

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

BILLPAPER

LLS NO. 21-0401.01 Jery Payne x2157

SENATE BILL

SENATE SPONSORSHIP

Rodriguez,

HOUSE SPONSORSHIP

Soper and Titone,

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONVERSION OF HUMAN REMAINS TO BASIC**
102 **ELEMENTS WITHIN A CONTAINER USING AN ACCELERATED**
103 **PROCESS, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

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". The bill prohibits the following when done

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.

in the course of business:

- Selling or offering to sell the soil;
- Commingling the soil of more than one person without the consent of the person or persons with the right of final disposition unless the soil is abandoned;
- Commingling the human remains of more than one person without the consent of the person or persons with the right of final disposition within the container wherein natural reduction produces soil; or
- Using the soil to grow food for human consumption.

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.

Current law has a provision that governs the disposal of abandoned cremated remains. The soil from natural reduction is added to this provision, with an option to return the soil to the earth in a respectful manner.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-4-401, **add** (3.6)

1 and (6.9) as follows:

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

4 (3.6) "FINAL DISPOSITION" MEANS THE DISPOSITION OF HUMAN
5 REMAINS BY ENTOMBMENT, BURIAL, CREMATION, NATURAL REDUCTION,
6 OR REMOVAL FROM THE STATE.

7 (6.9) "NATURAL REDUCTION" OR "NATURALLY REDUCE" MEANS
8 THE CONTAINED, ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.

9 **SECTION 2.** In Colorado Revised Statutes, 12-135-105, **add**
10 (1)(q), (1)(r), and (1)(s) as follows:

11 **12-135-105. Unlawful acts.** (1) It is unlawful:

12 (q) TO SELL OR OFFER TO SELL THE SOIL PRODUCED BY THE
13 NATURAL REDUCTION OF HUMAN REMAINS TO ANY PERSON;

14 (r) TO COMMINGLE WITHOUT THE CONSENT OF THE PERSON OR
15 PERSONS WITH THE RIGHT OF FINAL DISPOSITION, AS DETERMINED BY
16 SECTION 15-19-106, IN THE COURSE OF A PERSON'S BUSINESS, VOCATION,
17 OR OCCUPATION:

18 (I) THE SOIL PRODUCED BY THE NATURAL REDUCTION OF THE
19 HUMAN REMAINS OF MORE THAN ONE PERSON EXCEPT AS AUTHORIZED IN
20 SECTION 12-135-109 (5)(a); OR

21 (II) THE HUMAN REMAINS OF MORE THAN ONE PERSON WITHIN THE
22 CONTAINER WHEREIN NATURAL REDUCTION PRODUCES SOIL;

23 (s) TO USE, IN THE COURSE OF A PERSON'S BUSINESS, VOCATION, OR
24 OCCUPATION, THE SOIL PRODUCED BY THE NATURAL REDUCTION OF
25 HUMAN REMAINS TO GROW FOOD FOR HUMAN CONSUMPTION.

26 **SECTION 3.** In Colorado Revised Statutes, **add** 15-19-110 as
27 follows:

1 **15-19-110. Natural reduction.** A PERSON MAY USE NATURAL
2 REDUCTION FOR THE FINAL DISPOSITION OF LAST REMAINS OR AS A STEP IN
3 THE FINAL DISPOSITION OF LAST REMAINS.

4 **SECTION 4.** In Colorado Revised Statutes, 10-7-102, **amend** (1)
5 introductory portion and (1)(j) as follows:

6 **10-7-102. Life insurance policies - requirements.** (1) It is
7 unlawful for any foreign or domestic life insurance company to issue or
8 deliver in this state any life insurance policy unless the ~~same~~ POLICY
9 contains the following provisions:

10 (j) If a policy is advertised or marketed as a means of payment of
11 final expenses for FINAL DISPOSITION OR funeral ~~interment, entombment,~~
12 ~~or cremation~~ merchandise or services other than according to the
13 provisions of article 15 of this ~~title~~ TITLE 10, the policy ~~shall~~ MUST state
14 in predominate type:

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

21 **SECTION 5.** In Colorado Revised Statutes, **amend** 10-15-101 as
22 follows:

23 **10-15-101. Legislative declaration.** The general assembly
24 declares that the business of selling preneed contracts whereby the seller
25 agrees to provide FINAL DISPOSITION OR funeral ~~interment, entombment,~~
26 ~~or cremation~~ merchandise or services in the future or for future use is
27 affected with a public interest, and the preservation of the safety and

1 welfare of the public from unconscionable dealing requires regulation of
2 the sale of ~~such~~ THE contracts and of the disposition of funds obtained as
3 a result of ~~such~~ THE sales.

4 **SECTION 6.** In Colorado Revised Statutes, 10-15-102, **amend**
5 (16) as follows:

6 **10-15-102. Definitions.** As used in this article 15, unless the
7 context otherwise requires:

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

11 **SECTION 7.** In Colorado Revised Statutes, 12-135-103, **amend**
12 (4), (13), (17), (22)(c), and (24); and **add** (22.5) as follows:

13 **12-135-103. Definitions.** As used in this article 135, unless the
14 context otherwise requires:

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

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

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

26 (22) "Mortuary science practitioner" means a person who, for
27 compensation, does the following or offers to do the following:

1 (c) Prepares human remains for final disposition, NOT INCLUDING
2 PREPARING THE REMAINS FOR NATURAL REDUCTION.

3 (22.5) "NATURAL REDUCTION" OR "NATURALLY REDUCE" HAS THE
4 MEANING SET FORTH IN SECTION 2-4-401 (6.9).

5 (24) "Ossuary" means a receptacle used for the communal
6 placement of cremated remains OR NATURALLY REDUCED REMAINS,
7 without using an urn or other container, in which cremated OR
8 NATURALLY REDUCED remains are commingled with other cremated OR
9 NATURALLY REDUCED remains.

10 **SECTION 8.** In Colorado Revised Statutes, 12-135-105, **amend**
11 (1)(j), (1)(l), and (1)(m)(I) as follows:

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

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

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

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

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

24 **SECTION 9.** In Colorado Revised Statutes, 12-135-109, **amend**
25 (2)(a), (2)(b), (5)(a)(I), (5)(a)(II), and (5)(a)(III) as follows:

26 **12-135-109. Exceptions - safe harbor.** (2) (a) This part 1 ~~shall~~
27 DOES not apply to, nor in any way interfere with, any custom or rite of any

1 religious sect in the ~~burial~~ FINAL DISPOSITION of its dead, and the
2 members and followers of the religious sect may continue to provide
3 memorial services for, care for, prepare, and ~~bury~~ PROVIDE FOR THE FINAL
4 DISPOSITION OF the bodies of deceased members of the religious sect, free
5 from any term, ~~or~~ condition, or ~~any~~ provision of this part 1, and are not
6 subject to this part 1, so long as the human remains are refrigerated,
7 frozen, embalmed, interred, or cremated within seven days after death OR
8 THE PROCESS OF NATURAL REDUCTION IS BEGUN WITHIN SEVEN DAYS
9 AFTER DEATH.

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

19 (5) (a) (I) A funeral establishment, funeral director, or mortuary
20 science practitioner may dispose of cremated OR NATURALLY REDUCED
21 remains at the expense of the person with the right of final disposition one
22 hundred eighty days after cremation OR NATURAL REDUCTION if the
23 person was given clear prior notice of this subsection (5)(a) and a
24 reasonable opportunity to collect the ~~cremated~~ remains, the exact location
25 of the final disposition and the costs associated with the final disposition
26 are recorded, and the recovery of the ~~cremated~~ remains is possible.
27 Recovery of costs is limited to a reasonable amount of the costs actually

1 expended by the funeral establishment, funeral director, or mortuary
2 science practitioner.

