

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

PREAMENDED

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

LLS NO. 23-0329.01 Jessica Herrera x4218

SENATE BILL 23-020

SENATE SPONSORSHIP

Coleman,

HOUSE SPONSORSHIP

(None),

Senate Committees

Health & Human Services
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE TIMELY ISSUANCE OF A CERTIFIED DEATH**
102 **CERTIFICATE.**

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>.)

Current law requires a certificate of death for every death that occurs in Colorado to be filed with the state registrar within 5 days after the death occurs. The funeral director is responsible for filing the death certificate and must obtain the medical certification necessary to complete the portion of the certificate pertaining to the cause of death from a qualified individual. Physicians must complete, sign, and return to the

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.

funeral director all medical certification within 48 hours after a death occurs. If an inquiry is required to be made to a coroner, the coroner must determine the cause of death and complete and sign the medical certification within 48 hours after taking charge of the case. If the cause of death cannot be determined within 48 hours after a death, the medical certification must be completed as provided by rule.

The bill changes the time frame required to file a certificate of death with the state registrar from 5 days to 48 hours with limited exceptions. It also imposes a requirement that a funeral director file the certificate within 48 hours if they are able to obtain the medical certification from a qualified individual within those 48 hours. The bill requires that a qualified individual complete the medical certification within 36 hours after the death has occurred unless an inquiry is required to be made to a coroner. The coroner shall determine the cause of death and complete the medical certification within 48 hours after taking charge of the case unless in good faith, the coroner determines that additional time is needed, in which case, the coroner must determine the cause of death and complete the medical certification as soon as practicable.

Section 2 of the bill requires the department of public health and environment, upon request, to provide a certified death certificate to an applicant having a direct and tangible interest in the certified copy of the record of death within 24 hours.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-2-110, **amend**
3 (1)(a), (3)(a), (4), and (5); and **add** (1)(b)(III), (3.5)(a), (4.5), and (5.5) as
4 follows:

5 **25-2-110. Certificates of death.** (1) (a) A certificate of death for
6 each death, including a stillborn death, that occurs in Colorado must be
7 filed with the state registrar or as otherwise directed by the state registrar,
8 within ~~five days after the death occurs~~ SEVENTY-TWO HOURS OF
9 ASSUMING CUSTODY OF A DEAD BODY, STILLBORN FETUS, OR DEAD FETUS
10 and prior to final disposition, EXCEPT WHEN INQUIRY IS REQUIRED BY
11 SUBSECTION (5.5) OF THIS SECTION OR ANY PROVISION OF SECTION
12 30-10-606 OTHER THAN SECTION 30-10-606 (1)(b) OR WHEN A CORONER,
13 A MEDICAL EXAMINER, A FORENSIC PATHOLOGIST, OR OTHER QUALIFIED

1 INDIVIDUAL DETERMINES THAT ADDITIONAL TIME IS NECESSARY TO MAKE
2 A PROPER INQUIRY TO DETERMINE THE CAUSE AND MANNER OF DEATH. IN
3 SUCH A SITUATION, THE CORONER, MEDICAL EXAMINER, FORENSIC
4 PATHOLOGIST, OR OTHER QUALIFIED INDIVIDUAL SHALL COMPLETE AND
5 SIGN THE CERTIFICATE OF DEATH AS SOON AS PRACTICABLE. The state
6 registrar shall register the certificate if it has been completed in
7 accordance with this section. Every certificate of death must identify the
8 decedent's social security number, if available. If the place of death is
9 unknown but the dead body is found in Colorado, the certificate of death
10 must be completed and filed in accordance with this section. The place
11 where the body is found must be shown as the place of death. If the date
12 of death is unknown, the date must be determined by approximation.

13 (1)(b)(III) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4.5)
14 OF THIS SECTION, ANY INDIVIDUAL REQUIRED TO INITIATE, COMPLETE,
15 RESPOND TO, OR FILE A DEATH CERTIFICATE PURSUANT TO THIS SECTION
16 MUST USE THE ELECTRONIC DEATH REGISTRATION SYSTEM USED BY THE
17 STATE REGISTRAR.

