

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0355.01 Richard Sweetman x4333

HOUSE BILL 25-1217

HOUSE SPONSORSHIP

Soper and Titone,

SENATE SPONSORSHIP

Catlin and Roberts,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROTECTIONS FOR CONSUMERS WHO UTILIZE FUNERAL
102 SERVICES, AND, IN CONNECTION THEREWITH, DISTINGUISHING
103 TRANSPORTATION PROTECTION AGREEMENTS FROM PRENEED
104 CONTRACTS AND ESTABLISHING A VIOLATION UNDER THE
105 "COLORADO CONSUMER PROTECTION ACT" AND UNDER THE
106 "MORTUARY SCIENCE CODE" FOR A FUNERAL DIRECTOR WHO
107 COMMITS THEFT OF A CLIENT'S MONEY.

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>.)

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.

Under current law, a "preneed contract" is a contract, agreement, or mutual understanding, or any security or other instrument that is convertible into a contract, agreement, or mutual understanding, whereby, upon the death of the preneed contract beneficiary, a final resting place, merchandise, or services are provided or performed in connection with the final disposition of the beneficiary's body. The bill states that a preneed contract does not include a transportation protection agreement, which is an agreement that primarily provides for the coordination or arrangement, by a third party that is not a general provider, of services related to:

- The preparation of human remains for the purpose of transportation; or
- The transportation of human remains.

The bill also makes it a deceptive trade practice under the "Colorado Consumer Protection Act" as well as an unlawful act under the "Mortuary Science Code" for a funeral director to commit theft of money that a client paid for funeral services.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-15-102, **amend**
3 (13)(b); and **add** (16.5) as follows:

4 **10-15-102. Definitions.** As used in this article 15, unless the
5 context otherwise requires:

6 (13) (b) "Preneed contract" does not include:

7 (I) A contract for merchandise whereby the buyer takes physical
8 possession of the merchandise at the time of entering into the contract; OR

9 (II) A TRANSPORTATION PROTECTION AGREEMENT.

10 (16.5) "TRANSPORTATION PROTECTION AGREEMENT" MEANS AN
11 AGREEMENT THAT PRIMARILY PROVIDES FOR THE COORDINATION AND
12 ARRANGEMENT, BY A THIRD PARTY THAT IS NOT A GENERAL PROVIDER, OF
13 SERVICES RELATED TO:

14 (a) THE PREPARATION OF HUMAN REMAINS FOR THE PURPOSE OF
15 TRANSPORTATION; OR

1 (b) THE TRANSPORTATION OF HUMAN REMAINS.

2 **SECTION 2.** In Colorado Revised Statutes, **add 6-1-737** as
3 follows:

4 **6-1-737. Funeral directors - theft of client funds - deceptive**
5 **trade practice.** A FUNERAL DIRECTOR, AS DEFINED IN SECTION
6 12-135-103 (15), ENGAGES IN A DECEPTIVE TRADE PRACTICE WHEN THE
7 FUNERAL DIRECTOR COMMITS THEFT, AS DESCRIBED IN SECTION 18-4-401,
8 OF MONEY THAT A CLIENT OR PROSPECTIVE CLIENT HAS PAID TO THE
9 FUNERAL DIRECTOR IN EXCHANGE FOR FUNERAL SERVICES, AS DEFINED IN
10 SECTION 12-135-103 (18).

11 **SECTION 3.** In Colorado Revised Statutes, 6-1-105, **add (1)(iii)**
12 as follows:

13 **6-1-105. Unfair or deceptive trade practices - definitions.**

14 (1) A person engages in a deceptive trade practice when, in the course of
15 the person's business, vocation, or occupation, the person:

16 (iii) VIOLATES SECTION 6-1-737.

17 **SECTION 4.** In Colorado Revised Statutes, 12-135-105, **add**
18 (1)(t) as follows:

19 **12-135-105. Unlawful acts.** (1) It is unlawful:

20 (t) FOR A FUNERAL DIRECTOR TO VIOLATE SECTION 6-1-737.

21 **SECTION 5. Act subject to petition - effective date -**
22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
23 the expiration of the ninety-day period after final adjournment of the
24 general assembly; except that, if a referendum petition is filed pursuant
25 to section 1 (3) of article V of the state constitution against this act or an
26 item, section, or part of this act within such period, then the act, item,
27 section, or part will not take effect unless approved by the people at the

1 general election to be held in November 2026 and, in such case, will take
2 effect on the date of the official declaration of the vote thereon by the
3 governor.

4 (2) This act applies to offenses committed on or after the
5 applicable effective date of this act.