

CHAPTER 240

PROFESSIONS AND OCCUPATIONS

SENATE BILL 24-173

BY SENATOR(S) Roberts and Gardner, Hinrichsen, Marchman, Bridges, Buckner, Coleman, Danielson, Exum, Fields, Ginal, Jaquez Lewis, Kolker, Michaelson Jenet, Mullica, Priola, Rodriguez, Winter F., Zenzinger;
also REPRESENTATIVE(S) Soper and Titone, Bacon, Brown, Duran, English, Froelich, Hamrick, Herod, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Parenti, Ricks, Rutinel, Snyder, Story, Valdez, Vigil, Weissman, Willford, McCluskie.

AN ACT

CONCERNING THE REGULATION OF PERSONS PROVIDING MORTUARY SCIENCE SERVICES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 12-135-103, **amend** (1), (7), (12), (15), and (22); **repeal** (10) and (26); and **add** (1.5), (22.3), (22.6), and (28) as follows:

12-135-103. Definitions - repeal. As used in this article 135, unless the context otherwise requires:

(1) ~~"Alternative container" means a nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, that is designed for the encasement of human remains and is made of fiberboard, pressed wood, composition materials, or other similar materials~~ "ACCREDITED MORTUARY SCIENCE SCHOOL" MEANS A MORTUARY SCIENCE SCHOOL THAT THE DIRECTOR DETERMINES QUALIFIES AN INDIVIDUAL FOR LICENSURE UNDER SECTION 12-135-602, 12-135-702, OR 12-135-802.

(1.5) "ALTERNATIVE CONTAINER" MEANS A NONMETAL RECEPTACLE OR ENCLOSURE, WITHOUT ORNAMENTATION OR A FIXED INTERIOR LINING, THAT IS DESIGNED FOR THE ENCASEMENT OF HUMAN REMAINS AND IS MADE OF FIBERBOARD, PRESSED WOOD, COMPOSITION MATERIALS, OR OTHER SIMILAR MATERIALS.

(7) ~~"Cremationist" means a person who cremates or prepares for cremation~~

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.

~~human remains~~ AN INDIVIDUAL WHO PRACTICES AS DESCRIBED IN SECTION 12-135-901 (1).

(10) ~~"Designee" means an individual designated by a funeral establishment registered in accordance with section 12-135-110 or 12-135-303.~~

(12) ~~"Embalmer" means any person who embalms, or prepares for embalming, human remains for compensation~~ AN INDIVIDUAL WHO PRACTICES AS DESCRIBED IN SECTION 12-135-801.

(15) ~~"Funeral director" means a person who, for compensation:~~ AN INDIVIDUAL WHO PRACTICES AS DESCRIBED IN SECTION 12-135-601.

~~(a) Arranges, directs, or supervises funerals, memorial services, or graveside services; or~~

~~(b) Prepares human remains for final disposition by means other than embalming.~~

(22) ~~"Mortuary science practitioner" means a person who, for compensation, does the following or offers to do the following:~~ AN INDIVIDUAL WHO PRACTICES AS DESCRIBED IN SECTION 12-135-701.

~~(a) Embalms or cremates human remains;~~

~~(b) Arranges, directs, or supervises funerals, memorial services, or graveside services; or~~

~~(c) Prepares human remains for final disposition, not including preparing the remains for natural reduction.~~

(22.3) "MORTUARY SCIENCE PROFESSIONAL" MEANS:

(a) A FUNERAL DIRECTOR;

(b) A MORTUARY SCIENCE PRACTITIONER;

(c) AN EMBALMER;

(d) A CREMATIONIST; OR

(e) A NATURAL REDUCTIONIST.

(22.6) "NATURAL REDUCTIONIST" MEANS AN INDIVIDUAL WHO PRACTICES AS DESCRIBED IN SECTION 12-135-901 (2).

(26) ~~"Preparation of the body" means embalming, washing, disinfecting, shaving, dressing, restoring, casketing, positioning, caring for the hair of or applying cosmetics to human remains.~~

(28) (a) "PROVISIONAL LICENSE" MEANS A LICENSE ISSUED UNDER SECTION 12-135-501 (4).

(b) THIS SUBSECTION (28) IS REPEALED, EFFECTIVE JANUARY 1, 2031.

SECTION 2. In Colorado Revised Statutes, **add with amended and relocated provisions** parts 5, 6, 7, 8, and 9 to article 135 of title 12 as follows:

PART 5
LICENSING OF MORTUARY SCIENCE PROFESSIONALS

12-135-501. Licenses required - funeral director, mortuary science practitioner, embalmer, cremationist, and natural reductionist - provisional license - rules - repeal. (1) EFFECTIVE JANUARY 1, 2027, AN INDIVIDUAL SHALL NOT PRACTICE AS OR OFFER THE SERVICES OF ANY OF THE FOLLOWING UNLESS THE INDIVIDUAL HOLDS THE APPROPRIATE LICENSE AS A MORTUARY SCIENCE PROFESSIONAL ISSUED PURSUANT TO THIS PART 5 AND PARTS 6 TO 9 OF THIS ARTICLE 135:

(a) A FUNERAL DIRECTOR;

(b) A MORTUARY SCIENCE PRACTITIONER;

(c) AN EMBALMER;

(d) A CREMATIONIST; OR

(e) A NATURAL REDUCTIONIST.

(2) THE DIRECTOR MAY PROMULGATE 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 AND AN APPLICATION FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR UNDER SECTION 12-20-105;

(II) OBTAIN A CRIMINAL HISTORY RECORD CHECK IN ACCORDANCE WITH SECTION 12-135-502 AND NOT HAVE A DISQUALIFYING CRIMINAL HISTORY OR OTHER DISQUALIFIER PURSUANT TO SECTION 12-135-503;

(III) DEMONSTRATE TO THE DIRECTOR THAT:

(A) THE APPLICANT MEETS THE QUALIFICATION STANDARDS SET FORTH IN SECTION 12-135-603, 12-135-703, 12-135-803, OR 12-135-903 FOR THE TYPE OF LICENSE THAT IS THE SUBJECT OF THE APPLICATION; OR

(B) THE APPLICANT QUALIFIES FOR A PROVISIONAL LICENSE ISSUED IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION; OR

(C) THE APPLICANT QUALIFIES FOR A LICENSE ISSUED IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION; AND

(IV) DISCLOSE TO THE DIRECTOR ANY SUSPENSION OF, REVOCATION OF, OR ADVERSE ACTION AGAINST A LICENSE, REGISTRATION, OR CERTIFICATION TO PRACTICE MORTUARY SCIENCE IN ANOTHER STATE OR SIGN AN AFFIDAVIT MADE UNDER PENALTY OF PERJURY THAT ATTESTS THAT THE APPLICANT DOES NOT HAVE A LICENSE, REGISTRATION, OR CERTIFICATION TO PRACTICE MORTUARY SCIENCE UNDER SUSPENSION, REVOCATION, OR ADVERSE ACTION IN ANOTHER STATE.

(b) THE DIRECTOR SHALL DETERMINE WHETHER AN APPLICANT SATISFIES THE REQUIREMENTS FOR LICENSURE AND SHALL EITHER:

(I) SEND THE APPLICANT A WRITTEN STATEMENT OF THE REASONS THE LICENSE IS DENIED;

(II) ISSUE A LICENSE TO THE APPLICANT; OR

(III) OFFER TO ISSUE A CONDITIONAL LICENSE TO THE APPLICANT, IN LIEU OF DENIAL, IN ACCORDANCE WITH SECTION 24-34-107(5) AND AS DETERMINED BY THE DIRECTOR.

(c) THIS SUBSECTION (3)(c) AND SUBSECTION (3)(a)(III)(B) OF THIS SECTION ARE REPEALED, EFFECTIVE JANUARY 1, 2031.

(4)(a) AN INDIVIDUAL PRACTICING AS A FUNERAL DIRECTOR, MORTUARY SCIENCE PRACTITIONER, EMBALMER, CREMATIONIST, OR NATURAL REDUCTIONIST BEFORE JANUARY 1, 2027, WHO DOES NOT MEET THE REQUIREMENTS SET FORTH IN SECTION 12-135-603, 12-135-703, 12-135-803, OR 12-135-903, RESPECTIVELY, MAY APPLY FOR A PROVISIONAL LICENSE TO ALLOW THE INDIVIDUAL TO CONTINUE PRACTICING AS A MORTUARY SCIENCE PROFESSIONAL. THE INDIVIDUAL MUST FILE AN APPLICATION FOR A PROVISIONAL LICENSE WITH, AND PAY THE REQUIRED APPLICATION FEE TO, THE DIRECTOR NO LATER THAN JANUARY 1, 2027.

