

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 20-1051

BY REPRESENTATIVE(S) Rich and Duran, Baisley, Bird, Bockenfeld, Buentello, Caraveo, Carver, Coleman, Exum, Froelich, Garnett, Gonzales-Gutierrez, Gray, Herod, Hooton, Humphrey, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Landgraf, Liston, Lontine, McKean, McLachlan, Melton, Mullica, Pelton, Ransom, Roberts, Sandridge, Sirota, Snyder, Soper, Sullivan, Titone, Valdez A., Valdez D., Van Winkle, Weissman, Will, Williams D., Wilson, Young;
also SENATOR(S) Scott and Crowder, Bridges, Cooke, Danielson, Donovan, Gardner, Ginal, Hansen, Hisey, Lundeen, Moreno, Priola, Rankin, Smallwood, Story, Tate, Todd, Woodward, Garcia.

CONCERNING FINAL DISPOSITION OF THE ABANDONED CREMATED REMAINS
OF PERSONS ELIGIBLE FOR INTERMENT IN A NATIONAL CEMETERY.

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

SECTION 1. In Colorado Revised Statutes, **add** 15-19-106.5 as follows:

15-19-106.5. Disposition of abandoned cremated remains of veterans - liability - applicability - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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) "CREMAINS FACILITY" MEANS A FACILITY THAT MAY HAVE UNCLAIMED CREMAINS OF A VETERAN OR QUALIFIED FAMILY MEMBER OR ANY INFORMATION RELATED TO UNCLAIMED CREMAINS, INCLUDING BUT NOT LIMITED TO A MORTUARY, FUNERAL HOME, CEMETERY, OR CORONER.

(b) "CREMATED REMAINS" OR "CREMAINS" HAS THE SAME MEANING SET FORTH IN SECTION 12-135-102 (3).

(c) "INTERMENT BENEFITS" MEANS ANY BENEFIT THAT INCLUDES ELIGIBILITY TO BE INTERRED IN A NATIONAL CEMETERY UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION OR IN ANY STATE VETERANS' CEMETERY.

(d) "QUALIFIED FAMILY MEMBER" MEANS A SPOUSE OR DEPENDENT OF A VETERAN WHO IS ELIGIBLE FOR INTERMENT BENEFITS.

(e) "STATE VETERANS' CEMETERY" MEANS THE HOMELAKE MILITARY VETERANS CEMETERY ESTABLISHED PURSUANT TO SECTION 26-12-205 AND THE WESTERN SLOPE MILITARY VETERANS' CEMETERY ESTABLISHED PURSUANT TO SECTION 28-5-708.

(f) "STATUS INFORMATION" MEANS A PERSON'S FIRST NAME, LAST NAME, DATE OF BIRTH, DATE OF DEATH, AND SOCIAL SECURITY NUMBER.

(g) "VETERAN" HAS THE SAME MEANING SET FORTH IN SECTION 28-5-100.3.

(h) "VETERANS' REMAINS RECOVERY ORGANIZATION" MEANS AN ENTITY RECOGNIZED AND AUTHORIZED BY THE UNITED STATES VETERANS ADMINISTRATION AND THE NATIONAL PERSONNEL RECORDS CENTER TO VERIFY AND INTER THE UNCLAIMED REMAINS, INCLUDING CREMATED REMAINS, OF UNITED STATES MILITARY VETERANS AND QUALIFIED FAMILY MEMBERS.

(2) NOTWITHSTANDING SECTION 15-19-106 (4)(b)(II), A VETERANS' REMAINS RECOVERY ORGANIZATION HAS THE RIGHT TO RESEARCH, RECOVER, AND INTER ANY UNCLAIMED CREMAINS OF A VETERAN OR QUALIFIED FAMILY MEMBER.

(3) (a) A VETERANS' REMAINS RECOVERY ORGANIZATION MAY CONTACT ANY CREMAINS FACILITY THAT MAY HAVE UNCLAIMED VETERANS' OR QUALIFIED FAMILY MEMBERS' CREMAINS. THE VETERANS' REMAINS RECOVERY ORGANIZATION SHALL PROVIDE PROPER IDENTIFYING DOCUMENTATION TO THE CREMAINS FACILITY.

