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An Act

HOUSE BILL 26-1258

BY REPRESENTATIVE(S) Soper and Titone, Boesenecker, Duran, Espenoza, Garcia, Hamrick, Keltie, Lieder, Lindsay, Marshall, Nguyen, McCluskie, Bacon, Brown, Martinez;
also SENATOR(S) Roberts and Pelton R., Ball, Bridges, Danielson, Gonzales J., Hinrichsen, Kipp, Kirkmeyer, Liston, Marchman, Pelton B., Rodriguez, Wallace, Coleman.

CONCERNING DEATH.

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

SECTION 1. In Colorado Revised Statutes, 12-135-103, **amend** (16) and (18); **add** (1.6) and (1.8); and **recreate and reenact, with amendments, (10)** as follows:

12-135-103. Definitions - repeal.

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

(1.6) "ARRANGEMENT", "ARRANGEMENTS", OR "FUNERAL ARRANGEMENTS" MEANS:

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.

(a) PLANNING THE DETAILS OF A FUNERAL CEREMONY OR MEMORIAL SERVICE, INCLUDING PLANNING THE TIME OF SERVICE AND THE TYPE OF CEREMONY OR SERVICE;

(b) OBTAINING THE NECESSARY INFORMATION FOR FILING A DEATH CERTIFICATE;

(c) COMPARING OR DISCUSSING PRICES, INCLUDING THE PRICE OF FUNERAL GOODS AND PRENEED CONTRACTS; OR

(d) PROVIDING ONSITE DIRECTION AND COORDINATION OF PARTICIPANTS AND ONSITE DIRECTION, COORDINATION, AND FACILITATION AT A FUNERAL CEREMONY OR MEMORIAL SERVICE.

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

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

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

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

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

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

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

(18) "Funeral services" means:

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

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

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

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

12-135-104. Funeral establishment - subcontractor.

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

(b) To comply WITH SUBSECTION (1)(a) OF THIS SECTION, the notice must be given when the consumer inquires about the goods or services the funeral establishment provides and must include the names and addresses of the subcontractors, agents, or other providers; except that, if the inquiry is over the telephone, the written notice must be provided when the customer finalizes the arrangements for goods or services with the funeral establishment.

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

(a) IS SUBJECT TO INSPECTION; AND

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

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

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

12-135-105. Unlawful acts.

(1) It is unlawful:

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

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

(II) The transport or transfer is to a funeral establishment, funeral director, ~~or~~ embalmer, CREMATIONIST, OR NATURAL REDUCTIONIST within the state of Colorado;

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

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

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

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

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

(XI) IS PRESENT WITH THE PERMISSION OF A LICENSEE TO ASSIST IN THE NORMAL BUSINESS OPERATIONS OF THE FACILITY, THE LICENSEE IS DIRECTLY RESPONSIBLE FOR THE PERSON'S ACTIVITIES AND ACTIONS, AND THE PERSON AND THE LICENSEE TAKE ALL APPROPRIATE STEPS TO ENSURE THE DIGNITY OF HUMAN REMAINS IS MAINTAINED;

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

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

(p) For a person owning ~~an indirect or a direct~~ AN interest in a funeral establishment to own ~~an indirect~~ AN interest in a nontransplant tissue bank, as defined in section 12-140-102 (3); ~~or to own a direct interest in a nontransplant tissue bank;~~

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

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

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

(x) TO CREMATE HUMAN REMAINS IN A FACILITY UNLESS THE FACILITY IS REGISTERED PURSUANT TO SECTION 12-135-110;

(y) TO REFUSE TO ACCEPT HUMAN REMAINS THAT ARE NOT IN A CASKET OR TO REQUIRE HUMAN REMAINS TO BE PLACED IN A CASKET AT ANY TIME; OR

(z) TO ALLOW A CREMATIONIST OR ANY OTHER INDIVIDUAL LICENSED PURSUANT TO THIS ARTICLE 135 TO PERFORM SERVICES BEYOND THE INDIVIDUAL'S COMPETENCY, TRAINING, OR EDUCATION.

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

12-135-107. Consumer protection.

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

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

SECTION 5. In Colorado Revised Statutes, 12-135-109, **amend** (2)(b), (4) introductory portion, and (5) as follows:

12-135-109. Exceptions - safe harbor.