(b) TO BE ISSUED A PROVISIONAL LICENSE, AN APPLICANT MUST DEMONSTRATE THAT THE APPLICANT:

(I) HAS OBTAINED AT LEAST FOUR THOUSAND HOURS OF WORK EXPERIENCE EQUIVALENT TO THE WORK PERFORMED BY A FUNERAL DIRECTOR, MORTUARY SCIENCE PRACTITIONER, EMBALMER, CREMATIONIST, OR NATURAL REDUCTIONIST, AS APPLICABLE, BEFORE JANUARY 1, 2026;

(II) HAS RECEIVED WORKPLACE LEARNING EXPERIENCE, AS DEFINED BY THE DIRECTOR IN RULE, OF ONE YEAR OR LONGER THAT MAY BE RECEIVED CONCURRENTLY WITH THE HOURS DESCRIBED IN SUBSECTION (4)(b)(I) OF THIS SECTION; AND

(III) HAS OBTAINED A CRIMINAL HISTORY RECORD CHECK IN ACCORDANCE WITH SECTION 12-135-502 AND DOES NOT HAVE A DISQUALIFYING CRIMINAL HISTORY OR OTHER DISQUALIFIER PURSUANT TO SECTION 12-135-503.

(c) A PROVISIONAL LICENSE ISSUED PURSUANT TO THIS SUBSECTION (4) EXPIRES THREE YEARS AFTER THE DATE OF ISSUANCE. THE REINSTATING OR EXTENDING OF A PROVISIONAL LICENSE MUST BE APPROVED BY THE DIRECTOR.

(d) AN INDIVIDUAL HOLDING A PROVISIONAL LICENSE IS SUBJECT TO DISCIPLINE PURSUANT TO SECTIONS 12-135-401 AND 12-135-507 FOR AN ACT OR OMISSION SET FORTH IN SECTION 12-135-508.

(e) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JANUARY 1, 2031.

(5) (a) AN INDIVIDUAL WHO HOLDS A PROVISIONAL LICENSE MAY REQUEST A WAIVER OF EDUCATIONAL REQUIREMENTS AS DESCRIBED IN SUBSECTION (6) OF THIS SECTION AND OBTAIN FULL LICENSURE UPON COMPLETION OF THE EXAMINATION REQUIRED UNDER SECTION 12-135-603 (1)(b), 12-135-703 (1)(b), OR 12-135-803 (1)(b) FOR THE SAME PRACTICE AS LISTED ON THE INDIVIDUAL'S PROVISIONAL LICENSE.

(b) AN INDIVIDUAL WHO HOLDS A PROVISIONAL LICENSE AND WHO HAS NOT BEEN SUBJECT TO DISCIPLINE OBTAINS A FULL LICENSE UNDER THIS ARTICLE 135 IF:

(I) THE INDIVIDUAL'S WORK HAS BEEN REVIEWED BY A QUALIFIED PEER REVIEWER, AND THE INDIVIDUAL HAS RECEIVED THE WORKPLACE LEARNING EXPERIENCE DESCRIBED IN SUBSECTION (4)(b)(II) OF THIS SECTION;

(II) A QUALIFIED PEER REVIEWER CERTIFIES THAT THE INDIVIDUAL HAS COMPLETED THE APPROPRIATE QUALIFICATION DESCRIBED IN SUBSECTION (5)(b)(III) OF THIS SECTION IN COMPLIANCE WITH THIS ARTICLE 135 AND RECOMMENDS THAT THE INDIVIDUAL BE ISSUED A FULL LICENSE; AND

(III) (A) NOTWITHSTANDING SECTION 12-135-603, THE INDIVIDUAL HAS DEMONSTRATED THAT THE INDIVIDUAL HAS DIRECTED NO FEWER THAN TWENTY-FIVE FUNERALS;

(B) NOTWITHSTANDING SECTION 12-135-703, THE INDIVIDUAL HAS DEMONSTRATED THAT THE INDIVIDUAL HAS DIRECTED NO FEWER THAN TWENTY-FIVE FUNERALS AND EMBALMED NO FEWER THAN TWENTY-FIVE HUMAN REMAINS; OR

(C) NOTWITHSTANDING SECTION 12-135-803, THE INDIVIDUAL HAS DEMONSTRATED THAT THE INDIVIDUAL HAS EMBALMED NO FEWER THAN TWENTY-FIVE HUMAN REMAINS.

(c) TO BE A QUALIFIED PEER REVIEWER FOR THE PURPOSES OF SUBSECTION (5)(b) OF THIS SECTION, THE QUALIFIED PEER REVIEWER MUST BE:

(I) APPROVED BY THE DIRECTOR PRIOR TO COMMENCING REVIEW OF AN INDIVIDUAL'S WORK;

(II) A PRACTICING MORTUARY SCIENCE PRACTITIONER OR PRACTICE IN THE SAME FIELD AS THE INDIVIDUAL BEING REVIEWED; AND

(III) (A) QUALIFIED FOR A FULL LICENSE UNDER THIS ARTICLE 135; OR

(B) APPROVED BY THE DIRECTOR TO BE A PEER REVIEWER, WHICH MAY INCLUDE AN INDIVIDUAL QUALIFIED FOR A PROVISIONAL LICENSE. A PROVISIONAL LICENSEE THAT IS APPROVED TO BE A PEER REVIEWER BY THE DIRECTOR MAY ALSO BE

APPROVED FOR FULL LICENSURE WITHIN THE PROFESSION FOR WHICH THEY WILL BE A PEER REVIEWER.

(d) (I) A QUALIFIED PEER REVIEWER SHALL REVIEW AND DISCUSS EACH DOCUMENTED CASE WITH THE PROVISIONAL LICENSEE EITHER VIRTUALLY OR IN PERSON, PROVIDE A REPORT TO THE PROVISIONAL LICENSEE AND THE DIRECTOR DESCRIBING THE PROVISIONAL LICENSEE'S WORK, AND ATTEST TO WHETHER THE PROVISIONAL LICENSEE COMPLETED THE REQUIREMENTS DESCRIBED IN SUBSECTION (5)(b) OF THIS SECTION IN COMPLIANCE WITH THIS ARTICLE 135 AND WHETHER THE PROVISIONAL LICENSEE PRACTICED ETHICALLY AND EITHER RECOMMEND FULL LICENSURE OR NOT RECOMMEND FULL LICENSURE.

(II) A QUALIFIED PEER REVIEWER MAY:

(A) SATISFY THE REQUIREMENTS OF THE REPORT VIRTUALLY;

(B) SUPERVISE AS MANY PROVISIONAL LICENSEES AS THE REVIEWER HAS THE CAPACITY TO APPROPRIATELY SUPERVISE; OR

(C) BE CHOSEN BY THE PROVISIONAL LICENSEE.

(6) (a) AN APPLICANT FOR LICENSURE UNDER THIS PART 5 MAY SUBMIT TO THE DIRECTOR A PETITION FOR WAIVER OF EDUCATIONAL REQUIREMENTS TO ALLOW THE APPLICANT TO TAKE THE ARTS OR SCIENCE PORTIONS OF THE NATIONAL BOARD EXAMINATION ADMINISTERED BY THE INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS OR BY A SUCCESSOR ORGANIZATION APPROVED BY THE DIRECTOR.

(b) UPON RECEIVING A PETITION FOR WAIVER, THE DIRECTOR SHALL DETERMINE IF A WAIVER IS APPROPRIATE AND EITHER ISSUE A WAIVER ALLOWING THE APPLICANT TO TAKE THE NATIONAL BOARD EXAMINATION OR A LETTER DETAILING WHY THE WAIVER IS NOT GRANTED.

(c) THIS SUBSECTION (6) DOES NOT WAIVE THE EXAMINATION REQUIREMENTS IN THIS PART 5 OR PARTS 6 TO 9 OF THIS ARTICLE 135 WITHOUT THE APPROVAL OF THE DIRECTOR.

