LLS NO. 20-0441.01 Jery Payne x2157

HOUSE BILL 20-1060

A BILL FOR AN ACT

CONCERNING THE CONVERSION OF HUMAN REMAINS TO BASIC ELEMENTS WITHIN A CONTAINER USING AN ACCELERATED PROCESS.

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.)

The bill authorizes human remains to be converted to soil using a container that accelerates the process of biological decomposition, also known as "natural reduction".

Current law has various provisions that deal with burial, cremation, interment, and entombment. In connection with authorizing
natural reduction, the bill replaces these terms with the phrase "final disposition", which term is defined to include natural reduction. The following types of provisions are updated to reflect the option to use natural reduction:

- Life insurance statutes;
- Preneed funeral insurance contracts;
- The "Mortuary Science Code";
- Funeral picketing statutes;
- Litigation damages;
- The "Colorado Probate Code";
- The "Disposition of Last Remains Act";
- The "Revised Uniform Anatomical Gift Act";
- Missing person reports for unidentified human remains;
- Public peace and order statutes;
- Vital statistics statutes;
- The "Colorado Public Assistance Act"; and
- Firefighter pension plans.

Natural reduction is added to the statutes that regulate funeral establishments, and this addition will result in the regulation of the natural reduction process. But the definitions of "cremation" and "mortuary science practitioner" are amended so that a practitioner of natural reduction is not regulated as a cremationist or mortuary science practitioner.

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

SECTION 1. In Colorado Revised Statutes, 2-4-401, add (3.6) and (6.9) as follows:

2-4-401. Definitions. The following definitions apply to every statute, unless the context otherwise requires:

(3.6) "FINAL DISPOSITION" MEANS THE DISPOSITION OF HUMAN REMAINS BY ENTOMBMENT, BURIAL, CREMATION, NATURAL REDUCTION, OR REMOVAL FROM THE STATE.

(6.9) "NATURAL REDUCTION" OR "NATURALLY REDUCE" MEANS THE CONTAINED, ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.

SECTION 2. In Colorado Revised Statutes, add 15-19-110 as follows:
15-19-110. Natural reduction. A person may use natural reduction to dispose of last remains or as a step in the final disposition of last remains.

SECTION 3. In Colorado Revised Statutes, 10-7-102, amend (1) introductory portion and (1)(j) as follows:

10-7-102. Life insurance policies - requirements. (1) It is unlawful for any foreign or domestic life insurance company to issue or deliver in this state any life insurance policy unless the same policy contains the following provisions:

(j) If a policy is advertised or marketed as a means of payment of final expenses for final disposition or funeral interment, entombment, or cremation merchandise or services other than according to the provisions of article 15 of this title, the policy shall state in predominate type:

THIS POLICY DOES NOT GUARANTEE THAT ITS PROCEEDS WILL BE SUFFICIENT TO PAY FOR ANY PARTICULAR SERVICES OR MERCHANDISE AT TIME OF NEED OR THAT SERVICES OR MERCHANDISE SHALL BE PROVIDED BY ANY PARTICULAR PROVIDER.

SECTION 4. In Colorado Revised Statutes, amend 10-15-101 as follows:

10-15-101. Legislative declaration. The general assembly declares that the business of selling preneed contracts whereby the seller agrees to provide final disposition or funeral interment, entombment, or cremation merchandise or services in the future or for future use is affected with a public interest, and the preservation of the safety and
welfare of the public from unconscionable dealing requires regulation of
the sale of such the contracts and of the disposition of funds obtained as
a result of such the sales.

SECTION 5. In Colorado Revised Statutes, 10-15-102, amend
(16) as follows:

10-15-102. Definitions. As used in this article 15, unless the
context otherwise requires:

(16) "Services" means any services which that may be used to
care for and prepare deceased human bodies for burial, cremation, or
other final disposition.

SECTION 6. In Colorado Revised Statutes, 12-135-103, amend
(4), (13), (17), and (22)(c); and add (22.5) as follows:

12-135-103. Definitions. As used in this article 135, unless the
context otherwise requires:

(4) "Cremation" or "cremate" means the reduction of human
remains to essential elements, the processing of the remains, and the
placement of the processed remains in a cremated remains container;
EXCEPT THAT "CREMATION" OR "CREMATE" DOES NOT INCLUDE NATURAL
REDUCTION OR TO NATURALLY REDUCE HUMAN REMAINS.

(13) "Final disposition" means the disposition of human remains
by entombment, burial, cremation, NATURAL REDUCTION, or removal from
the state.

(17) "Funeral goods" means goods that are sold or offered for sale
directly to the public for use in connection with funeral SERVICES or
cremation services.

(22) "Mortuary science practitioner" means a person who, for
compensation, does the following or offers to do the following:
(c) Prepares human remains for final disposition, NOT INCLUDING PREPARING THE REMAINS FOR NATURAL REDUCTION.

(22.5) "NATURAL REDUCTION" OR "NATURALLY REDUCE" MEANS THE CONTAINED, ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.

SECTION 7. In Colorado Revised Statutes, 12-135-105, amend (1)(j), (1)(l), and (1)(m)(I) as follows:

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

(j) To refuse to properly and promptly release human remains, NATURALLY REDUCED REMAINS, or cremated remains to the custody of the person who has the legal right to effect the release whether or not any costs have been paid;

(l) To embalm, NATURALLY REDUCE, or cremate human remains without obtaining permission from the person with the right of final disposition unless otherwise required by section 12-135-106;

(m) To prohibit, hinder, or restrict or to attempt to prohibit, hinder, or restrict the following:

(I) The offering or advertising of immediate cremation, NATURAL REDUCTION, advance funeral arrangements, or low-cost funerals;

SECTION 8. In Colorado Revised Statutes, 12-135-109, amend (2)(a) and (2)(b) as follows:

12-135-109. Exceptions - safe harbor. (2) (a) This part 1 shall DOES not apply to, nor in any way interfere with, any custom or rite of any religious sect in the burial FINAL DISPOSITION of its dead, and the members and followers of the religious sect may continue to provide memorial services for, care for, prepare, and bury PROVIDE FOR THE FINAL DISPOSAL OF the bodies of deceased members of the religious sect, free from any term or condition, or any provision of this part 1, and are not
subject to this part 1, so long as the human remains are refrigerated, frozen, embalmed, interred, or cremated within seven days after death OR THE PROCESS OF NATURAL REDUCTION IS BEGUN WITHIN SEVEN DAYS AFTER DEATH.

(b) If human remains are refrigerated or embalmed pursuant to UNDER subsection (2)(a) of this section, the body must be interred WITHIN, frozen WITHIN, or cremated within thirty days after death unless OR THE PROCESS OF NATURAL REDUCTION MUST BEGIN WITHIN THIRTY DAYS AFTER DEATH; EXCEPT THAT the coroner authorizes MAY AUTHORIZE otherwise in writing. The coroner shall not permit an exception to this subsection (2)(b) unless the applicant can demonstrate a legitimate delay caused by unforeseen uncontrollable circumstances or by a criminal investigation.

SECTION 9. In Colorado Revised Statutes, 13-21-126, amend (3)(a) as follows:

13-21-126. Funeral picketing - legislative declaration - definitions - damages. (3) As used in this section:

(a) "Funeral" means the ceremonies, rituals, processions, and memorial services held in connection with the burial, cremation, FINAL DISPOSITION or memorial of a deceased person, including the assembly and dispersal of the mourners.

SECTION 10. In Colorado Revised Statutes, amend 13-21-203.5 as follows:

13-21-203.5. Alternative means of establishing damages - solatium amount. In any case arising under section 13-21-202, the persons entitled to sue under the provisions of section 13-21-201 (1) may elect in writing to sue for and recover a solatium in the amount of fifty
thousand dollars. Such THE solatium amount shall be IS in addition to economic damages and to reasonable funeral, burial, interment, or cremation FINAL DISPOSITION expenses, which expenses may also be recovered in an action under this section. Such THE solatium amount shall be IS in lieu of noneconomic damages recoverable under section 13-21-203 and shall be IS awarded upon a finding or admission of the defendant's liability for the wrongful death.

SECTION 11. In Colorado Revised Statutes, 15-11-403, amend (1)(b) as follows:

15-11-403. Exempt property. (1) (b) On and after January 1, 2012, the decedent's surviving spouse is entitled to exempt property from the estate in the form of cash in the amount of or other property of the estate in the value of thirty thousand dollars in excess of any security interests therein. If there is no surviving spouse, the decedent's dependent children are entitled jointly to the same exempt property. Rights to exempt property have priority over all claims against the estate, except claims for the costs and expenses of administration, and reasonable FINAL DISPOSITION AND funeral and burial, interment, or cremation expenses, which shall be ARE paid in the priority and manner set forth in section 15-12-805. The right to exempt property shall abate ABATES as necessary to permit payment of the family allowance. These rights are in addition to any benefit or share passing to the surviving spouse or dependent children by the decedent's will, unless otherwise provided, by intestate succession, or by way of elective-share.

SECTION 12. In Colorado Revised Statutes, 15-11-404, amend (1) as follows:

15-11-404. Family allowance. (1) In addition to the right to
exempt property, the decedent's surviving spouse and minor children who
the decedent was obligated to support and children who were in fact
being supported by the decedent are entitled to a reasonable allowance in
money out of the estate for their maintenance during the period of
administration, which allowance may not continue for longer than one
year if the estate is inadequate to discharge allowed claims. The
allowance may be paid as a lump sum or in periodic installments. It is
payable to the surviving spouse, if living, for the use of the surviving
spouse and minor and dependent children; otherwise to the children or
persons having their THE CHILDREN's care and custody. If a minor child
or dependent child is not living with the surviving spouse, the allowance
may be made partially to the child or his or her THE CHILD'S guardian or
other person having the child's care and custody, and partially to the
spouse, as their needs may appear. The family allowance is exempt from
and has priority over all claims except claims for the costs and expenses
of administration, and reasonable FINAL DISPOSITION AND funeral and
burial, interment, or cremation expenses, which shall be paid in the
priority and manner set forth in section 15-12-805.

SECTION 13. In Colorado Revised Statutes, 15-12-621, amend
(7) as follows:

15-12-621. Public administrator - decedents' estates - areas of
responsibility. (7) In the absence of any interested person willing to
make funeral and burial FINAL DISPOSITION arrangements, a public
administrator may make funeral and burial FINAL DISPOSITION
arrangements for the decedent. The public administrator shall make
reasonable efforts to see that such THE arrangements are consistent with
the decedent's apparent religious or other preferences regarding such
matters. A public administrator may authorize the cremation OR NATURAL REDUCTION of the decedent's remains if the decedent left signed written instructions, or other funeral arrangements authorized by the decedent, which indicated the decedent's wish to be cremated OR NATURALLY REDUCED. A public administrator shall have the authority to authorize cremation OR NATURAL REDUCTION if he believes that public funds will be needed to complete the administration of an estate because the estate lacks the apparent assets to pay fully all necessary administration, funeral, and burial costs and expenses. In cases of doubt, the public administrator may decline to authorize cremation OR NATURAL REDUCTION.

SECTION 14. In Colorado Revised Statutes, 15-12-805, amend (1)(c) as follows:

15-12-805. Classification of claims. (1) The personal representative shall pay allowed claims against the estate of a decedent in the following order:

(c) Reasonable funeral and burial, interment, or cremation FINAL DISPOSITION expenses;

SECTION 15. In Colorado Revised Statutes, 15-14-428, amend (2) as follows:

15-14-428. Death of protected person. (2) After the death of the protected person, the conservator shall make no expenditures of conservatorship funds except with court authorization other than necessary to preserve the assets of the estate. However, the conservator may release funds for the funeral cremation, or burial OR FINAL DISPOSITION of the deceased protected person if necessary to do so under the circumstances.
SECTION 16. In Colorado Revised Statutes, 15-19-103, amend (3); and add (5.5) as follows:

15-19-103. Definitions. As used in this part 1, unless the context otherwise requires:

(3) "Declaration" means a written instrument directing the lawful disposition of the declarant's last remains and the ceremonies planned after a declarant's death, in accordance with this part 1. A declaration may be made within a will; prepaid funeral, burial, or cremation contract; durable or medical power of attorney; a designated beneficiary agreement as described in article 22 of this title 15; a federal record of emergency data; or any other written document, including, but not limited to, a document governing the disposition of last remains under part 7 of article 11 of this title 15.

(5.5) "NATURAL REDUCTION" OR "NATURALLY REDUCE" MEANS THE CONTAINED, ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.

SECTION 17. In Colorado Revised Statutes, 15-19-106, amend (5) as follows:

15-19-106. Right to dispose of remains. (5) If the persons enumerated in subsection (1) of this section are not willing or able to provide for the final disposition of a decedent's remains, or if the persons' whereabouts cannot be reasonably ascertained, then the public administrator responsible for the decedent's estate or the person who controls THE FINAL DISPOSITION OF indigent burials PEOPLE in the county in which the death occurred shall make arrangements for the final disposition of the decedent's remains.

SECTION 18. In Colorado Revised Statutes, 15-19-107, amend (1) as follows:

(1) Form. The following statutory declaration of disposition of last remains is legally sufficient:

DECLARATION OF DISPOSITION OF LAST REMAINS

I, (name of declarant), being of sound mind and lawful age, hereby revoke all prior declarations concerning the disposition of my last remains and those provisions concerning disposition of my last remains found in a will, codicil, or power of attorney, and I declare and direct that after my death the following provisions be taken:

1. If permitted by law, my body shall be (initial ONE choice):
   _____ Buried. I direct that my body be buried at

   .

   _____ Cremated. I direct that my cremated remains be disposed of as follows:

   .

   _____ Entombed. I direct that my body be entombed at

   .

   _____ NATURALLY REDUCED. I DIRECT THAT MY REDUCED REMAINS BE DISPOSED OF AS FOLLOWS:

   .

   _____ Other. I direct that my body be disposed of as follows:

   .

   _____ Disposed of as (name of designee) shall decide in writing. If ________________________ is unwilling or unable to act, I nominate ________________________ as my alternate designee.

2. I request that the following ceremonial arrangements be made (initial desired choice or choices):
I request ____________________________ (name of designee) make all arrangements for any ceremonies, consistent with my directions set forth in this declaration. If ________________________ is unwilling or unable to act, I nominate ______________________ as my alternate designee.

 Funeral. I request the following arrangements for my funeral:

 Memorial Service. I request the following arrangements for my memorial service:

 3. Special instructions. In addition to the instructions above, I request (on the following lines you may make special requests regarding ceremonies or lack of ceremonies):

 I may revoke or amend this declaration in writing at any time. I agree that a third party who receives a copy of this declaration may act according to it. Revocation of this declaration is not effective as to a third party until the third party learns of my revocation. My estate shall indemnify any third party for costs incurred as a result of claims that arise against the third party because of good-faith reliance on this declaration.

 I execute this declaration as my free and voluntary act, on ________________________, _____.

 ________________________
 (Declarant)

 THE FOLLOWING SECTION REGARDING ORGAN AND TISSUE DONATION IS OPTIONAL. To make a donation, initial the
option you select and sign below.

In the hope that I might help others, I hereby make an anatomical
gift, to be effective upon my death, of:

A._______ Any needed organs/tissues
B._______ The following organs/tissues:

Donor signature: __________________________________________

Notarization optional:

STATE OF COLORADO )
 ) ss.
COUNTY OF ________________ )

Acknowledged before me by __________, Declarant, on __________, ___.

My commission expires: _____________

[seal]

_________________________
Notary Public

(h) as follows:

15-19-214. Rights and duties of procurement organization and
others. (h) Subject to sections 15-19-211 (i) and 15-19-223, the rights of
the person to which a part passes under section 15-19-211 are superior to
the rights of all others with respect to the part. The person may accept or
reject an anatomical gift in whole or in part. Subject to the terms of the
document of gift and this part 2, a person that accepts an anatomical gift
of an entire body may allow embalming, burial or cremation, ANY FORM
OF FINAL DISPOSITION and use of remains in a funeral service. If the gift
is of a part, the person to which the part passes under section 15-19-211,
upon the death of the donor and before embalming, burial, or cremation
FINAL DISPOSITION, shall cause the part to be removed without
unnecessary mutilation.

SECTION 20. In Colorado Revised Statutes, 16-2.7-104, amend
(5) as follows:

16-2.7-104. Unidentified human remains - reporting - DNA
samples. (5) Until all available information concerning the physical
appearance and structure of unidentified human remains is entered into
the national crime information center database, cremation OR NATURAL
REDUCTION of unidentified human remains is prohibited.

SECTION 21. In Colorado Revised Statutes, 18-1.3-603, amend
(10)(b)(II)(B) as follows:

18-1.3-603. Assessment of restitution - corrective orders.
(10) (b) The amount of assistance provided is established by either:
(II) If the identity or location of a provider would pose a threat to
the safety or welfare of the victim, summary data reflecting what total
payments were made for:
(B) Funeral or burial FINAL DISPOSITION expenses;

SECTION 22. In Colorado Revised Statutes, 18-9-101, amend
(1.4) as follows:

18-9-101. Definitions. As used in this part 1, unless the context
otherwise requires:
(1.4) "Funeral" means the ceremonies, rituals, and memorial
services held in connection with the burial, cremation, FINAL DISPOSITION
or memorial of a deceased person, including the assembly and dispersal
of the mourners.

SECTION 23. In Colorado Revised Statutes, 25-2-102, amend
(2.5) as follows:

**25-2-102. Definitions.** As used in this article 2, unless the context otherwise requires:

(2.5) "Final disposition" OR "FINALLY DISPOSE" means the burial, interment, cremation, NATURAL REDUCTION, removal from the state, or other authorized disposition of a dead body or fetus.

**SECTION 24.** In Colorado Revised Statutes, 25-2-111, amend (1) as follows:

**25-2-111. Dead bodies - final disposition - records.** (1) Any person requested to act as funeral director for a dead body or otherwise who first assumes custody of a dead body shall, prior to final disposition of the body, obtain authorization for final disposition of the body. The office designated or established pursuant to section 25-2-103 in the county where the death occurred or, if such an office does not exist in the county where the death occurred, the coroner or the coroner's designee shall authorize final disposition of the body on a form prescribed and furnished by the state registrar. No body shall be buried, cremated, deposited in a vault or tomb, or otherwise disposed of, nor shall any body be removed from this state, until such authorization has been obtained, completed, and approved. A PERSON SHALL NOT FINALLY DISPOSE OF A DEAD BODY UNTIL AUTHORIZED TO DO SO BY the coroner or the coroner's designee, WHO shall include in the authorization notice of the requirements of subsection (7) of this section.

**SECTION 25.** In Colorado Revised Statutes, 25.5-6-206, amend (1) as follows:

**25.5-6-206. Personal needs benefits - amount - patient personal needs trust fund required - funeral and final disposition**
expenses - penalty for illegal retention and use. (1) The state department, pursuant to its rules, has the authority to MAY include in medical care benefits provided under this ARTICLE 6 and articles 4 and 5 of this TITLE 25.5 reasonable amounts for the personal needs of any recipient receiving nursing facility services or intermediate care facilities for individuals with intellectual disabilities, if the recipient is not otherwise eligible for such THE amounts from other categories of public assistance, but such THE amounts for personal needs shall MUST not be less than the minimum amount provided for in subsection (2) of this section. Payments for funeral and burial FINAL DISPOSITION expenses upon the death of a recipient may be provided under rules of the state department in the same manner as provided to recipients of public assistance as defined by section 26-2-103 (8). C.R.S.

SECTION 26. In Colorado Revised Statutes, 26-1-122, amend (4)(c) as follows:

26-1-122. County appropriations and expenditures - advancements - procedures. (4) (c) For purposes of this ARTICLE 1 and except as otherwise provided in subsection (6) of this section, under rules of the state department, program costs shall include: Amounts expended for assistance payments and social services (except for items enumerated in subsection (3)(c) of this section) under programs for aid to the needy disabled, aid to the blind, child welfare services, expenses of treatment to prevent blindness or restore eyesight as defined in section 26-2-121, funeral and burial DISPOSITION expenses as defined in section 26-2-129, and state supplementation under part 2 of article 2 of this title TITLE 26.

SECTION 27. In Colorado Revised Statutes, 26-2-103, amend
(7) as follows:

**26-2-103. Definitions.** As used in this article 2 and article 1 of this title 26, unless the context otherwise requires:

(7) "Public assistance" means assistance payments, food stamps, and social services provided to or on behalf of eligible recipients through programs administered or supervised by the state department, either in cooperation with the federal government or independently without federal aid, pursuant to the provisions of this article 2. Public assistance includes programs for old age pensions except for the old age pension health and medical care program, and also includes the Colorado works program, aid to the needy disabled, aid to the blind, child welfare services, food stamps supplementation to households not receiving public assistance found eligible for food stamps under rules adopted by the state board, expenses of treatment to prevent blindness or restore eyesight as defined in section 26-2-121, and funeral and burial expenses as defined described in section 26-2-129.

**SECTION 28.** In Colorado Revised Statutes, 26-2-129, amend (1)(a), (1)(d), (1)(e), (1)(f), (2)(a), (2)(b), (2)(e)(II), (2)(h) introductory portion, (3), (4), (6) introductory portion, (6)(c), (9)(a), and (10)(c) as follows:

**26-2-129. Funeral - final disposition expenses - death reimbursement - definitions.** (1) The general assembly hereby finds and declares that, subject to available appropriations, the purposes of this section are the following:

(a) To provide appropriate and equitable reimbursement of funeral, cremation, or burial, or natural reduction expenses or any combination thereof of expenses associated with the final disposition of
any deceased public assistance or medical assistance recipient;

(d) To ensure that reimbursement of a provider of funeral cremation, or burial OR FINAL DISPOSITION services is appropriately disbursed by the county department;

(e) To provide that public funds are made available for reimbursement pursuant to this section only after it has been determined that there are insufficient resources from the estate of the decedent or the decedent's legally responsible family members to cover the funeral cremation, or burial OR FINAL DISPOSITION expenses;

(f) To allow family members and friends of a decedent to contribute towards the charges of funeral cremation, or burial OR FINAL DISPOSITION expenses to the extent such contributions do not exceed the specified maximum combined charges for such expenses.

(2) For purposes of this section, unless the context otherwise requires:

(a) "Contributions" means any monetary payment or donation made directly to the service provider or providers by a nonresponsible person to defray the expenses of a deceased public assistance or medical assistance recipient's funeral cremation, or burial or any combination thereof OR FINAL DISPOSITION.

(b) "Death reimbursement" means the payment made by the county department to the provider of funeral cremation, or burial OR FINAL DISPOSITION services when adequate resources are not available from legally responsible persons or from the personal resources or income of the decedent or from contributions to cover the charges for funeral cremation, or burial OR FINAL DISPOSITION expenses of a deceased public assistance or medical assistance recipient.
(e) "Legally responsible person" means a person who:

(II) Bears legal responsibility for the charges associated with the
decedent's funeral or burial OR FINAL DISPOSITION expenses.

(h) "Nonresponsible person" means one of the following who
makes a contribution to the charges for a funeral or burial OR
FINAL DISPOSITION or any combination thereof:

(3) Subject to available appropriations, a death reimbursement
covering reasonable funeral expenses or reasonable cremation or burial
FINAL DISPOSITION expenses or any combination thereof shall be paid by the county department for a decedent if the
estate of the deceased is insufficient to pay such reasonable expenses
and if the persons legally responsible for the support of the deceased are
unable to pay such reasonable expenses. The county department shall
be reimbursed eighty percent of the amount of the death reimbursement
paid for recipients of aid to the needy disabled and assistance under the
Colorado works program pursuant to part 7 of this article and
shall be reimbursed one hundred percent of the amount of the death
reimbursement for recipients of old age pensions. If the state department
determines that the level of appropriation is insufficient to meet the
demand for death reimbursements, the state department shall reduce the
amount of the death reimbursement level to meet the amount appropriated
by the general assembly for death reimbursements. In the event that such
a reduction is made, the county department shall have HAS no additional
responsibility beyond the reimbursement level as defined in the state
department's rules.

(4) The total amount of a death reimbursement paid by the county
department or state department pursuant to this section MUST not
exceed one thousand five hundred dollars and the combined charge of a funeral or cremation or burial FINAL DISPOSITION or any combination thereof shall OF THESE EXPENSES MUST not exceed two thousand five hundred dollars. Contributions from nonresponsible persons may be made without jeopardizing payment under this section and shall be counted as an offset to the maximum combined charges of the providers. If the combined charges from the providers exceed two thousand five hundred dollars, no death reimbursement shall be paid by the state or county department. Providers may seek contributions from nonresponsible persons only to the extent that money is available from such parties.

(6) In calculating the amount of the death reimbursement, any personal resources or income of the decedent is counted as a deduction from the maximum allowable death reimbursement. For purposes of this section, personal resources or income of the decedent includes the following:

(c) Any death benefit in which reimbursement is directly paid to a provider of funeral cremation, or burial OR FINAL DISPOSITION services in connection with the decedent’s final disposition FOR THE DECEDEDENT.

(9)(a) Notwithstanding any other provision of law to the contrary, the disposition of a deceased public assistance or medical assistance recipient shall be in accordance with subparagraph (I) or (II) of this paragraph (a) SUBSECTION (9)(a)(I) OR (9)(a)(II) OF THIS SECTION, as follows:

(I) A public assistance or medical assistance recipient may express, in writing and in accordance with a procedure established by the state department, a preference to be buried, or cremated, or both. Such
NATURALLY REDUCED, OR ANY COMBINATION OF THESE PRACTICES. THE expression shall be honored by the county department within the limits of costs and reimbursements specified in this section.

(II) The disposition of a public assistance or medical assistance recipient who has not expressed a preference shall be determined respectively by such THE recipient's spouse, adult children, parents, or siblings. Upon the death of a recipient, the county department shall use reasonable effort to contact such an authorized person to determine the disposition of the deceased recipient. If such THE effort does not result in contact with an authorized relative within twenty-four hours, the county shall immediately have the deceased recipient's body refrigerated or embalmed. If such THE effort does not result in contact with and decision by an authorized relative within seven days of the recipient's death, the county department shall determine whether to bury, or cremate, OR NATURALLY REDUCE the deceased recipient on the basis of which option is less costly.

(10) The state department shall:

(c) Annually review reimbursement levels to determine whether such THE levels are adequate to purchase funeral, cremation, or burial, OR NATURAL REDUCTION services for deceased public assistance or medical assistance recipients.

SECTION 29. In Colorado Revised Statutes, 31-30.5-705, amend (9) as follows:

31-30.5-705. Firefighters' old hire pension plans - municipalities of at least one hundred thousand in population. (9) When an active or retired firefighter dies without necessary funeral expenses, the board shall appropriate from the fund a sum not exceeding
one hundred dollars to the surviving spouse or family or other person paying said THE expenses for the purpose of assisting the proper burial FINAL DISPOSITION of said THE deceased old hire member.

SECTION 30. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); 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 such period, 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to final dispositions of human remains made on or after the applicable effective date of this act.