

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

INTRODUCED

LLS NO. 19-0386.01 Jery Payne x2157

SENATE BILL 19-027

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

Valdez D.,

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR A COUNTY TO USE ANY LAWFUL**
102 **METHOD TO GIVE FINAL DISPOSITION TO AN UNCLAIMED DEAD**
103 **BODY.**

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>.)

Current law requires a county to bury an unclaimed dead body after following certain procedures. The bill authorizes the county to also cremate the body or use any lawful method of final disposition. The bill also harmonizes conflicts in existing law to the standards required by the final disposition statute.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 15-19-106, **amend**
3 (5) as follows:

4 **15-19-106. Right to dispose of remains.** (5) If the persons
5 enumerated in subsection (1) of this section are not willing or able to
6 provide for the final disposition of a decedent's remains, or if the persons'
7 whereabouts cannot be reasonably ascertained, then the public
8 administrator responsible for the decedent's estate or the person who
9 controls indigent burials FINAL DISPOSITION in the county in which WHERE
10 the death occurred shall make arrangements for the final disposition of
11 the decedent's remains IN ACCORDANCE WITH PART 3 OF THIS ARTICLE 19.

12 **SECTION 2.** In Colorado Revised Statutes, **amend** 15-19-302 as
13 follows:

14 **15-19-302. Duty of public officers as to unclaimed bodies -**
15 **definition.** (1) ~~All public officers, agents, and servants and all officers,~~
16 ~~agents, and servants of every county, city, township, borough, district, and~~
17 ~~other municipality, and every almshouse, prison, morgue, hospital, or~~
18 ~~other municipal or other public institution, and all other persons having~~
19 A PUBLIC OFFICER, EMPLOYEE, OR AGENT OF THE STATE OR A POLITICAL
20 SUBDIVISION OF THE STATE OR A PERSON WHO HAS charge or control over
21 AN unclaimed dead human ~~bodies~~ BODY required to be ~~buried~~ GIVEN
22 FINAL DISPOSITION at public expense shall use reasonable effort to
23 ascertain if the deceased person has any relative, friend, or ~~other~~
24 representative who will assume charge of the body for ~~burial~~ FINAL
25 DISPOSITION at ~~his or her~~ THE CLAIMANT'S expense. If the effort does not

1 result in the discovery of a claimant within twenty-four hours after death,
2 ~~the officers, agents, or other persons~~ PERSON WHO HAS CUSTODY OF THE
3 BODY shall immediately notify the anatomical board or ~~such~~ THE person
4 ~~as may from time to time be~~ THAT IS designated by the board as its duly
5 authorized officer or agent. ~~when such unclaimed body or bodies come~~
6 ~~into his or her possession, charge, or control.~~ In any county that is entirely
7 located more than one hundred fifty miles from any accredited medical
8 or dental school, the minimum period of notification ~~shall be extended to~~
9 IS forty-eight hours. The ~~officers, agents, or other persons~~ PERSON WHO
10 HAS CUSTODY OF THE BODY, without fee or reward, shall deliver the
11 unclaimed body to the anatomical board and permit the board or its ~~agents~~
12 AGENT to take and remove all the unclaimed bodies to be used for the
13 advancement of medical and anatomical sciences.

14 (2) ~~Notice shall be given~~ THE PERSON WHO HAS CUSTODY OF THE
15 BODY SHALL GIVE NOTICE to the anatomical board in all cases, but the
16 body must not be delivered if any relative, by blood or marriage, has
17 previously claimed the body for ~~burial~~ FINAL DISPOSITION at the expense
18 of the relative, in which case the body must be surrendered to the
19 claimant. ~~for interment.~~ Further, the body must not be delivered if any
20 representative of a fraternal society of which the deceased was a member,
21 or a representative of ~~any~~ A charitable organization, or if any friend of the
22 deceased indigent person claims the body for ~~burial~~ FINAL DISPOSITION
23 prior to delivery to the board ~~with the burial~~ AND AGREES TO GIVE FINAL
24 DISPOSITION at the expense of the fraternal society, charitable
25 organization, or friend. In the case of death of any person whose body is
26 required to be ~~buried~~ GIVEN FINAL DISPOSITION at public expense and the
27 duly authorized officer or agent of the anatomical board deems the body

1 unfit for anatomical purposes, ~~he or she~~ THE OFFICER OR AGENT shall
2 notify the board of county commissioners or agency in charge of indigent
3 persons in the county in which the person dies, in writing, and the board
4 of county commissioners or agency shall ~~direct a person to take charge of~~
5 ~~the body of the deceased indigent person,~~ and cause it THE BODY OF THE
6 DECEASED INDIGENT PERSON to be ~~buried~~ GIVEN FINAL DISPOSITION, and
7 draw warrants upon the treasurer of the county for the payment of
8 expenses.