(d) AN APPLICANT WHO RECEIVES A WAIVER AND PASSES THE NATIONAL BOARD EXAMINATION IS DEEMED TO HAVE MET BOTH THE EDUCATION AND EXAMINATION REQUIREMENTS FOR LICENSURE BUT MUST ALSO MEET ALL OTHER REQUIREMENTS TO BE ISSUED A LICENSE UNDER THIS PART 5.

12-135-502. Criminal history record checks. (1) AN APPLICANT FOR A LICENSE ISSUED PURSUANT TO THIS PART 5 SHALL SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT MUST PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(2) AFTER SUBMITTING AN APPLICATION FOR A LICENSE, THE APPLICANT SHALL HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR A THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL

HISTORY RECORD CHECK. THE APPLICANT MUST AUTHORIZE THE ENTITY TAKING THE APPLICANT'S FINGERPRINTS TO SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(3) IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN EQUIPMENT. A THIRD-PARTY VENDOR SHALL NOT KEEP THE APPLICANT'S INFORMATION FOR MORE THAN THIRTY DAYS.

(4) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION, THE APPLICANT, THE DIRECTOR, AND THE ENTITY TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY RECORD CHECK.

(5) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE RESULTS OF ITS FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE DIRECTOR, AND THE DIRECTOR IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE DIRECTOR SHALL USE THE INFORMATION RESULTING FROM THE CRIMINAL HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO THIS PART 5.

(6) (a) WHEN THE FEDERAL BUREAU OF INVESTIGATION IS UNABLE TO COMPLETE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT, THE COLORADO BUREAU OF INVESTIGATION SHALL INFORM THE DIRECTOR, AND THE DIRECTOR MAY CONDUCT A CRIMINAL HISTORY RECORD CHECK OF THE PERSON USING THE COLORADO BUREAU OF INVESTIGATION'S RECORDS AS A SUBSTITUTE FOR THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK REQUIRED IN THIS SECTION.

(b) WHEN THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE DIRECTOR SHALL REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

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:

(a) A FELONY COMMITTED IN THE COURSE OF AND RELATED TO PRACTICING AS, INTERNING AS, OR HAVING A WORKPLACE LEARNING EXPERIENCE AS A FUNERAL DIRECTOR, A MORTUARY SCIENCE PRACTITIONER, AN EMBALMER, A CREMATIONIST, OR A NATURAL REDUCTIONIST;

(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;

(c) A VIOLATION OF SECTION 18-13-101;

(d) A FELONY LISTED IN ARTICLE 4 OR 5 OF TITLE 18; OR

(e) A VIOLATION OF A STATUTE OF ANOTHER STATE IF THE VIOLATION IS SUBSTANTIALLY SIMILAR TO A VIOLATION LISTED IN SUBSECTION (1)(a), (1)(b), (1)(c), (1)(d), OR (2) OF THIS SECTION.

(2) THE DIRECTOR MAY PROMULGATE RULES TO CATEGORIZE A VIOLATION OF ANY OF THE FOLLOWING AS DISQUALIFYING CRIMINAL HISTORY UNDER THIS PART 5:

(a) ARTICLE 140 OF THIS TITLE 12;

(b) ARTICLE 15 OF TITLE 10; OR

(c) TITLE 6.

12-135-504. License expiration - continuing education - rules. (1) A LICENSE ISSUED UNDER THIS PART 5 IS SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202 (1) AND (2).

(2) (a) TO RENEW A LICENSE ISSUED UNDER THIS PART 5, A LICENSEE MUST, IN ACCORDANCE WITH THE DIRECTOR'S RULES, SUCCESSFULLY COMPLETE AT LEAST SIX HOURS OF CONTINUING EDUCATION, INCLUDING:

(I) ONE HOUR COVERING THE LAW APPLICABLE TO THE TYPE OF LICENSE HELD BY THE APPLICANT FOR RENEWAL;

(II) ONE HOUR COVERING APPLICABLE ETHICS; AND

(III) ONE HOUR COVERING PUBLIC HEALTH REQUIREMENTS, SUCH AS UNIVERSAL PRECAUTIONS.

(b) (I) THE DIRECTOR SHALL PROMULGATE RULES GOVERNING CONTINUING EDUCATION. THE RULES MUST ADDRESS:

(A) THE BASIC REQUIREMENTS FOR CONTINUING EDUCATION;

(B) APPROVAL OF QUALIFYING CONTINUING EDUCATION CLASSES OR PROVIDERS; AND

(C) A SYSTEM OF REPORTING.

(II) IN ADOPTING THE RULES REQUIRED BY THIS SUBSECTION (2)(b), THE DIRECTOR SHALL ALLOW FOR A VARIETY OF METHODS OF DELIVERY OF QUALIFYING

CONTINUING EDUCATION CLASSES, INCLUDING IN-PERSON, REMOTE, AND RECORDED CLASSES, TO COMPLY WITH THE CONTINUING EDUCATION REQUIREMENTS OF THIS SUBSECTION (2).

12-135-505. Not required to be licensed. (1) THIS PART 5 DOES NOT REQUIRE THE FOLLOWING INDIVIDUALS TO BE LICENSED UNDER THIS PART 5:

- (a) A FUNERAL ESTABLISHMENT'S CLERICAL STAFF;
- (b) A DRIVER WHO TRANSFERS DECEASED HUMANS TO OR FROM A FUNERAL ESTABLISHMENT;
- (c) AN INDIVIDUAL LICENSED PURSUANT TO ARTICLE 105 OF THIS TITLE 12 WHEN PRACTICING WITHIN THE SCOPE OF THE INDIVIDUAL'S LICENSE;
- (d) COURIERS; AND
- (e) PRENEED CONTRACT COUNSELORS.

12-135-506. Title protection. (1) ~~[Formerly 12-135-111 (1)]~~ A person shall not advertise, represent, or hold ~~himself or herself~~ THEMSELF out as or use the title of a "mortuary science practitioner" unless the person HOLDS A MORTUARY SCIENCE PRACTITIONER LICENSE ISSUED IN ACCORDANCE WITH SECTION 12-135-501.

~~(a) Has at least two thousand hours practicing or interning as a mortuary science practitioner, including, without limitation, experience in cremation and embalming;~~

~~(b) Has graduated with a certificate, diploma, or degree in mortuary science from:~~

~~(I) A program accredited by the American Board of Funeral Service Education or its successor, if the successor is approved by the director, and the program is part of a school of higher education; or~~

~~(II) A school of higher education accredited by the American Board of Funeral Service Education or its successor, if the successor is approved by the director; and~~

~~(c) Has taken the mortuary science test, known as the national board examination, administered by the International Conference of Funeral Service Examining Boards or its successor, if the successor is approved by the director, and received a passing score.~~

(2) **[Formerly 12-135-111 (2)]** A person shall not advertise, represent, or hold ~~oneself~~ THEMSELF out as or use the title of a "funeral director" unless the ~~applicant:~~ PERSON HOLDS A FUNERAL DIRECTOR LICENSE ISSUED IN ACCORDANCE WITH SECTION 12-135-501.

~~(a) Has at least two thousand hours practicing or interning as a funeral director; and~~

~~(b) Has directed at least fifty funerals or graveside services.~~

(3) [**Formerly 12-135-111 (3)**] A person shall not advertise, represent, or hold ~~oneself~~ THEMSELF out as or use the title of an "embalmer" unless the ~~applicant~~ PERSON HOLDS AN EMBALMER LICENSE ISSUED IN ACCORDANCE WITH SECTION 12-135-501.

- ~~(a) Has at least four thousand hours practicing or interning as an embalmer; and~~
- ~~(b) Has embalmed at least fifty human remains.~~

(4) [**Formerly 12-135-304**] A person shall not advertise, represent, or hold ~~oneself~~ THEMSELF out as or use the title of a "cremationist" unless the ~~applicant has at least five hundred hours practicing or interning as a cremationist and has cremated at least fifty human remains~~ PERSON HOLDS A CREMATIONIST LICENSE ISSUED IN ACCORDANCE WITH SECTION 12-135-501.

(5) A PERSON SHALL NOT ADVERTISE, REPRESENT, OR HOLD THEMSELF OUT AS OR USE THE TITLE OF A "NATURAL REDUCTIONIST" UNLESS THE PERSON HOLDS A NATURAL REDUCTIONIST LICENSE ISSUED IN ACCORDANCE WITH SECTION 12-135-501.

