

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0405.02 Renee Leone x2695

HOUSE BILL 26-1258

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HOUSE SPONSORSHIP

Soper and Titone,

SENATE SPONSORSHIP

Roberts and Pelton R.,

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House Committees  
Business Affairs & Labor

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING DEATH.

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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 makes changes to death-care related practices, including changes to:

- The practices of professionals licensed and establishments registered pursuant to the "Mortuary Science Code";
- The licensure options for professionals seeking licensure pursuant to the "Mortuary Science Code";
- The powers and duties of the director of the division of professions and occupations in connection with regulating

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.

professionals licensed and establishments registered pursuant to the "Mortuary Science Code";

- The provisions concerning nontransplant tissue banks and the discipline of a person that has an interest in a nontransplant tissue bank;
- The abuse of a corpse as a criminal offense in regard to transporting human remains;
- The timeline for regulatory review of certain death-care related entities and provisions; and
- The process by which a licensed individual initiates, completes, responds to, or files a death certificate.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-135-103, **amend**  
3 (16) and (18); **add** (1.8); and **recreate and reenact, with amendments,**  
4 (10) as follows:

5 **12-135-103. Definitions - repeal.**

6 As used in this article 135, unless the context otherwise requires:

7 (1.8) "BROKER" MEANS A PERSON THAT DOES NOT DIRECTLY  
8 PROVIDE PREPARATION OF HUMAN REMAINS FOR FINAL DISPOSITION OR  
9 FUNERAL SERVICES TO THE PUBLIC AND WHO PROVIDES FUNERAL SERVICES  
10 EXCLUSIVELY THROUGH THE USE OF SUBCONTRACTORS.

11 (10) "DESIGNEE" MEANS AN INDIVIDUAL DESIGNATED BY A  
12 FUNERAL ESTABLISHMENT REGISTERED IN ACCORDANCE WITH SECTION  
13 12-135-110.

14 (16) "Funeral establishment" ~~"funeral home", or "mortuary"~~  
15 means:

16 (a) An establishment that DIRECTLY holds, cares for, or prepares  
17 human remains prior to final disposition, including a crematory or  
18 embalming room; except that this subsection (16)(a) does not apply to  
19 establishments in which individuals regularly die;

1 (b) An establishment that ~~holds itself out to the general public as~~  
2 ~~providing~~ DIRECTLY PROVIDES funeral goods and FUNERAL services;

3 (c) ~~Facilities~~ A FACILITY used to hold, care for, or prepare human  
4 remains prior to final disposition; except that this subsection (16)(c) does  
5 not apply to facilities in which individuals regularly die; or

6 (d) An establishment that DIRECTLY provides funeral or memorial  
7 services to the public for compensation.

8 (18) "Funeral services" means:

9 (a) Preparation of human remains for final disposition, INCLUDING  
10 REFRIGERATION, EMBALMING, AND MEMORIAL SERVICES; except that this  
11 subsection (18)(a) does not apply to cremation; OR

12 (b) Arrangement, supervision, or conduct of the funeral ceremony  
13 or the final disposition of human remains. ~~or~~

14 (c) ~~Transportation of human remains to or from a funeral~~  
15 ~~establishment.~~

16 **SECTION 2.** In Colorado Revised Statutes, 12-135-104, **amend**  
17 (1); and **add** (3) and (4) as follows:

18 **12-135-104. Funeral establishment - subcontractor.**

19 (1) (a) A funeral establishment shall have the appropriate  
20 equipment and personnel to adequately AND DIRECTLY provide the funeral  
21 services it contracts to provide and shall provide written notice to the  
22 consumer specifying any subcontractors or agents routinely handling or  
23 caring for human remains.

24 (b) To comply WITH SUBSECTION (1)(a) OF THIS SECTION, the  
25 notice must be given when the consumer inquires about the goods or  
26 services the funeral establishment provides and must include the names  
27 and addresses of the subcontractors, agents, or other providers; except

1 that, if the inquiry is over the telephone, the written notice must be  
2 provided when the customer finalizes the arrangements for goods or  
3 services with the funeral establishment.

4 (3) A FUNERAL ESTABLISHMENT MUST HAVE A PHYSICAL LOCATION  
5 THAT:

6 (a) IS SUBJECT TO INSPECTION; AND

7 (b) INCLUDES AT LEAST ONE AREA THAT IS USED TO DIRECTLY  
8 PROVIDE FUNERAL SERVICES.

9 (4) A BROKER DOES NOT QUALIFY FOR REGISTRATION AS A  
10 FUNERAL ESTABLISHMENT.

11 **SECTION 3.** In Colorado Revised Statutes, 12-135-105, **amend**  
12 (1)(e), (1)(g)(II), (1)(i) introductory portion, (1)(i)(I), (1)(i)(VIII),  
13 (1)(i)(IX), (1)(n), (1)(o), and (1)(p); and **add** (1)(i)(X), (1)(u), (1)(v), and  
14 (1)(w) as follows:

15 **12-135-105. Unlawful acts.**

16 (1) It is unlawful:

17 (e) For a funeral director, mortuary science practitioner,  
18 embalmer, CREMATIONIST, NATURAL REDUCTIONIST, funeral  
19 establishment, or facility in which people regularly die or the person's or  
20 facility's agent to engage in a business practice that interferes with the  
21 freedom of choice of the general public to choose a funeral director,  
22 mortuary science practitioner, embalmer, CREMATIONIST, NATURAL  
23 REDUCTIONIST, or funeral establishment;

24 (g) To transport or otherwise transfer by common carrier human  
25 remains unless:

26 (II) The transport or transfer is to a funeral establishment, funeral  
27 director, ~~or~~ embalmer, CREMATIONIST, OR NATURAL REDUCTIONIST within

1 the state of Colorado;

2 (i) For a funeral director, mortuary science practitioner, ~~or~~  
3 embalmer, CREMATIONIST, OR NATURAL REDUCTIONIST to admit or permit  
4 any person to visit the embalming, cremation, or preparation room during  
5 the time a body is being embalmed, cremated, or prepared for final  
6 disposition, unless the person:

7 (I) Is a funeral director, mortuary science practitioner,  
8 cremationist, NATURAL REDUCTIONIST, or embalmer;

9 (VIII) Is a technician representing a procurement organization as  
10 defined in section 15-19-202 for purposes of an anatomical gift; ~~or~~

11 (IX) Is the director or the director's designee; OR

12 (X) IS PRACTICING UNDER AN ASSOCIATE LICENSE ISSUED  
13 PURSUANT TO SECTION 12-135-501;

14 (n) To engage in willfully dishonest conduct or commit  
15 negligence in the practice of embalming, CREMATING, NATURALLY  
16 REDUCING, funeral directing, or providing for final disposition that  
17 defrauds or causes injury or is likely to defraud or cause injury;

18 (o) To fail to include in a contract for funeral services the  
19 following statement: "~~FUNERAL HOMES AND CREMATORY~~  
20 ~~ESTABLISHMENTS ARE REGULATED BY THE DEPARTMENT OF~~  
21 ~~REGULATORY AGENCIES. TO FILE A COMPLAINT, CONTACT~~"  
22 "FUNERAL ESTABLISHMENTS ARE REGULATED BY THE  
23 DEPARTMENT OF REGULATORY AGENCIES. TO FILE A  
24 COMPLAINT, CONTACT:", along with the current address, ~~or~~ telephone  
25 number, OR EMAIL ADDRESS of the department;

26 (p) For a person owning ~~an indirect or a direct~~ AN interest in a  
27 funeral establishment to own ~~an indirect~~ AN interest in a nontransplant

1 tissue bank, as defined in section 12-140-102 (3); ~~or to own a direct~~  
2 ~~interest in a nontransplant tissue bank;~~

3 (u) TO COMMIT AN ACT THAT DOES NOT MEET THE GENERALLY  
4 ACCEPTED STANDARDS OF MORTUARY SCIENCE OR TO FAIL TO PERFORM AN  
5 ACT THAT IS REQUIRED TO MEET THE GENERALLY ACCEPTED STANDARDS  
6 OF MORTUARY SCIENCE;

7 (v) TO FAIL TO INCLUDE THE LICENSE NUMBER OF THE DESIGNEE  
8 OF THE FUNERAL ESTABLISHMENT IN ALL CONTRACTS FOR FUNERAL  
9 SERVICES OR FUNERAL GOODS; OR

10 (w) TO FAIL TO PROPERLY SUPERVISE AN ASSOCIATE, LICENSED  
11 PURSUANT TO SECTION 12-135-501 (7), WHO IS REQUIRED TO BE  
12 PERFORMING TASKS UNDER THE SUPERVISION OF A LICENSED FUNERAL  
13 DIRECTOR, MORTUARY SCIENCE PRACTITIONER, CREMATIONIST, NATURAL  
14 REDUCTIONIST, OR EMBALMER PURSUANT TO SECTION 12-135-501 (8).

15 **SECTION 4.** In Colorado Revised Statutes, 12-135-107, **amend**  
16 (4); and **add** (5) as follows:

17 **12-135-107. Consumer protection.**

18 (4) When quoting funeral prices, either orally, by use of a  
19 disclosure statement, or by a final bill, the funeral establishment shall  
20 only list those items as cash advances or accommodation items that are  
21 paid for or could be paid for by the next of kin in the same amount that  
22 is paid by the funeral ~~home~~ ESTABLISHMENT.

23 (5) A CONTRACT FOR FUNERAL SERVICES ENTERED INTO BY A  
24 DESIGNEE MUST INCLUDE THE LICENSE NUMBER OF THE FUNERAL  
25 DIRECTOR, CREMATIONIST, EMBALMER, MORTUARY SCIENCE  
26 PRACTITIONER, OR NATURAL REDUCTIONIST.

27 **SECTION 5.** In Colorado Revised Statutes, 12-135-109, **amend**

1 (2)(b), (4) introductory portion, and (5) as follows:

2 **12-135-109. Exceptions - safe harbor.**

3 (2) (b) If human remains are refrigerated or embalmed under  
4 subsection (2)(a) of this section, the body must be interred within, frozen  
5 within, or cremated within ~~thirty~~ SIXTY days after death or the process of  
6 natural reduction must begin within ~~thirty~~ SIXTY days after death; except  
7 that the DIRECTOR OR A coroner WHO DOES NOT HAVE AN INTEREST IN THE  
8 BUSINESS OF THE FUNERAL ESTABLISHMENT may authorize otherwise in  
9 writing. The DIRECTOR OR coroner shall not permit an exception to this  
10 subsection (2)(b) unless the applicant SEEKING THE EXCEPTION can  
11 demonstrate a legitimate delay caused by unforeseen, uncontrollable  
12 circumstances or by a criminal investigation.

13 (4) If a funeral director, mortuary science practitioner, ~~or~~  
14 embalmer, CREMATIONIST, NATURAL REDUCTIONIST, OR FUNERAL  
15 ESTABLISHMENT has acted in good faith, the funeral director, mortuary  
16 science practitioner, ~~or~~ embalmer, CREMATIONIST, NATURAL  
17 REDUCTIONIST, OR FUNERAL ESTABLISHMENT may rely on a signed  
18 statement from a person with the right of final disposition under section  
19 15-19-106 that:

20 (5) (a) (I) A funeral establishment, funeral director,  
21 CREMATIONIST, NATURAL REDUCTIONIST, EMBALMER, or mortuary science  
22 practitioner may dispose of cremated ~~or naturally reduced~~ remains AT THE  
23 DISCRETION OF THE FUNERAL ESTABLISHMENT, FUNERAL DIRECTOR,  
24 CREMATIONIST, NATURAL REDUCTIONIST, EMBALMER, OR MORTUARY  
25 SCIENCE PRACTITIONER AND at the expense of the person with the right of  
26 final disposition one ~~hundred eighty days after cremation or natural~~  
27 ~~reduction if the person was given clear prior notice of this subsection~~

1 ~~(5)(a) and a reasonable opportunity to collect the remains, the exact~~  
2 ~~location of the final disposition and the costs associated with the final~~  
3 ~~disposition are recorded, and the recovery of the remains is possible.~~  
4 ~~Recovery of costs is limited to a reasonable amount of the costs actually~~  
5 ~~expended by the funeral establishment, funeral director, or mortuary~~  
6 ~~science practitioner.~~ YEAR AFTER CREMATION IF:

7 (A) THE PERSON WAS GIVEN CLEAR PRIOR NOTICE OF THIS  
8 SUBSECTION (5)(a)(I);

9 (B) NOTICE OF THIS SUBSECTION (5)(a)(I) IS INCLUDED IN THE  
10 AUTHORIZATION TO CREMATE THE HUMAN REMAINS;

11 (C) THE PERSON WAS GIVEN A REASONABLE OPPORTUNITY TO  
12 COLLECT THE CREMAINS;

13 (D) THE FUNERAL ESTABLISHMENT, FUNERAL DIRECTOR,  
14 CREMATIONIST, NATURAL REDUCTIONIST, EMBALMER, OR MORTUARY  
15 SCIENCE PRACTITIONER HAS MADE A REASONABLE AND DOCUMENTED  
16 EFFORT TO CONTACT THE PERSON; AND

17 (E) THE EXACT LOCATION OF THE FINAL DISPOSITION AND THE  
18 COSTS ASSOCIATED WITH THE FINAL DISPOSITION ARE RECORDED.

19 (II) ~~A funeral establishment, funeral director, or mortuary science~~  
20 ~~practitioner may comply with this subsection (5)(a) by transferring the~~  
21 ~~cremated or naturally reduced remains and the records showing the~~  
22 ~~funeral establishment and the deceased's name, date of birth, and next of~~  
23 ~~kin for final disposition to a facility or place normally used for final~~  
24 ~~disposition if the new custodian can comply with this subsection (5)(a)~~  
25 RECOVERY OF COSTS PURSUANT TO SUBSECTIONS (5)(a)(I) AND (5)(a)(III)  
26 OF THIS SECTION IS LIMITED TO A REASONABLE AMOUNT OF THE COSTS  
27 ACTUALLY EXPENDED BY THE FUNERAL ESTABLISHMENT, FUNERAL

1 DIRECTOR, CREMATIONIST, NATURAL REDUCTIONIST, EMBALMER, OR  
2 MORTUARY SCIENCE PRACTITIONER.

3 (III) ~~If cremated remains are not claimed by the person with the~~  
4 ~~right of final disposition within three years after cremation, a funeral~~  
5 ~~establishment, funeral director, or mortuary science practitioner may~~  
6 ~~dispose of the remains in an unrecoverable manner by placing the remains~~  
7 ~~in an ossuary or by scattering the remains in a dedicated cemetery,~~  
8 ~~scattering garden, or consecrated ground used exclusively for these~~  
9 ~~purposes.~~ A FUNERAL ESTABLISHMENT, FUNERAL DIRECTOR,  
10 CREMATIONIST, NATURAL REDUCTIONIST, EMBALMER, OR MORTUARY  
11 SCIENCE PRACTITIONER MAY DISPOSE OF NATURALLY REDUCED REMAINS  
12 AT THE DISCRETION OF THE FUNERAL ESTABLISHMENT, FUNERAL  
13 DIRECTOR, CREMATIONIST, NATURAL REDUCTIONIST, EMBALMER, OR  
14 MORTUARY SCIENCE PRACTITIONER AND AT THE EXPENSE OF THE PERSON  
15 WITH THE RIGHT OF FINAL DISPOSITION ONE HUNDRED EIGHTY DAYS AFTER  
16 NATURAL REDUCTION IF:

17 (A) THE PERSON WAS GIVEN CLEAR PRIOR NOTICE OF THIS  
18 SUBSECTION (5)(a)(III);

19 (B) THE NATURALLY REDUCED REMAINS ARE RETURNED TO THE  
20 EARTH IN A RESPECTFUL MANNER;

21 (C) THE PERSON WAS GIVEN A REASONABLE OPPORTUNITY TO  
22 COLLECT THE NATURALLY REDUCED REMAINS;

23 (D) THE FUNERAL ESTABLISHMENT, FUNERAL DIRECTOR,  
24 CREMATIONIST, NATURAL REDUCTIONIST, EMBALMER, OR MORTUARY  
25 SCIENCE PRACTITIONER HAS MADE A REASONABLE AND DOCUMENTED  
26 EFFORT TO CONTACT THE PERSON; AND

27 (E) THE EXACT LOCATION OF THE FINAL DISPOSITION AND THE

1 COSTS ASSOCIATED WITH THE FINAL DISPOSITION ARE RECORDED.

2 (IV) The custodian is not liable for the loss or destruction of  
3 records required to be kept by PURSUANT TO this subsection (5)(a) if the  
4 loss or destruction was not caused by the custodian's negligence OR  
5 WILLFUL CONDUCT.

6 (V) ~~If naturally reduced remains are not claimed by the person  
7 with the right of final disposition within one hundred eighty days after  
8 natural reduction, a funeral establishment, funeral director, or mortuary  
9 science practitioner may dispose of the remains in an unrecoverable  
10 manner by returning the remains to the earth in a respectful manner.~~

11 (b) If the person was cremated prior to July 1, 2003, and the  
12 FUNERAL ESTABLISHMENT, funeral director, CREMATIONIST, NATURAL  
13 REDUCTIONIST, EMBALMER, or mortuary science practitioner reasonably  
14 attempts to notify the person with the right of final disposition of the  
15 provisions of this subsection (5), the cremated remains may be disposed  
16 of in accordance with this subsection (5) notwithstanding a failure to  
17 provide the notice of the provisions of this subsection (5) to the person  
18 with the right of final disposition prior to disposing of the remains.

19 **SECTION 6.** In Colorado Revised Statutes, 12-135-110, **amend**  
20 (1), (2)(a) introductory portion, (2)(a)(III), (2)(a)(IV) introductory  
21 portion, (2)(a)(IV)(C), (2)(a)(IV)(E), (2)(b), and (3); and **add** (2)(a)(V)  
22 and (3.5) as follows:

23 **12-135-110. Registration required.**

24 (1) Unless practicing at a registered funeral establishment OR  
25 AFFILIATE LOCATION pursuant to this section, a person shall not practice  
26 as, or offer the services of, a mortuary science practitioner, funeral  
27 director, ~~or~~ embalmer, CREMATIONIST, OR NATURAL REDUCTIONIST, nor

1 shall the funeral establishment OR AFFILIATE LOCATION sell or offer to sell  
2 funeral goods and services to the public.

3 (2) (a) Each funeral establishment shall register with the director  
4 using forms as determined by the director. The registration ~~shall~~ MUST  
5 include the following:

6 (III) The date the funeral establishment began doing business; ~~and~~

7 (IV) ~~A list of each of the following services provided at each~~  
8 ~~funeral establishment location~~ WHETHER THE FUNERAL ESTABLISHMENT  
9 PROVIDES THE FOLLOWING SERVICES:

10 (C) ~~Transporting human remains to or from the funeral~~  
11 ~~establishment or the place of final disposition~~ CREMATING HUMAN  
12 REMAINS;

13 (E) Selling preneed contracts; AND

14 (V) THE SPECIFIC LOCATION AND A LIST OF SERVICES OFFERED AT  
15 EACH AFFILIATE LOCATION UNDER COMMON OWNERSHIP WITH THE  
16 FUNERAL ESTABLISHMENT.

17 (b) Each funeral establishment registration shall be renewed,  
18 according to a schedule established by the director in accordance with  
19 section 12-20-202 (1), in a form as determined by the director. At the time  
20 of renewal, each funeral establishment shall attest to whether the funeral  
21 establishment sells preneed contracts. ~~The director shall enter into a~~  
22 ~~memorandum of understanding with the commissioner of insurance to~~  
23 ~~share information regarding funeral establishments that sell preneed~~  
24 ~~contracts.~~

25 (3) Each funeral establishment shall appoint an individual as the  
26 designee of the funeral establishment. A designee must:

27 (a) Be at least eighteen years ~~of age~~ OLD;

1           ~~(b) Have at least two years' experience working for a funeral~~  
2 ~~establishment;~~

3           ~~(c) Be employed by the registered funeral establishment that the~~  
4 ~~designee represents;~~

5           ~~(d)~~ (b) Have the authority within the funeral establishment's  
6 organization to require that personnel comply with this article 135; AND

7           ~~(e) Not be designated for more than one funeral establishment;~~  
8 ~~and~~

9           ~~(f)~~ (c) On or after January 1, 2027, be licensed as:

10           (I) A funeral director pursuant to ~~section~~ SECTIONS 12-135-501  
11 and ~~part 6 of this article 135~~ 12-135-602; or

12           (II) ~~On or after January 1, 2027, be licensed as~~ A mortuary science  
13 practitioner pursuant to ~~section~~ SECTIONS 12-135-501 and ~~part 7 of this~~  
14 ~~article 135~~ 12-135-702.

15           (3.5) A DESIGNEE APPOINTED FOR A REGISTERED FUNERAL  
16 ESTABLISHMENT MAY ALSO BE APPOINTED AS THE DESIGNEE FOR AN  
17 AFFILIATE LOCATION FUNERAL ESTABLISHMENT THAT IS UNDER COMMON  
18 OWNERSHIP WITH THE REGISTERED FUNERAL ESTABLISHMENT.

19           **SECTION 7.** In Colorado Revised Statutes, 12-135-112, **amend**  
20 (2)(b), (3), and (4) as follows:

21           **12-135-112. Standards of practice - embalming - transporting.**

22           (2) A funeral establishment that transports human remains shall:

23           (b) Transport human remains in a ~~safe and sanitary~~ manner THAT:

24           (I) IS CUSTOMARY WITHIN THE PROFESSION;

25           (II) IS SAFE, SANITARY, AND DIGNIFIED; AND

26           (III) DOES NOT INVOLVE STACKING HUMAN REMAINS.

27           (3) A funeral establishment shall remove any implanted device in

1 human remains before transporting the body to a crematory OR  
2 COMMENCING CREMATION.

3 (4) (a) A funeral establishment shall maintain a sanitary  
4 preparation room with:

5 (I) Sanitary flooring;

6 (II) Drainage;

7 (III) Ventilation; ~~and~~

8 (IV) ACCESS TO refrigeration SUFFICIENT TO ACCOMMODATE THE  
9 NEEDS OF THE FUNERAL ESTABLISHMENT; and

10 (V) Other equipment necessary to maintain sanitary conditions.

11 **SECTION 8.** In Colorado Revised Statutes, 12-135-113, **amend**  
12 (2)(c) and (4) as follows:

13 **12-135-113. Custody and responsibility - rules.**

14 (2) A funeral establishment is responsible for identifying and  
15 tracking human remains from the time it takes custody of human remains  
16 until the:

17 (c) Remains are released to another funeral establishment,  
18 ~~crematory~~, repository, or entity as authorized by the person who has the  
19 right of final disposition.

20 (4) A funeral establishment shall not take custody of more  
21 UNEMBALMED human remains than the funeral establishment has capacity  
22 to refrigerate unless the funeral establishment maintains custody of the  
23 UNEMBALMED human remains for less than twenty-four hours.

24 **SECTION 9.** In Colorado Revised Statutes, 12-135-114, **amend**  
25 (1) as follows:

26 **12-135-114. Insurance requirements.**

27 (1) A funeral establishment shall obtain and maintain a

1 professional liability insurance policy with liability limits of at least one  
2 million dollars. The funeral establishment must submit the certificate of  
3 professional liability insurance to the director:

4 (a) Within thirty days after the initial registration of the funeral  
5 establishment by the director; ~~and~~

6 (b) Upon request by the director; AND

7 (c) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION  
8 (1)(c), BY ATTESTATION WHEN RENEWING THE REGISTRATION OF THE  
9 FUNERAL ESTABLISHMENT PURSUANT TO SECTION 12-135-110.

10 **SECTION 10.** In Colorado Revised Statutes, **add** 12-135-115 as  
11 follows:

12 **12-135-115. Funeral director required - funeral service or**  
13 **final disposition - penalty - death certificate.**

14 (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION,  
15 A PERSON SHALL NOT CONDUCT OR SUPERVISE A FUNERAL SERVICE OR  
16 FINAL DISPOSITION OR ANY PART OF A FUNERAL SERVICE OR FINAL  
17 DISPOSITION UNLESS THE FUNERAL SERVICE OR FINAL DISPOSITION IS  
18 CONDUCTED UNDER THE ACTUAL DIRECTION OF OR UNDER THE  
19 SUPERVISION OF A FUNERAL DIRECTOR.

20 (b) A PERSON THAT VIOLATES THIS SUBSECTION (1) COMMITS A  
21 CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION  
22 18-1.3-501 (1)(a.5).

23 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, UNLESS  
24 IT IS KNOWN THAT THE DECEASED INDIVIDUAL DIED OF AN INFECTIOUS  
25 DISEASE:

26 (a) THE FAMILY, A FRIEND, OR A FRIEND OF THE FAMILY OF THE  
27 DECEASED INDIVIDUAL MAY CONDUCT A FUNERAL SERVICE FOR THE

1 DECEASED INDIVIDUAL; OR

2 (b) A RELIGIOUS GROUP OR SECT MAY CONDUCT A FUNERAL  
3 SERVICE FOR AND FINAL DISPOSITION OF THE DECEASED INDIVIDUAL  
4 WITHOUT THE PARTICIPATION OF A FUNERAL DIRECTOR IF THE GROUP'S OR  
5 SECT'S RELIGIOUS BELIEFS REQUIRE THE SERVICE OR BURIAL WITHOUT THE  
6 PARTICIPATION OF A FUNERAL DIRECTOR.

7 (3) A FUNERAL DIRECTOR WHO IS REQUIRED TO INITIATE,  
8 COMPLETE, RESPOND TO, OR FILE A CERTIFICATE OF DEATH SHALL PROVIDE  
9 THE FUNERAL DIRECTOR'S LICENSE NUMBER PURSUANT TO SECTION  
10 25-2-110 (1)(b)(III)(B).

11 **SECTION 11.** In Colorado Revised Statutes, **amend** 12-135-201  
12 as follows:

13 **12-135-201. Funeral establishments in cemeteries not exempt.**

14 No person, firm, association, partnership, or corporation engaged  
15 in the ownership, operation, or management of a cemetery or mausoleum  
16 in this state that is exempt from payment of general property taxes, shall,  
17 either directly or indirectly, own, manage, conduct, or operate a ~~funeral~~  
18 ~~home or mortuary~~ FUNERAL ESTABLISHMENT in the cemetery or  
19 mausoleum, or adjacent ~~thereto~~ TO THE CEMETERY OR MAUSOLEUM and  
20 in connection therewith, unless the cemetery or mausoleum and ~~funeral~~  
21 ~~home or mortuary~~ FUNERAL ESTABLISHMENT is listed for assessment  
22 purposes. The attorney general, county attorney, or any interested party  
23 may maintain injunction proceedings to prevent any violation of this  
24 section.

25 **SECTION 12.** In Colorado Revised Statutes, **repeal** 12-135-301,  
26 12-135-302, 12-135-303, and 12-135-308.

27 **SECTION 13.** In Colorado Revised Statutes, 12-135-307, **amend**

1 (2)(a)(III) as follows:

2 **12-135-307. Standards of practice - cremating.**

3 (2) (a) A crematory shall not cremate human remains unless the  
4 crematory has obtained a statement containing the following from a  
5 funeral establishment, funeral director, mortuary science practitioner, or  
6 the person with the right of final disposition:

7 (III) Authorization to cremate the human remains THAT INCLUDES  
8 A PROVISION EXPLAINING THE RIGHTS OF THE FUNERAL ESTABLISHMENT,  
9 FUNERAL DIRECTOR, CREMATIONIST, NATURAL REDUCTIONIST, EMBALMER,  
10 OR MORTUARY SCIENCE PRACTITIONER PURSUANT TO SECTION 12-135-109  
11 (5)(a)(I);

12 **SECTION 14.** In Colorado Revised Statutes, 12-135-401, **amend**  
13 (1) introductory portion, (2), (3)(a), (3)(b), (4), (6), and (7); and **add** (1.1)  
14 and (8) as follows:

15 **12-135-401. Powers and duties of the director - rules.**

16 (1) In connection with a license issued pursuant to part 5 of this  
17 article 135 or a registration issued pursuant to section 12-135-110, ~~or~~  
18 ~~12-135-303~~, the director may deny, suspend, refuse to renew, or revoke  
19 a license or registration pursuant to section 12-20-404 (1)(d); issue and  
20 send, by electronic mail that is actually received, a letter of admonition to  
21 the licensee or registrant under the circumstances specified in and in  
22 accordance with section 12-20-404 (4); issue a confidential letter of  
23 concern to the licensee or registrant under the circumstance specified in  
24 section 12-20-404 (5); place the licensee or registrant on probation  
25 pursuant to section 12-20-404 (1)(b); or limit the scope of practice of the  
26 registration or license under this article 135 if the licensee or registrant  
27 has:

1 (1.1) IF A PERSON LICENSED OR REGISTERED PURSUANT TO THIS  
2 ARTICLE 135 IS FOUND BY THE DIRECTOR TO HAVE VIOLATED A PROVISION  
3 OF THIS ARTICLE 135 OR A RULE ADOPTED BY THE DIRECTOR IN A MANNER  
4 THAT THE DIRECTOR DETERMINES IS TECHNICAL IN NATURE OR OTHERWISE  
5 MINOR AND INCONSEQUENTIAL, THE DIRECTOR MAY ISSUE TO THE  
6 LICENSEE OR REGISTRANT AN INFORMAL WARNING THAT DOES NOT RESULT  
7 IN ANY OTHER ACTION TAKEN BY THE DIRECTOR FOR THAT VIOLATION.

8 (2) In connection with a license issued pursuant to part 5 of this  
9 article 135 or a registration issued pursuant to section 12-135-110, ~~or~~  
10 ~~12-135-303~~, the director may deny or revoke a registration or license if  
11 the licensee, the registrant, or the designee of a registrant has a  
12 disqualifying criminal history as described in section 12-135-503. The  
13 director shall promptly notify the licensee or registrant of the revocation.

14 (3) (a) (I) The director may investigate the activities of a licensee  
15 licensed pursuant to part 5 of this article 135, or a registrant registered  
16 pursuant to section 12-135-110, ~~or 12-135-303~~, upon the director's own  
17 initiative or upon receipt of a complaint or a suspected or alleged  
18 violation of this article 135.

19 (II) The director shall perform routine inspections of all funeral  
20 establishments ~~and crematories~~ on a periodic basis, AND AT LEAST  
21 ANNUALLY, as determined by rule. The director may contract with a  
22 private party to perform these inspections.

23 (III) To perform an inspection, the director or a private party with  
24 whom the director contracts to perform the inspection may enter the  
25 premises of a funeral establishment ~~or crematory~~ with full right of ingress  
26 and egress:

27 (A) While the funeral establishment ~~or crematory~~ is registered;

1 (B) For a period of time, as determined by rule, after a funeral  
2 establishment's ~~or crematory's~~ registration has expired, has been revoked,  
3 or has been surrendered; and

4 (C) Upon application for a new registration.

5 (IV) The director shall ~~promulgate~~ ADOPT rules determining the  
6 period of time after a registration is no longer valid during which time the  
7 director or a private party with whom the director contracts may perform  
8 inspections to ensure that the funeral establishment ~~or crematory~~  
9 continues to comply with this article 135 and winds down the business  
10 without creating an undue risk to the public health.

11 (b) Each funeral establishment registered under section  
12 12-135-110 ~~or crematory registered under section 12-135-303~~ is deemed  
13 to have consented to any inspection authorized in this subsection (3) as  
14 a condition of the registration.

