

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0766.01 Richard Sweetman x4333

SENATE BILL 15-125

SENATE SPONSORSHIP

Steadman,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING A STATEWIDE REGISTRY OF ADVANCE DIRECTIVES.

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://www.leg.state.co.us/billsummaries>.)

On and after January 1, 2016, the department of public health and environment (department) shall maintain a statewide registry of advance directives (registry), including an internet web site."Advance directive" means:

- ! A declaration as to medical treatment;
- ! A medical durable power of attorney;
- ! A directive relating to cardiopulmonary resuscitation;
- ! A medical orders for scope of treatment form;

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.

- ! A designated beneficiary agreement; or
- ! Any legal form of these types that has been properly executed in another state in accordance with the laws of that state.

On or before November 1, 2015, the department shall promulgate rules to administer the registry.

Each county clerk and recorder shall enter each recorded designated beneficiary agreement into the registry not later than 14 days after the designated beneficiary agreement is recorded.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 47 to title
3 25 as follows:

4 **ARTICLE 47**

5 **Statewide Registry Of Advance Directives**

6 **25-47-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
7 CONTEXT REQUIRES OTHERWISE:

8 (1) "ADVANCE DIRECTIVE" MEANS:

9 (a) A DECLARATION AS TO MEDICAL TREATMENT EXECUTED
10 PURSUANT TO SECTION 15-18-104, C.R.S.;

11 (b) A MEDICAL DURABLE POWER OF ATTORNEY EXECUTED
12 PURSUANT TO SECTION 15-14-506, C.R.S.;

13 (c) A DIRECTIVE RELATING TO CARDIOPULMONARY RESUSCITATION
14 EXECUTED PURSUANT TO ARTICLE 18.6 OF TITLE 15, C.R.S.;

15 (d) A MEDICAL ORDERS FOR SCOPE OF TREATMENT FORM
16 EXECUTED PURSUANT TO ARTICLE 18.7 OF TITLE 15, C.R.S.;

17 (e) A DESIGNATED BENEFICIARY AGREEMENT EXECUTED
18 PURSUANT TO ARTICLE 22 OF TITLE 15, C.R.S.; OR

19 (f) A LEGAL FORM OF THE TYPE DESCRIBED IN PARAGRAPH (a), (b),
20 (c), (d), OR (e) OF THIS SUBSECTION (1) THAT HAS BEEN PROPERLY

1 EXECUTED IN ANOTHER STATE IN ACCORDANCE WITH THE LAWS OF THAT
2 STATE.

3 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
4 AND ENVIRONMENT CREATED AND EXISTING PURSUANT TO SECTION
5 24-1-119, C.R.S.

6 (3) "REGISTRY" MEANS THE STATEWIDE REGISTRY OF ADVANCE
7 DIRECTIVES ESTABLISHED PURSUANT TO SECTION 25-47-102.

8 **25-47-102. Statewide registry of advance directives established**

9 - **rules.** (1) ON AND AFTER JANUARY 1, 2016, THE DEPARTMENT SHALL
10 MAINTAIN A STATEWIDE REGISTRY OF ADVANCE DIRECTIVES, REFERRED TO
11 IN THIS ARTICLE AS THE "REGISTRY", INCLUDING AN INTERNET WEB SITE.
12 TO THE EXTENT PRACTICABLE, THE DEPARTMENT SHALL ENSURE THAT THE
13 INTERNET WEB SITE OF THE REGISTRY REMAINS AVAILABLE TO THE PUBLIC
14 AT ALL TIMES.

15 (2) ON OR BEFORE NOVEMBER 1, 2015, THE DEPARTMENT SHALL
16 PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.,
17 TO ADMINISTER THE PROVISIONS OF THIS ARTICLE, INCLUDING BUT NOT
18 LIMITED TO RULES ESTABLISHING:

19 (a) PROCEDURES BY WHICH A PERSON MAY ADD AN ADVANCE
20 DIRECTIVE TO THE REGISTRY;

21 (b) PROCEDURES BY WHICH CERTAIN QUALIFIED PERSONS MAY
22 ACCESS AND DOWNLOAD ADVANCE DIRECTIVES FROM THE REGISTRY;

23 (c) PROCEDURES AND SAFEGUARDS FOR ENSURING THE
24 CONFIDENTIALITY AND SECURE STORAGE OF THE INFORMATION
25 CONTAINED IN ADVANCE DIRECTIVES THAT ARE ADDED TO AND
26 MAINTAINED IN THE REGISTRY;

27 (d) PROCEDURES FOR THE ADMINISTRATION OF THE REGISTRY AND

1 THE INTERNET WEB SITE OF THE REGISTRY BY EMPLOYEES OF THE
2 DEPARTMENT;

3 (e) PROCEDURES FOR FACILITATING THE THE ENTRY OF
4 DESIGNATED BENEFICIARY AGREEMENTS INTO THE REGISTRY BY COUNTY
5 CLERKS PURSUANT TO SECTION 15-22-107 (3) (d), C.R.S.; AND

6 (f) A PROCEDURE WHEREBY EACH PERSON WHO ENTERS AN
7 ADVANCE DIRECTIVE INTO THE REGISTRY IS GIVEN THE OPPORTUNITY TO
8 EXECUTE A WRITTEN STATEMENT IN WHICH THE PERSON DESIGNATES
9 INDIVIDUALS WITH WHOM THE PERSON'S ATTENDING PHYSICIAN, ANY
10 OTHER TREATING PHYSICIAN, OR ANOTHER MEDICAL PROFESSIONAL MAY
11 SPEAK CONCERNING THE PERSON'S MEDICAL CONDITION PRIOR TO A FINAL
12 DETERMINATION AS TO THE WITHHOLDING OR WITHDRAWAL OF
13 LIFE-SUSTAINING PROCEDURES, INCLUDING ARTIFICIAL NUTRITION AND
14 HYDRATION. THE DESIGNATION OF SUCH INDIVIDUALS IN THE DOCUMENT
15 IS A WAIVER OF CONFIDENTIALITY CONSISTENT WITH THE PRIVACY
16 REQUIREMENTS OF THE FEDERAL "HEALTH INSURANCE PORTABILITY AND
17 ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC. 1320d TO 1320d-8, AS
18 AMENDED.

19 **SECTION 2.** In Colorado Revised Statutes, 15-22-107, **amend**
20 (3) (c); and **add** (3) (d) as follows:

21 **15-22-107. Recording - duties of the county clerk and recorder**
22 **- fee.** (3) The clerk and recorder of the county shall have the following
23 duties:

24 (c) To issue replacement certified copies of a designated
25 beneficiary agreement or a revocation of a designated beneficiary
26 agreement upon payment of a replacement fee; AND

27 (d) TO ENTER EACH RECORDED DESIGNATED BENEFICIARY

1 AGREEMENT INTO THE STATEWIDE REGISTRY OF ADVANCE DIRECTIVES
2 CREATED IN SECTION 25-47-102, C.R.S., NOT LATER THAN FOURTEEN
3 DAYS AFTER THE DESIGNATED BENEFICIARY AGREEMENT IS RECORDED.

4 **SECTION 3. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2016 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.