12-135-507. Disciplinary proceedings - investigations - hearings - judicial review - fines. (1) (a) THE DIRECTOR MAY INVESTIGATE, HOLD HEARINGS, AND GATHER EVIDENCE IN ALL MATTERS RELATED TO THE EXERCISE AND PERFORMANCE OF THE POWERS AND DUTIES OF THE DIRECTOR PURSUANT TO SECTION 12-20-403, THIS ARTICLE 135, AND ARTICLE 4 OF TITLE 24.

(b) ON COMPLETION OF AN INVESTIGATION, THE DIRECTOR SHALL FIND ONE OF THE FOLLOWING:

- (I) THE COMPLAINT IS WITHOUT MERIT AND NO FURTHER ACTION IS NEEDED;
- (II) REASONABLE CAUSE TO WARRANT FURTHER ACTION DOES NOT EXIST;
- (III) THE LICENSEE ENGAGED IN CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT; OR
- (IV) THE COMPLAINT OR INVESTIGATION DISCLOSES MISCONDUCT BY THE LICENSEE THAT WARRANTS FORMAL ACTION.

(c) IF THE DIRECTOR MAKES A FINDING DESCRIBED IN SUBSECTION (1)(b)(IV) OF THIS SECTION, THE DIRECTOR MAY INITIATE DISCIPLINARY PROCEEDINGS PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(2) AN EMPLOYER OF A MORTUARY SCIENCE PROFESSIONAL SHALL REPORT TO THE DIRECTOR A TERMINATION, DISCIPLINARY ACTION, OR RESIGNATION IN LIEU OF TERMINATION OR DISCIPLINARY ACTION IF THE ACTION WAS TAKEN FOR CONDUCT THAT VIOLATES THIS ARTICLE 135 OR A RULE PROMULGATED UNDER THIS ARTICLE 135.

(3) (a) THE DIRECTOR MAY COMMENCE A DISCIPLINARY PROCEEDING WHEN THE DIRECTOR HAS REASONABLE GROUNDS TO CONCLUDE THAT A LICENSEE HAS

COMMITTED AN ACT OR OMISSION DESCRIBED IN SECTION 12-135-508 OR AN ACT THAT VIOLATES THIS ARTICLE 135 OR A RULE PROMULGATED UNDER THIS ARTICLE 135.

(b) THE DIRECTOR SHALL CONDUCT DISCIPLINARY PROCEEDINGS IN ACCORDANCE WITH SECTION 12-20-403 AND ARTICLE 4 OF TITLE 24.

(c) IF THE DIRECTOR FINDS, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, THE CHARGES PROVEN AND ORDERS THAT DISCIPLINE BE IMPOSED, THE DIRECTOR SHALL DETERMINE THE EXTENT OF THE DISCIPLINE.

(d) IF THE DIRECTOR FINDS THE CHARGES AGAINST THE LICENSEE PROVEN AND ORDERS THAT DISCIPLINE BE IMPOSED, THE DIRECTOR MAY REQUIRE, AS A CONDITION TO REINSTATE A SUSPENDED, REVOKED, OR DENIED LICENSE, THAT THE LICENSEE TAKE COURSES OF TRAINING OR FURTHER EDUCATION AS MAY BE NEEDED TO CORRECT A DEFICIENCY.

(4)(a) SECTION 12-20-408 GOVERNS JUDICIAL REVIEW OF A FINAL ACTION OF THE DIRECTOR.

(b) THE DIRECTOR MAY BRING AN ACTION FOR THE ENFORCEMENT OF AN ORDER OF THE DIRECTOR IN ACCORDANCE WITH SECTION 12-20-406.

(5) IF A PERSON COMMITS AN ACT THAT VIOLATES THIS ARTICLE 135 OR A RULE PROMULGATED UNDER THIS ARTICLE 135, THE DIRECTOR MAY IMPOSE A FINE NOT TO EXCEED FIVE THOUSAND DOLLARS PER VIOLATION. EACH DAY OF A CONTINUING VIOLATION CONSTITUTES A SEPARATE VIOLATION.

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:

(a) ADVERTISED, REPRESENTED, OR HELD THEMSELF OUT AS A LICENSED MORTUARY SCIENCE PROFESSIONAL AFTER THE EXPIRATION, SUSPENSION, OR REVOCATION OF THEIR LICENSE;

(b) FALSIFIED INFORMATION IN AN APPLICATION FOR A LICENSE OR TO RENEW A LICENSE UNDER THIS PART 5;

(c) ATTEMPTED TO OBTAIN OR OBTAINED A LICENSE BY FRAUD, DECEPTION, OR MISREPRESENTATION;

(d) ENGAGED IN FRAUD, MISREPRESENTATION, DECEPTION, OR CHEATING IN TAKING OR FURNISHING THE RESULTS OF AN EXAMINATION REQUIRED BY SECTION 12-135-603 (1)(b), 12-135-703 (1)(b), 12-135-803 (1)(b), OR 12-135-903;

(e) FRAUDULENTLY OBTAINED OR FURNISHED OR AIDED AND ABETTED ANOTHER PERSON IN FRAUDULENTLY OBTAINING OR FURNISHING:

(l) A LICENSE ISSUED UNDER THIS PART 5;

(II) A RENEWAL OR REINSTATEMENT OF A LICENSE ISSUED UNDER THIS PART 5; OR

(III) A DIPLOMA, A CERTIFICATE, OR A RECORD RELATED TO A LICENSE ISSUED UNDER THIS PART 5;

(f) (I) FAILED TO NOTIFY THE DIRECTOR, IN WRITING, OF:

(A) THE ENTRY OF A FINAL JUDGMENT BY A COURT IN FAVOR OF ANOTHER PARTY AND AGAINST THE LICENSEE FOR MALPRACTICE OF MORTUARY SCIENCE; OR

(B) A SETTLEMENT BY THE LICENSEE IN RESPONSE TO CHARGES OR ALLEGATIONS OF MALPRACTICE OF MORTUARY SCIENCE.

(II) TO COMPLY WITH SUBSECTION (1)(f)(I) OF THIS SECTION, THE LICENSEE MUST:

(A) GIVE THE NOTICE WITHIN NINETY DAYS AFTER THE ENTRY OF THE JUDGMENT OR SETTLEMENT; AND

(B) FOR NOTICE OF A JUDGMENT, INCLUDE THE NAME OF THE COURT, THE CASE NUMBER, AND THE NAMES OF ALL PARTIES TO THE ACTION.

(g) (I) A DISQUALIFYING CRIMINAL HISTORY AS DESCRIBED IN SECTION 12-135-503.

(II) FOR THE PURPOSES OF SUBSECTION (1)(g)(I) OF THIS SECTION, A CERTIFIED COPY OF A DOCUMENT FROM A COURT OF COMPETENT JURISDICTION DOCUMENTING A CONVICTION OR ENTRY OF A PLEA IS CONCLUSIVE EVIDENCE OF THE CONVICTION OR THE PLEA. IN CONSIDERING A DISCIPLINARY ACTION, THE DIRECTOR SHALL BE GOVERNED BY SECTIONS 12-20-202 (5) AND 24-5-101.