9 (3) Warrants for the payment of the expenses of the ~~burial~~ FINAL
10 DISPOSITION of any person ~~whose body is required to be buried~~ GIVEN
11 FINAL DISPOSITION at public expense must not be drawn or paid except
12 upon the certificate of the duly authorized officer or agent of the
13 anatomical board to the effect that the unclaimed body is unfit for
14 anatomical purposes due to decomposition or contagious disease, and that
15 ~~the provisions of this part 3 have~~ HAS been complied with. If, through the
16 failure of any person to deliver the body of a deceased indigent person as
17 required by this part 3, the unclaimed body is unfit for anatomical
18 purposes and is certified as unfit by the duly authorized officer or agent
19 of the anatomical board, the body must be ~~buried~~ GIVEN FINAL
20 DISPOSITION in accordance with ~~the provisions of this part 3,~~ and the
21 person who failed to deliver the unclaimed body shall pay to the county
22 treasurer the expenses incurred. Upon the refusal or failure of the person,
23 on demand, to pay the expenses, the board of county commissioners, or
24 such other agency as may be in charge of indigent persons in the county,
25 may bring suit to recover the expenses, and the expenses may be
26 recovered as debts collectible by law.

27 (4) FOR THE PURPOSES OF THIS SECTION, "FINAL DISPOSITION"

1 MEANS ANY LAWFUL METHOD, INCLUDING BURIAL OR CREMATION, OF
2 DISPOSING OF A DEAD HUMAN BODY.

3 **SECTION 3.** In Colorado Revised Statutes, 26-2-129, **amend**
4 (9)(a) as follows:

5 **26-2-129. Funeral - burial - cremation expenses - death**
6 **reimbursement - definitions.** (9) (a) Notwithstanding ~~any other~~
7 ~~provision of law to the contrary the disposition~~ PART 3 OF ARTICLE 19 OF
8 TITLE 15, THE COUNTY DEPARTMENT SHALL DISPOSE of a deceased public
9 assistance or medical assistance recipient ~~shall be~~ in accordance with
10 ~~subparagraph (I) or (II) of this paragraph (a)~~ SUBSECTION (9)(a)(I) OR
11 (9)(a)(II) OF THIS SECTION, as follows:

12 (I) A public assistance or medical assistance recipient may
13 express, in writing and in accordance with a procedure established by the
14 state department, a preference to be buried or cremated or both. ~~Such~~ THE
15 expression shall be honored by the county department within the limits of
16 costs and reimbursements specified in this section.

17 (II) The disposition of a public assistance or medical assistance
18 recipient who has not expressed a preference ~~shall be~~ IS determined
19 ~~respectively by such recipient's spouse, adult children, parents, or siblings~~
20 IN ACCORDANCE WITH ARTICLE 19 OF TITLE 15. Upon the death of a
21 recipient, the county department shall use reasonable effort to contact
22 ~~such an authorized~~ THE person WITH THE RIGHT OF FINAL DISPOSITION to
23 determine the disposition of the deceased recipient. If ~~such~~ THE effort
24 does not result in contact with an authorized relative within twenty-four
25 hours, the county shall immediately have the deceased recipient's body
26 refrigerated or embalmed. If ~~such~~ THE effort does not result in contact
27 with and decision by an authorized relative within seven days of the

1 recipient's death, the county department shall determine whether to bury
2 or cremate the deceased recipient on the basis of which option is less
3 costly.

4 **SECTION 4.** In Colorado Revised Statutes, **amend** 30-10-618 as
5 follows:

6 **30-10-618. Burial expenses - when paid by county.** The coroner
7 shall cause the body of a deceased person ~~which he~~ WHO THE CORONER
8 is called to view ~~to be delivered to his friends, if there are any, but if not~~
9 ~~he shall cause him to be decently buried, the expenses to be paid from any~~
10 ~~property found with the body, or, if there is none, from the county~~
11 ~~treasury, by certifying an account of the expenses which, being presented~~
12 ~~to the board of county commissioners, shall be allowed by them if~~
13 ~~deemed reasonable and paid as other claims on the county~~ AND WHO IS
14 UNCLAIMED BY A PERSON WITH THE RIGHT OF FINAL DISPOSITION TO BE
15 GIVEN FINAL DISPOSITION IN ACCORDANCE WITH PART 3 OF ARTICLE 19 OF
16 TITLE 15.

17 **SECTION 5.** In Colorado Revised Statutes, **amend** 30-17-104 as
18 follows:

19 **30-17-104. Burial expenses.** Each county shall ~~also~~ provide for
20 the decent ~~burial~~ FINAL DISPOSITION, IN ACCORDANCE WITH PART 3 OF
21 ARTICLE 19 OF TITLE 15, of any person who dies within the county AND
22 who does not leave sufficient funds for ~~such~~ THE burial and whose family
23 is either financially unable to provide for ~~such~~ THE burial or cannot be
24 contacted within a reasonable time.

25 **SECTION 6. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2020 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.