(2) (b) If human remains are refrigerated or embalmed under subsection (2)(a) of this section, the body must be interred within, frozen within, or cremated within ~~thirty~~ SIXTY days after death or the process of natural reduction must begin within ~~thirty~~ SIXTY days after death; except that the DIRECTOR OR A coroner WHO DOES NOT HAVE AN INTEREST IN THE BUSINESS OF THE FUNERAL ESTABLISHMENT may authorize otherwise in writing. The DIRECTOR OR coroner shall not permit an exception to this subsection (2)(b) unless the applicant SEEKING THE EXCEPTION can

demonstrate a legitimate delay caused by unforeseen, uncontrollable circumstances or by a criminal investigation.

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

(5)(a)(I) A funeral establishment, funeral director, CREMATIONIST, NATURAL REDUCTIONIST, EMBALMER, or mortuary science practitioner may dispose of cremated ~~or naturally reduced~~ remains AT THE DISCRETION OF THE FUNERAL ESTABLISHMENT, FUNERAL DIRECTOR, CREMATIONIST, NATURAL REDUCTIONIST, EMBALMER, OR MORTUARY SCIENCE PRACTITIONER AND at the expense of the person with the right of final disposition ~~one hundred eighty days after cremation or natural reduction if the person was given clear prior notice of this subsection (5)(a) and a reasonable opportunity to collect the remains, the exact location of the final disposition and the costs associated with the final disposition are recorded, and the recovery of the remains is possible. Recovery of costs is limited to a reasonable amount of the costs actually expended by the funeral establishment, funeral director, or mortuary science practitioner.~~ YEAR AFTER CREMATION IF:

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

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

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

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

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

ASSOCIATED WITH THE FINAL DISPOSITION ARE RECORDED.

~~(II) A funeral establishment, funeral director, or mortuary science practitioner may comply with this subsection (5)(a) by transferring the cremated or naturally reduced remains and the records showing the funeral establishment and the deceased's name, date of birth, and next of kin for final disposition to a facility or place normally used for final disposition if the new custodian can comply with this subsection (5)(a)~~ RECOVERY OF COSTS PURSUANT TO SUBSECTIONS (5)(a)(I) AND (5)(a)(III) OF THIS SECTION IS LIMITED TO A REASONABLE AMOUNT OF THE COSTS ACTUALLY EXPENDED BY THE FUNERAL ESTABLISHMENT, FUNERAL DIRECTOR, CREMATIONIST, NATURAL REDUCTIONIST, EMBALMER, OR MORTUARY SCIENCE PRACTITIONER.

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

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

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

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

(D) THE FUNERAL ESTABLISHMENT, FUNERAL DIRECTOR, CREMATIONIST, NATURAL REDUCTIONIST, EMBALMER, OR MORTUARY SCIENCE PRACTITIONER HAS MADE A REASONABLE AND DOCUMENTED

EFFORT TO CONTACT THE PERSON; AND

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

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

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

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

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

12-135-110. Registration required.

(1) Unless practicing at a registered funeral establishment OR AFFILIATE LOCATION pursuant to this section, a person shall not practice as, or offer the services of, a mortuary science practitioner, funeral director, or embalmer, CREMATIONIST, OR NATURAL REDUCTIONIST, nor shall the funeral establishment OR AFFILIATE LOCATION sell or offer to sell funeral goods and services to the public.

(2) (a) Each funeral establishment shall register with the director

using forms as determined by the director. The registration shall MUST include the following:

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

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

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

(E) Selling preneed contracts; AND

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

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

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

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

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

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

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

~~(e) Not be designated for more than one funeral establishment, and~~

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

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

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

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

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

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

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

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

(I) IS CUSTOMARY WITHIN THE PROFESSION;

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

(III) DOES NOT INVOLVE STACKING HUMAN REMAINS.

(3) A funeral establishment shall remove any implanted device in human remains before transporting the body to a crematory OR COMMENCING CREMATION.

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

(I) Sanitary flooring;

(II) Drainage;

(III) Ventilation; ~~and~~

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

(V) Other equipment necessary to maintain sanitary conditions.

