

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

March 5, 2024  
Date

Committee on Health & Human Services.

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

HB24-1254 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, line 20, strike "(4)" and insert "(4); and **add**  
2 (1)(c)".
- 3 Page 2, lines 21 and 22, strike "**repeal. (4) This**" and substitute "**repeal.**  
4 (1) (c) IF A NONTRANSPLANT TISSUE BANK WITHDRAWS OR DOES NOT  
5 RENEW ITS REGISTRATION, FOR A PERIOD OF THREE YEARS AFTER THE END  
6 OF REGISTRATION, THE NONTRANSPLANT TISSUE BANK SHALL CONTINUE  
7 TO MAINTAIN ON FILE WITH THE DIRECTOR CURRENT INFORMATION  
8 REGARDING ITEMS DESCRIBED IN SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF  
9 THIS SECTION.  
10 (4) This".
- 11 Page 3, after line 2 insert:  
12 "**SECTION 3.** In Colorado Revised Statutes, 12-140-105, **amend**  
13 (1)(b) and (1)(c); and **add** (1)(d), (4), and (5) as follows:  
14 **12-140-105. Standards of practice.** (1) A nontransplant tissue  
15 bank shall:  
16 (b) Be equipped with instruments and supplies necessary to  
17 protect the health and safety of the public and employees of the  
18 nontransplant tissue bank; **and**  
19 (c) Affix identification to all human remains delivered to the  
20 nontransplant tissue bank and provide tracking paperwork to match the  
21 identification; **AND**  
22 (d) MAINTAIN A PROPER CHAIN OF CUSTODY OF HUMAN REMAINS  
23 WHILE THE HUMAN REMAINS ARE IN THE POSSESSION OF THE  
24 NONTRANSPLANT TISSUE BANK.  
25 (4) (a) A NONTRANSPLANT TISSUE BANK MAY COMPENSATE A  
26 FUNERAL ESTABLISHMENT FOR TRANSPORTATION OF HUMAN REMAINS AND

1 OTHER REASONABLE EXPENSES.

2 (b) A NONTRANSPLANT TISSUE BANK SHALL NOT COMPENSATE A  
3 FUNERAL ESTABLISHMENT FOR HUMAN REMAINS.

4 (5) THE DONOR OR THE PERSON AUTHORIZED BY LAW TO CONSENT  
5 TO DONATION MAY LIMIT THE SALE OF THE DONATED HUMAN REMAINS BY  
6 A NONTRANSPLANT TISSUE BANK, INCLUDING PROHIBITING SALE TO  
7 FOREIGN BUYERS, TO NON-MEDICAL RESEARCH USES, OR FOR MILITARY  
8 USES.

9 **SECTION 4.** In Colorado Revised Statutes, 12-140-106, **amend**  
10 (1)(b); and **add** (1)(d), (1)(e), (1)(f), and (1)(g) as follows:

11 **12-140-106. Disclosure.** (1) A nontransplant tissue bank shall  
12 disclose, in clear and unambiguous terms, the following information to  
13 the donor or to the person authorized by law to consent to donation:

14 (b) That the donated human remains may be returned, in whole or  
15 in part, to the nontransplant tissue bank; ~~and~~

16 (d) THAT THE DONOR OR THE PERSON AUTHORIZED BY LAW TO  
17 CONSENT TO DONATION IS DONATING HUMAN REMAINS TO A  
18 NONTRANSPLANT TISSUE BANK;

19 (e) THAT THE NONTRANSPLANT TISSUE BANK MAY SELL ALL OR  
20 ANY PORTION OF THE HUMAN REMAINS;

21 (f) THAT THE NONTRANSPLANT TISSUE BANK MAY COMPENSATE A  
22 FUNERAL ESTABLISHMENT FOR TRANSPORTATION OF HUMAN REMAINS AND  
23 OTHER REASONABLE EXPENSES, BUT THE NONTRANSPLANT TISSUE BANK  
24 SHALL NOT COMPENSATE A FUNERAL ESTABLISHMENT FOR HUMAN  
25 REMAINS; AND

26 (g) THAT THE DONOR OR THE PERSON AUTHORIZED BY LAW TO  
27 CONSENT TO DONATION MAY LIMIT THE SALE OF THE DONATED HUMAN  
28 REMAINS BY A NONTRANSPLANT TISSUE BANK, INCLUDING PROHIBITING  
29 SALE TO FOREIGN BUYERS, TO NON-MEDICAL RESEARCH USES, OR FOR  
30 MILITARY USES."

31 Renumber succeeding sections accordingly.

32 Page 3, line 5, strike "THE" and substitute "(1) THE".

33 Page 3, line 6, after "140." add "BEFORE PROMULGATING RULES, THE  
34 DIRECTOR SHALL SEEK INPUT AND ADVICE FROM:

35 (a) PERSONS, INCLUDING ANY PROFESSIONAL ORGANIZATION OF  
36 INDIVIDUALS, OFFERING SERVICES THAT REQUIRE REGISTRATION  
37 PURSUANT TO THIS ARTICLE 140; AND

38 (b) CONSUMERS OR CONSUMER REPRESENTATIVES WHO ADVOCATE  
39 FOR CONSUMERS AFFECTED BY THIS ARTICLE 140."