18 (3) (a) The funeral director or person acting as such who first
19 assumes custody of a dead body, stillborn fetus, or dead fetus ~~shall be~~ IS
20 responsible for the filing of the death certificate required by subsection
21 (1) of this section. ~~He or she~~ WITHIN SEVENTY-TWO HOURS AFTER RECEIPT
22 OF THE ELECTRONIC DEATH REGISTRATION REQUEST UNLESS THE
23 PHYSICIAN, THEIR ASSOCIATE PHYSICIAN, THE CHIEF MEDICAL OFFICER OF
24 THE INSTITUTION IN WHICH THE DEATH OCCURRED, OR THE PHYSICIAN WHO
25 PERFORMS AN AUTOPSY UPON THE DECEDENT IS UNABLE TO COMPLETE THE
26 MEDICAL CERTIFICATION FOR THE DEATH CERTIFICATE WITHIN THE
27 REQUIRED TIME FRAME. THE FUNERAL DIRECTOR shall obtain the personal

1 data required by the certificate from the next of kin or the best qualified
2 person or source available. ~~He or she~~ THE FUNERAL DIRECTOR shall obtain
3 the medical certification necessary to complete the portion of the
4 certificate pertaining to the cause of death from the best qualified person
5 or source available, pursuant to subsection (4) of this section.

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

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

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

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

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

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

1 (4) Except when inquiry is required by section 30-10-606, C.R.S.,
2 ANY PROVISION OF SECTION 30-10-606 OTHER THAN SECTION 30-10-606
3 (1)(b), the physician in charge of the patient's care for the illness or
4 condition that resulted in death shall complete sign, and return to the
5 funeral director or person acting as such all THE medical certification FOR
6 THE DEATH CERTIFICATE within forty-eight hours after a death occurs
7 SEVENTY-TWO HOURS AFTER RECEIPT OF THE ELECTRONIC DEATH
8 REGISTRATION REQUEST OR, BEFORE MARCH 1, 2024, FOR A PHYSICIAN
9 WHO IS NOT YET REGISTERED TO USE AND USING THE ELECTRONIC DEATH
10 REGISTRATION SYSTEM USED BY THE DEPARTMENT OF PUBLIC HEALTH AND
11 ENVIRONMENT AND THE STATE REGISTRAR PURSUANT TO SUBSECTION
12 (1)(b)(I) OF THIS SECTION, SEVENTY-TWO HOURS AFTER RECEIVING NOTICE
13 THAT A MEDICAL CERTIFICATION FOR A DEATH CERTIFICATE MUST BE
14 COMPLETED. In the absence of said physician or with ~~his or her~~ THE
15 PHYSICIAN'S approval, the certificate may be completed and signed by ~~his~~
16 ~~or her~~ AN associate physician, by the chief medical officer of the
17 institution in which the death occurred, or by the physician who
18 performed an autopsy upon the decedent, if such individual has access to
19 the medical history of the case, if ~~he or she~~ SAID INDIVIDUAL views the
20 decedent at or after the time of death, and if the death is due to natural
21 causes. IF THE DEATH IS OR MAY BE DUE TO UNNATURAL CAUSES, A
22 PHYSICIAN REQUIRED TO COMPLETE A MEDICAL CERTIFICATION FOR A
23 DEATH CERTIFICATE IN ACCORDANCE WITH THIS SUBSECTION (4) SHALL
24 NOTIFY THE CORONER OR THE MEDICAL EXAMINER WHEN AN INQUIRY OR
25 AN AUTOPSY IS REQUIRED TO BE PERFORMED PURSUANT TO SECTIONS
26 30-10-606 AND 30-10-606.5. If an autopsy is performed, the certification
27 shall indicate whether the decedent was pregnant at the time of death, and

