

## CHAPTER 303

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**PROFESSIONS AND OCCUPATIONS**


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**HOUSE BILL 03-1305**

BY REPRESENTATIVE(S) Stafford, Frangas, Larson, and Stengel;  
also SENATOR(S) Johnson S., Groff, and Hanna.

**AN ACT****CONCERNING STANDARDS OF CONDUCT REGARDING DEAD HUMAN BODIES.**

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

**SECTION 1.** Part 1 of article 54 of title 12, Colorado Revised Statutes, is amended, WITH THE RELOCATION OF PROVISIONS, to read:

**PART 1**  
**MORTUARY SCIENCE CODE**

**12-54-101. Short title.** This part 1 shall be known and may be cited as the "Mortuary Science Code".

**12-54-102. [Formerly 12-54-103] Definitions.** As used in this part 1, unless the context otherwise requires:

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

(2) "CASKET" MEANS A RIGID CONTAINER THAT IS DESIGNED FOR THE ENCASEMENT OF DEAD HUMAN BODIES AND IS ORNAMENTED AND LINED WITH FABRIC.

(3) "CREMATED REMAINS" OR "CREMAINS" MEANS ALL HUMAN REMAINS RECOVERED AFTER CREMATION, INCLUDING PULVERIZATION, THAT LEAVES ONLY BONE FRAGMENTS THAT HAVE BEEN REDUCED TO UNIDENTIFIABLE DIMENSIONS.

(4) "CREMATION" MEANS THE REDUCTION OF A DEAD HUMAN BODY TO ESSENTIAL

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

ELEMENTS THROUGH DIRECT EXPOSURE TO INTENSE HEAT, THE PROCESSING OF THE REMAINS, AND THE PLACEMENT OF THE PROCESSED REMAINS IN A CREMATED REMAINS CONTAINER.

(5) "CREMATORY" MEANS A BUILDING OR STRUCTURE CONTAINING ONE OR MORE CREMATION CHAMBERS OR RETORTS FOR THE CREMATION OF DEAD HUMAN BODIES.

(6) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS CREATED IN SECTION 24-34-102, C.R.S.

~~(7)~~ (7) "EMBALM" OR "EMBALMING" means the disinfection ~~or~~ AND TEMPORARY preservation of dead human bodies by ~~injection or external application of antiseptics, disinfectants, or preservative fluids~~ CHEMICALLY TREATING THE BODY TO REDUCE THE PRESENCE AND GROWTH OF ORGANISMS, TO RETARD ORGANIC DECOMPOSITION, OR TO ATTEMPT RESTORATION OF THE PHYSICAL APPEARANCE.

~~(1.4) to (1.6) Repealed.~~

(8) "EMBALMER" MEANS ANY PERSON WHO EMBALMS A DEAD HUMAN BODY FOR COMPENSATION.

(9) "FINAL DISPOSITION" MEANS THE DISPOSITION OF A DEAD HUMAN BODY BY ENTOMBMENT, BURIAL, CREMATION, OR REMOVAL FROM THE STATE.

(10) "FUNERAL", "FUNERAL SERVICE", OR "FUNERAL CEREMONY" MEANS A SERVICE OR RITE COMMEMORATING THE DECEASED AND AT WHICH SERVICE OR RITE THE BODY OF THE DECEASED IS PRESENT.

(11) "FUNERAL DIRECTOR" MEANS A PERSON WHO, FOR COMPENSATION:

(a) ARRANGES, DIRECTS, OR SUPERVISES FUNERALS, MEMORIAL SERVICES, OR GRAVESIDE SERVICES; OR

(b) PREPARES DEAD HUMAN BODIES FOR FINAL DISPOSITION BY MEANS OTHER THAN EMBALMING.

~~(12)~~ (12) "Funeral establishment" means ~~a mortuary or funeral home~~ EITHER OR BOTH OF THE FOLLOWING:

(a) AN ESTABLISHMENT THAT HOLDS, CARES FOR, OR PREPARES A DEAD HUMAN BODY PRIOR TO FINAL DISPOSITION, INCLUDING, BUT NOT LIMITED TO, A CREMATORY OR EMBALMING ROOM; EXCEPT THAT THIS PARAGRAPH (a) DOES NOT APPLY TO ESTABLISHMENTS IN WHICH INDIVIDUALS REGULARLY DIE; OR

(b) AN ESTABLISHMENT THAT PROVIDES FUNERAL GOODS OR SERVICES TO THE PUBLIC.

~~(3)~~ "Mortuary science practitioner" means ~~one engaged in or holding himself out as being engaged in or conducting embalming or final disposition of dead human bodies.~~

~~(4) and (5) Repealed.~~

(13) "FUNERAL GOODS" MEANS GOODS THAT ARE SOLD OR OFFERED FOR SALE DIRECTLY TO THE PUBLIC FOR USE IN CONNECTION WITH FUNERAL OR CREMATION SERVICES.

(14) "FUNERAL SERVICES" MEANS ANY ONE OR MORE OF THE FOLLOWING:

(a) PREPARATION OF DEAD HUMAN BODIES FOR FINAL DISPOSITION;

(b) ARRANGEMENT, SUPERVISION, OR CONDUCT OF THE FUNERAL CEREMONY OR THE FINAL DISPOSITION OF DEAD HUMAN BODIES; OR

(c) TRANSPORTATION OF DEAD HUMAN BODIES TO OR FROM A FUNERAL ESTABLISHMENT.

(15) "MEMORIAL SERVICE" MEANS A SERVICE OR RITE COMMEMORATING THE DECEASED AND AT WHICH SERVICE OR RITE THE BODY OF THE DECEASED IS NOT PRESENT.

(16) "MORTICIAN" MEANS A PERSON WHO, FOR COMPENSATION:

(a) EMBALMS DEAD HUMAN BODIES;

(b) ARRANGES, DIRECTS, OR SUPERVISES FUNERALS, MEMORIAL SERVICES, OR GRAVESIDE SERVICES; OR

(c) PREPARES DEAD HUMAN BODIES FOR FINAL DISPOSITION.

(17) "NEXT OF KIN" MEANS A FAMILY MEMBER OR MEMBERS OF THE DECEASED WHO, UNDER COLORADO LAW, HAVE LEGAL AUTHORITY OVER THE DISPOSITION OF A DEAD HUMAN BODY.

(18) "PRENEED CONTRACT" MEANS A PRENEED CONTRACT AS DEFINED IN SECTION 10-15-102 (13), C.R.S.

(19) "PREPARATION OF THE BODY" MEANS EMBALMING, WASHING, DISINFECTING, SHAVING, DRESSING, RESTORING, CASKETING, POSITIONING, CARING FOR THE HAIR OF, OR APPLYING COSMETICS TO, A DEAD HUMAN BODY.

(20) "PROCESSING" MEANS THE REMOVAL OF FOREIGN OBJECTS FROM CREMATED REMAINS AND THE REDUCTION OF SUCH REMAINS BY MECHANICAL MEANS TO GRANULES APPROPRIATE FOR FINAL DISPOSITION.

**12-54-103. [Formerly 12-54-108] Funeral establishment.**

~~(1) to (9) Repealed.~~

~~(10) (1) A funeral establishment shall contain at least an office, a preparation room equipped with a tile, cement, or composition floor, adequate necessary drainage, and ventilation, and necessary instruments and supplies for the care, preparation,~~

~~embalming, storage, or refrigeration of dead human bodies for purposes of viewing, burial, transportation, cremation, or other disposition. In addition, each funeral establishment shall contain a broad selection of caskets reflecting a price range sufficient to meet the various financial means of the clientele served or expected to be served by that establishment~~ HAVE THE APPROPRIATE EQUIPMENT AND PERSONNEL TO ADEQUATELY PROVIDE THE FUNERAL SERVICES IT CONTRACTS TO PROVIDE AND SHALL PROVIDE WRITTEN NOTICE TO THE CONSUMER SPECIFYING ANY SUBCONTRACTORS, AGENTS, OR OTHER EQUIPMENT AND PERSONNEL PROVIDERS FOR THE FUNERAL ESTABLISHMENT. SUCH NOTICE SHALL BE GIVEN WHEN THE CONSUMER INQUIRES ABOUT THE GOODS OR SERVICES THE FUNERAL ESTABLISHMENT PROVIDES AND SHALL PROVIDE THE NAMES AND ADDRESSES OF SUCH SUBCONTRACTORS, AGENTS, OR OTHER PROVIDERS; EXCEPT THAT, IF SUCH INQUIRY IS OVER THE TELEPHONE, SUCH WRITTEN NOTICE SHALL BE PROVIDED BEFORE THE CUSTOMER SELECTS GOODS OR SERVICES.

(2) A FUNERAL ESTABLISHMENT SHALL RETAIN ALL DOCUMENTS AND RECORDS CONCERNING THE FINAL DISPOSITION OF A DEAD HUMAN BODY FOR AT LEAST SEVEN YEARS AFTER SUCH DISPOSITION.

~~(11) and (12) Repealed.~~

**12-54-104. [Formerly 12-54-117] Unlawful acts.** (1) It is unlawful:

(a) ~~For any mortuary science practitioner~~ To disinfect or preserve or to make final disposition of a dead human body ~~when any fact within his~~ WITH knowledge ~~or brought to his attention is~~ sufficient to arouse a reasonable suspicion of a crime in connection with the cause of death of the deceased until the permission of the coroner, deputy coroner, or district attorney, if there is no coroner, has been first obtained.

~~(b) to (d) Repealed.~~

~~(e) (b) For any funeral establishment or mortuary science practitioner under this part †~~ To discriminate in services because of race, creed, color, or national origin IN THE PROVISION OF FUNERAL SERVICES.

~~(f) (c) For any public officer or employee, the official of any public institution, OR any hospital, nursing home, physician, or surgeon, FUNERAL DIRECTOR, EMBALMER, MORTICIAN, or any other person having a professional relationship with any THE decedent to send or cause to be sent to any funeral establishment or to any mortuary science practitioner the remains of any deceased person for preparation of the body for permanent disposition without having first made a diligent inquiry as to the desires of the next of kin. In the absence of any next of kin or authorized representative, disposition shall be as reflected in hospital records. If any such kin is found, his authority and directions shall govern~~ APPROVE OR CAUSE THE FINAL DISPOSITION OF A DEAD HUMAN BODY IN VIOLATION OF THIS ARTICLE.

~~(g) (d) For any company, corporation, or association engaged in the business of paying for or otherwise providing death benefits, funerals, or other methods of disposition for deceased members or certificate or policy holders to pay or provide those benefits by contract or otherwise in any manner which may deprive the next-of-kin or legal representative the right to use those benefits or payments at any~~

~~funeral establishment of his choice;~~ FOR A PERSON IN THE BUSINESS OF PAYING FOR OR PROVIDING DEATH BENEFITS, FUNERALS, FUNERAL CEREMONIES, FINAL DISPOSITIONS, OR PRENEED CONTRACTS TO PAY OR PROVIDE 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 HIS OR HER CHOICE.

~~(h)~~ (e) For ~~any mortuary science practitioner or anyone acting for him~~ A FUNERAL DIRECTOR, MORTICIAN, EMBALMER, OR FUNERAL ESTABLISHMENT OR SUCH PERSON'S AGENT to ~~have any part in a transaction or business which in any way~~ ENGAGE IN A BUSINESS PRACTICE THAT interferes with the freedom of choice of the general public to choose a ~~mortuary science practitioner~~ FUNERAL DIRECTOR, MORTICIAN, EMBALMER, or to choose a funeral establishment.

~~(h.1)~~ (f) For ~~any mortuary science practitioner who is also~~ a county coroner to ~~direct business to his funeral establishment except as provided in~~ VIOLATE section 30-10-619, C.R.S.

~~(i)~~ (g) To transport or otherwise transfer by common carrier ~~any~~ A dead human body unless: ~~said body has been prepared by a mortuary science practitioner, except for transport or transfer to a mortuary science practitioner within the state of Colorado;~~

(I) A FUNERAL DIRECTOR OR EMBALMER HAS EMBALMED OR HERMETICALLY SEALED THE BODY FOR TRANSPORTATION AND COMPLIES WITH APPLICABLE COMMON CARRIER LAW; OR

(II) THE TRANSPORT OR TRANSFER IS TO A FUNERAL ESTABLISHMENT, FUNERAL DIRECTOR, OR EMBALMER WITHIN THE STATE OF COLORADO.

~~(j) and (k) Repealed.~~

(h) FOR A FUNERAL DIRECTOR, MORTICIAN, OR EMBALMER TO ADVERTISE AS HOLDING A DEGREE OR DEGREE IN MORTUARY SCIENCE, CERTIFICATE OF REGISTRATION, PROFESSIONAL LICENSE, OR PROFESSIONAL CERTIFICATION ISSUED BY A STATE, POLITICAL SUBDIVISION, OR AGENCY UNLESS THE PERSON HOLDS SUCH DEGREE, REGISTRATION, LICENSE, OR CERTIFICATION AND IT IS CURRENT AND VALID AT THE TIME OF ADVERTISEMENT. IF A FUNERAL DIRECTOR, MORTICIAN, OR EMBALMER ADVERTISES AS HOLDING A CREDENTIAL GRANTED BY A GOVERNMENTAL ENTITY, SUCH PERSON SHALL IDENTIFY THE JURISDICTION THAT GRANTED SUCH CREDENTIAL IN SUCH ADVERTISEMENT.

~~(i)~~ (i) For ~~any mortuary science practitioner~~ AN EMBALMER, FUNERAL DIRECTOR, OR MORTICIAN to admit or permit any person to visit the embalming or preparation room during the time such body is being embalmed or prepared for final disposition, unless such person:

(I) Is a ~~mortuary science practitioner~~ FUNERAL DIRECTOR OR EMBALMER;

(II) Is an authorized employee of a funeral establishment; ~~or~~

(III) Has the written consent of the next of kin of such deceased person or of a

person having legal authority to give such permission in the absence of any next of kin;

~~(IV) unless such admission is by virtue of an order of a proper court or a public officer~~ ENTERS BY ORDER OF A COURT OF COMPETENT JURISDICTION OR A PEACE OFFICER LEVEL I, Ia, II, III, OR IIIa;

(V) IS A STUDENT ENROLLED IN A MORTUARY SCIENCE PROGRAM;

(VI) IS A REGISTERED OR LICENCED NURSE; OR

(VII) IS A LICENSED PHYSICIAN OR SURGEON.

~~(m)~~ (j) To refuse to properly and promptly release a dead human body to the custody of the person ~~or entity~~ who has the legal right to effect such release whether or not any costs have been paid.

~~(n)~~ (k) To ~~inform any~~ TELL A person that a casket is required when the expressed wish is for immediate cremation.

~~(o)~~ (l) To embalm OR CREMATE a ~~deceased~~ DEAD human body without ~~first having obtained~~ OBTAINING permission from a ~~family member or other authorized person~~ THE PERSON WITH THE RIGHT OF FINAL DISPOSITION UNLESS OTHERWISE REQUIRED BY SECTION 12-54-105.

~~(p)~~ (m) To prohibit, hinder, or restrict or to attempt to prohibit, hinder, or restrict THE FOLLOWING:

(I) The offering or advertising of immediate cremation, advance funeral arrangements, or low-cost funerals;

(II) Arrangements between memorial societies and funeral industry members; ~~and~~ OR

(III) ~~The disclosure of~~ A FUNERAL SERVICE INDUSTRY MEMBER FROM DISCLOSING accurate information concerning funeral merchandise and services. ~~by any funeral service industry member.~~

**12-54-105. [Formerly 12-54-111] Embalming or refrigeration of bodies required.**

~~(1) and (2) Repealed.~~

~~(3)~~ All dead human bodies kept more than twenty-four hours AFTER DEATH before final ~~disposal~~ DISPOSITION shall be embalmed or shall be properly refrigerated. ~~A dead human body which is properly interred or cremated within twenty-four hours of death shall not be subject to this part 1.~~

**12-54-106. [Formerly 12-54-120] Consumer protection.** (1) ~~The personnel~~ of A funeral establishment whose services are ~~desired~~ PURCHASED shall make every reasonable attempt to fulfill the EXPRESSED needs and desires of the ~~deceased and the~~

~~arrangers both as to services and merchandise~~ PERSON WITH THE RIGHT OF FINAL DISPOSITION, and SHALL MAKE a full disclosure of all its available services and merchandise ~~shall be made~~ to the arrangers prior to selection of the casket.

(2) Before a person selects the funeral, ~~the personnel of the funeral establishment~~ shall provide a written itemized list of ~~what is included in the funeral as well as the~~ prices of all available merchandise and individual services at that ~~mortuary~~ FUNERAL ESTABLISHMENT. Full disclosure shall also be made in the case of a memorial service and as to use of funeral merchandise and facilities. ~~applicable thereto~~. In no event shall such person be required to purchase services or products contained on the itemized list ~~which~~ THAT are not desired for the funeral unless such services or goods are required by law.

(3) Any statements of legal OR PRACTICAL requirements shall be complete and ~~factual, as well as statements as to~~ ACCURATE, INCLUDING the conditions under which embalming is required or advisable. Representations as to the use OR NECESSITY of a casket or ~~other receptacle and the necessity if any, of an interment receptacle,~~ ALTERNATIVE CONTAINER in connection with a funeral or ~~an alternate thereto or~~ ALTERNATIVES for final disposition shall be truthful and shall disclose all pertinent information.

(4) When quoting funeral prices, either orally, by use of a disclosure statement, or by a final bill, the funeral establishment ~~through its authorized representative,~~ shall only list those items as cash advances or accommodation items ~~which~~ THAT are paid for or could be paid for by the ~~family~~ NEXT OF KIN in the same amount ~~which~~ THAT is paid by the funeral home.

~~(5) Repeated:~~

**12-54-107. [Formerly 12-54-118] Violations and penalties.** Any ~~violation of~~ ~~any of~~ PERSON WHO VIOLATES the provisions of this part 1 is GUILTY OF a misdemeanor and, upon conviction, ~~thereof, the person so convicted~~ shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than twenty-four months or by both such fine and imprisonment.

**12-54-108. [Formerly 12-54-119] Exceptions - safe harbor.** (1) ~~No provision of~~ This part 1 shall NOT apply to, or in any way interfere with, the duties of ~~any~~ THE FOLLOWING PERSONS:

(a) AN officer of ~~any~~ A public institution;

(b) ~~nor with the duties of any~~ AN officer of a medical college, county medical society, anatomical association, OR college of embalming; or

(c) ~~any other recognized~~ A person ~~in carrying out the provisions of the sections of the statutes of the state of Colorado, prescribing the conditions under which indigent dead human bodies are held subject for scientific or anatomical study~~ ACTING UNDER THE AUTHORITY OF PART 2 OF ARTICLE 34 OF THIS TITLE.

(2) (a) This part 1 shall not apply to, nor in any way interfere with, any custom or rite of any religious sect in the burial of its dead, and the members and followers of

such religious sect may continue to care for, prepare, and bury the bodies of deceased members of such religious sect, free from any term or condition, or any provision of this part 1, and ~~the persons caring for and preparing for disposal of such bodies need not be mortuary science practitioners and~~ are not subject to this part 1, SO LONG AS THE DEAD HUMAN BODY IS REFRIGERATED, FROZEN, EMBALMED, INTERRED, OR CREMATED WITHIN SEVEN DAYS AFTER DEATH.

(b) IF A DEAD HUMAN BODY IS REFRIGERATED OR EMBALMED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE BODY SHALL BE INTERRED, FROZEN, OR CREMATED WITHIN THIRTY DAYS AFTER DEATH UNLESS THE CORONER AUTHORIZES OTHERWISE IN WRITING. THE CORONER SHALL NOT PERMIT AN EXCEPTION TO THIS PARAGRAPH (b) UNLESS THE APPLICANT CAN DEMONSTRATE A LEGITIMATE DELAY CAUSED BY UNFORSEEN UNCONTROLLABLE CIRCUMSTANCES OR BY A CRIMINAL INVESTIGATION.

(c) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION (2), UPON THE RECEIPT OF EVIDENCE THAT THE DEAD HUMAN BODY LIKELY CONTAINED A SERIOUS CONTAGIOUS DISEASE, THE STATE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE STATE BOARD OF HEALTH, OR A LOCAL DEPARTMENT OF HEALTH MAY ISSUE AN ORDER OVERRULING THIS SUBSECTION (2).

(3) Any person who provides the sole service of selling or offering for sale caskets shall not be subject to the provisions of this article.

(4) IF A FUNERAL DIRECTOR OR EMBALMER HAS ACTED IN GOOD FAITH, THE FUNERAL DIRECTOR OR EMBALMER MAY RELY ON A SIGNED STATEMENT FROM A PERSON WITH THE RIGHT OF FINAL DISPOSITION UNDER SECTION 12-34-302 THAT:

(a) THE PERSON KNOWS OF NO DOCUMENT EXPRESSING THE DECEASED'S WISHES FOR FINAL DISPOSITION THAT QUALIFIES TO DIRECT THE FINAL DISPOSITION UNDER SECTION 12-34-303;

(b) THE PERSON HAS MADE A REASONABLE EFFORT, AS DEFINED IN SECTION 12-34-301 (6), TO CONTACT EACH PERSON WITH THE RIGHT OF FINAL DISPOSITION AND TO LEARN HIS OR HER WISHES; AND

(c) THE PERSON KNOWS OF NO OBJECTIONS TO THE FINAL DISPOSITION.

(5) (a) A FUNERAL DIRECTOR OR EMBALMER MAY DISPOSE OF CREMATED REMAINS AT THE EXPENSE OF THE PERSON WITH THE RIGHT OF FINAL DISPOSITION THREE HUNDRED SIXTY-FIVE DAYS AFTER CREMATION IF THE FUNERAL DIRECTOR HAS GIVEN CLEAR PRIOR NOTICE OF THIS PROVISION AND HAS GIVEN SUCH PERSON A REASONABLE OPPORTUNITY TO COLLECT THE CREMATED REMAINS, IF THE FUNERAL DIRECTOR OR EMBALMER RECORDS THE EXACT LOCATION OF THE DISPOSITION AND THE COSTS ASSOCIATED WITH THE DISPOSITION AND THE RECOVERY OF THE CREMATED REMAINS IS POSSIBLE. RECOVERY OF COSTS SHALL BE LIMITED TO A REASONABLE AMOUNT OF THE COSTS ACTUALLY EXPENDED BY THE FUNERAL DIRECTOR.

(b) IF THE PERSON WAS CREMATED PRIOR TO JULY 1, 2003, AND THE FUNERAL DIRECTOR REASONABLY ATTEMPTS TO NOTIFY THE PERSON WITH THE RIGHT OF FINAL DISPOSITION OF THE PROVISIONS OF THIS SUBSECTION (5), THE FUNERAL DIRECTOR

MAY DISPOSE OF CREMATED REMAINS IN ACCORDANCE WITH THIS SUBSECTION (5) NOTWITHSTANDING A FAILURE TO PROVIDE THE NOTICE OF THE PROVISIONS OF THIS SUBSECTION (5) TO THE PERSON WITH THE RIGHT OF FINAL DISPOSITION PRIOR TO DISPOSING OF THE REMAINS.

**12-54-109. Effect of criminal charges.** A PERSON WHO HAS BEEN ARRESTED ON SUSPICION OF HAVING COMMITTED, IS CHARGED WITH, OR HAS BEEN CONVICTED OF, ANY FELONY OFFENSE SPECIFIED IN PART 1 OF ARTICLE 3 OF TITLE 18, C.R.S., INVOLVING THE DEATH OF THE DECEASED PERSON SHALL NOT DIRECT THE FINAL DISPOSITION OF THE DECEASED PERSON OR ARRANGE THE CEREMONIES FOR THE DECEASED PERSON. IF CHARGES ARE NOT BROUGHT, CHARGES ARE BROUGHT BUT DISMISSED, OR THE PERSON CHARGED IS ACQUITTED OF THE ALLEGED CRIME BEFORE FINAL DISPOSITION OF THE DECEASED PERSON'S BODY, THIS SECTION SHALL NOT APPLY.

**SECTION 2. Repeal of provisions not being relocated in this act.** 12-54-102, Colorado Revised Statutes, is repealed.

**SECTION 3. Repeal.** 12-34-108 (5), Colorado Revised Statutes, is repealed as follows:

~~**12-34-108. Rights and duties at death.** (5) In the case of a gift of an eye as provided for in this part 1, a mortuary science practitioner as defined in part 1 of article 54 of this title who has successfully completed a course in eye enucleation and has received a certificate of competence from the department of ophthalmology of the university of Colorado school of medicine or who has successfully completed a similar course elsewhere may enucleate eyes for such gift, without charge to the estate or family of the donor, after the proper certification of death by a physician and compliance with any other requirements of this part 1 in relation to such gift.~~

**SECTION 4.** 26-2-129 (2) (g), Colorado Revised Statutes, is amended to read:

**26-2-129. Funeral - burial - cremation expenses - death reimbursement.** (2) For purposes of this section, unless the context otherwise requires:

(g) ~~"Mortuary science practitioner" has the same meaning as such term is defined in section 12-54-103 (3), C.R.S.~~ MEANS ONE ENGAGED IN, OR HOLDING HIMSELF OR HERSELF OUT AS BEING ENGAGED IN OR CONDUCTING, EMBALMING OR FINAL DISPOSITION OF DEAD HUMAN BODIES.

**SECTION 5.** 30-10-619 (1), Colorado Revised Statutes, is amended to read:

**30-10-619. Conflicts of interest of county coroners.** (1) A coroner who owns, operates, is employed by, or otherwise has an interest in a funeral establishment ~~as defined in section 12-54-103 (2), C.R.S.~~, is deemed to have a conflict of interest and shall not direct business to such establishment when performing his OR HER duties under this part 6.

**SECTION 6.** 12-54-117 (2), Colorado Revised Statutes, as enacted by Senate Bill 03-038, enacted at the First Regular Session of the Sixty-Fourth General Assembly, is amended, WITH THE RELOCATION OF A PROVISION, WITH

AMENDMENTS, to read.

**12-54-104. [Formerly 12-54-117] Unlawful acts.** (2) For purposes of this section only, "next of kin" ~~"kin", or "family member"~~ shall not include any person who is arrested on suspicion of having committed, is charged with, or has been convicted of, any felony offense specified in part 1 of article 3 of title 18, C.R.S., involving the death of the ~~decedent~~ DECEASED PERSON. IF CHARGES ARE NOT BROUGHT, CHARGES ARE BROUGHT BUT DISMISSED, OR THE PERSON CHARGED IS ACQUITTED OF THE ALLEGED CRIME BEFORE FINAL DISPOSITION OF THE DECEASED PERSON'S BODY, THIS SUBSECTION (2) SHALL NOT APPLY.

**SECTION 7. Effective date - applicability.** (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect July 1, 2003, and shall apply to acts performed, committed, or occurring on or after said date.

(2) Section 6 of this act shall only take effect if Senate Bill 03-038 is enacted at the First Regular Session of the Sixty-Fourth General Assembly and becomes law.

**SECTION 8. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 22, 2003