1 Page 3, after line 15 insert:

2 "SECTION 7. In Colorado Revised Statutes, 12-135-105, **amend**  
3 (1)(p) as follows:

4 **12-135-105. Unlawful acts.** (1) It is unlawful:

5 (p) For a person owning an indirect OR A DIRECT interest ~~with~~  
6 ~~more than ten-percent ownership in a funeral establishment or for a~~  
7 ~~person owning a direct interest in a funeral establishment to own an~~  
8 indirect interest ~~with more than ten-percent ownership~~ in a nontransplant  
9 tissue bank, as defined in section 12-140-102 (3), or to own a direct  
10 interest in a nontransplant tissue bank;"

11 **SECTION 8.** In Colorado Revised Statutes, 12-140-102, **amend**  
12 (3) as follows:

13 **12-140-102. Definitions.** As used in this article 140, unless the  
14 context otherwise requires:

15 (3) (a) "Nontransplant tissue bank" means a person that, for any  
16 purpose other than transplantation into a living human being, ~~recovers;~~  
17 ~~transports, distributes, screens, stores, and arranges~~ AND WITH THE INTENT  
18 OF FURTHER DISTRIBUTION, PROVIDES OR ENGAGES IN AT LEAST ONE OF  
19 THE FOLLOWING for the storage and distribution of human remains:

- 20 (I) RECOVERY;
- 21 (II) COLLECTION;
- 22 (III) ACQUISITION;
- 23 (IV) DISTRIBUTION;
- 24 (V) SCREENING;
- 25 (VI) STORAGE; OR
- 26 (VII) ARRANGEMENT.

27 (b) "Nontransplant tissue bank" does not include:

28 (I) An eye bank, an organ procurement organization, or a tissue  
29 bank, as those terms are defined in section 15-19-202 (10), (16), and (31),  
30 respectively;

31 (II) A funeral establishment registered in accordance with section  
32 12-135-110; ~~or~~

33 (III) A crematory registered in accordance with section  
34 12-135-303; OR

35 (IV) AN APPROVED MEDICAL COLLEGE, AS DEFINED IN SECTION  
36 12-240-104 (3), OR SIMILAR EDUCATIONAL INSTITUTION THAT ACCEPTS  
37 HUMAN REMAINS PRIMARILY FOR ITS OWN EDUCATIONAL OR RESEARCH  
38 PURPOSES.

39 **SECTION 9.** In Colorado Revised Statutes, 12-140-104, **add** (4)  
40 as follows:

41 **12-140-104. Records and receipts.** (4) A NONTRANSPLANT  
42 TISSUE BANK AND ITS DESIGNEE EACH SHALL MAINTAIN THE RECORDS AND

1 RECEIPTS REQUIRED BY THIS SECTION. IF A NONTRANSPLANT TISSUE BANK  
2 WITHDRAWS OR DOES NOT RENEW ITS REGISTRATION, THE  
3 NONTRANSPLANT TISSUE BANK AND ITS DESIGNEE SHALL MAINTAIN THE  
4 RECORDS AND RECEIPTS REQUIRED BY THIS SECTION FOR A PERIOD OF  
5 THREE YEARS AFTER THE END OF REGISTRATION.

6 **SECTION 10.** In Colorado Revised Statutes, **amend** 12-140-108  
7 as follows:

8 **12-140-108. Violations and penalties - private civil right of**  
9 **action.** (1) A person who violates this article 140 commits a class 1  
10 misdemeanor.

11 (2) (a) A PERSON WHO SUFFERS DAMAGES AS A RESULT OF A  
12 VIOLATION OF SECTION 12-140-105 OR 12-140-106 HAS A PRIVATE CIVIL  
13 RIGHT OF ACTION TO RECOVER DAMAGES AGAINST ANY PERSON THAT  
14 VIOLATES SECTION 12-140-105 OR 12-140-106.

15 (b) IF A COURT DETERMINES THAT A PERSON SUBJECT TO THIS  
16 ARTICLE 140 VIOLATED SECTION 12-140-105 OR 12-140-106, IN ADDITION  
17 TO ALL OTHER REMEDIES, THE COURT SHALL AWARD A STATUTORY  
18 PENALTY OF THE GREATER OF THREE THOUSAND FIVE HUNDRED DOLLARS  
19 OR ALL COMPENSATION RECEIVED BY THE NONTRANSPLANT TISSUE BANK  
20 FOR THE DISTRIBUTION OF THE DECEDENT'S HUMAN REMAINS.

21 (c) IF A COURT DETERMINES THAT A VIOLATION OF SECTION  
22 12-140-105 OR 12-140-106 WAS WILLFUL OR WANTON, THE AMOUNT OF  
23 THE STATUTORY PENALTY IS TRIPLED.

24 (d) THE COURT SHALL AWARD A SUCCESSFUL PLAINTIFF UNDER  
25 THIS SUBSECTION (2) REASONABLE COSTS AND ATTORNEY FEES.

26 (e) THERE MUST BE ONLY ONE CIVIL ACTION PER DECEDENT WHOSE  
27 HUMAN REMAINS WERE DONATED. IF MULTIPLE PLAINTIFFS ARE JOINED IN  
28 THE ACTION, THE COURT MAY ALLOCATE THE PENALTY AMONG THE  
29 PLAINTIFFS AS IT DEEMS JUST."

30 Renumber succeeding section accordingly.

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