1 said information shall be reported on the death certificate as required by
2 subsection (9) of this section. EXCEPT AS OTHERWISE PROVIDED IN
3 SUBSECTION (4.5) OF THIS SECTION, THE PHYSICIAN OR, IN THEIR ABSENCE,
4 THEIR DESIGNEE IN ACCORDANCE WITH THIS SUBSECTION (4), SHALL
5 COMPLETE THE MEDICAL CERTIFICATION FOR A DEATH CERTIFICATE
6 REQUIRED BY THIS SUBSECTION (4) USING THE ELECTRONIC DEATH
7 REGISTRATION SYSTEM USED BY THE DEPARTMENT OF PUBLIC HEALTH AND
8 ENVIRONMENT AND THE STATE REGISTRAR PURSUANT TO SECTION
9 25-2-110 (1)(b)(I).

10 (4.5) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
11 SHALL ENSURE THAT ALL PHYSICIANS ARE REGISTERED TO USE THE
12 ELECTRONIC DEATH REGISTRATION SYSTEM CREATED AND USED PURSUANT
13 TO SUBSECTION (1)(b)(I) OF THIS SECTION ON OR BEFORE MARCH 1, 2024.
14 A PHYSICIAN SHALL USE THE SYSTEM FOR ALL MEDICAL CERTIFICATIONS
15 FOR DEATH CERTIFICATES REQUIRED BY SUBSECTION (4) OF THIS SECTION
16 IMMEDIATELY UPON BEING REGISTERED BUT IS NOT REQUIRED TO DO SO
17 BEFORE BEING REGISTERED.

18 (5) When inquiry is required by section 30-10-606, C.R.S., the
19 coroner shall determine the cause of death and shall complete and sign the
20 medical certification within forty-eight hours after taking charge of the
21 case RECEIPT OF THE ELECTRONIC DEATH REGISTRATION REQUEST, EXCEPT
22 AS PERMITTED BY SUBSECTION (5.5) OF THIS SECTION. If an autopsy is
23 performed, the certification shall indicate whether the decedent was
24 pregnant at the time of death, and said information shall be reported on
25 the death certificate as required by subsection (9) of this section. EXCEPT
26 AS OTHERWISE PROVIDED IN SUBSECTION (4.5) OF THIS SECTION, A
27 CORONER, MEDICAL EXAMINER, FORENSIC PATHOLOGIST, OR OTHER

1 QUALIFIED INDIVIDUAL THAT DETERMINES THE CAUSE OF DEATH AND
2 COMPLETES THE MEDICAL CERTIFICATION FOR A DEATH CERTIFICATE IN
3 ACCORDANCE WITH THIS SUBSECTION (5) MUST USE THE ELECTRONIC
4 DEATH REGISTRATION SYSTEM USED BY THE DEPARTMENT OF PUBLIC
5 HEALTH AND ENVIRONMENT AND THE STATE REGISTRAR PURSUANT TO
6 SECTION 25-2-110 (1)(b)(I).

7 (5.5) A CORONER IS NOT REQUIRED TO COMPLY WITH SUBSECTION
8 (5) OF THIS SECTION IF THE CORONER, IN GOOD FAITH, DETERMINES THAT
9 ADDITIONAL TIME IS NEEDED TO MAKE A PROPER INQUIRY TO DETERMINE
10 THE CAUSE AND MANNER OF DEATH OF ANY INDIVIDUAL IN THE CORONER'S
11 JURISDICTION WHO HAS DIED UNDER ANY CIRCUMSTANCE SPECIFIED IN
12 SECTION 30-10-606 (1), OR IF THE CORONER IS REQUIRED TO PERFORM A
13 FORENSIC AUTOPSY AS REQUIRED BY SECTION 30-10-606.5. IN THESE
14 SITUATIONS, A CORONER SHALL DETERMINE THE CAUSE OF DEATH AND
15 SHALL COMPLETE AND SIGN THE MEDICAL CERTIFICATION FOR A DEATH
16 CERTIFICATE AS SOON AS IS PRACTICABLE AND IN ACCORDANCE WITH
17 SECTION 25-2-110 (6).

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19 **SECTION 2.** **Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2024 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.