

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

INTRODUCED

LLS NO. 23-0329.01 Jessica Herrera x4218

SENATE BILL 23-020

SENATE SPONSORSHIP

Coleman,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE TIMELY ISSUANCE OF A CERTIFIED DEATH**
102 **CERTIFICATE.**

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 certificate of death for every death that occurs in Colorado to be filed with the state registrar within 5 days after the death occurs. The funeral director is responsible for filing the death certificate and must obtain the medical certification necessary to complete the portion of the certificate pertaining to the cause of death from a qualified individual. Physicians must complete, sign, and return to the

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.

funeral director all medical certification within 48 hours after a death occurs. If an inquiry is required to be made to a coroner, the coroner must determine the cause of death and complete and sign the medical certification within 48 hours after taking charge of the case. If the cause of death cannot be determined within 48 hours after a death, the medical certification must be completed as provided by rule.

The bill changes the time frame required to file a certificate of death with the state registrar from 5 days to 48 hours with limited exceptions. It also imposes a requirement that a funeral director file the certificate within 48 hours if they are able to obtain the medical certification from a qualified individual within those 48 hours. The bill requires that a qualified individual complete the medical certification within 36 hours after the death has occurred unless an inquiry is required to be made to a coroner. The coroner shall determine the cause of death and complete the medical certification within 48 hours after taking charge of the case unless in good faith, the coroner determines that additional time is needed, in which case, the coroner must determine the cause of death and complete the medical certification as soon as practicable.

Section 2 of the bill requires the department of public health and environment, upon request, to provide a certified death certificate to an applicant having a direct and tangible interest in the certified copy of the record of death within 24 hours.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-2-110, **amend**
3 (1)(a), (3)(a), (4), and (5); and **add** (5.5) as follows:

4 **25-2-110. Certificates of death.** (1) (a) A certificate of death for
5 each death, including a stillborn death, that occurs in Colorado must be
6 filed with the state registrar or as otherwise directed by the state registrar,
7 within ~~five days~~ FORTY-EIGHT HOURS after the death occurs and prior to
8 final disposition, EXCEPT WHEN INQUIRY IS REQUIRED BY SECTION
9 30-10-606. The state registrar shall register the certificate if it has been
10 completed in accordance with this section. Every certificate of death must
11 identify the decedent's social security number, if available. If the place of
12 death is unknown but the dead body is found in Colorado, the certificate
13 of death must be completed and filed in accordance with this section. The

1 place where the body is found must be shown as the place of death. If the
2 date of death is unknown, the date must be determined by approximation.

3 (3) (a) The funeral director or person acting as such who first
4 assumes custody of a dead body, stillborn fetus, or dead fetus ~~shall be~~ IS
5 responsible for the filing of the death certificate required by subsection
6 (1) of this section. ~~He or she~~ WITHIN FORTY-EIGHT HOURS AFTER THE
7 DEATH OCCURS UNLESS THE PHYSICIAN, THEIR ASSOCIATE PHYSICIAN, THE
8 CHIEF MEDICAL OFFICER OF THE INSTITUTION IN WHICH THE DEATH
9 OCCURRED, OR THE PHYSICIAN WHO PERFORMS AN AUTOPSY UPON THE
10 DECEDENT IS UNABLE TO COMPLETE THE MEDICAL CERTIFICATION WITHIN
11 THE REQUIRED TIME FRAME. THE FUNERAL DIRECTOR shall obtain the
12 personal data required by the certificate from the next of kin or the best
13 qualified person or source available. ~~He or she~~ THE FUNERAL DIRECTOR
14 shall obtain the medical certification necessary to complete the portion of
15 the certificate pertaining to the cause of death from the best qualified
16 person or source available, pursuant to subsection (4) of this section.