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

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

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

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

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

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

12-135-114. Insurance requirements.

(1) A funeral establishment shall obtain and maintain a professional liability insurance policy with liability limits of at least one million dollars. The funeral establishment must submit the certificate of professional liability insurance to the director:

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

(b) Upon request by the director; AND

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

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

12-135-115. Funeral service or final disposition - death certificate.

(1) UNLESS IT IS KNOWN THAT THE DECEASED INDIVIDUAL DIED OF AN INFECTIOUS DISEASE:

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

(b) A RELIGIOUS GROUP OR SECT MAY CONDUCT A FUNERAL SERVICE FOR AND FINAL DISPOSITION OF THE DECEASED INDIVIDUAL WITHOUT THE PARTICIPATION OF A FUNERAL DIRECTOR OR MORTUARY SCIENCE PRACTITIONER IF THE GROUP'S OR SECT'S RELIGIOUS BELIEFS REQUIRE THE SERVICE OR BURIAL WITHOUT THE PARTICIPATION OF A FUNERAL DIRECTOR OR MORTUARY SCIENCE PRACTITIONER.

(2) A FUNERAL DIRECTOR OR MORTUARY SCIENCE PRACTITIONER WHO IS REQUIRED TO INITIATE, COMPLETE, RESPOND TO, OR FILE A CERTIFICATE OF DEATH SHALL PROVIDE THEIR LICENSE NUMBER PURSUANT TO SECTION 25-2-110 (1)(b)(III)(B).

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

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

No person, firm, association, partnership, or corporation engaged in the ownership, operation, or management of a cemetery or mausoleum in this state that is exempt from payment of general property taxes, shall, either directly or indirectly, own, manage, conduct, or operate a ~~funeral~~

~~home or mortuary~~ FUNERAL ESTABLISHMENT in the cemetery or mausoleum, or adjacent ~~thereto~~ TO THE CEMETERY OR MAUSOLEUM and in connection therewith, unless the cemetery or mausoleum and ~~funeral home or mortuary~~ FUNERAL ESTABLISHMENT is listed for assessment purposes. The attorney general, county attorney, or any interested party may maintain injunction proceedings to prevent any violation of this section.

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

SECTION 13. In Colorado Revised Statutes, 12-135-307, **amend** (2)(a)(III) as follows:

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

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

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

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

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

(1) In connection with a license issued pursuant to part 5 of this article 135 or a registration issued pursuant to section 12-135-110, ~~or 12-135-303~~; the director may deny, suspend, refuse to renew, or revoke a license or registration pursuant to section 12-20-404 (1)(d); issue and send, by electronic mail that is actually received, a letter of admonition to the licensee or registrant under the circumstances specified in and in accordance with section 12-20-404 (4); issue a confidential letter of concern to the licensee or registrant under the circumstance specified in section

12-20-404 (5); place the licensee or registrant on probation pursuant to section 12-20-404 (1)(b); or limit the scope of practice of the registration or license under this article 135 if the licensee or registrant has:

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

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

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

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

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

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

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

(C) Upon application for a new registration.

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

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

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

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

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

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

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

(b) In ~~promulgating~~ ADOPTING rules under this article 135, the director is subject to article 4 of title 24.

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

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

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

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

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

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

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

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

12-135-404. Civil penalty - fines.

(2) In addition to any other penalty that may be imposed pursuant to this section, a funeral establishment ~~or crematory~~ violating part 1 or 3 of this article 135 or a rule ~~promulgated~~ ADOPTED pursuant to part 1 or 3 of this article 135 may be fined no less than one hundred dollars and no more than five thousand dollars for each violation proven by the director.

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

12-135-405.5. Licensure by endorsement.

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

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

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

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

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

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

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

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

(I) Submit to the director an application in the form and manner specified by THE DIRECTOR and an application fee in an amount determined by the director under section 12-20-105;

(III) Demonstrate to the director that:

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

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

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

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

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

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

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

(B) HAVE REGISTERED FOR OR COMPLETED OFFICIAL CERTIFICATION AS A NATURAL REDUCTIONIST FROM THE CREMATION ASSOCIATION OF NORTH AMERICA, THE INTERNATIONAL CEMETERY, CREMATION AND FUNERAL ASSOCIATION, THE NATIONAL FUNERAL DIRECTORS ASSOCIATION, OR A SUCCESSOR ORGANIZATION THAT IS APPROVED BY THE DIRECTOR.