(h) ADVERTISED, REPRESENTED, HELD THEMSELF OUT IN ANY MANNER, OR USED ANY DESIGNATION IN CONNECTION WITH AN INDIVIDUAL'S NAME AS A MORTUARY SCIENCE PROFESSIONAL WITHOUT BEING LICENSED UNDER THIS ARTICLE 135;

(i) VIOLATED OR AIDED OR ABETTED A VIOLATION OF THIS ARTICLE 135, ARTICLE 20 OR 30 OF THIS TITLE 12, A RULE ADOPTED UNDER THIS ARTICLE 135, OR AN ORDER OF THE DIRECTOR;

(j) FAILED TO REPORT TO THE DIRECTOR THE SURRENDER OF A LICENSE, CERTIFICATION, OR REGISTRATION TO, OR AN ADVERSE ACTION TAKEN AGAINST A LICENSE, CERTIFICATION, OR REGISTRATION BY, A GOVERNMENTAL AGENCY IN ANOTHER STATE, TERRITORY, OR COUNTRY, A LAW ENFORCEMENT AGENCY, OR A COURT FOR ACTS THAT CONSTITUTE GROUNDS FOR DISCIPLINE UNDER THIS ARTICLE 135 OR A RULE PROMULGATED UNDER THIS ARTICLE 135;

(k) COMMITTED AN ACT THAT DOES NOT MEET, OR FAILED TO PERFORM AN ACT NECESSARY TO MEET, GENERALLY ACCEPTED STANDARDS OF MORTUARY SCIENCE;

(l) USED FRAUDULENT, COERCIVE, OR DISHONEST PRACTICES, OR DEMONSTRATED INCOMPETENCE OR UNTRUSTWORTHINESS, IN THIS STATE OR ELSEWHERE;

(m) DISINFECTED, PRESERVED, OR MADE FINAL DISPOSITION OF HUMAN REMAINS WITH KNOWLEDGE SUFFICIENT TO AROUSE A REASONABLE SUSPICION OF A CRIME IN CONNECTION WITH THE CAUSE OF DEATH OF THE DECEDENT UNLESS THE LICENSEE HAS OBTAINED THE PERMISSION OF THE CORONER, THE DEPUTY CORONER, OR, IF THERE IS NO CORONER, THE DISTRICT ATTORNEY;

(n) DISCRIMINATED BECAUSE OF RACE, CREED, COLOR, RELIGION, DISABILITY, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, AGE, OR ANCESTRY IN THE PROVISION OF FUNERAL SERVICES OR THE SERVICES OF A MORTUARY SCIENCE PROFESSIONAL;

(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;

(p) PAID OR PROVIDED BENEFITS IN A MANNER THAT DEPRIVES THE NEXT OF KIN OR LEGAL REPRESENTATIVE OF THE RIGHT TO USE THOSE PAYMENTS OR BENEFITS AT A FUNERAL ESTABLISHMENT OF THE CUSTOMER'S CHOICE;

(q) ENGAGED IN A BUSINESS PRACTICE THAT INTERFERES WITH THE FREEDOM OF CHOICE OF THE GENERAL PUBLIC TO CHOOSE A MORTUARY SCIENCE PROFESSIONAL OR FUNERAL ESTABLISHMENT;

(r) REFUSED TO PROPERLY AND PROMPTLY RELEASE HUMAN REMAINS, NATURALLY REDUCED REMAINS, OR CREMATED REMAINS TO THE CUSTODY OF THE PERSON WHO HAS THE LEGAL RIGHT TO EFFECT THE RELEASE, REGARDLESS OF WHETHER ANY COSTS HAVE BEEN PAID;

(s) TOLD A PERSON THAT A CASKET WAS REQUIRED WHEN THE EXPRESSED WISH OF THE DECEDENT, NEXT OF KIN, OR LEGAL REPRESENTATIVE WAS FOR IMMEDIATE CREMATION;

(t) EMBALMED, NATURALLY REDUCED, OR CREMATED HUMAN REMAINS WITHOUT OBTAINING PERMISSION FROM THE PERSON WITH THE RIGHT OF FINAL DISPOSITION, UNLESS OTHERWISE REQUIRED BY SECTION 12-135-106;

(u) PROHIBITED, HINDERED, OR RESTRICTED OR ATTEMPTED TO PROHIBIT, HINDER, OR RESTRICT:

(I) A PERSON FROM OFFERING OR ADVERTISING IMMEDIATE CREMATION, IMMEDIATE NATURAL REDUCTION, ADVANCE FUNERAL ARRANGEMENTS, OR LOW-COST FUNERALS;

(II) A PERSON FROM FORMING OR FACILITATING ARRANGEMENTS BETWEEN MEMORIAL SOCIETIES AND FUNERAL INDUSTRY MEMBERS; OR

(III) A FUNERAL SERVICE INDUSTRY MEMBER FROM DISCLOSING ACCURATE INFORMATION CONCERNING FUNERAL MERCHANDISE AND SERVICES;

(v) ENGAGED IN WILLFULLY DISHONEST CONDUCT;

(w) COMMITTED NEGLIGENCE THAT DEFRAUDED OR CAUSED INJURY OR WAS LIKELY TO DEFRAUD OR CAUSE INJURY IN THE PRACTICE OF CREMATION, NATURAL REDUCTION, EMBALMING, FUNERAL DIRECTING, OR PROVIDING FOR FINAL DISPOSITION;

(x) SOLD OR OFFERED TO SELL THE SOIL PRODUCED BY THE NATURAL REDUCTION OF HUMAN REMAINS TO ANY PERSON;

(y) COMMINGLED THE FOLLOWING WITHOUT THE CONSENT OF THE PERSON OR PERSONS WITH THE RIGHT OF FINAL DISPOSITION, AS DETERMINED BY SECTION 15-19-106, IN THE COURSE OF A PERSON'S BUSINESS, VOCATION, OR OCCUPATION:

(I) THE CREMATED REMAINS OF MORE THAN ONE PERSON, EXCEPT AS AUTHORIZED IN SECTION 12-135-109;

(II) THE SOIL PRODUCED BY THE NATURAL REDUCTION OF THE HUMAN REMAINS OF MORE THAN ONE PERSON, EXCEPT AS AUTHORIZED IN SECTION 12-135-109;

(III) THE CREMATED REMAINS OF MORE THAN ONE PERSON WITHIN A CREMATION CHAMBER; OR

(IV) THE HUMAN REMAINS OF MORE THAN ONE PERSON WITHIN A CONTAINER USED TO NATURALLY REDUCE HUMAN REMAINS TO PRODUCE SOIL; OR

(z) USED, IN THE COURSE OF A PERSON'S BUSINESS, VOCATION, OR OCCUPATION, THE SOIL PRODUCED BY THE NATURAL REDUCTION OF HUMAN REMAINS TO GROW FOOD FOR HUMAN CONSUMPTION.

(2) (a) FOR PURPOSES OF THIS SECTION ONLY AND EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION, "NEXT OF KIN" DOES NOT INCLUDE A PERSON WHO IS ARRESTED ON SUSPICION OF HAVING COMMITTED, IS CHARGED WITH, OR HAS BEEN CONVICTED OF A FELONY OFFENSE SPECIFIED IN PART 1 OF ARTICLE 3 OF TITLE 18 INVOLVING THE DEATH OF THE DECEDENT.

(b) SUBSECTION (2)(a) OF THIS SECTION DOES NOT APPLY IF, BEFORE FINAL DISPOSITION OF THE DECEASED PERSON'S HUMAN REMAINS, CHARGES ARE NOT BROUGHT, CHARGES ARE BROUGHT BUT DISMISSED, OR THE PERSON CHARGED IS ACQUITTED OF THE ALLEGED CRIME.

12-135-509. Liberal construction. THIS PART 5 AND PARTS 6 TO 9 OF THIS ARTICLE 135 MUST BE LIBERALLY CONSTRUED TO EFFECTUATE THEIR PURPOSES AND TO PROTECT CONSUMERS.

12-135-510. Repeal of part. THIS PART 5 AND PARTS 6 TO 9 OF THIS ARTICLE 135 ARE REPEALED, EFFECTIVE SEPTEMBER 1, 2031. BEFORE THE REPEAL, THIS PART 5 AND PARTS 6 TO 9 OF THIS ARTICLE 135 ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

PART 6
FUNERAL DIRECTORS

12-135-601. Practice of a funeral director described - definition. (1) AS USED IN THIS PART 6, "SERVICES CONCERNING THE FINAL DISPOSITION OF HUMAN REMAINS" INCLUDES FUNERAL SERVICES, EMBALMING, CREMATION, NATURAL REDUCTION, AND REMOVAL OF HUMAN REMAINS FROM THE STATE.