15 (4) The director shall keep records of registrations, licenses, and  
16 disciplinary proceedings. If conducted pursuant to this section:

17 (a) Investigations, examinations, hearings, ~~meetings,~~ or  
18 proceedings are exempt from part 4 of article 6 of title 24; ~~and~~

19 (b) ~~Minutes or~~ Records concerning licensing action taken are  
20 exempt from part 2 of article 72 of title 24; AND

21 (c) REPORTS OF ANNUAL INSPECTIONS, EXCLUDING PHOTOGRAPHS  
22 AND AUDIO AND VIDEO RECORDINGS AND ANY INFORMATION THAT WOULD  
23 PERSONALLY IDENTIFY A DECEASED INDIVIDUAL, ARE SUBJECT TO PART 2  
24 OF ARTICLE 72 OF TITLE 24.

25 (6) (a) The director may ~~promulgate~~ ADOPT reasonable rules  
26 necessary to implement this article 135.

27 (b) In ~~promulgating~~ ADOPTING rules under this article 135, the

1 director is subject to article 4 of title 24.

2 (c) ~~(Deleted by amendment, L. 2024.)~~

3 (7) The director may impose discipline, pursuant to this section,  
4 on an applicant for registration under this article 135 OR a funeral  
5 establishment registered pursuant to section 12-135-110 ~~or a crematory~~  
6 ~~registered pursuant to section 12-135-303~~ for the acts of a person that:

7 (a) Is acting on behalf of the applicant OR registered funeral  
8 establishment; ~~or registered crematory~~; and

9 (b) Is an officer, a director, a member, a partner, or an owner of  
10 the applicant OR registered funeral establishment ~~or registered crematory~~  
11 if:

12 (I) The person holds at least a ten percent interest in the applicant  
13 OR registered funeral establishment ~~or registered crematory~~ that is  
14 publicly traded; or

15 (II) The person holds an interest in the applicant OR registered  
16 funeral establishment ~~or registered crematory~~ that is not publicly traded.

17 (8) THE DIRECTOR SHALL ENTER INTO A MEMORANDUM OF  
18 UNDERSTANDING WITH THE COMMISSIONER OF INSURANCE TO SHARE  
19 INFORMATION REGARDING FUNERAL ESTABLISHMENTS THAT SELL PRENEED  
20 CONTRACTS PURSUANT TO SECTION 12-135-110 (2)(a)(IV)(E).

21 **SECTION 15.** In Colorado Revised Statutes, 12-135-404, **amend**  
22 (2) as follows:

23 **12-135-404. Civil penalty - fines.**

24 (2) In addition to any other penalty that may be imposed pursuant  
25 to this section, a funeral establishment ~~or crematory~~ violating part 1 or 3  
26 of this article 135 or a rule ~~promulgated~~ ADOPTED pursuant to part 1 or 3  
27 of this article 135 may be fined no less than one hundred dollars and no

1 more than five thousand dollars for each violation proven by the director.

2 **SECTION 16.** In Colorado Revised Statutes, **add** 12-135-405.5  
3 as follows:

4 **12-135-405.5. Licensure by endorsement.**

5 THE DIRECTOR SHALL ISSUE A LICENSE BY ENDORSEMENT TO  
6 ENGAGE IN THE PRACTICE OF BEING A LICENSED FUNERAL DIRECTOR,  
7 CREMATIONIST, MORTUARY SCIENCE PRACTITIONER, EMBALMER, OR  
8 NATURAL REDUCTIONIST IN THIS STATE TO AN APPLICANT WHO SATISFIES  
9 THE REQUIREMENTS OF THE OCCUPATIONAL CREDENTIAL PORTABILITY  
10 PROGRAM AS SET FORTH IN SECTION 12-20-202 (3).

11 **SECTION 17.** In Colorado Revised Statutes, **amend** 12-135-406  
12 as follows:

13 **12-135-406. Repeal - subject to review.**

14 ~~Sections~~ SECTION 12-135-110 ~~and 12-135-303~~ and this part 4 are  
15 repealed, effective September 1, ~~2029~~ 2031. Before the repeal, the  
16 regulation of persons registered to practice cremation and mortuary  
17 science is scheduled for review in accordance with section 24-34-104.

18 **SECTION 18.** In Colorado Revised Statutes, 12-135-501, **amend**  
19 (2), (3)(a)(I), and (3)(a)(III)(C); and **add** (3)(a)(III)(D), (7), and (8) as  
20 follows:

21 **12-135-501. Licenses required - funeral director, mortuary**  
22 **science practitioner, embalmer, cremationist, and natural**  
23 **reductionist - associate license - provisional license - rules - repeal.**

24 (2) The director may ~~promulgate~~ ADOPT rules to establish  
25 application procedures and forms for issuing and renewing a license.

26 (3) (a) To be licensed under this section, an individual must:

27 (I) Submit to the director an application in the form and manner

1 specified by THE DIRECTOR and an application fee in an amount  
2 determined by the director under section 12-20-105;

3 (III) Demonstrate to the director that:

4 (C) The applicant qualifies for a license issued in accordance with  
5 subsection (5) of this section; ~~and~~ OR

6 (D) THE APPLICANT QUALIFIES FOR A LICENSE ISSUED IN  
7 ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION; AND

8 (7) (a) ON AND AFTER JANUARY 1, 2027, AN INDIVIDUAL MAY  
9 APPLY FOR AN ASSOCIATE LICENSE TO OBTAIN THE NECESSARY PRACTICE  
10 EXPERIENCE TO MEET THE REQUIREMENTS SET FORTH IN SECTION  
11 12-135-603, 12-135-703, 12-135-803, OR 12-135-903.

12 (b) IN ADDITION TO SATISFYING THE REQUIREMENTS OF  
13 SUBSECTION (3) OF THIS SECTION, TO BE QUALIFIED TO OBTAIN AN  
14 ASSOCIATE LICENSE, AN APPLICANT MUST:

15 (I) IF SEEKING LICENSURE PURSUANT TO SECTION 12-135-603,  
16 12-135-703, OR 12-135-803, DEMONSTRATE THAT THEY ARE ACTIVELY  
17 ENROLLED IN, OR HAVE GRADUATED FROM, AN ACCREDITED MORTUARY  
18 SCIENCE SCHOOL; OR

19 (II) IF SEEKING LICENSURE PURSUANT TO SECTION 12-135-903:

20 (A) HAVE REGISTERED FOR OR COMPLETED OFFICIAL  
21 CERTIFICATION AS A CREMATORY OPERATOR FROM THE CREMATION  
22 ASSOCIATION OF NORTH AMERICA, THE INTERNATIONAL CEMETERY,  
23 CREMATION AND FUNERAL ASSOCIATION, THE NATIONAL FUNERAL  
24 DIRECTORS ASSOCIATION, OR A SUCCESSOR ORGANIZATION THAT IS  
25 APPROVED BY THE DIRECTOR; OR

26 (B) HAVE REGISTERED FOR OR COMPLETED OFFICIAL  
27 CERTIFICATION AS A NATURAL REDUCTIONIST FROM THE CREMATION

1 ASSOCIATION OF NORTH AMERICA, THE INTERNATIONAL CEMETERY,  
2 CREMATION AND FUNERAL ASSOCIATION, THE NATIONAL FUNERAL  
3 DIRECTORS ASSOCIATION, OR A SUCCESSOR ORGANIZATION THAT IS  
4 APPROVED BY THE DIRECTOR.

