



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1217: FUNERAL SERVICES & CONSUMER PROTECTIONS

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**Prime Sponsors:**

Rep. Soper; Titone  
Sen. Catlin; Roberts

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### Summary Information

**Overview.** The bill provides additional consumer protections regarding funeral service providers.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Revenue
- Minimal State Expenditures

**Appropriations.** No appropriation is required.

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**Table 1**  
**State Fiscal Impacts**

<b>Type of Impact</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

## Summary of Legislation

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The bill specifies that preneed contracts for funeral services do not include transportation protection agreements, and makes theft by funeral directors of money paid by clients for funeral services both a deceptive trade practice and a class 1 misdemeanor.

## Comparable Crime Analysis

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Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

## Prior Conviction Data and Assumptions

This bill creates a new factual basis for the existing offense of unlawful practice of mortuary science, a class 1 misdemeanor, by including theft of client funds. From FY 2021-22 to FY 2023-23, no persons were convicted of unlawful practice of mortuary sciences, and one White female has been sentenced and convicted for unlawful cremation; therefore, the fiscal note assumes that there will continue to be minimal or no additional criminal case filings or convictions for this offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice related revenue or expenditures at the state or local levels, these potential impacts are not discussed further in this fiscal note. Visit [leg.colorado.gov/fiscalnotes](https://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## State Revenue

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Under the Colorado Consumer Protection Act, a person committing a deceptive trade practice may be subject to a civil penalty of up to \$20,000 for each violation. Additional penalties may be imposed for subsequent violations of a court order or injunction. This revenue is classified as a damage award and not subject to TABOR. Given the uncertainty about the number of cases that may be pursued by the Attorney General and district attorneys, as well as the wide range in potential penalty amounts, the fiscal note cannot estimate the potential impact of these civil penalties.

## State Expenditures

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Starting in FY 2025-26, the bill minimally impacts workload in the Department of Law, the Judicial Department, and the Department of Regulatory Agencies as discussed below.

## Department of Law

Workload in the Department of Law will minimally increase to the extent that deceptive trade practice complaints are filed. The department will review complaints under the bill and prioritize investigations as necessary within the overall number of deceptive trade practice complaints and available resources.

## Judicial Department

The trial courts in the Judicial Department may have an increase in cases filed under the Colorado Consumer Protection Act from the addition of a new deceptive trade practice. It is assumed that funeral service providers will abide by the law and that any violation of the legislation will result in minimal number of new cases. The fiscal note assumes that this can be accomplished within existing resources and that no change in appropriations is required.

## Department of Regulatory Agencies

The Department of Regulatory Agencies (DORA) may conduct education and outreach to funeral service providers regarding the bill's requirements and take additional enforcement actions if licensed practitioners violate the provisions of the bill. Additionally, DORA will update policies and procedures regarding preneed contracts to ensure contracts offered by providers comply with the bill's requirements. Overall, the increased workload for these efforts can be accomplished within existing resources. No change in appropriations is required.

## Effective Date

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The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to conduct occurring on or after this date.

## State and Local Government Contacts

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Judicial  
Law

Regulatory Agencies