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

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

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

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

12-135-503. Criminal history - rules.

(1) Subject to section 24-5-101, a licensee or an applicant for a

license under this part 5 has a disqualifying criminal history if the licensee or applicant has been convicted of, plead guilty to, plead nolo contendere to, or received a deferred sentence for:

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

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

12-135-508. Grounds for discipline.

(1) The director may take disciplinary action in accordance with sections 12-20-404, 12-135-401, and 12-135-507 against an applicant or licensee who has:

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

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

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

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

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

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

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

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

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

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

12-20-202. Licenses, certifications, and registrations - renewal - reinstatement - fees - occupational credential portability program - exceptions for military personnel, spouses, gold star military spouses, and dependents - rules - consideration of criminal convictions or driver's history - executive director authority - definitions.

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

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

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

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

12-20-402. Immunity.

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

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

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

(2) The penalties for:

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

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

12-20-408. Judicial review.

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

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

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

12-140-102. Definitions.

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

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

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

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

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

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

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

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

12-140-107. Discipline.

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

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

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

SECTION 30. In Colorado Revised Statutes, 18-13-101, **amend** (1) and (2) as follows:

18-13-101. Abuse of a corpse - penalty - repeal.

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

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

(b) Treats the body or remains of any person in a way that would outrage normal family sensibilities, INCLUDING BY:

(I) DISMEMBERING OR MUTILATING A BODY;

(II) HIDING OR CONCEALING A BODY;

(III) IMPROPERLY ALLOWING A BODY TO DECOMPOSE;

(IV) IMPROPERLY DISPOSING OF A BODY, INCLUDING BY THROWING THE BODY IN THE TRASH, BURNING THE BODY, OR ABANDONING THE BODY ON PUBLIC OR PRIVATE PROPERTY;

(V) REMOVING AN ORGAN FROM A BODY WITHOUT PERMISSION, EXCEPT AS PERMITTED BY INDUSTRY STANDARDS PURSUANT TO ARTICLE 135 OF TITLE 12;

(VI) SELLING A BODY OR HUMAN REMAINS; OR

(VII) TRANSPORTING OR STORING A BODY IN A DEGRADING MANNER, WHICH MAY INCLUDE THE PILING OR STACKING OF HUMAN BODIES:

(A) IN A MANNER THAT DOES NOT ALIGN WITH RECOGNIZED INDUSTRY STANDARDS AND METHODS ACCEPTED BY INDIVIDUALS LICENSED PURSUANT TO ARTICLE 135 OF TITLE 12; OR

(B) WITHOUT STORING THE BODIES IN PROPER CONTAINERS.

(2) (a) (I) Abuse of a corpse COMMITTED BEFORE JANUARY 1, 2027, is a class 6 felony.

(II) THIS SUBSECTION (2)(a) IS REPEALED, EFFECTIVE JANUARY 1, 2028.

(b) ABUSE OF A CORPSE COMMITTED ON OR AFTER JANUARY 1, 2027, IS A CLASS 5 FELONY.

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

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

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

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

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

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

(XVII) THE REGULATION OF NONTRANSPLANT TISSUE BANKS BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES PURSUANT TO SECTION 12-140-103.

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

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

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

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

(1) (b) (III) (A) Except as otherwise provided in subsection (4.5) of this section, any individual, other than a family member of the decedent or other individual assisting in a nonprofessional capacity 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.

(B) A LICENSED INDIVIDUAL WHO IS REQUIRED TO INITIATE,

COMPLETE, RESPOND TO, OR FILE A CERTIFICATE OF DEATH PURSUANT TO THIS SECTION SHALL PROVIDE THE INDIVIDUAL'S LICENSE NUMBER.

SECTION 33. Act subject to petition - effective date - applicability. (1) 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 (August 12, 2026, if adjournment sine die is on May 13, 2026); 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed; license and registration

applications filed; certificates of death initiated, completed, responded to, or filed; and contracts entered into or renewed on or after the applicable effective date of this act.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO