

I respectfully request that the Committee delay or amend HB26-1258.

I am a prospective funeral home applicant who has engaged with DPO extensively on the standard now being codified. Recent CORA records indicate that DPO has already enforced a requirement that funeral homes must “directly provide” services and maintain associated equipment and facilities, long before HB26-1258 was introduced. This requirement has been used to deny eligibility to myself and others for at least ten months, and has been used pre-emptively in recent weeks to threaten registration suspensions before HB26-1258 even passes.

However, there is no clear statutory, regulatory, or public guidance defining what “directly provide” means in practice or what specific equipment is required. I have attempted to seek clarification innumerable times and have escalated this to Director Patty Salazar, but clear explanations were denied.

DPO claims the 2024 sunset bill implemented this standard, but Article 135 and all regulations contain no such requirement. If they did, this bill wouldn't be necessary. This is effectively a "rule" under the Administrative Procedure Act, but it has never been promulgated, considered, or discussed by the industry or reviewed by the OLLS.

At the same time, public registration data makes it unclear how "direct provision" is equally enforced. Larger corporations routinely operate arrangement-only subsidiaries that rely on centralized facilities, especially without clear statutory frameworks defining registration. This bill risks codifying unfair market conditions for conglomerates and incumbents, while new independent models are barred.

This approach is unlike any other state with minimums; others unambiguously define any required facilities and services.

HB26-1258 introduces terms like “directly provide” without clear explanation, despite carrying significant implications. All equipment poses high capital expenses, likely in the hundreds of thousands of dollars. Yet, this does not reflect reality. Many services, such as arrangements and memorials, do not require on-site equipment. Even DPO's own staff warned in internal emails that this interpretation poses major risks to the industry.

There is no clear public safety benefit, but significant risks to small businesses. I respectfully request you ask DORA what the standard is, await industry input, make necessary amendments, and implement any major changes under sunset review to allow for proper input and review.

Dear Colorado Legislators:

We are writing to you as the Funeral Consumer Society of Colorado to express our urgent concerns regarding HB 26-1258, "Changes to Practices Relating to Death."

FCSC is a non-profit organization whose mission is to be a free educational resource dedicated to protecting consumers' rights to make meaningful, affordable choices when a loved one has died.

FCSC supports tightening regulations on funeral homes to prevent any future occurrences such as the appalling and traumatic discovery of bodies at *Return to Nature Funeral Home* and other instances of the mishandling of remains. We support most of the changes that were made in the last legislative session.

Although HB 26-1258 has many policy changes that are laudable, we want to call your attention to several issues. We are deeply concerned that the current language of the bill will directly harm Colorado families by increasing funeral costs and severely limiting consumer rights in multiple ways.

Specifically, the proposed licensure and regulatory requirements may impact consumers in the following ways:

- **Increased Financial Burden to Consumers:**
The rigorous new educational and facility requirements will lead to higher overhead for funeral homes. These costs will inevitably be passed down to grieving families, making end-of-life care less affordable or completely unaffordable for many Coloradans. Smaller, independent, less expensive mortuaries may struggle to meet these new mandates, forcing them out of business and leading to an industry primarily run by larger corporate entities with higher price points. Fewer providers will mean less price competition, fewer personalized service options, and considerably higher prices for consumers.
- **Barriers to Financial Assistance for Low-Income Families:** With increased funeral costs there will be fewer providers that will be able to work within the limitations of any possible County and State financial assistance, putting an additional burden on families with limited financial means.
- **Families will lose the right to have "Home Funerals" unless done under the supervision of a funeral home.** After a death, families have been legally allowed to take their loved ones home to conduct a "home funeral." They are currently not required to hire a funeral home or to pay for those services. As you know, Colorado law does not require that a funeral home be hired to provide services after a death, and many people would prefer not to go that costly route. **However, under HB 26-1258, a home funeral would now be illegal.** Consumers would have to pay a funeral establishment to supervise a home funeral, even though the funeral establishment would --- under this legislation -- not be required to participate in the funeral.

Often, friends and family will gather for a funeral service officiated by a death doula, a friend, a religious or spiritual leader, or someone trained to be a funeral officiant. This would no longer be possible without the additional cost of the requirement to be supervised by a funeral home.

- **Elimination of the Right of Consumers to Purchase Funeral Goods Directly From A Manufacturer:** The bill seems to preclude individuals from manufacturing and selling funeral goods directly to the public. Under Section “**12-135-110**”, only funeral establishments shall be able “to sell or offer to sell funeral goods and services to the public.” In other words, urn makers or casket makers or other manufacturers and entrepreneurs could not sell their products directly to the public. Selling of such goods would only be allowed by funeral establishments! This would also mean that a celebrant could not offer their services unless they were affiliated with a funeral establishment.
- **Death Certificate Limitations:** By strictly limiting who can handle death certificates and remains, the bill may limit a family’s right to choose the lower-cost alternative of a home funeral. Filing a death certificate has always been a right of a family member acting as funeral director when choosing a home funeral.
- **Changes to Transportation Rules:** Families will lose their legal rights when it comes to personal transportation of a loved one, for example, transporting their loved one for final disposition, or to a tribal burial ground, etc. The right to transport the body of a deceased loved one has always been part of a family member’s right to act as funeral director.
- **Additional Emotional and Financial Strain due to Administrative Delays:** Increased bureaucracy in the death certificate process can lead to emotional and financial strain for families waiting to settle estates or access life insurance benefits.

At its core, this legislation risks replacing a system that allows for personal choice, cultural traditions, and affordability with one that is more restrictive, more costly, and less responsive to the needs of Colorado families. Grieving individuals should not be compelled into higher expenses or stripped of their longstanding rights at one of life’s most vulnerable moments. We respectfully urge you to amend HB 26-1258 to preserve consumer choice, protect access to home funerals, and ensure that funeral goods and services remain accessible beyond a single, consolidated industry channel. Colorado families deserve both protection *and* the freedom to make meaningful, affordable decisions.

Thank you for your time and for considering the impacts of this bill on your constituents.

Sincerely,

Susan Mackey, Board President

On behalf of the Board of Directors of the Funeral Consumer Society of Colorado

Senate Business, Labor, & Technology

03/31/2026

HB26-1258 Changes to Practices Relating to Death

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Jill Smith Against themselves	<p>I am Jill Smith - I oppose this bill.</p> <p>I am a Colorado funeral professional. Mine is a family of morticians (4th generation). I graduated from mortuary school (valedictorian), worked as an intern, apprentice, and licensed FSP. Having passed the Nat'l Conf. Boards (Arts & Sciences), state licensure in another state, I worked most aspects of this profession, for family-owned businesses, as well as national corporate entities, in both full-service and cremation-only roles. I feel I have insight into the demands FSPs meet and our desire to fulfill needs of those who come to us during difficult times.</p> <p>I urge you to look more closely into HB26-1258, seemingly arbitrary requirements which do not seem well-supported, the potential ramifications into the way our industry operates and potential negative impacts. Before voting blanket approval, consider a more comprehensive approach, even examining how other states handle similar issues and including input from those of us who work daily in this field. Funeral service is a very personal endeavor. To the best of our ability, it means meeting each new situation and the culmination of family values, history, belief systems and financial concerns. Our industry is far from a one-size fits all assembly-line approach. Our industry offers elaborate events with embalming, varying types of services, to direct burials or cremations - each has different requirements for the handling of the body, hence varying internal professions - arrangers, embalmers, cosmetologists, transporters, cremationists. This bill ties the hands of service providers with unnecessary burdens potentially impacting their ability to operate, possibly passing increased expenses to families who, especially in this economy, can ill afford higher cost burdens in after-death arrangements.</p>

	<p>In mortuary school, we examined the Colorado case of Cleere v. Bullock, settled by the Colorado Supreme Court in 1961. While about FSP licensure, in the end the Court found the state had overstepped reasonable regulatory oversight by inhibiting Glenna Bullock's professional ability as an FH owner with unnecessary regulatory requirements.</p> <p>FSPs are proud of our role in peoples lives. The legislature needs to take the lead, develop a well-explored path of our industry, where legislation approved should be transparent & reasonable, not arbitrary & unnecessary, avoiding punitive regulations over funeral homes w/unforeseen negative financial impacts for the public we both serve.</p>
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