

CHAPTER 135

GOVERNMENT - STATE

SENATE BILL 23-020

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also REPRESENTATIVE(S) Jodeh and Weinberg, Bacon, Brown, Dickson, Duran, Epps, Hamrick, Kipp, Lieder, Lindsay,
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AN ACT**CONCERNING THE TIMELY ISSUANCE OF A CERTIFIED DEATH CERTIFICATE.**

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

SECTION 1. In Colorado Revised Statutes, 25-2-110, **amend** (1)(a), (3)(a), (4), and (5); and **add** (1)(b)(III), (1)(b)(IV), (3)(a.5), (4.5), (5.5), and (11) as follows:

25-2-110. Certificates of death. (1) (a) A certificate of death for each death, including a stillborn death, that occurs in Colorado must be filed with the state registrar or as otherwise directed by the state registrar, within ~~five days after the death occurs~~ SEVENTY-TWO HOURS OF ASSUMING CUSTODY OF A DEAD BODY, STILLBORN FETUS, OR DEAD FETUS and prior to final disposition, EXCEPT WHEN INQUIRY IS REQUIRED BY SUBSECTION (5.5) OF THIS SECTION OR ANY PROVISION OF SECTION 30-10-606 OTHER THAN SECTION 30-10-606 (1)(b) OR WHEN A CORONER, A MEDICAL EXAMINER, A FORENSIC PATHOLOGIST, OR OTHER QUALIFIED INDIVIDUAL DETERMINES THAT ADDITIONAL TIME IS NECESSARY TO MAKE A PROPER INQUIRY TO DETERMINE THE CAUSE AND MANNER OF DEATH. IN SUCH A SITUATION, THE CORONER, MEDICAL EXAMINER, FORENSIC PATHOLOGIST, OR OTHER QUALIFIED INDIVIDUAL SHALL COMPLETE AND SIGN THE CERTIFICATE OF DEATH AS SOON AS PRACTICABLE. The state registrar shall register the certificate if it has been completed in accordance with this section. Every certificate of death must identify the decedent's social security number, if available. If the place of death is unknown but the dead body is found in Colorado, the certificate of death must be completed and filed in accordance with this section. The place where the body is found must be shown as the place of death. If the date of death is unknown, the date must be determined by approximation.

(1) (b) (III) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4.5) OF THIS

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION, ANY INDIVIDUAL, OTHER THAN A FAMILY MEMBER OF THE DECEDENT OR OTHER INDIVIDUAL ACTING IN A NON-PROFESSIONAL CAPACITY AS THE FUNERAL DIRECTOR FOR THE DECEDENT, WHO IS REQUIRED TO INITIATE, COMPLETE, RESPOND TO, OR FILE A CERTIFICATE OF DEATH PURSUANT TO THIS SECTION MUST USE THE ELECTRONIC DEATH REGISTRATION SYSTEM USED BY THE STATE REGISTRAR.

(IV) THE STATE REGISTRAR SHALL PROVIDE A REPORT TO THE DEPARTMENT OF REGULATORY AGENCIES ON A MONTHLY BASIS THAT IDENTIFIES ANY CERTIFICATES OF DEATH FOR WHICH A MEDICAL CERTIFICATION WAS NOT COMPLETED IN A TIMELY MANNER USING THE ELECTRONIC DEATH REGISTRATION SYSTEM OR, BEFORE MARCH 1, 2024, ONLY, COMPLETED AS OTHERWISE ALLOWED BY THIS SECTION, AND THE DEPARTMENT SHALL PROMPTLY PROVIDE THE REPORT TO THE COLORADO MEDICAL BOARD CREATED IN SECTION 12-240-105 (1)(a). BEGINNING IN 2025, THE DEPARTMENT OF REGULATORY AGENCIES SHALL PREPARE A REPORT TO THE JOINT COMMITTEE OF REFERENCE DURING ITS ANNUAL HEARING HELD PURSUANT TO SECTION 2-7-203 OF THE "SMART ACT", PART 2 OF ARTICLE 7 OF TITLE 2. THE REPORT MUST INCLUDE THE NUMBER OF COMPLAINTS THAT THE DEPARTMENT OF REGULATORY AGENCIES RECEIVED AND THE NUMBER OF DISCIPLINARY ACTIONS TAKEN AGAINST A LICENSEE IN EACH CALENDER YEAR.

(3) (a) The funeral director or person acting as such who first assumes custody of a dead body, stillborn fetus, or dead fetus ~~shall be~~ is responsible for the filing of the ~~death~~ certificate of DEATH required by subsection (1) of this section ~~He or she~~ WITHIN SEVENTY-TWO HOURS AFTER RECEIPT OF THE ELECTRONIC DEATH REGISTRATION REQUEST UNLESS THE PHYSICIAN, THEIR ASSOCIATE PHYSICIAN, THE CHIEF MEDICAL OFFICER OF THE INSTITUTION IN WHICH THE DEATH OCCURRED, OR THE PHYSICIAN WHO PERFORMS AN AUTOPSY UPON THE DECEDENT IS UNABLE TO COMPLETE THE MEDICAL CERTIFICATION FOR THE CERTIFICATE OF DEATH WITHIN THE REQUIRED TIME FRAME. THE FUNERAL DIRECTOR shall obtain the personal data required by the certificate from the next of kin or the best qualified person or source available. ~~He or she~~ THE FUNERAL DIRECTOR shall obtain the medical certification necessary to complete the portion of the certificate pertaining to the cause of death from the best qualified person or source available, pursuant to subsection (4) of this section.

(a.5) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(a.5)(II) OF THIS SECTION, IF A DECEDENT HAD AN ESTABLISHED PRIMARY CARE PHYSICIAN, THE PRIMARY CARE PHYSICIAN IS RESPONSIBLE FOR COMPLETING THE MEDICAL CERTIFICATION FOR THE CERTIFICATE OF DEATH IN ACCORDANCE WITH SUBSECTIONS (1)(a) AND (4) OF THIS SECTION IF:

(A) THE DEATH APPEARS TO BE DUE TO NATURAL CAUSES AND IS DETERMINED AS SUCH WITH A REASONABLE DEGREE OF MEDICAL CERTAINTY;

(B) THE DECEDENT RECEIVED MEDICAL CARE FROM THE PRIMARY CARE PHYSICIAN WITHIN A YEAR OF THE DEATH;

(C) THE DEATH OCCURRED WHEN THE DECEDENT WAS NOT UNDER THE DIRECT CARE OF ANOTHER PHYSICIAN CHARGED WITH THE PATIENT'S CARE DURING THE ILLNESS OR CONDITION THAT RESULTED IN DEATH; AND

(D) AN INQUIRY IS NOT REQUIRED BY SECTION 30-10-606.

(II) IF, WITHIN A YEAR OF THE DEATH, THE DECEDENT HAD BEEN TREATED BY A PHYSICIAN OTHER THAN THE DECEDENT'S ESTABLISHED PRIMARY CARE PHYSICIAN FOR A CHRONIC CONDITION OR TERMINAL ILLNESS RELATED TO THE DECEDENT'S DEATH AND THE CONDITIONS SET FORTH IN SUBSECTIONS (3)(a.5)(I)(A) AND (3)(a.5)(I)(D) OF THIS SECTION ARE MET, THAT PHYSICIAN IS RESPONSIBLE FOR COMPLETING THE MEDICAL CERTIFICATION FOR THE CERTIFICATE OF DEATH IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

(4) Except when inquiry is required by ~~section 30-10-606, C.R.S.~~, ANY PROVISION OF SECTION 30-10-606 OTHER THAN SECTION 30-10-606 (1)(b), the physician in charge of the patient's care for the illness or condition that resulted in death shall complete sign, and return to the funeral director or person acting as such ~~all~~ THE medical certification FOR THE CERTIFICATE OF DEATH ~~within forty-eight hours after a death occurs~~ SEVENTY-TWO HOURS AFTER RECEIPT OF THE ELECTRONIC DEATH REGISTRATION REQUEST OR, BEFORE MARCH 1, 2024, ONLY, FOR A PHYSICIAN WHO IS NOT YET REGISTERED TO USE AND USING THE ELECTRONIC DEATH REGISTRATION SYSTEM USED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE STATE REGISTRAR PURSUANT TO SUBSECTION (1)(b)(I) OF THIS SECTION, SEVENTY-TWO HOURS AFTER RECEIVING NOTICE THAT A MEDICAL CERTIFICATION FOR A CERTIFICATE OF DEATH MUST BE COMPLETED. In the absence of said physician or with ~~his or her~~ THE PHYSICIAN'S approval, the certificate may be completed and signed by ~~his or her~~ AN associate physician, by the chief medical officer of the institution in which the death occurred, or by the physician who performed an autopsy upon the decedent, if such individual has access to the medical history of the case, if ~~he or she~~ SAID INDIVIDUAL views the decedent at or after the time of death, and if the death is due to natural causes. If THE DEATH IS OR MAY BE DUE TO UNNATURAL CAUSES, A PHYSICIAN REQUIRED TO COMPLETE A MEDICAL CERTIFICATION FOR A CERTIFICATE OF DEATH IN ACCORDANCE WITH THIS SUBSECTION (4) SHALL NOTIFY THE CORONER OR THE MEDICAL EXAMINER WHEN AN INQUIRY OR AN AUTOPSY IS REQUIRED TO BE PERFORMED PURSUANT TO SECTIONS 30-10-606 AND 30-10-606.5. ON AND AFTER MARCH 1, 2024, A PHYSICIAN'S REPEATED OR WILLFUL FAILURE WITHOUT REASONABLE CAUSE TO COMPLY WITH TIMELY COMPLETION OF A MEDICAL CERTIFICATION FOR A CERTIFICATE OF DEATH IN ACCORDANCE WITH SUBSECTION (1)(a) OF THIS SECTION AND THIS SUBSECTION (4) CONSTITUTES UNPROFESSIONAL CONDUCT, AS DEFINED IN SECTION 12-240-121 (1)(hh). If an autopsy is performed, the certification shall indicate whether the decedent was pregnant at the time of death, and said information shall be reported on the death certificate as required by subsection (9) of this section. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4.5) OF THIS SECTION, THE PHYSICIAN OR, IN THEIR ABSENCE, THEIR DESIGNEE IN ACCORDANCE WITH THIS SUBSECTION (4), SHALL COMPLETE THE MEDICAL CERTIFICATION FOR A CERTIFICATE OF DEATH REQUIRED BY THIS SUBSECTION (4) USING THE ELECTRONIC DEATH REGISTRATION SYSTEM USED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE STATE REGISTRAR PURSUANT TO SECTION 25-2-110 (1)(b)(I).

(4.5) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL ENSURE THAT ALL PHYSICIANS ARE REGISTERED TO USE THE ELECTRONIC DEATH REGISTRATION SYSTEM CREATED AND USED PURSUANT TO SUBSECTION (1)(b)(I) OF THIS SECTION ON OR BEFORE MARCH 1, 2024. A PHYSICIAN SHALL USE THE SYSTEM

FOR ALL MEDICAL CERTIFICATIONS FOR CERTIFICATES OF DEATH REQUIRED BY SUBSECTION (4) OF THIS SECTION IMMEDIATELY UPON BEING REGISTERED BUT IS NOT REQUIRED TO DO SO BEFORE BEING REGISTERED.

(5) When inquiry is required by section 30-10-606, ~~C.R.S.~~, the coroner shall determine the cause of death and shall complete and sign the medical certification within forty-eight hours after ~~taking charge of the case~~ RECEIPT OF THE ELECTRONIC DEATH REGISTRATION REQUEST, EXCEPT AS PERMITTED BY SUBSECTION (5.5) OF THIS SECTION. If an autopsy is performed, the certification shall indicate whether the decedent was pregnant at the time of death, and said information shall be reported on the ~~death~~ certificate OF DEATH as required by subsection (9) of this section. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4.5) OF THIS SECTION, A CORONER, MEDICAL EXAMINER, FORENSIC PATHOLOGIST, OR OTHER QUALIFIED INDIVIDUAL THAT DETERMINES THE CAUSE OF DEATH AND COMPLETES THE MEDICAL CERTIFICATION FOR A CERTIFICATE OF DEATH IN ACCORDANCE WITH THIS SUBSECTION (5) MUST USE THE ELECTRONIC DEATH REGISTRATION SYSTEM USED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE STATE REGISTRAR PURSUANT TO SECTION 25-2-110 (1)(b)(I).

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

(11) A DEADLINE SET FORTH IN THIS SECTION BY WHICH AN INDIVIDUAL IS REQUIRED TO COMPLETE AN ACTION RELATING TO A CERTIFICATE OF DEATH OR A MEDICAL CERTIFICATION FOR A CERTIFICATE OF DEATH IS EXTENDED BY ONE DAY PER DAY OF CLOSURE IF THE BUSINESS OR FACILITY AT WHICH THE INDIVIDUAL IS EMPLOYED IS ACTUALLY CLOSED FOR AN ENTIRE CALENDAR DAY THAT IS A WEEKEND DAY OR A LEGAL HOLIDAY. SUCH A DEADLINE IS NOT EXTENDED IF THE BUSINESS OR FACILITY IS OPEN FOR ANY PORTION OF SUCH A CALENDAR DAY OR IF THE BUSINESS OR FACILITY IS CLOSED FOR AN ENTIRE CALENDAR DAY THAT IS NOT A WEEKEND DAY OR A LEGAL HOLIDAY.

SECTION 2. In Colorado Revised Statutes, 12-240-121, **add** (1)(hh) as follows:

12-240-121. Unprofessional conduct - definitions. (1) "Unprofessional conduct" as used in this article 240 means:

(hh) ON AND AFTER MARCH 1, 2024, REPEATED OR WILLFUL FAILURE WITHOUT REASONABLE CAUSE TO COMPLY WITH THE REQUIREMENTS OF COMPLETING A MEDICAL CERTIFICATION FOR A CERTIFICATE OF DEATH IN ACCORDANCE WITH ANY APPLICABLE DEADLINE SET FORTH IN SECTION 25-2-110.

SECTION 3. Act subject to petition - effective date. 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; 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 1, 2023