At least quarterly, the state treasurer shall transfer all available moneys in the ~~Emily Maureen Ellen Keyes~~ EMILY KEYES - JOHN W. BUCKNER organ and tissue donation awareness fund to donor alliance, inc., or its successor organization, as directed by sub-subparagraph (A) of subparagraph (III) of this paragraph (b).

(III) At least quarterly, the state treasurer shall transfer all available moneys from the ~~Emily Maureen Ellen Keyes~~ EMILY KEYES - JOHN W. BUCKNER organ and tissue donation awareness fund:

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

(C) Before any payment to Donor Alliance, Inc., or its successor organization, from the ~~Emily Maureen Ellen Keyes~~ EMILY KEYES - JOHN W. BUCKNER organ and tissue donation awareness fund may be made for any purpose, to the department for the reasonable costs associated with the initial installation of the organ and tissue donor registry, the setup for electronic transfer of the donor information for the organ and tissue donor registry to the federally designated organ procurement organization, and computer programming, REPROGRAMMING, and form changes necessary as a result of the creation OR MODIFICATION of the organ and tissue donor registry.

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

(V) An applicant may make a donation of one dollar or more to the ~~Emily Maureen Ellen Keyes~~ EMILY KEYES - JOHN W. BUCKNER organ and tissue donation awareness fund, created in ~~subparagraph (II) of this paragraph (b)~~, SUBSECTION (4)(b)(II) OF THIS SECTION, to promote the donation of organs and tissues under the provisions of the "Revised Uniform Anatomical Gift Act", part 1 of article 34 of title 12. C.R.S. The department shall collect such FINANCIAL donations and transmit them to the state treasurer, who shall credit ~~the same~~ THEM to the ~~Emily Maureen Ellen Keyes~~ EMILY KEYES - JOHN W. BUCKNER organ and tissue donation awareness fund. The donation prescribed in this ~~subparagraph (V)~~ SUBSECTION (4)(b)(V) is voluntary and may be refused by the applicant. The department shall

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

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

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

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

42-2-118. Renewal of license in person or by mail - donations to Emily Keyes - John W. Buckner organ and tissue donation awareness fund - repeal.
 (1) (a) (II) (A) An applicant may make a donation of one dollar or more to the ~~Emily Maureen Ellen Keyes~~ EMILY KEYES - JOHN W. BUCKNER organ and tissue donation awareness fund, created in section 42-2-107 (4)(b)(II), to promote the donation of organs and tissues under the provisions of the "Revised Uniform Anatomical Gift Act", part 1 of article 34 of title 12. ~~C.R.S.~~ The department shall collect such donations and transmit them to the state treasurer, who shall credit the same to the ~~Emily Maureen Ellen Keyes~~ EMILY KEYES - JOHN W. BUCKNER organ and tissue donation awareness fund. The donation prescribed in this ~~sub-subparagraph (A)~~ SUBSECTION (1)(a)(II)(A) is voluntary and may be refused by the applicant. The department shall make available informational booklets or other informational sources on the importance of organ and tissue donations to applicants as designed and approved by the advisory body created under section 42-2-107 (4)(b)(III)(A). The department shall inquire of each applicant at the time the completed application is presented whether the applicant is interested in making a donation of one dollar or more ~~and~~ TO THE FUND. IF THE APPLICANT HAS NOT ALREADY MADE A DONOR DESIGNATION, THE DEPARTMENT shall also specifically inform the applicant of the option for organ and tissue donations by having a "Y"

placed in the donor field on the front of the document. The department shall ~~also~~ advise each applicant volunteering to become an organ and tissue donor that the applicant's name shall be transmitted to the organ and tissue donor registry authorized in section 12-34-120 C.R.S., and that the applicant shall notify the federally designated organ procurement organization of any changes to the applicant's donation.

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

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.

Approved: June 5, 2017