

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0259.01 Josh Schultz x5486

HOUSE BILL 25-1082

HOUSE SPONSORSHIP

Weinberg and Brown,

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House Committees

State, Civic, Military, & Veterans Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZING CERTAIN INDIVIDUALS TO COMPLETE**
102 **ACTIONS RELATED TO DEATH CERTIFICATES.**

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>.)

In current law, a "qualified individual" is authorized to determine the cause of death of an individual and complete the medical certification for a certificate of death. The bill defines the term "qualified individual" to include a physician, a physician assistant, an advanced practice registered nurse, or the chief medical officer of the institution in which the death occurred.

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

The bill requires that qualified individuals register to use the electronic death registration system used by the department of public health and environment and the state registrar prior to signing a death certificate.

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)(b)(I), (1)(b)(III), (3)(a), (3)(a.5)(I) introductory portion, (3)(a.5)(I)(B),
4 (3)(a.5)(I)(C), (3)(a.5)(II), (4), (4.5), and (6); and **add** (1)(e) and (12) as
5 follows:

6 **25-2-110. Certificates of death - definitions.** (1) (b) (I) The
7 department of public health and environment shall create and the state
8 registrar shall use an electronic death registration system for the purpose
9 of collecting death information from funeral directors, coroners,
10 physicians, PHYSICIAN ASSISTANTS, ADVANCED PRACTICE REGISTERED
11 NURSES, local registrars, health facilities, and other authorized
12 individuals, as determined by the department. Death information
13 submitted electronically by a funeral director, coroner, physician,
14 PHYSICIAN ASSISTANT, ADVANCED PRACTICE REGISTERED NURSE, local
15 registrar, health facility, or authorized individual, as determined by the
16 department, to the electronic death registration system for purposes of
17 fulfilling the requirements of this section satisfies the signature and filing
18 requirements of this section and section 30-10-606. ~~C.R.S.~~

19 (III) Except as otherwise provided in subsection (4.5) of this
20 section, any individual, other than a family member of the decedent or
21 other individual ~~acting~~ ASSISTING in a nonprofessional capacity ~~as the~~
22 ~~funeral director~~ for the decedent, who is required to initiate, complete,
23 respond to, or file a certificate of death pursuant to this section must use

1 the electronic death registration system used by the state registrar.

2 (e) A PHYSICIAN ASSISTANT OR ADVANCED PRACTICE REGISTERED
3 NURSE SHALL REVIEW THE TRAINING MATERIALS REGARDING SIGNING A
4 DEATH CERTIFICATE PROVIDED BY THE DEPARTMENT OF PUBLIC HEALTH
5 AND ENVIRONMENT BEFORE THE FIRST TIME THEY SIGN A DEATH
6 CERTIFICATE.

7 (3) (a) The funeral director or ~~person acting as such~~ INDIVIDUAL
8 ASSISTING IN A NONPROFESSIONAL CAPACITY who first assumes custody
9 of a dead body, stillborn fetus, or dead fetus is responsible for the filing
10 of the certificate of death required by subsection (1) of this section within
11 seventy-two hours after receipt of the electronic death registration request
12 unless the physician, their associate physician, THE PHYSICIAN ASSISTANT,
13 THE ADVANCED PRACTICE REGISTERED NURSE, the chief medical officer
14 of the institution in which the death occurred, or the physician who
15 performs an autopsy upon the decedent is unable to complete the medical
16 certification for the certificate of death within the required time frame.
17 The funeral director shall obtain the personal data required by the
18 certificate from the next of kin or the best qualified person or source
19 available. The funeral director shall obtain the medical certification
20 necessary to complete the portion of the certificate pertaining to the cause
21 of death from the best qualified person or source available, pursuant to
22 subsection (4) of this section.

23 (a.5) (I) Except as otherwise provided in subsection (3)(a.5)(II) of
24 this section, if a decedent had an established primary care physician,
25 PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE, the
26 primary care physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE
27 REGISTERED NURSE is responsible for completing the medical certification

1 for the certificate of death in accordance with subsections (1)(a) and (4)
2 of this section if:

3 (B) The decedent received medical care from the primary care
4 physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED
5 NURSE within a year of the death;

6 (C) The death occurred when the decedent was not under the
7 direct care of another physician, PHYSICIAN ASSISTANT, OR ADVANCED
8 PRACTICE REGISTERED NURSE charged with the patient's care during the
9 illness or condition that resulted in death; and

10 (II) If, within a year of the death, the decedent had been treated by
11 a physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED
12 NURSE other than the decedent's established primary care physician,
13 PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE for a
14 chronic condition or terminal illness related to the decedent's death and
15 the conditions set forth in subsections (3)(a.5)(I)(A) and (3)(a.5)(I)(D) of
16 this section are met, that physician, PHYSICIAN ASSISTANT, OR ADVANCED
17 PRACTICE REGISTERED NURSE is responsible for completing the medical
18 certification for the certificate of death in accordance with subsection (4)
19 of this section.

20 (4) Except when inquiry is required by any provision of section
21 30-10-606 other than section 30-10-606 (1)(b), the physician, PHYSICIAN
22 ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE in charge of the
23 patient's care for the illness or condition that resulted in death shall
24 complete the medical certification for the certificate of death within
25 seventy-two hours after receipt of the electronic death registration request
26 or, before March 1, 2024, only, for a physician, PHYSICIAN ASSISTANT, OR
27 ADVANCED PRACTICE REGISTERED NURSE who is not yet registered to use

1 and using the electronic death registration system used by the department
2 of public health and environment and the state registrar pursuant to
3 subsection (1)(b)(I) of this section, within seventy-two hours after
4 receiving notice that a medical certification for a certificate of death must
5 be completed. In the absence of ~~said~~ THE physician, PHYSICIAN
6 ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE or with the
7 physician's, PHYSICIAN ASSISTANT'S, OR ADVANCED PRACTICE REGISTERED
8 NURSE'S approval, the certificate may be completed and signed by an
9 associate physician, PHYSICIAN ASSISTANT, ADVANCED PRACTICE
10 REGISTERED NURSE, ~~by~~ the chief medical officer of the institution in
11 which the death occurred, or ~~by~~ the physician who performed an autopsy
12 upon the decedent, if such individual has access to the medical history of
13 the case, if said individual views the decedent at or after the time of
14 death, and if the death is due to natural causes. If the death is or may be
15 due to unnatural causes, a physician, PHYSICIAN ASSISTANT, OR
16 ADVANCED PRACTICE REGISTERED NURSE required to complete a medical
17 certification for a certificate of death in accordance with this subsection
18 (4) shall notify the coroner or the medical examiner when an inquiry or
19 an autopsy is required to be performed pursuant to sections 30-10-606 and
20 30-10-606.5. On and after March 1, 2024, a physician's, PHYSICIAN
21 ASSISTANT'S, OR ADVANCED PRACTICE REGISTERED NURSE'S repeated or
22 willful failure without reasonable cause to comply with timely completion
23 of a medical certification for a certificate of death in accordance with
24 subsection (1)(a) of this section and this subsection (4) constitutes
25 unprofessional conduct, as defined in section 12-240-121 (1)(hh). If an
26 autopsy is performed, the certification shall indicate whether the decedent
27 was pregnant at the time of death, and ~~said~~ THE information shall be

1 reported on the death certificate as required by subsection (9) of this
2 section. Except as otherwise provided in subsection (4.5) of this section,
3 the physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE
4 REGISTERED NURSE or, in their absence, their designee in accordance with
5 this subsection (4), shall complete the medical certification for a
6 certificate of death required by this subsection (4) using the electronic
7 death registration system used by the department of public health and
8 environment and the state registrar pursuant to subsection (1)(b)(I) of this
9 section.

10 (4.5) (a) The department of public health and environment shall
11 ensure that all physicians are registered to use the electronic death
12 registration system created and used pursuant to subsection (1)(b)(I) of
13 this section on or before March 1, 2024. A physician shall use the system
14 for all medical certifications for certificates of death required by
15 subsection (4) of this section immediately upon being registered but is not
16 required to do so before being registered.

17 (b) A QUALIFIED INDIVIDUAL SHALL REGISTER TO USE THE
18 ELECTRONIC DEATH REGISTRATION SYSTEM PRIOR TO SIGNING A DEATH
19 CERTIFICATE.

20 (6) If the cause of death cannot be determined within forty-eight
21 hours after a death, the medical certification shall be completed as
22 provided by rule. If an autopsy is performed, the certification shall
23 indicate whether the decedent was pregnant at the time of death, and ~~said~~
24 THE information shall be reported on the death certificate as required by
25 subsection (9) of this section. The attending physician, PHYSICIAN
26 ASSISTANT, ADVANCED PRACTICE REGISTERED NURSE, or coroner shall
27 give the funeral director or ~~person acting as such~~ INDIVIDUAL ASSISTING

1 IN A NONPROFESSIONAL CAPACITY notice of the reason for the delay, and
2 final disposition of the body shall not be made until authorized by the
3 office designated or established pursuant to section 25-2-103 in the
4 county where the death occurred or, if such an office does not exist in the
5 county where the death occurred, final disposition of the body shall not
6 be made until authorized by the coroner or the coroner's designee.

7 (12) AS USED IN THIS SECTION, "QUALIFIED INDIVIDUAL" MEANS A
8 PHYSICIAN; A PHYSICIAN ASSISTANT LICENSED PURSUANT TO ARTICLE 240
9 OF TITLE 12; AN ADVANCED PRACTICE REGISTERED NURSE, AS DEFINED IN
10 SECTION 12-255-104 (1); OR THE CHIEF MEDICAL OFFICER OF THE
11 INSTITUTION IN WHICH THE DEATH OCCURRED.

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

14 **25-2-111. Dead bodies - disposition - removal from state -**
15 **records.** (1) ~~Any person requested to act as funeral director for a dead~~
16 ~~body or otherwise whoever~~ A FUNERAL DIRECTOR OR INDIVIDUAL
17 ASSISTING IN A NONPROFESSIONAL CAPACITY WHO first assumes custody
18 of a dead body shall, prior to final disposition of the body, obtain
19 authorization for final disposition of the body. The office designated or
20 established pursuant to section 25-2-103 in the county where the death
21 occurred or, if such an office does not exist in the county where the death
22 occurred, the coroner or the coroner's designee shall authorize final
23 disposition of the body on a form prescribed and furnished by the state
24 registrar. No body shall be buried, cremated, deposited in a vault or tomb,
25 or otherwise disposed of, nor shall any body be removed from this state,
26 until such authorization has been obtained, completed, and approved. The
27 coroner or the coroner's designee shall include in the authorization notice

1 of the requirements of subsection (7) of this section.

2 **SECTION 3. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2026 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.