3 (II) A funeral establishment, funeral director, or mortuary science
4 practitioner may comply with this subsection (5)(a) by transferring the
5 cremated OR NATURALLY REDUCED remains and the records showing the
6 funeral establishment and the deceased's name, date of birth, and next of
7 kin for final disposition to a facility or place normally used for final
8 disposition if the new custodian can comply with this subsection (5)(a).

9 (III) If cremated OR NATURALLY REDUCED remains are not claimed
10 by the person with the right of final disposition within three years after
11 cremation OR NATURAL REDUCTION, a funeral establishment, funeral
12 director, or mortuary science practitioner may dispose of the remains in
13 an unrecoverable manner by:

14 (A) Placing the remains in an ossuary;

15 (B) ~~or by~~ Scattering the remains in a dedicated cemetery,
16 scattering garden, or consecrated ground used exclusively for these
17 purposes; OR

18 (C) IF THE REMAINS ARE THE PRODUCT OF NATURAL REDUCTION,
19 RETURNING THE REMAINS TO THE EARTH IN A RESPECTFUL MANNER.

20 **SECTION 10.** In Colorado Revised Statutes, 13-21-126, **amend**
21 (3)(a) as follows:

22 **13-21-126. Funeral picketing - legislative declaration -**
23 **definitions - damages.** (3) As used in this section:

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

1 **SECTION 11.** In Colorado Revised Statutes, **amend** 13-21-203.5
2 as follows:

3 **13-21-203.5. Alternative means of establishing damages -**
4 **solatium amount.** In ~~any~~ A case arising under section 13-21-202, the
5 persons entitled to sue under ~~the provisions of~~ section 13-21-201 (1) may
6 elect in writing to sue for and recover a solatium in the amount of fifty
7 thousand dollars. ~~Such~~ THE solatium amount ~~shall be~~ IS in addition to
8 economic damages and to reasonable ~~funeral, burial, interment, or~~
9 ~~cremation~~ FINAL DISPOSITION expenses, which expenses may also be
10 recovered in an action under this section. ~~Such~~ THE solatium amount ~~shall~~
11 ~~be~~ IS in lieu of noneconomic damages recoverable under section
12 13-21-203 and ~~shall be~~ IS awarded upon a finding or admission of the
13 defendant's liability for the wrongful death.

14 **SECTION 12.** In Colorado Revised Statutes, 15-11-403, **amend**
15 (1)(b) as follows:

16 **15-11-403. Exempt property.** (1) (b) On and after January 1,
17 2012, the decedent's surviving spouse is entitled to exempt property from
18 the estate in the form of cash in the amount of or other property of the
19 estate in the value of thirty thousand dollars in excess of any security
20 interests therein. If there is no surviving spouse, the decedent's dependent
21 children are entitled jointly to the same exempt property. Rights to
22 exempt property have priority over all claims against the estate, except
23 claims for the costs and expenses of administration and reasonable FINAL
24 DISPOSITION AND funeral ~~and burial, interment, or cremation~~ expenses,
25 which ~~shall be~~ ARE paid in the priority and manner set forth in section
26 15-12-805. The right to exempt property ~~shall abate~~ ABATES as necessary
27 to permit payment of the family allowance. These rights are in addition

1 to any benefit or share passing to the surviving spouse or dependent
2 children by the decedent's will, unless otherwise provided, by intestate
3 succession or by way of elective-share.

4 **SECTION 13.** In Colorado Revised Statutes, 15-11-404, **amend**
5 (1) as follows:

6 **15-11-404. Family allowance.** (1) In addition to the right to
7 exempt property, the decedent's surviving spouse and minor children who
8 the decedent was obligated to support and children who were in fact
9 being supported by the decedent are entitled to a reasonable allowance in
10 money out of the estate for their maintenance during the period of
11 administration, which allowance may not continue for longer than one
12 year if the estate is inadequate to discharge allowed claims. The
13 allowance may be paid as a lump sum or in periodic installments. It is
14 payable to the surviving spouse, if living, for the use of the surviving
15 spouse and minor and dependent children; otherwise to the children or
16 persons having ~~their~~ THE CHILDREN'S care and custody. If a minor child
17 or dependent child is not living with the surviving spouse, the allowance
18 may be made partially to the child or ~~his or her~~ THE CHILD'S guardian or
19 other person having the child's care and custody, and partially to the
20 spouse, as their needs may appear. The family allowance is exempt from
21 and has priority over all claims except claims for the costs and expenses
22 of administration and reasonable FINAL DISPOSITION AND funeral ~~and~~
23 ~~burial, interment, or cremation~~ expenses, which shall be paid in the
24 priority and manner set forth in section 15-12-805.

25 **SECTION 14.** In Colorado Revised Statutes, 15-12-621, **amend**
26 (7) as follows:

27 **15-12-621. Public administrator - decedents' estates - areas of**

1 **responsibility.** (7) In the absence of any interested person willing to
2 make funeral and ~~burial~~ FINAL DISPOSITION arrangements, a public
3 administrator may make funeral and ~~burial~~ FINAL DISPOSITION
4 arrangements for the decedent. The public administrator shall make
5 reasonable efforts to see that ~~such~~ THE arrangements are consistent with
6 the decedent's apparent religious or other preferences regarding such
7 matters. A public administrator may authorize the cremation OR NATURAL
8 REDUCTION of the decedent's remains if the decedent left signed written
9 instructions, or other funeral arrangements authorized by the decedent,
10 ~~which~~ THAT indicated the decedent's wish to be cremated OR NATURALLY
11 REDUCED. A public administrator ~~shall have the authority to~~ MAY
12 authorize cremation OR NATURAL REDUCTION if ~~he believes that~~ public
13 funds will be needed to complete the administration of an estate because
14 the estate lacks the apparent assets to pay fully all necessary
15 administration, funeral, and burial costs and expenses. In cases of doubt,
16 the public administrator may decline to authorize cremation OR NATURAL
17 REDUCTION.

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

20 **15-12-805. Classification of claims.** (1) The personal
21 representative shall pay allowed claims against the estate of a decedent in
22 the following order:

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

25 **SECTION 16.** In Colorado Revised Statutes, 15-14-428, **amend**
26 (2) as follows:

27 **15-14-428. Death of protected person.** (2) After the death of the

1 protected person, the conservator shall make no expenditures of
2 conservatorship funds except with court authorization other than
3 necessary to preserve the assets of the estate. However, the conservator
4 may release funds for the funeral ~~cremation, or burial~~ OR FINAL
5 DISPOSITION of the deceased protected person if necessary to do so under
6 the circumstances.

7 **SECTION 17.** In Colorado Revised Statutes, 15-19-103, **amend**
8 (3); and **add** (5.5) as follows:

9 **15-19-103. Definitions.** As used in this part 1, unless the context
10 otherwise requires:

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

20 (5.5) "NATURAL REDUCTION" OR "NATURALLY REDUCE" HAS THE
21 MEANING SET FORTH IN SECTION 2-4-401 (6.9).

22 **SECTION 18.** In Colorado Revised Statutes, 15-19-106, **amend**
23 (5) as follows:

24 **15-19-106. Right of final disposition.** (5) If the persons
25 enumerated in subsection (1) of this section are not willing or able to
26 provide for the final disposition of a decedent's remains, or if the persons'
27 whereabouts cannot be reasonably ascertained, then the public

1 administrator responsible for the decedent's estate or the person who
2 controls THE FINAL DISPOSITION OF indigent ~~burials~~ PEOPLE in the county
3 in which the death occurred shall make arrangements for the final
4 disposition of the decedent's remains.

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

7 **15-19-107. Declaration of disposition of last remains.**

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

10 DECLARATION OF DISPOSITION OF LAST REMAINS

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

16 1. If permitted by law, my body shall be (initial ONE choice):
17 _____ Buried. I direct that my body be buried at _____ .
18 _____ Cremated. I direct that my cremated remains be disposed
19 of as follows:

20 _____
21 _____ .

22 _____ Entombed. I direct that my body be entombed at ____ .

23 _____ NATURALLY REDUCED. I DIRECT THAT MY REDUCED
24 REMAINS BE GIVEN FINAL DISPOSITION AS FOLLOWS:

25 _____
26 _____ .

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

1 _____
2 _____ .

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

6 2. I request that the following ceremonial arrangements be made
7 (initial desired choice or choices):

8 _____ I request _____ (name of
9 designee) make all arrangements for any ceremonies, consistent with my
10 directions set forth in this declaration. If _____ is
11 unwilling or unable to act, I nominate _____ as my
12 alternate designee.

13 _____ Funeral. I request the following arrangements for my
14 funeral:
15 _____
16 _____ .

17 _____ Memorial Service. I request the following arrangements
18 for my memorial service:
19 _____
20 _____ .

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

24 _____
25 _____ .

26 I may revoke or amend this declaration in writing at any time. I
27 agree that a third party who receives a copy of this declaration may act

1 according to it. Revocation of this declaration is not effective as to a third
2 party until the third party learns of my revocation. My estate shall
3 indemnify any third party for costs incurred as a result of claims that arise
4 against the third party because of good-faith reliance on this declaration.

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

7 _____
8 (Declarant)

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

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

14 A. _____ Any needed organs/tissues

15 B. _____ The following organs/tissues:

16 _____
17 _____

18 Donor signature: _____

19 Notarization optional:

20 STATE OF COLORADO)

21) ss.

22 COUNTY OF _____)

23 Acknowledged before me by _____, Declarant, on _____,
24 ____.

25 My commission expires: _____

26 [seal]

27 _____

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SECTION 20. In Colorado Revised Statutes, 15-19-214, **amend**
(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 21. 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 22. 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

1 the safety or welfare of the victim, summary data reflecting what total
2 payments were made for:

3 (B) Funeral or ~~burial~~ FINAL DISPOSITION expenses;

4 **SECTION 23.** In Colorado Revised Statutes, 18-9-101, **amend**
5 (1.4) as follows:

6 **18-9-101. Definitions.** As used in this part 1, unless the context
7 otherwise requires:

8 (1.4) "Funeral" means the ceremonies, rituals, and memorial
9 services held in connection with the ~~burial, cremation,~~ FINAL DISPOSITION
10 or memorial of a deceased person, including the assembly and dispersal
11 of the mourners.

12 **SECTION 24.** In Colorado Revised Statutes, 25-2-102, **amend**
13 (2.5) as follows:

14 **25-2-102. Definitions.** As used in this article 2, unless the context
15 otherwise requires:

16 (2.5) "Final disposition" means the burial, interment, cremation,
17 NATURAL REDUCTION, removal from the state, or other authorized
18 disposition of a dead body or fetus.

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

21 **25.5-6-206. Personal needs benefits - amount - patient**
22 **personal needs trust fund required - funeral and final disposition**
23 **expenses - penalty for illegal retention and use.** (1) The state
24 department, pursuant to its rules, ~~has the authority to~~ MAY include in
25 medical care benefits provided under this ~~article~~ ARTICLE 6 and articles
26 4 and 5 of this ~~title~~ TITLE 25.5 reasonable amounts for the personal needs
27 of any recipient receiving nursing facility services or intermediate care

1 facilities for individuals with intellectual disabilities, if the recipient is not
2 otherwise eligible for ~~such~~ THE amounts from other categories of public
3 assistance, but ~~such~~ THE amounts for personal needs ~~shall~~ MUST not be
4 less than the minimum amount provided for in subsection (2) of this
5 section. Payments for funeral and ~~burial~~ FINAL DISPOSITION expenses
6 upon the death of a recipient may be provided under rules of the state
7 department in the same manner as provided to recipients of public
8 assistance as defined by section 26-2-103 (8). ~~C.R.S.~~

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

11 **26-1-122. County appropriations and expenditures -**
12 **advancements - procedures.** (4) (c) For purposes of this ~~article~~ ARTICLE
13 1 and except as otherwise provided in subsection (6) of this section, under
14 rules of the state department, program costs shall include: Amounts
15 expended for assistance payments and social services (except for items
16 enumerated in subsection (3)(c) of this section) under programs for aid to
17 the needy disabled, aid to the blind, AND child welfare services; expenses
18 of treatment to prevent blindness or restore eyesight as defined in section
19 26-2-121; funeral and ~~burial~~ FINAL DISPOSITION expenses as ~~defined~~
20 DESCRIBED in section 26-2-129; and state supplementation under part 2
21 of article 2 of this ~~title~~ TITLE 26.

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

24 **26-2-103. Definitions.** As used in this article 2 and article 1 of
25 this title 26, unless the context otherwise requires:

26 (7) "Public assistance" means assistance payments, food stamps,
27 and social services provided to or on behalf of eligible recipients through

1 programs administered or supervised by the state department, either in
2 cooperation with the federal government or independently without federal
3 aid, pursuant to ~~the provisions of this article~~ THIS ARTICLE 2. Public
4 assistance includes programs for old age pensions, except for the old age
5 pension health and medical care program, and also includes the Colorado
6 works program, aid to the needy disabled, aid to the blind, child welfare
7 services, food stamps supplementation to households not receiving public
8 assistance found eligible for food stamps under rules adopted by the state
9 board, expenses of treatment to prevent blindness or restore eyesight as
10 defined in section 26-2-121, and funeral and ~~burial~~ FINAL DISPOSITION
11 expenses as ~~defined~~ DESCRIBED in section 26-2-129.

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

16 **26-2-129. Funeral - final disposition expenses - death**
17 **reimbursement - definitions - rules.** (1) The general assembly hereby
18 finds and declares that, subject to available appropriations, the purposes
19 of this section are the following:

20 (a) To provide appropriate and equitable reimbursement of
21 funeral, cremation, ~~or burial~~, OR NATURAL REDUCTION expenses or any
22 combination ~~thereof~~ OF EXPENSES associated with the final disposition of
23 any deceased public assistance or medical assistance recipient;

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

27 (e) To provide that public funds are made available for

1 reimbursement pursuant to this section only after it has been determined
2 that there are insufficient resources from the estate of the decedent or the
3 decedent's legally responsible family members to cover the funeral
4 ~~cremation, or burial~~ OR FINAL DISPOSITION expenses;

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

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

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

16 (b) "Death reimbursement" means the payment made by the
17 county department to the provider of funeral ~~cremation, or burial~~ OR
18 FINAL DISPOSITION services when adequate resources are not available
19 from legally responsible persons or from the personal resources or income
20 of the decedent or from contributions to cover the charges for funeral
21 ~~cremation, or burial~~ OR FINAL DISPOSITION expenses of a deceased public
22 assistance or medical assistance recipient.

23 (e) "Legally responsible person" means a person who:

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

26 (h) "Nonresponsible person" means one of the following who
27 makes a contribution to the charges for a funeral ~~cremation, or burial~~ OR

1 FINAL DISPOSITION or any combination ~~thereof~~ OF THESE CHARGES:

2 (3) Subject to available appropriations, a death reimbursement
3 covering reasonable funeral expenses or reasonable ~~cremation or burial~~
4 FINAL DISPOSITION expenses or any combination ~~thereof~~ OF THESE
5 EXPENSES shall be paid by the county department for a decedent if the
6 estate of the deceased is insufficient to pay ~~such~~ THE reasonable expenses
7 and if the persons legally responsible for the support of the deceased are
8 unable to pay ~~such~~ THE reasonable expenses. The county department shall
9 be reimbursed eighty percent of the amount of the death reimbursement
10 paid for recipients of aid to the needy disabled and assistance under the
11 Colorado works program pursuant to part 7 of this ~~article~~ ARTICLE 2 and
12 shall be reimbursed one hundred percent of the amount of the death
13 reimbursement for recipients of old age pensions. If the state department
14 determines that the level of appropriation is insufficient to meet the
15 demand for death reimbursements, the state department shall reduce the
16 amount of the death reimbursement level to meet the amount appropriated
17 by the general assembly for death reimbursements. In the event that ~~such~~
18 a reduction is made, the county department ~~shall have~~ HAS no additional
19 responsibility beyond the reimbursement level as defined in the state
20 department's rules.

21 (4) The total amount of a death reimbursement paid by the county
22 department or state department pursuant to this section ~~shall~~ MUST not
23 exceed one thousand five hundred dollars and the combined charge of a
24 funeral or ~~cremation or burial~~ FINAL DISPOSITION or any combination
25 ~~thereof shall~~ OF THESE EXPENSES MUST not exceed two thousand five
26 hundred dollars. Contributions from nonresponsible persons may be made
27 without jeopardizing payment under this section and shall be counted as

1 an offset to the maximum combined charges of the providers. If the
2 combined charges from the providers exceed two thousand five hundred
3 dollars, no death reimbursement shall be paid by the state or county
4 department. Providers may seek contributions from nonresponsible
5 persons only to the extent that ~~moneys are~~ MONEY IS available from such
6 parties.

7 (6) In calculating the amount of the death reimbursement, any
8 personal resources or income of the decedent ~~shall be~~ IS counted as a
9 deduction from the maximum allowable death reimbursement. For
10 purposes of this section, personal resources or income of the decedent
11 includes the following:

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

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

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

26 (II) The disposition of a public assistance or medical assistance
27 recipient who has not expressed a preference shall be determined

1 respectively by ~~such~~ THE recipient's spouse, adult children, parents, or
2 siblings. Upon the death of a recipient, the county department shall use
3 reasonable effort to contact such an authorized person to determine the
4 disposition of the deceased recipient. If ~~such~~ THE effort does not result in
5 contact with an authorized relative within twenty-four hours, the county
6 shall immediately have the deceased recipient's body refrigerated or
7 embalmed. If ~~such~~ THE effort does not result in contact with and decision
8 by an authorized relative within seven days of the recipient's death, the
9 county department shall determine whether to bury, ~~or~~ cremate, OR
10 NATURALLY REDUCE the deceased recipient on the basis of which option
11 is less costly.

12 (10) The state department shall:

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

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

19 **31-30.5-705. Firefighters' old hire pension plans -**
20 **municipalities of at least one hundred thousand in population.**

21 (9) When an active or retired firefighter dies without necessary funeral
22 expenses, the board shall appropriate from the fund a sum not exceeding
23 one hundred dollars to the surviving spouse or family or other person
24 paying ~~said~~ THE expenses for the purpose of assisting the proper ~~burial~~
25 FINAL DISPOSITION of ~~said~~ THE deceased old hire member.

26 **SECTION 30. Appropriation.** For the 2021-22 state fiscal year,
27 \$20,000 is appropriated to the department of public health and

1 environment for use by the center for health and environmental
2 information and statistics. This appropriation is from the vital statistics
3 records cash fund created in section 25-2-121 (2)(b)(I), C.R.S. To
4 implement this act, the center may use this appropriation for operating
5 expenses.

6 **SECTION 31. Act subject to petition - effective date -**
7 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
8 the expiration of the ninety-day period after final adjournment of the
9 general assembly; except that, if a referendum petition is filed pursuant
10 to section 1 (3) of article V of the state constitution against this act or an
11 item, section, or part of this act within such period, then the act, item,
12 section, or part will not take effect unless approved by the people at the
13 general election to be held in November 2022 and, in such case, will take
14 effect on the date of the official declaration of the vote thereon by the
15 governor.

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