(2) (a) THE PRACTICE OF A FUNERAL DIRECTOR CONSISTS OF PERFORMING THE FOLLOWING ACTS FOR COMPENSATION:

(I) SELLING OR OFFERING TO SELL SERVICES CONCERNING THE FINAL DISPOSITION OF HUMAN REMAINS ON AN AT-NEED BASIS;

(II) PLANNING, ARRANGING, OR OFFERING TO PLAN OR ARRANGE, ON AN AT-NEED BASIS, THE DETAILS OF SERVICES CONCERNING THE FINAL DISPOSITION OF HUMAN REMAINS AND ESTABLISHING THE TYPE OF SERVICES TO BE RENDERED;

(III) MAKING, NEGOTIATING, COMPLETING, OR OFFERING TO MAKE, NEGOTIATE, OR COMPLETE THE FINANCIAL ARRANGEMENTS FOR SERVICES CONCERNING THE FINAL DISPOSITION OF HUMAN REMAINS ON AN AT-NEED BASIS; EXCEPT THAT NONLICENSED PERSONNEL MAY ASSIST THE FUNERAL DIRECTOR IN PERFORMING SUCH TASKS;

(IV) DIRECTLY OR INDIRECTLY DIRECTING, BEING IN CHARGE OR APPARENT CHARGE OF, SUPERVISING, OR OFFERING TO DIRECT, BE IN CHARGE OF, OR SUPERVISE:

(A) A VISITATION OR VIEWING OF HUMAN REMAINS;

(B) A FUNERAL SERVICE; OR

(C) A MEMORIAL SERVICE, IF THE MEMORIAL SERVICE IS SOLD OR ARRANGED BY A LICENSEE;

(V) MANAGING OR SUPERVISING THE OPERATION OF A FUNERAL ESTABLISHMENT, EXCEPT FOR ADMINISTRATIVE MATTERS, SUCH AS BUDGETING, ACCOUNTING AND PERSONNEL, MAINTENANCE OF BUILDINGS, EQUIPMENT, AND GROUNDS, AND ROUTINE CLERICAL AND RECORD-KEEPING FUNCTIONS; OR

(VI) USING, IN CONNECTION WITH ONE'S NAME OR EMPLOYMENT:

(A) THE WORD "FUNERAL DIRECTOR", "UNDERTAKER", OR "MORTICIAN"; OR

(B) A WORD, TITLE, OR COMBINATION OF WORDS, TITLES, OR PICTURES THAT WHEN CONSIDERED IN THE CONTEXT IN WHICH THEY ARE USED WOULD IMPLY THAT THE PERSON IS ENGAGED IN THE PRACTICE OF A FUNERAL DIRECTOR OR THAT THE PERSON IS HOLDING THEMSELF OUT TO THE PUBLIC AS BEING ENGAGED IN THE PRACTICE OF A FUNERAL DIRECTOR.

(b) (I) SUBSECTION (2)(a)(IV)(A) OF THIS SECTION DOES NOT REQUIRE AN INDIVIDUAL TO BE LICENSED TO CONDUCT A VISITATION OR VIEWING IF A LICENSED

FUNERAL DIRECTOR OR LICENSED MORTUARY SCIENCE PRACTITIONER IS READILY AVAILABLE FOR CONSULTATION.

(II) SUBSECTION (2)(a)(VI) OF THIS SECTION DOES NOT PREVENT A PERSON FROM USING THE NAME OF AN OWNER, OFFICER, OR CORPORATE DIRECTOR OF A FUNERAL ESTABLISHMENT, NOTWITHSTANDING THAT THE PERSON DOES NOT HOLD A LICENSE, IN CONNECTION WITH THE NAME OF THE FUNERAL ESTABLISHMENT WITH WHICH THE PERSON IS AFFILIATED, SO LONG AS THE PERSON'S AFFILIATION IS PROPERLY SPECIFIED.

(3) THE PRACTICE OF A FUNERAL DIRECTOR DOES NOT INCLUDE:

(a) (I) TRANSMITTING, BY TELEPHONE, BY FAX, OR ELECTRONICALLY, OBITUARY NOTICES;

(II) ORDERING FLOWERS OR MERCHANDISE;

(III) DELIVERING DEATH CERTIFICATES TO ATTENDING PHYSICIANS;

(IV) CLERICAL PREPARATION AND PROCESSING OF DEATH CERTIFICATES, INSURANCE FORMS, AND ANY CLERICAL TASKS THAT RECORD THE INFORMATION COMPILED BY THE FUNERAL DIRECTOR; OR

(V) AN ACT THAT IS INCIDENTAL TO ANY OF THE FUNCTIONS SPECIFIED IN THIS SUBSECTION (3)(a);

(b) FURNISHING STANDARD, PRINTED PRICE LISTS AND DISCLOSURE INFORMATION TO THE PUBLIC BY PROVIDING THE INFORMATION TO PERSONS MAKING AN INQUIRY;

(c) ARRANGING, COORDINATING, OR EMPLOYING, IN CONNECTION WITH THE FINAL DISPOSITION OF HUMAN REMAINS, REMOVAL SERVICES, REGISTERED REFRIGERATION FACILITIES, OR REGISTERED CENTRALIZED EMBALMING FACILITIES;

(d) ANY ASPECT OF MAKING PRENEED FUNERAL ARRANGEMENTS OR ENTERING INTO PRENEED CONTRACTS; OR

(e) FUNCTIONS NORMALLY PERFORMED BY CEMETERY OR CREMATORY PERSONNEL.

(4) (a) AN INDIVIDUAL LICENSED UNDER THIS PART 6 MAY DELEGATE TASKS, AS DETERMINED BY THE DIRECTOR IN RULE, WITHIN THE SCOPE OF THE INDIVIDUAL'S LICENSE TO UNLICENSED PERSONS PRACTICING WITHIN THE UNLICENSED PERSON'S EXPERIENCE, EDUCATION, OR TRAINING.

(b) A LICENSEE IS RESPONSIBLE FOR ENSURING THAT A DELEGATEE HAS THE EXPERIENCE, EDUCATION, AND TRAINING NECESSARY TO PERFORM DELEGATED TASKS.

(c) A LICENSEE RETAINS RESPONSIBILITY FOR ANY TASKS DELEGATED UNDER THIS SUBSECTION (4).

(d) A LICENSEE SHALL NOT DELEGATE THE FOLLOWING TASKS:

(I) ANY TASK INVOLVING HANDLING HUMAN REMAINS; EXCEPT THAT THIS SUBSECTION (4)(d)(I) DOES NOT APPLY TO TRANSPORTING HUMAN REMAINS;

(II) SIGNING CONTRACTS OR OTHER LEGAL DOCUMENTS THAT INVOLVE COMPENSATION FOR FUNERAL GOODS OR SERVICES; OR

(III) OVERSIGHT OF A FUNERAL HOME OR CREMATORY OPERATIONS RELATED TO THE FINAL DISPOSITION OF HUMAN REMAINS.

12-135-602. License required. ON AND AFTER JANUARY 1, 2027, AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF A FUNERAL DIRECTOR MUST BE LICENSED BY THE DIRECTOR AS A FUNERAL DIRECTOR OR MORTUARY SCIENCE PRACTITIONER IN ACCORDANCE WITH PART 5 OF THIS ARTICLE 135 AND THIS PART 6 OR PART 7 OF THIS ARTICLE 135, AS APPLICABLE.

12-135-603. Qualifications - examination - licensure- rules. (1) IN ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION 12-135-501 (3), TO BE QUALIFIED TO OBTAIN A FUNERAL DIRECTOR LICENSE, AN APPLICANT MUST:

(a) HAVE GRADUATED FROM AN ACCREDITED MORTUARY SCIENCE SCHOOL;

(b) HAVE SUCCESSFULLY PASSED THE ARTS SECTION OF THE NATIONAL BOARD EXAMINATION ADMINISTERED BY THE INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS OR BY A SUCCESSOR ORGANIZATION THAT IS APPROVED BY THE DIRECTOR; AND

(c) HAVE RECEIVED WORKPLACE LEARNING EXPERIENCE, AS DEFINED BY THE DIRECTOR IN RULE, OF ONE YEAR OR LONGER THAT MAY BE RECEIVED CONCURRENTLY WHILE ATTENDING MORTUARY SCIENCE SCHOOL.

PART 7 MORTUARY SCIENCE PRACTITIONERS

12-135-701. Practice of a mortuary science practitioner described. (1) THE PRACTICE OF A MORTUARY SCIENCE PRACTITIONER CONSISTS OF PERFORMING OR OFFERING TO PERFORM ANY OF THE FOLLOWING ACTS FOR COMPENSATION:

(a) THE PRACTICE OF A FUNERAL DIRECTOR AS DESCRIBED IN SECTION 12-135-601 (2);

(b) THE PRACTICE OF AN EMBALMER AS DESCRIBED IN SECTION 12-135-801 (1);

(c) THE PRACTICE OF A CREMATIONIST AS DESCRIBED IN SECTION 12-135-901 (1);

(d) THE PRACTICE OF A NATURAL REDUCTIONIST AS DESCRIBED IN SECTION 12-135-901 (2); OR

(e) USING ANY WORD OR ABBREVIATION TO INDICATE OR INDUCE OTHERS TO

BELIEVE THAT ONE IS LICENSED TO PRACTICE AS A MORTUARY SCIENCE PRACTITIONER.

(2) (a) AN INDIVIDUAL LICENSED UNDER THIS PART 7 MAY DELEGATE TASKS, AS DETERMINED BY THE DIRECTOR IN RULE, WITHIN THE SCOPE OF THE INDIVIDUAL'S LICENSE TO UNLICENSED PERSONS PRACTICING WITHIN THE UNLICENSED PERSON'S EXPERIENCE, EDUCATION, OR TRAINING.

(b) A LICENSEE IS RESPONSIBLE FOR ENSURING THAT A DELEGATEE HAS THE EXPERIENCE, EDUCATION, AND TRAINING NECESSARY TO PERFORM DELEGATED TASKS.

(c) A LICENSEE RETAINS RESPONSIBILITY FOR ANY TASKS DELEGATED UNDER THIS SUBSECTION (2).

(d) A LICENSEE SHALL NOT DELEGATE THE FOLLOWING TASKS:

(I) ANY TASK INVOLVING HANDLING HUMAN REMAINS; EXCEPT THAT THIS SUBSECTION (2)(d)(I) DOES NOT APPLY TO TRANSPORTING HUMAN REMAINS;

(II) SIGNING CONTRACTS OR OTHER LEGAL DOCUMENTS THAT INVOLVE COMPENSATION FOR FUNERAL GOODS OR SERVICES; OR

(III) OVERSIGHT OF A FUNERAL HOME OR CREMATORY OPERATIONS RELATED TO THE FINAL DISPOSITION OF HUMAN REMAINS.

12-135-702. License required. ON AND AFTER JANUARY 1, 2027, EXCEPT AS OTHERWISE PROVIDED IN PART 6, 8, OR 9 OF THIS ARTICLE 135, AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF A MORTUARY SCIENCE PRACTITIONER MUST BE LICENSED BY THE DIRECTOR AS A MORTUARY SCIENCE PRACTITIONER IN ACCORDANCE WITH THIS PART 7 AND PART 5 OF THIS ARTICLE 135.

12-135-703. Qualifications - examination - licensure - rules. (1) IN ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION 12-135-501 (3), TO BE QUALIFIED TO OBTAIN A MORTUARY SCIENCE PRACTITIONER LICENSE, THE APPLICANT MUST:

(a) HAVE GRADUATED FROM AN ACCREDITED MORTUARY SCIENCE SCHOOL;

(b) HAVE SUCCESSFULLY PASSED BOTH THE ARTS AND SCIENCE SECTIONS OF THE NATIONAL BOARD EXAMINATION ADMINISTERED BY THE INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS OR BY A SUCCESSOR ORGANIZATION THAT IS APPROVED BY THE DIRECTOR; AND

(c) HAVE RECEIVED WORKPLACE LEARNING EXPERIENCE, AS DEFINED BY THE DIRECTOR IN RULE, OF ONE YEAR OR LONGER THAT MAY BE RECEIVED CONCURRENTLY WHILE ATTENDING MORTUARY SCIENCE SCHOOL.

PART 8 EMBALMERS

12-135-801. Practice of an embalmer described. (1) THE PRACTICE OF AN

EMBALMER CONSISTS OF ENGAGING IN, OFFERING TO ENGAGE IN, OR ATTEMPTING TO ENGAGE IN THE FOLLOWING ACTS FOR COMPENSATION:

(a) TEMPORARILY DISINFECTING AND PRESERVING HUMAN REMAINS BY CHEMICALLY TREATING THE HUMAN REMAINS TO:

(I) REDUCE THE PRESENCE AND GROWTH OF ORGANISMS; OR

(II) RETARD ORGANIC DECOMPOSITION;

(b) DISINFECTING AND PRESERVING HUMAN REMAINS BY THE USE OF OR APPLICATION OF CHEMICAL SUBSTANCES THAT ARE ORDINARILY USED FOR, PREPARED FOR, OR INTENDED FOR DISINFECTION OR PRESERVATION BY:

(I) INTRODUCING THE CHEMICAL SUBSTANCES INTO THE HUMAN REMAINS BY VASCULAR OR HYPODERMIC INJECTION; OR

(II) DIRECTLY INTRODUCING CHEMICAL SUBSTANCES INTO THE ORGANS OR CAVITIES OF THE HUMAN REMAINS; OR

(c) USING THE TITLE "EMBALMER" OR ANY OTHER WORD OR ABBREVIATION TO INDICATE OR INDUCE OTHERS TO BELIEVE THAT ONE IS LICENSED TO PRACTICE AS AN EMBALMER.

(2) THE PRACTICE OF AN EMBALMER DOES NOT INCLUDE:

(a) SETTING FEATURES FOR THE PURPOSE OF IDENTIFYING UNEMBALMED HUMAN REMAINS; OR

(b) DISINFECTING HUMAN REMAINS THROUGH NONARTERIAL METHODS.

12-135-802. License required. ON AND AFTER JANUARY 1, 2027, EXCEPT AS PROVIDED IN PART 7 OF THIS ARTICLE 135, AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF AN EMBALMER MUST BE LICENSED BY THE DIRECTOR AS AN EMBALMER IN ACCORDANCE WITH THIS PART 8 AND PART 5 OF THIS ARTICLE 135.

12-135-803. Qualifications - examination - licensure - rules. (1) IN ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION 12-135-501 (3), TO BE QUALIFIED TO OBTAIN AN EMBALMER LICENSE, THE APPLICANT MUST:

(a) HAVE GRADUATED FROM AN ACCREDITED MORTUARY SCIENCE SCHOOL;

(b) HAVE SUCCESSFULLY PASSED THE SCIENCE SECTION OF THE NATIONAL BOARD EXAMINATION ADMINISTERED BY THE INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS OR BY A SUCCESSOR ORGANIZATION THAT IS APPROVED BY THE DIRECTOR; AND

(c) HAVE RECEIVED WORKPLACE LEARNING EXPERIENCE, AS DEFINED BY THE DIRECTOR IN RULE, OF ONE YEAR OR LONGER THAT MAY BE RECEIVED CONCURRENTLY WHILE ATTENDING MORTUARY SCIENCE SCHOOL.

PART 9
CREMATIONISTS AND NATURAL REDUCTIONISTS

12-135-901. Practice of a cremationist described - practice of a natural reductionist described. (1) THE PRACTICE OF A CREMATIONIST CONSISTS OF ENGAGING IN, OFFERING TO ENGAGE IN, OR ATTEMPTING TO ENGAGE IN THE FOLLOWING ACTS FOR COMPENSATION:

- (a) PREPARING HUMAN REMAINS FOR CREMATION;
- (b) CREMATING HUMAN REMAINS; OR
- (c) USING ANY WORD OR ABBREVIATION TO INDICATE OR INDUCE OTHERS TO BELIEVE THAT ONE IS LICENSED TO PRACTICE AS A CREMATIONIST.

(2) THE PRACTICE OF A NATURAL REDUCTIONIST CONSISTS OF ENGAGING IN, OFFERING TO ENGAGE IN, OR ATTEMPTING TO ENGAGE IN THE FOLLOWING ACTS FOR COMPENSATION:

- (a) PREPARING HUMAN REMAINS FOR NATURAL REDUCTION;
- (b) NATURAL REDUCTION OF HUMAN REMAINS; OR
- (c) USING ANY OTHER WORD OR ABBREVIATION TO INDICATE OR INDUCE OTHERS TO BELIEVE THAT ONE IS LICENSED TO PRACTICE AS A NATURAL REDUCTIONIST.