5 (c) (I) AN ASSOCIATE LICENSE ISSUED PURSUANT TO THIS  
6 SUBSECTION (7) EXPIRES THREE YEARS AFTER THE DATE IT WAS ISSUED.

7 (II) AN ASSOCIATE LICENSE MUST NOT BE EXTENDED OR  
8 REINSTATED WITHOUT APPROVAL BY THE DIRECTOR.

9 (8) AN INDIVIDUAL WITH AN ASSOCIATE LICENSE MAY PERFORM  
10 ANY FUNCTION A LICENSEE IS AUTHORIZED TO PERFORM AS LONG AS SUCH  
11 FUNCTION IS PERFORMED UNDER THE SUPERVISION OF A LICENSEE, WHICH  
12 SUPERVISION THE DIRECTOR SHALL DEFINE BY RULE.

13 **SECTION 19.** In Colorado Revised Statutes, 12-135-503, **amend**  
14 (1)(b) as follows:

15 **12-135-503. Criminal history - rules.**

16 (1) Subject to section 24-5-101, a licensee or an applicant for a  
17 license under this part 5 has a disqualifying criminal history if the  
18 licensee or applicant has been convicted of, plead guilty to, plead nolo  
19 contendere to, or received a deferred sentence for:

20 (b) A felony committed in the course of and related to being an  
21 employee of or being an agent of a funeral establishment registered in  
22 accordance with section 12-135-110; ~~or of a crematory registered in~~  
23 ~~accordance with section 12-135-303;~~

24 **SECTION 20.** In Colorado Revised Statutes, 12-135-508, **amend**  
25 (1)(o) as follows:

26 **12-135-508. Grounds for discipline.**

27 (1) The director may take disciplinary action in accordance with

1 sections 12-20-404, 12-135-401, and 12-135-507 against an applicant or  
2 licensee who has:

3 (o) Authorized an officer of or employee of a licensee, of a  
4 registrant under section 12-135-110, ~~or 12-135-303~~, or of another person  
5 having a professional relationship with the decedent to approve or cause  
6 the final disposition of human remains in violation of this article 135;

7 **SECTION 21.** In Colorado Revised Statutes, 12-135-601, **amend**  
8 (4)(d)(III) as follows:

9 **12-135-601. Practice of a funeral director described -**  
10 **definition.**

11 (4) (d) A licensee shall not delegate the following tasks:

12 (III) Oversight of a ~~funeral home or crematory~~ FUNERAL  
13 ESTABLISHMENT'S operations related to the final disposition of human  
14 remains.

15 **SECTION 22.** In Colorado Revised Statutes, 12-135-701, **amend**  
16 (2)(d)(III) as follows:

17 **12-135-701. Practice of a mortuary science practitioner**  
18 **described - rules.**

19 (2) (d) A licensee shall not delegate the following tasks:

20 (III) Oversight of a ~~funeral home or crematory~~ FUNERAL  
21 ESTABLISHMENT'S operations related to the final disposition of human  
22 remains.

23 **SECTION 23.** In Colorado Revised Statutes, 12-20-202, **repeal**  
24 (3)(e)(IV) as follows:

25 **12-20-202. Licenses, certifications, and registrations - renewal**  
26 **- reinstatement - fees - occupational credential portability program**  
27 **- exceptions for military personnel, spouses, gold star military**

1 spouses, and dependents - rules - consideration of criminal  
2 convictions or driver's history - executive director authority -  
3 definitions.

4 (3) **Occupational credential portability program - definitions.**

5 (e) Subsections (3)(a) to (3)(d) of this section do not apply to the  
6 following professions or occupations:

7 (IV) ~~Mortuaries and crematories, regulated pursuant to article 135~~  
8 ~~of this title 12;~~

9 **SECTION 24.** In Colorado Revised Statutes, 12-20-402, **amend**  
10 (2) as follows:

11 **12-20-402. Immunity.**

12 (2) ~~Any~~ A person participating in good faith in lodging or making  
13 a complaint or report or participating in any investigative or  
14 administrative proceeding pursuant to a part or article of this title 12  
15 governing a particular profession or occupation is immune from ~~any~~ civil  
16 or criminal liability that may result from that participation; except that a  
17 person participating as described in this subsection (2) under article 135  
18 of this title 12 concerning ~~mortuaries~~ FUNERAL ESTABLISHMENTS and  
19 crematories is immune from only civil liability.

20 **SECTION 25.** In Colorado Revised Statutes, 12-20-407, **amend**  
21 (2)(a) as follows:

22 **12-20-407. Unauthorized practice of profession or occupation**  
23 **- penalties - exclusions.**

24 (2) The penalties for:

25 (a) Engaging in unauthorized activities regarding ~~mortuaries~~  
26 FUNERAL ESTABLISHMENTS and crematories are governed by section  
27 12-135-108;

1           **SECTION 26.** In Colorado Revised Statutes, 12-20-408, **amend**  
2 (2)(c) as follows:

3           **12-20-408. Judicial review.**

4           (2) A district court of competent jurisdiction has initial  
5 jurisdiction to review all final actions and orders of a regulator that are  
6 subject to judicial review and shall conduct the judicial review  
7 proceedings in accordance with section 24-4-106 (3) for the following:

8           (c) Article 135 of this title 12 concerning ~~mortuaries~~ FUNERAL  
9 ESTABLISHMENTS and crematories; and

10          **SECTION 27.** In Colorado Revised Statutes, 12-140-102, **amend**  
11 (3)(b)(II); and **repeal** (3)(b)(III) as follows:

12          **12-140-102. Definitions.**

13          As used in this article 140, unless the context otherwise requires:

14          (3) (b) "Nontransplant tissue bank" does not include:

15          (II) A funeral establishment registered in accordance with section  
16 12-135-110; OR

17          (III) ~~A crematory registered in accordance with section~~  
18 ~~12-135-303; or~~

19          **SECTION 28.** In Colorado Revised Statutes, 12-140-103, **amend**  
20 (4) as follows:

21          **12-140-103. Registration required - subject to review - repeal.**

22          (4) This section is repealed, effective September 1, 2033 2031.  
23 Before the repeal, this section is scheduled for review in accordance with  
24 section 24-34-104.