17 (4) Except when inquiry is required by section 30-10-606, ~~C.R.S.~~,
18 the physician in charge of the patient's care for the illness or condition
19 that resulted in death shall complete, sign, and return to the funeral
20 director or person acting as such all medical certification within
21 ~~forty-eight~~ THIRTY-SIX hours after a death occurs. In the absence of said
22 physician or with ~~his or her~~ THE PHYSICIAN'S approval, the certificate may
23 be completed and signed by ~~his or her~~ AN associate physician, by the chief
24 medical officer of the institution in which the death occurred, or by the
25 physician who performed an autopsy upon the decedent, if such
26 individual has access to the medical history of the case, if ~~he or she~~ SAID
27 INDIVIDUAL views the decedent at or after the time of death, and if the

1 death is due to natural causes. If an autopsy is performed, the certification
2 shall indicate whether the decedent was pregnant at the time of death, and
3 said information shall be reported on the death certificate as required by
4 subsection (9) of this section.

5 (5) When inquiry is required by section 30-10-606, ~~C.R.S.~~, the
6 coroner shall determine the cause of death and shall complete and sign the
7 medical certification within forty-eight hours after taking charge of the
8 case, EXCEPT AS PERMITTED BY SUBSECTION (5.5) OF THIS SECTION. If an
9 autopsy is performed, the certification shall indicate whether the decedent
10 was pregnant at the time of death, and said information shall be reported
11 on the death certificate as required by subsection (9) of this section.

12 (5.5) A CORONER IS NOT REQUIRED TO COMPLY WITH SUBSECTION
13 (5) OF THIS SECTION IF THE CORONER, IN GOOD FAITH, DETERMINES THAT
14 ADDITIONAL TIME IS NEEDED TO MAKE A PROPER INQUIRY TO DETERMINE
15 THE CAUSE AND MANNER OF DEATH OF ANY INDIVIDUAL IN THE CORONER'S
16 JURISDICTION WHO HAS DIED UNDER ANY CIRCUMSTANCE SPECIFIED IN
17 SECTION 30-10-606 (1), OR IF THE CORONER IS REQUIRED TO PERFORM A
18 FORENSIC AUTOPSY AS REQUIRED BY SECTION 30-10-606.5. IN THESE
19 SITUATIONS, A CORONER SHALL DETERMINE THE CAUSE OF DEATH AND
20 SHALL COMPLETE AND SIGN THE MEDICAL CERTIFICATION OF A DEATH
21 CERTIFICATE AS SOON AS IS PRACTICABLE AND IN ACCORDANCE WITH
22 SECTION 25-2-110 (6).

23 **SECTION 2.** In Colorado Revised Statutes, 25-2-117, **add** (1.5)
24 as follows:

25 **25-2-117. Certified copies furnished - fee.** (1.5) EXCEPT WHEN
26 AN INQUIRY IS REQUIRED BY SECTION 30-10-606, THE DEPARTMENT OF
27 PUBLIC HEALTH AND ENVIRONMENT SHALL, UPON REQUEST, FURNISH TO

1 ANY APPLICANT HAVING A DIRECT AND TANGIBLE INTEREST IN A VITAL
2 STATISTICS CERTIFICATE A CERTIFIED COPY OF THE RECORD OF DEATH
3 WITHIN TWENTY-FOUR HOURS. ANY COPY OF THE RECORD OF DEATH,
4 WHEN CERTIFIED BY THE STATE REGISTRAR OR AS OTHERWISE DIRECTED
5 BY THE STATE REGISTRAR TO BE A TRUE COPY THEREOF, SHALL BE PRIMA
6 FACIE EVIDENCE IN ALL COURTS AND PLACES OF THE FACTS THEREIN
7 STATED.

8 **SECTION 3. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly; except
11 that, if a referendum petition is filed pursuant to section 1 (3) of article V
12 of the state constitution against this act or an item, section, or part of this
13 act within such period, then the act, item, section, or part will not take
14 effect unless approved by the people at the general election to be held in
15 November 2024 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.