12-135-902. License required. (1) ON AND AFTER JANUARY 1, 2027, EXCEPT AS PROVIDED IN PART 7 OF THIS ARTICLE 135:

(a) AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF A CREMATIONIST MUST BE LICENSED BY THE DIRECTOR AS A CREMATIONIST IN ACCORDANCE WITH THIS PART 9 AND PART 5 OF THIS ARTICLE 135; AND

(b) AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF A NATURAL REDUCTIONIST MUST BE LICENSED BY THE DIRECTOR AS A NATURAL REDUCTION REDUCTIONIST IN ACCORDANCE WITH THIS PART 9 AND PART 5 OF THIS ARTICLE 135.

12-135-903. Qualifications - examinations - rules. (1) IN ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION 12-135-501 (3), TO BE QUALIFIED TO OBTAIN A CREMATIONIST LICENSE, THE APPLICANT MUST HAVE RECEIVED 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.

(2) IN ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION 12-135-501 (3), TO BE QUALIFIED TO OBTAIN A NATURAL REDUCTIONIST LICENSE, THE APPLICANT MUST HAVE RECEIVED 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.

SECTION 3. Repeal of relocated and nonrelocated provisions in this act. In Colorado Revised Statutes, **repeal** 12-135-111 and 12-135-304; except that 12-135-111 (4) is not relocated.

SECTION 4. In Colorado Revised Statutes, 12-20-204, **amend** (2)(a); and **repeal** (2)(c) as follows:

12-20-204. Regulator's rule-making authority. (2) Subsection (1) of this section does not apply to the following:

- (a) Article 110 of this title 12 concerning combative sports; AND
- (c) ~~Article 135 of this title 12 concerning mortuaries and crematories; and~~

SECTION 5. In Colorado Revised Statutes, 12-20-406, **repeal** (2)(b)(III) as follows:

12-20-406. Injunctive relief. (2) (b) Subsection (2)(a) of this section does not apply to the following:

- (III) ~~Article 135 of this title 12 concerning mortuaries and crematories;~~

SECTION 6. In Colorado Revised Statutes, 12-135-110, **amend** (3) introductory portion, (3)(d), (3)(e), and (4); and **add** (3)(f) as follows:

12-135-110. Registration required. (3) Each funeral establishment shall appoint an individual as the designee of the funeral establishment. A designee ~~shall~~ **MUST**:

(d) 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; ~~unless the additional establishment is operated under common ownership and management and no funeral establishment is more than sixty miles from another establishment held under the same ownership conditions.~~ AND

(f) (I) ON OR AFTER JANUARY 1, 2027, BE LICENSED AS A FUNERAL DIRECTOR PURSUANT TO SECTION 12-135-501 AND PART 6 OF THIS ARTICLE 135; OR

(II) ON OR AFTER JANUARY 1, 2027, BE LICENSED AS A MORTUARY SCIENCE PRACTITIONER PURSUANT TO SECTION 12-135-501 AND PART 7 OF THIS ARTICLE 135.

(4) The designee shall require each person employed at the funeral establishment to demonstrate evidence of compliance with ~~section 12-135-111~~ PARTS 5 TO 9 OF THIS ARTICLE 135, AS APPLICABLE. The designee shall retain the records of the evidence of compliance so long as the person is employed at the funeral establishment.

SECTION 7. In Colorado Revised Statutes, 12-135-303, **amend** (4) as follows:

12-135-303. Registration required. (4) The designee shall require each person employed at the crematory to demonstrate evidence of compliance with ~~section 12-135-304~~ PARTS 5 TO 9 OF THIS ARTICLE 135, AS APPLICABLE. The designee shall retain the records of the evidence of compliance so long as the person is employed at the crematory.

SECTION 8. In Colorado Revised Statutes, 12-135-401, **amend** (1) introductory portion, (1)(b), (1)(c), (2), (3)(a), (4), (5), and (6)(a) 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 ~~certified~~ ELECTRONIC mail, a letter of admonition to ~~a funeral establishment or crematory~~ 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 ~~a funeral establishment or crematory~~ THE LICENSEE OR REGISTRANT under the circumstance specified in section 12-20-404 (5); place a ~~registered funeral establishment or crematory~~ THE LICENSEE OR REGISTRANT on probation pursuant to section 12-20-404 (1)(b); or limit the scope of practice of the registration of ~~a funeral establishment or crematory~~ OR LICENSE under this article 135 ~~that~~ IF THE LICENSEE OR REGISTRANT has:

(b) Had a registration OR LICENSE issued by Colorado, or an equivalent license, registration, or certification issued by another state, to practice ~~mortuary science or to embalm or cremate human remains~~ ~~revoked~~ AS DESCRIBED IN SECTIONS 12-135-601, 12-135-701, 12-135-801, AND 12-135-901 REVOKED; or

(c) Violated this article 135, an applicable provision of article 20 of this title 12, or any rule of the director adopted under this article 135 OR COMMITTED AN ACT OR OMISSION SPECIFIED IN SECTION 12-135-508.

(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 ~~funeral establishment, crematory,~~ LICENSEE, THE REGISTRANT, or the designee ~~thereof~~ OF A REGISTRANT has ~~been convicted of a felony related to another activity regulated under this article 135 or a felony of moral turpitude~~ A DISQUALIFYING CRIMINAL HISTORY AS DESCRIBED IN SECTION 12-135-503. The director shall promptly notify the ~~funeral establishment or crematory~~ LICENSEE OR REGISTRANT of the revocation.

(3) (a) The director may investigate the activities of a ~~funeral establishment or crematory~~ 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. The director may contract with a private party to perform an inspection. 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 during business hours.

(4) The director shall keep records of registrations, LICENSES, and disciplinary proceedings. ~~The records kept by the director shall be open to public inspection in a reasonable time and manner determined by the director.~~ 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.

(5) When the director or administrative law judge deems it appropriate and useful, the director or administrative law judge may consult with or obtain a written opinion from an appropriate professional organization or association of businesses ~~who~~ THAT offer services requiring registration OR LICENSURE under this article 135 for the purpose of investigating possible violations or weighing the appropriate standard of care to be applied to specific events or the facts in a hearing being held under this article 135.

(6) (a) The director may promulgate reasonable rules necessary to implement this section, ~~sections 12-135-110, 12-135-111, 12-135-303, and 12-135-304, and this part 4~~ ARTICLE 135.

SECTION 9. In Colorado Revised Statutes, **amend** 12-135-402 as follows:

12-135-402. Fees. The director shall establish and collect the fees for a registration issued under PARTS 1 AND 3 OF this article 135 pursuant to section 12-20-105.

SECTION 10. In Colorado Revised Statutes, **amend** 12-135-404 as follows:

12-135-404. Civil penalty - fines. (1) On motion of the director, the court may impose a civil penalty of not more than one thousand dollars for a violation of PART 1 OR 3 OF this article 135 or a rule promulgated under PART 1 OR 3 OF this article 135.

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

12-135-406. Repeal - subject to review. Sections 12-135-110 ~~12-135-111~~, AND 12-135-303 ~~and 12-135-304~~ and this part 4 are repealed, effective July 1, 2024. 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 12. In Colorado Revised Statutes, 24-34-104, **amend** (25)(a)(XIII); and **add** (32)(a)(XIII) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (25) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2024:

(XIII) The regulation of persons registered to practice mortuary science by ~~sections 12-135-110 and 12-135-111~~ SECTION 12-135-110 and cremation by ~~sections 12-135-303 and 12-135-304~~ SECTION 12-135-303, and the administration thereof in accordance with part 4 of article 135 of title 12, and the regulation of nontransplant tissue banks by section 12-140-103;

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

(XIII) THE REGULATION OF MORTUARY SCIENCE PROFESSIONALS PURSUANT TO PARTS 1, 4, AND 5 TO 9 OF ARTICLE 135 OF TITLE 12.

SECTION 13. Appropriation. (1) For the 2024-25 state fiscal year, \$121,166 is appropriated to the department of regulatory agencies. This appropriation is from the division of professions and occupations cash fund created in section 12-20-105 (3), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$94,013 for use by the division of professions and occupations for personal services, which amount is based on an assumption that the division will require an additional 1.0 FTE;

(b) \$7,950 for use by the division of professions and occupations for operating expenses; and

(c) \$19,203 for the purchase of legal services.

(2) For the 2024-25 state fiscal year, \$19,203 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of regulatory agencies under subsection (1)(c) of this section and is based on an assumption that the department of law will require an additional 0.1 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of regulatory agencies.

SECTION 14. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: May 24, 2024