

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

**ENGROSSED**

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

LLS NO. 21-0854.01 Conrad Imel x2313

**SENATE BILL 21-195**

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**SENATE SPONSORSHIP**

**Story,**

**HOUSE SPONSORSHIP**

**Snyder and Soper,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PERMITTING NOTARIZATION OF CERTAIN PROBATE**  
102 **DOCUMENTS.**

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**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>.)*

Under existing law, a declaration made pursuant to the "Colorado Medical Treatment Decision Act" must be signed in the presence of 2 witnesses. The bill permits the declaration to be witnessed or acknowledged before a notary public or other individual authorized by law to take acknowledgments.

A donor may make an anatomical gift by a donor card or other

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
2nd Reading Unamended  
April 9, 2021

record signed by the donor. If the donor is physically unable to sign a record, the record may be signed by another individual at the direction of the donor and be witnessed by at least 2 adults, at least one of whom is a disinterested witness. The bill permits the record of a person unable to sign to be witnessed or acknowledged before a notary public or other individual authorized by law to take acknowledgments.

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

2           **SECTION 1.** In Colorado Revised Statutes, **amend** 15-18-106 as  
3 follows:

4           **15-18-106. Witnessed or notarized declaration.** (1) Except as  
5 otherwise provided in section 15-18-105, a declaration ~~shall~~ MUST be:

6           (a) Signed by the declarant in the presence of two witnesses; ~~The~~  
7 ~~witnesses shall not include any person specified in section 15-18-105.~~ OR

8           (b) SIGNED BY THE DECLARANT AND ACKNOWLEDGED BEFORE A  
9 NOTARY PUBLIC OR OTHER INDIVIDUAL AUTHORIZED BY LAW TO TAKE  
10 ACKNOWLEDGMENTS, UNLESS A COURT DETERMINES THAT THIS  
11 SUBSECTION (1)(b) SHOULD NOT APPLY TO THE DECLARATION IN THE  
12 INTEREST OF JUSTICE.

13           (2) ~~A declaration may be notarized. The absence of notarization~~  
14 ~~shall have no impact on the validity of a declaration.~~ FOR THE PURPOSES  
15 OF THIS SECTION, A PERSON SPECIFIED IN SECTION 15-18-105 SHALL NOT  
16 BE A WITNESS, NOTARY PUBLIC, OR OTHER INDIVIDUAL AUTHORIZED BY  
17 LAW TO TAKE ACKNOWLEDGMENTS.

18           **SECTION 2.** In Colorado Revised Statutes, 15-18-104, **amend**  
19 (5) as follows:

20           **15-18-104. Declaration as to medical treatment.** (5) A  
21 declaration executed ~~before two witnesses~~ IN ACCORDANCE WITH SECTION  
22 15-18-106 by any adult with decisional capacity ~~shall be~~ IS legally

1 effective for the purposes of this ~~article~~ ARTICLE 18.

2 **SECTION 3.** In Colorado Revised Statutes, 15-19-205, **amend**  
3 (b)(1) and (b)(2) as follows:

4 **15-19-205. Manner of making anatomical gift before donor's**  
5 **death.** (b) A donor or other person authorized to make an anatomical gift  
6 under section 15-19-204 may make a gift by a donor card or other record  
7 signed by the donor or other person making the gift or by authorizing that  
8 a statement or symbol indicating that the donor has made an anatomical  
9 gift be included on a donor registry. If the donor or other person is  
10 physically unable to sign a record, the record may be signed by another  
11 individual at the direction of the donor or other person and must:

12 (1) (A) Be witnessed by at least two adults, at least one of whom  
13 is a disinterested witness, who have signed at the request of the donor or  
14 the other person; ~~and~~ OR

15 (B) BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR OTHER  
16 INDIVIDUAL AUTHORIZED BY LAW TO TAKE ACKNOWLEDGMENTS, UNLESS  
17 A COURT DETERMINES THAT THIS SUBSECTION (b)(1)(B) SHOULD NOT  
18 APPLY TO THE RECORD IN THE INTEREST OF JUSTICE; AND

19 (2) State that it has been signed and witnessed OR  
20 ACKNOWLEDGED as provided in subsection (b)(1) of this section.

21 **SECTION 4. Applicability.** This act applies to declarations and  
22 records executed before, on, or after the effective date of this act.

23 **SECTION 5. Safety clause.** The general assembly hereby finds,  
24 determines, and declares that this act is necessary for the immediate  
25 preservation of the public peace, health, or safety.