25          **SECTION 29.** In Colorado Revised Statutes, 12-140-107, **amend**  
26 (1)(c); and **add** (1)(e) as follows:

27          **12-140-107. Discipline.**

1 (1) The director may take disciplinary or other action as  
2 authorized in section 12-20-404 if the nontransplant tissue bank or  
3 applicant:

4 (c) Violates federal law, Colorado law, or an ordinance or  
5 resolution of a political subdivision of Colorado in the operation of the  
6 nontransplant tissue bank; ~~or~~

7 (e) IS A PERSON THAT OWNS AN INTEREST IN A NONTRANSPLANT  
8 TISSUE BANK AND ALSO OWNS AN INTEREST IN A FUNERAL ESTABLISHMENT  
9 AS DEFINED IN SECTION 12-135-103 (16).

10 **SECTION 30.** In Colorado Revised Statutes, **amend** 18-13-101  
11 as follows:

12 **18-13-101. Abuse of a corpse - penalty.**

13 (1) A person commits abuse of a corpse if, without statutory or  
14 court-ordered authority, the person:

15 (a) Removes the body or remains of any person from a grave or  
16 other place of sepulcher without the consent of the person who has the  
17 right to dispose of the remains pursuant to section 15-19-106; ~~or~~

18 (b) Treats the body or remains of any person in a way that would  
19 outrage normal family sensibilities; OR

20 (c) TRANSPORTS THE BODY OR REMAINS OF A PERSON IN A WAY  
21 THAT:

22 (I) FAILS TO ADEQUATELY REFRIGERATE OR OTHERWISE PRESERVE  
23 THE BODY OR REMAINS AND IS NOT SAFE, SANITARY, AND DIGNIFIED; OR

24 (II) INVOLVES STACKING OF HUMAN REMAINS.

25 (2) Abuse of a corpse is a class 6 felony.

26 (3) (a) A defendant may not be convicted of both abuse of a  
27 corpse, as described in subsection (1) of this section, and tampering with

1 a deceased human body, as described in section 18-8-610.5 (1), if the act  
2 arises out of a single incident.

3 (b) If a defendant is charged with both abuse of a corpse, as  
4 described in subsection (1) of this section, and tampering with a deceased  
5 human body, as described in section 18-8-610.5 (1), the court shall  
6 proceed pursuant to section 18-1-408.

7 **SECTION 31.** In Colorado Revised Statutes, 24-34-104, **repeal**  
8 (30)(a)(X) and (34)(a)(IX); and **add** (32)(a)(XVI) and (32)(a)(XVII) as  
9 follows:

10 **24-34-104. General assembly review of regulatory agencies**  
11 **and functions for repeal, continuation, or reestablishment - legislative**  
12 **declaration - repeal.**

13 (30) (a) The following agencies, functions, or both, are scheduled  
14 for repeal on September 1, 2029:

15 ~~(X) The functions of the director of the division of professions~~  
16 ~~and occupations related to the registration of funeral establishments~~  
17 ~~specified in section 12-135-110 and crematories specified in section~~  
18 ~~12-135-303 and to the title protections specified in sections 12-135-111~~  
19 ~~and 12-135-304.~~

20 (32) (a) The following agencies, functions, or both, are scheduled  
21 for repeal on September 1, 2031:

22 (XVI) THE FUNCTIONS OF THE DIRECTOR OF THE DIVISION OF  
23 PROFESSIONS AND OCCUPATIONS RELATED TO THE REGISTRATION OF  
24 FUNERAL ESTABLISHMENTS SPECIFIED IN SECTION 12-135-110 AND TO THE  
25 TITLE PROTECTIONS SPECIFIED IN SECTIONS 12-135-111 AND 12-135-304;

26 (XVII) THE REGULATION OF NONTRANSPLANT TISSUE BANKS BY  
27 THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE

1 DEPARTMENT OF REGULATORY AGENCIES PURSUANT TO SECTION  
2 12-140-103.

3 (34) (a) The following agencies, functions, or both, are scheduled  
4 for repeal on September 1, 2033:

5 ~~(IX) The regulation of nontransplant tissue banks by the director~~  
6 ~~of the division of professions and occupations in the department of~~  
7 ~~regulatory agencies pursuant to section 12-140-103;~~

8 **SECTION 32.** In Colorado Revised Statutes, 25-2-110, **amend**  
9 (1)(b)(III) as follows:

10 **25-2-110. Certificates of death - electronic death registration**  
11 **system - amended certificate of death following a change in gender -**  
12 **rules - definitions.**

13 (1) (b) (III) (A) Except as otherwise provided in subsection (4.5)  
14 of this section, any individual, other than a family member of the  
15 decedent or other individual assisting in a nonprofessional capacity for  
16 the decedent, who is required to initiate, complete, respond to, or file a  
17 certificate of death pursuant to this section must use the electronic death  
18 registration system used by the state registrar.

19 (B) A LICENSED INDIVIDUAL WHO IS REQUIRED TO INITIATE,  
20 COMPLETE, RESPOND TO, OR FILE A CERTIFICATE OF DEATH PURSUANT TO  
21 THIS SECTION SHALL PROVIDE THE INDIVIDUAL'S LICENSE NUMBER.

22 **SECTION 33. Act subject to petition - effective date -**  
23 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
24 the expiration of the ninety-day period after final adjournment of the  
25 general assembly (August 12, 2026, if adjournment sine die is on May 13,  
26 2026); except that, if a referendum petition is filed pursuant to section 1  
27 (3) of article V of the state constitution against this act or an item, section,

1 or part of this act within such period, then the act, item, section, or part  
2 will not take effect unless approved by the people at the general election  
3 to be held in November 2026 and, in such case, will take effect on the  
4 date of the official declaration of the vote thereon by the governor.

5 (2) This act applies to offenses committed; license and registration  
6 applications filed; certificates of death initiated, completed, responded to,  
7 or filed; and contracts entered into or renewed on or after the applicable  
8 effective date of this act.