(b) AFTER RECEIVING DOCUMENTATION IDENTIFYING THE ORGANIZATION AS A VETERANS' REMAINS RECOVERY ORGANIZATION, A CREMAINS FACILITY SHALL PROVIDE ALL STATUS INFORMATION IN THE FACILITY'S POSSESSION TO THE ORGANIZATION.

(c) THE VETERANS' REMAINS RECOVERY ORGANIZATION SHALL INVENTORY ANY UNCLAIMED CREMAINS AND ANY INFORMATION RELATED TO THE UNCLAIMED CREMAINS IN ORDER TO IDENTIFY ANY CREMAINS OF A VETERAN OR QUALIFIED FAMILY MEMBER. THE ORGANIZATION SHALL CONTACT THE NATIONAL PERSONNEL RECORDS CENTER TO VERIFY WHETHER ANY OF THE UNCLAIMED CREMAINS ARE OF A VETERAN WHO IS ELIGIBLE FOR INTERMENT BENEFITS OR QUALIFIED FAMILY MEMBER.

(4) IF A VETERANS' REMAINS RECOVERY ORGANIZATION DETERMINES THAT UNCLAIMED CREMAINS ARE OF A VETERAN WHO IS ELIGIBLE FOR INTERMENT BENEFITS OR OTHER QUALIFIED FAMILY MEMBER, THE ORGANIZATION SHALL ISSUE THE FOLLOWING NOTICES, AS APPLICABLE:

(a) IF THE VETERANS' REMAINS RECOVERY ORGANIZATION KNOWS OF A PERSON DESCRIBED IN SECTION 15-19-106 (1)(a) TO (1)(f) WHO HAS THE RIGHT TO TAKE POSSESSION OF THE CREMAINS, THE ORGANIZATION SHALL SEND NOTICE BY MAIL TO THAT PERSON OF THAT PERSON'S ELIGIBILITY TO TAKE POSSESSION OF THE CREMAINS; OR

(b) IF THE VETERANS' REMAINS RECOVERY ORGANIZATION DOES NOT KNOW OF A PERSON DESCRIBED IN SECTION 15-19-106 (1)(a) TO (1)(f) WHO HAS THE RIGHT TO TAKE POSSESSION OF THE CREMAINS, THE ORGANIZATION SHALL PUBLISH A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION, PUBLISHED IN THE COUNTY IN WHICH THE DEATH OCCURRED OR THE CREMAINS ARE LOCATED, STATING THAT THE CREMAINS ARE UNCLAIMED AND GIVING THE NAME OF THE DECEASED IF IT IS KNOWN.

(5) AT LEAST THIRTY DAYS, BUT NO LATER THAN FORTY-FIVE DAYS, AFTER A NOTICE HAS BEEN ISSUED PURSUANT TO SUBSECTION (4) OF THIS

SECTION, THE CREMAINS FACILITY SHALL TRANSFER ANY UNCLAIMED CREMAINS ELIGIBLE FOR INTERMENT BENEFITS TO A NATIONAL CEMETERY OR STATE VETERANS' CEMETERY OR TO A VETERANS' REMAINS RECOVERY ORGANIZATION FOR INTERMENT IN A NATIONAL CEMETERY OR STATE VETERANS' CEMETERY.

(6) A CREMAINS FACILITY OR VETERANS' REMAINS RECOVERY ORGANIZATION IS NOT SUBJECT TO CIVIL LIABILITY FOR RELEASE OF ANY INFORMATION OR RELEASE OF UNCLAIMED CREMAINS PURSUANT TO THIS SECTION, UNLESS THE FACILITY OR ORGANIZATION ACTS IN BAD FAITH OR WITH MALICIOUS INTENT.

(7) THIS SECTION APPLIES ONLY TO CREMAINS AND DOES NOT APPLY TO ANY OTHER LAST REMAINS, INCLUDING DEAD HUMAN BODIES.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); 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 2020

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO