

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0082.02 Jery Payne

HOUSE BILL 09-1202

HOUSE SPONSORSHIP

Todd, Benefield, Middleton, Ryden

SENATE SPONSORSHIP

(None),

House Committees

Business Affairs and Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF PERSONS WHO PROVIDE FOR THE**
102 **FINAL DISPOSITION OF DEAD HUMAN BODIES IN THE NORMAL**
103 **COURSE OF BUSINESS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires funeral establishments and crematories to be registered. Requires that a designee be appointed to ensure compliance with the mortuary science code. Sets standards for registration.

Prohibits using the following titles unless the person meets the following qualifications:

! A mortuary science practitioner requires a mortuary science

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

degree, passing the national board examination, and 2,000 hours of experience in the field;

! A funeral director requires 2,000 hours of experience and 50 funerals or graveside services directed;

! An embalmer requires 4,000 hours of experience and the embalming of at least 50 dead human bodies;

! A cremationist requires 500 hours of experience and the cremation of 100 dead human bodies.

Authorizes the executive director of the department of regulatory agencies (director) to discipline registrants for:

! Misstatements or omitted disclosures on an application;

! Being disciplined within the last 2 years in any state;

! Negligently violating the mortuary science code;

! Failing to comply with the standards of practice; or

! A pattern of unprofessional acts.

Requires disciplinary hearings to be conducted in accordance with the "State Administrative Procedure Act". Authorizes the director to investigate potential violations, administer oaths, issue subpoenas, and hear witnesses. Authorizes revocation and cease-and-desist orders. Allows the director to obtain a consultation or opinion from an appropriate professional organization or association of persons.

Grants the director rule-making authority. Grants the director fee-setting authority to offset the costs of implementing the act.

Authorizes the director to forward complaints to the district attorney, or to any government law enforcement agency, for prosecution. Authorizes the director to seek injunctions and contempt orders to enforce the act.

Establishes a sunset and review date of July 1, 2015.

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

2 **SECTION 1.** The introductory portion to 12-54-102, 12-54-102
3 (4), (8), and (12), the introductory portion to 12-54-102 (14), and
4 12-54-102 (14) (a) and (16), Colorado Revised Statutes, are amended, and
5 the said 12-54-102 is further amended BY THE ADDITION OF THE
6 FOLLOWING NEW SUBSECTIONS, to read:

7 **12-54-102. Definitions.** As used in this part ~~of~~ ARTICLE, unless the
8 context otherwise requires:

9 (4) "Cremation" OR "CREMATE" means the reduction of a dead

1 human body to essential elements through direct exposure to intense heat,
2 the processing of the remains, and the placement of the processed remains
3 in a cremated remains container.

4 (4.5) "CREMATION CONTAINER" MEANS A CONTAINER IN WHICH
5 THE DEAD HUMAN BODY IS TRANSPORTED TO THE CREMATORY AND
6 INTENDED TO BE PLACED IN THE CREMATION CHAMBER.

7 (4.7) "CREMATIONIST" MEANS A PERSON WHO CREMATES OR
8 PREPARES FOR CREMATION A DEAD HUMAN BODY.

9 (5.5) "DESIGNEE" MEANS AN INDIVIDUAL DESIGNATED BY A
10 FUNERAL ESTABLISHMENT WHO IS REGISTERED IN ACCORDANCE WITH
11 SECTION 12-54-110 OR 12-54-303.

12 (5.7) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF
13 REGISTRATIONS OR THE DIRECTOR'S DESIGNEE.

14 (8) "Embalmer" means any person who embalms, OR PREPARES
15 FOR EMBALMING, a dead human body. ~~for compensation.~~

16 (12) "Funeral establishment" means: ~~either or both of the~~
17 ~~following:~~

18 (a) An establishment that holds, cares for, or prepares a dead
19 human body prior to final disposition, including, but not limited to, a
20 crematory or embalming room; except that this paragraph (a) does not
21 apply to establishments in which individuals regularly die; ~~or~~

22 (b) An establishment that provides funeral goods or services to the
23 public; OR

24 (c) FACILITIES USED TO HOLD, CARE FOR, OR PREPARE A DEAD
25 HUMAN BODY PRIOR TO FINAL DISPOSITION; EXCEPT THAT THIS PARAGRAPH
26 (c) DOES NOT APPLY TO FACILITIES IN WHICH INDIVIDUALS REGULARLY DIE.

27 (14) "Funeral services" means: ~~any one or more of the following:~~

1 (a) Preparation of dead human bodies for final disposition;
2 EXCEPT THAT THIS PARAGRAPH (a) DOES NOT APPLY TO CREMATION;

3 (16) "~~Mortician~~" "MORTUARY SCIENCE PRACTITIONER" means a
4 person ~~who for compensation~~, DOES THE FOLLOWING OR OFFERS TO DO
5 THE FOLLOWING:

- 6 (a) Embalms OR CREMATES dead human bodies;
- 7 (b) Arranges, directs, or supervises funerals, memorial services,
8 or graveside services; or
- 9 (c) Prepares dead human bodies for final disposition.

10 [REDACTED]
11 **SECTION 2.** 12-54-104 (1) (c), (1) (e), (1) (g) (I), and (1) (h), the
12 introductory portion to 12-54-104 (1) (i), and 12-54-104 (1) (i) (I), (1) (i)
13 (VI), and (1) (i) (VII), Colorado Revised Statutes, are amended, and the
14 said 12-54-104 (1) (i) is further amended BY THE ADDITION OF THE
15 FOLLOWING NEW SUBPARAGRAPHS, to read:

16 **12-54-104. Unlawful acts.** (1) It is unlawful:
17 (c) For any public officer or employee ~~the official of any public~~
18 ~~institution, or any hospital, nursing home, physician, surgeon, funeral~~
19 ~~director, embalmer, mortician,~~ or any other person having a professional
20 relationship with the decedent to approve or cause the final disposition of
21 a dead human body in violation of this article;

22 (e) For a funeral director, ~~mortician~~ MORTUARY SCIENCE
23 PRACTITIONER, embalmer, ~~or~~ funeral establishment, OR FACILITY IN WHICH
24 PEOPLE REGULARLY DIE or such person's OR FACILITY'S agent to engage
25 in a business practice that interferes with the freedom of choice of the
26 general public to choose a funeral director, ~~mortician~~ MORTUARY SCIENCE
27 PRACTITIONER, embalmer, or funeral establishment;

1 (g) To transport or otherwise transfer by common carrier a dead
2 human body unless:

3 (I) A funeral director, MORTUARY SCIENCE PRACTITIONER, or
4 embalmer has embalmed or hermetically sealed the body for
5 transportation and complies with applicable common carrier law; or

6 ~~(h) For a funeral director, mortician, or embalmer to advertise as~~
7 ~~holding a degree or degree in mortuary science, certificate of registration,~~
8 ~~professional license, or professional certification issued by a state,~~
9 ~~political subdivision, or agency unless the person holds such degree,~~
10 ~~registration, license, or certification and it is current and valid at the time~~
11 ~~of advertisement. If a funeral director, mortician or embalmer advertises~~
12 ~~as holding a credential granted by a governmental entity, such person~~
13 ~~shall identify the jurisdiction that granted such credential in such~~
14 ~~advertisement. TO ADVERTISE AS HOLDING A DEGREE, A CERTIFICATE OF~~
15 ~~REGISTRATION, A PROFESSIONAL LICENSE, OR A PROFESSIONAL~~
16 ~~CERTIFICATION ISSUED BY A STATE, POLITICAL SUBDIVISION, OR AGENCY~~
17 ~~UNLESS THE PERSON HOLDS SUCH DEGREE, REGISTRATION, LICENSE, OR~~
18 ~~CERTIFICATION AND IT IS CURRENT AND VALID AT THE TIME OF~~
19 ~~ADVERTISEMENT;~~

20 (i) For ~~an embalmer,~~ A funeral director, ~~or mortician~~ MORTUARY
21 SCIENCE PRACTITIONER, OR EMBALMER to admit or permit any person to
22 visit the embalming, CREMATION, or preparation room during the time
23 ~~such~~ A body is being embalmed, CREMATED, or prepared for final
24 disposition, unless such person:

25 (I) Is a funeral director, MORTUARY SCIENCE PRACTITIONER,
26 CREMATIONIST, or embalmer;

27 (VI) Is a registered or licensed nurse ~~or~~ WITH A MEDICAL REASON

1 TO BE PRESENT;

2 (VII) Is a licensed physician or surgeon WITH A MEDICAL REASON

3 TO BE PRESENT;

4 (VIII) IS A TECHNICIAN WITH A CERTIFIED ANATOMICAL DONATION

5 ORGANIZATION WHO POSSESSES APPROPRIATE DOCUMENTATION OF A

6 POTENTIAL ORGAN OR TISSUE DONATION; OR

7 (IX) IS THE DIRECTOR OR THE DIRECTOR'S DESIGNEE.

8 **SECTION 3.** 12-54-104 (1), Colorado Revised Statutes, is
9 amended BY THE ADDITION OF THE FOLLOWING NEW
10 PARAGRAPHS to read:

11 **12-54-104. Unlawful acts.** (1) It is unlawful:

12 (n) TO ENGAGE IN WILLFULLY DISHONEST CONDUCT OR COMMIT
13 NEGLIGENCE IN THE PRACTICE OF EMBALMING, FUNERAL DIRECTING, OR
14 PROVIDING FOR FINAL DISPOSITION THAT DEFRAUDS OR CAUSES INJURY OR
15 IS LIKELY TO DEFRAUD OR CAUSE INJURY;

16 (o) TO FAIL TO INCLUDE IN A CONTRACT FOR FUNERAL SERVICES
17 THE FOLLOWING STATEMENT: "INQUIRIES REGARDING YOUR
18 FUNERAL AGREEMENT MAY BE DIRECTED TO THE
19 DEPARTMENT OF REGULATORY AGENCIES", ALONG WITH THE
20 CURRENT ADDRESS OR TELEPHONE NUMBER OF THE DEPARTMENT OF
21 REGULATORY AGENCIES.

22 **SECTION 4.** 12-54-107, Colorado Revised Statutes, is amended
23 to read:

24 **12-54-107. Violations and penalties.** Any person who violates
25 ~~the provisions of~~ this part 1 OR PART 3 OF THIS ARTICLE is guilty of a
26 misdemeanor and, upon conviction, shall be punished by a fine of not
27 more than five thousand dollars or by imprisonment in the county jail for

1 not more than twenty-four months or by both such fine and imprisonment.

2 **SECTION 5.** The introductory portion to 12-54-108 (4) and
3 12-54-108 (5), Colorado Revised Statutes, are amended to read:

4 **12-54-108. Exceptions - safe harbor.** (4) If a funeral director,
5 MORTUARY SCIENCE PRACTITIONER, or embalmer has acted in good faith,
6 the funeral director, MORTUARY SCIENCE PRACTITIONER, or embalmer may
7 rely on a signed statement from a person with the right of final disposition
8 under section 15-19-106, C.R.S., that:

9 (5) (a) A funeral director or ~~embalmer~~ MORTUARY SCIENCE
10 PRACTITIONER may dispose of cremated remains at the expense of the
11 person with the right of final disposition ~~three hundred sixty-five~~ ONE
12 ~~HUNDRED EIGHTY~~ days after cremation if the ~~funeral director~~ has PERSON
13 WAS given clear prior notice of this ~~provision~~ PARAGRAPH (a) and ~~has~~
14 ~~given such person~~ a reasonable opportunity to collect the cremated
15 remains, ~~if the funeral director or embalmer records~~ the exact location of
16 the disposition and the costs associated with the disposition ARE
17 RECORDED, and the recovery of the cremated remains is possible.
18 Recovery of costs shall be limited to a reasonable amount of the costs
19 actually expended by the funeral director OR MORTUARY SCIENCE
20 PRACTITIONER.

21 (b) If the person was cremated prior to July 1, 2003, and the
22 funeral director OR MORTUARY SCIENCE PRACTITIONER reasonably
23 attempts to notify the person with the right of final disposition of the
24 provisions of this subsection (5), the ~~funeral director may dispose of~~
25 cremated remains MAY BE DISPOSED OF in accordance with this subsection
26 (5) notwithstanding a failure to provide the notice of the provisions of this
27 subsection (5) to the person with the right of final disposition prior to

1 disposing of the remains.

2 **SECTION 6.** 15-19-103 (7) (b), Colorado Revised Statutes, is
3 amended to read:

4 **15-19-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (7) (b) "Third party" includes, but is not limited to, a funeral
7 director, ~~mortician~~ MORTUARY SCIENCE PRACTITIONER, mortuary,
8 crematorium, or cemetery.

9 **SECTION 7.** Article 19 of title 15, Colorado Revised Statutes, is
10 amended BY THE ADDITION OF A NEW SECTION, CONTAINING
11 A RELOCATED PROVISION, to read:

12 **15-19-109. [Formerly 12-54-109] Effect of criminal charges.**
13 A person who has been arrested on suspicion of having committed, is
14 charged with, or has been convicted of, any felony offense specified in
15 part 1 of article 3 of title 18, C.R.S., involving the death of the deceased
16 person, shall not direct the final disposition of the deceased person or
17 arrange the ceremonies for the deceased person. If charges are not
18 brought, charges are brought but dismissed, or the person charged is
19 acquitted of the alleged crime before final disposition of the deceased
20 person's body, this section shall not apply.

21 **SECTION 8. Repeal of provision being relocated.** 12-54-109,
22 Colorado Revised Statutes, is repealed.

23 **SECTION 9.** Part 1 of article 54 of title 12, Colorado Revised
24 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
25 SECTIONS to read:

26 **12-54-110. Registration required.** (1) UNLESS PRACTICING AT
27 A REGISTERED FUNERAL ESTABLISHMENT PURSUANT TO THIS SECTION, A

1 PERSON SHALL NOT PRACTICE AS, OR OFFER THE SERVICES OF, A
2 MORTUARY SCIENCE PRACTITIONER, FUNERAL DIRECTOR, OR EMBALMER,
3 NOR SHALL THE FUNERAL ESTABLISHMENT SELL OR OFFER TO SELL
4 FUNERAL GOODS OR SERVICES TO THE PUBLIC.

5 (2) (a) EACH FUNERAL ESTABLISHMENT SHALL REGISTER WITH THE
6 DIRECTOR USING FORMS AS DETERMINED BY THE DIRECTOR. THE
7 REGISTRATION SHALL INCLUDE, WITHOUT LIMITATION, THE FOLLOWING:

8 (I) THE SPECIFIC LOCATION OF THE FUNERAL ESTABLISHMENT;

9 (II) THE FULL NAME AND ADDRESS OF THE DESIGNEE APPOINTED
10 PURSUANT TO SUBSECTION (3) OF THIS SECTION;

11 (III) THE DATE THE FUNERAL ESTABLISHMENT BEGAN DOING
12 BUSINESS; AND

13 (IV) A LIST OF EACH OF THE FOLLOWING SERVICES PROVIDED AT
14 EACH FUNERAL ESTABLISHMENT LOCATION:

15 (A) REFRIGERATING OR HOLDING DEAD HUMAN BODIES;

16 (B) EMBALMING DEAD HUMAN BODIES;

17 (C) TRANSPORTING DEAD HUMAN BODIES TO OR FROM THE
18 FUNERAL ESTABLISHMENT OR THE PLACE OF FINAL DISPOSITION; AND

19 (D) PROVIDING FUNERAL GOODS OR SERVICES TO THE PUBLIC.

20 (b) EACH FUNERAL ESTABLISHMENT REGISTRATION SHALL BE
21 RENEWED, ACCORDING TO A SCHEDULE ESTABLISHED BY THE DIRECTOR,
22 IN A FORM AS DETERMINED BY THE DIRECTOR.

23 (c) IF, AFTER INITIAL REGISTRATION, THE FUNERAL
24 ESTABLISHMENT PROVIDES A SERVICE LISTED IN SUBPARAGRAPH (IV) OF
25 PARAGRAPH (a) OF THIS SUBSECTION (2) THAT WAS NOT INCLUDED IN THE
26 INITIAL REGISTRATION, THE FUNERAL ESTABLISHMENT SHALL SUBMIT AN
27 AMENDED REGISTRATION WITHIN THIRTY DAYS AFTER BEGINNING TO

1 PROVIDE THE NEW SERVICE.

2 (d) IF, AFTER INITIAL REGISTRATION, THE FUNERAL
3 ESTABLISHMENT APPOINTS A NEW DESIGNEE, THE FUNERAL
4 ESTABLISHMENT SHALL SUBMIT AN AMENDED REGISTRATION WITHIN
5 THIRTY DAYS AFTER APPOINTING THE DESIGNEE.

6 (e) THE DIRECTOR MAY ESTABLISH REGISTRATION FEES, RENEWAL
7 FEES, AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO
8 SECTION 24-34-105, C.R.S. IF A FUNERAL ESTABLISHMENT FAILS TO
9 RENEW THE REGISTRATION IN ACCORDANCE WITH THE SCHEDULE
10 ESTABLISHED BY THE DIRECTOR, THE REGISTRATION SHALL EXPIRE.

11 (3) EACH FUNERAL ESTABLISHMENT SHALL APPOINT AN
12 INDIVIDUAL AS THE DESIGNEE OF THE FUNERAL ESTABLISHMENT. A
13 DESIGNEE SHALL:

14 (a) BE AT LEAST EIGHTEEN YEARS OF AGE;

15 (b) HAVE AT LEAST TWO YEARS' EXPERIENCE WORKING FOR A
16 FUNERAL ESTABLISHMENT;

17 (c) BE EMPLOYED BY THE REGISTERED FUNERAL ESTABLISHMENT
18 THAT THE DESIGNEE REPRESENTS;

19 (d) HAVE THE AUTHORITY WITHIN THE FUNERAL ESTABLISHMENT'S
20 ORGANIZATION TO REQUIRE THAT PERSONNEL COMPLY WITH THIS ARTICLE;

21 AND

22 (e) NOT BE DESIGNATED FOR MORE THAN ONE FUNERAL
23 ESTABLISHMENT UNLESS THE ADDITIONAL ESTABLISHMENT IS OPERATED
24 UNDER COMMON OWNERSHIP AND MANAGEMENT AND NO FUNERAL
25 ESTABLISHMENT IS MORE THAN SIXTY MILES FROM ANOTHER
26 ESTABLISHMENT HELD UNDER THE SAME OWNERSHIP CONDITIONS.

27

1 (4) THE DESIGNEE SHALL REQUIRE EACH PERSON EMPLOYED AT
2 THE FUNERAL ESTABLISHMENT TO DEMONSTRATE EVIDENCE OF
3 COMPLIANCE WITH SECTION 12-54-111. THE DESIGNEE SHALL RETAIN THE
4 RECORDS OF SUCH EVIDENCE SO LONG AS THE PERSON IS EMPLOYED AT THE
5 FUNERAL ESTABLISHMENT.

6

7 **12-54-111. Title protection.** (1) A PERSON SHALL NOT
8 ADVERTISE, REPRESENT, OR HOLD ONESELF OUT AS OR USE THE TITLE OF
9 A MORTUARY SCIENCE PRACTITIONER UNLESS THE APPLICANT:

10 (a) HAS AT LEAST TWO THOUSAND HOURS PRACTICING OR
11 INTERNING AS A MORTUARY SCIENCE PRACTITIONER, INCLUDING, WITHOUT
12 LIMITATION, EXPERIENCE IN CREMATION AND EMBALMING;

13 (b) HAS GRADUATED WITH A DEGREE IN MORTUARY SCIENCE FROM
14 A SCHOOL OF HIGHER EDUCATION ACCREDITED BY THE AMERICAN BOARD
15 OF FUNERAL SERVICE EDUCATION OR ITS SUCCESSOR, IF THE SUCCESSOR IS
16 APPROVED BY THE DIRECTOR; AND

17 (c) HAS TAKEN THE MORTUARY SCIENCE TEST, KNOWN AS THE
18 NATIONAL BOARD EXAMINATION, ADMINISTERED BY THE INTERNATIONAL
19 CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS OR ITS SUCCESSOR,
20 IF THE SUCCESSOR IS APPROVED BY THE DIRECTOR, AND RECEIVED A
21 PASSING SCORE.

22 (2) A PERSON SHALL NOT ADVERTISE, REPRESENT, OR HOLD
23 ONESELF OUT AS OR USE THE TITLE OF A FUNERAL DIRECTOR UNLESS THE
24 APPLICANT:

25 (a) HAS AT LEAST TWO THOUSAND HOURS PRACTICING OR
26 INTERNING AS A FUNERAL DIRECTOR; AND

27 (b) HAS DIRECTED AT LEAST FIFTY FUNERALS OR GRAVESIDE

1 SERVICES.

2 (3) A PERSON SHALL NOT ADVERTISE, REPRESENT, OR HOLD
3 ONESELF OUT AS OR USE THE TITLE OF AN EMBALMER UNLESS THE
4 APPLICANT:

5 (a) HAS AT LEAST FOUR THOUSAND HOURS PRACTICING OR
6 INTERNING AS AN EMBALMER; AND

7 (b) HAS EMBALMED AT LEAST FIFTY DEAD HUMAN BODIES.

8 (4) FOR PURPOSES OF THIS SECTION, INTERN OR PRACTICE HOURS
9 FROM COLORADO OR ANY OTHER STATE SHALL MEET THE STANDARDS SET
10 BY THIS SECTION.

11 **12-54-112. Standards of practice - embalming - transporting.**

12 (1) A FUNERAL ESTABLISHMENT THAT PERFORMS EMBALMING SHALL:

13 (a) MAINTAIN A SANITARY PREPARATION ROOM WITH SANITARY
14 FLOORING, DRAINAGE, AND VENTILATION;

15 (b) EMPLOY UNIVERSAL BIOLOGICAL HAZARD PRECAUTIONS;

16 (c) EMPLOY REASONABLE CARE TO MINIMIZE THE RISK OF
17 TRANSMITTING COMMUNICABLE DISEASES FROM DEAD HUMAN BODIES;

18 (d) BE EQUIPPED WITH INSTRUMENTS AND SUPPLIES NECESSARY TO
19 PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND EMPLOYEES OF THE
20 FUNERAL ESTABLISHMENT; AND

21 (e) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
22 MANNER.

23 (2) A FUNERAL ESTABLISHMENT THAT TRANSPORTS DEAD HUMAN
24 BODIES SHALL:

25 (a) USE A MOTOR VEHICLE THAT IS APPROPRIATE FOR THE
26 TRANSPORTATION OF A DEAD HUMAN BODY; AND

27 (b) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY

1 MANNER.

2 (3) A FUNERAL ESTABLISHMENT SHALL REMOVE ANY IMPLANTED
3 DEVICE IN A DEAD HUMAN BODY BEFORE TRANSPORTING THE BODY TO A
4 CREMATORY.

5 **SECTION 10.** Article 54 of title 12, Colorado Revised Statutes,
6 is amended BY THE ADDITION OF THE FOLLOWING NEW PARTS
7 to read:

8 PART 3

9 CREMATION

10 **12-54-301. Unlawful acts.** (1) IT IS UNLAWFUL FOR A
11 CREMATIONIST:

12 (a) TO DISCRIMINATE BECAUSE OF RACE, CREED, COLOR, RELIGION,
13 SEX, MARITAL STATUS, SEXUAL ORIENTATION, OR NATIONAL ORIGIN IN THE
14 PROVISION OF FUNERAL SERVICES;

15 (b) TO APPROVE OR CAUSE THE FINAL DISPOSITION OF A DEAD
16 HUMAN BODY IN VIOLATION OF THIS ARTICLE;

17 (c) TO ENGAGE IN A BUSINESS PRACTICE THAT INTERFERES WITH
18 THE FREEDOM OF CHOICE OF THE GENERAL PUBLIC TO CHOOSE A FUNERAL
19 DIRECTOR, MORTUARY SCIENCE PRACTITIONER, CREMATIONIST,
20 EMBALMER, OR FUNERAL ESTABLISHMENT;

21 (d) TO ADVERTISE AS HOLDING A DEGREE, A CERTIFICATE OF
22 REGISTRATION, A PROFESSIONAL LICENSE, OR A PROFESSIONAL
23 CERTIFICATION ISSUED BY A STATE, POLITICAL SUBDIVISION, OR AGENCY
24 UNLESS THE PERSON HOLDS SUCH DEGREE, REGISTRATION, LICENSE, OR
25 CERTIFICATION AND IT IS CURRENT AND VALID AT THE TIME OF
26 ADVERTISEMENT;

27 (e) TO ADMIT OR PERMIT ANY PERSON TO VISIT THE CREMATORY

1 OR PREPARATION ROOM DURING THE TIME A BODY IS BEING CREMATED OR
2 PREPARED FOR FINAL DISPOSITION UNLESS SUCH PERSON:

3 (I) IS A FUNERAL DIRECTOR, MORTUARY SCIENCE PRACTITIONER,
4 OR CREMATIONIST;

5 (II) IS AN AUTHORIZED EMPLOYEE OF A CREMATORY;

6 (III) HAS THE WRITTEN CONSENT OF THE NEXT OF KIN OF THE
7 DECEASED PERSON OR OF A PERSON HAVING LEGAL AUTHORITY TO GIVE
8 CONSENT IN THE ABSENCE OF ANY NEXT OF KIN;

9 (IV) ENTERS BY ORDER OF A COURT OF COMPETENT JURISDICTION
10 OR A PEACE OFFICER LEVEL I, Ia, II, III, OR IIIa;

11 (V) IS A STUDENT OR INTERN ENROLLED IN A MORTUARY SCIENCE
12 PROGRAM;

13 (VI) IS A REGISTERED OR LICENSED NURSE WITH A MEDICAL
14 REASON TO BE PRESENT;

15 (VII) IS A LICENSED PHYSICIAN OR SURGEON WITH A MEDICAL
16 REASON TO BE PRESENT;

17 (VIII) IS A TECHNICIAN WITH A CERTIFIED ANATOMICAL DONATION
18 ORGANIZATION WHO POSSESSES APPROPRIATE DOCUMENTATION OF A
19 POTENTIAL ORGAN OR TISSUE DONATION; OR

20 (IX) IS THE DIRECTOR OR THE DIRECTOR'S DESIGNEE;

21 (f) TO REFUSE TO PROPERLY AND PROMPTLY RELEASE A DEAD
22 HUMAN BODY TO THE CUSTODY OF THE PERSON WHO HAS THE LEGAL
23 RIGHT TO EFFECT SUCH RELEASE, WHETHER OR NOT ANY COSTS HAVE BEEN
24 PAID, UNLESS THERE IS A GOOD FAITH DISPUTE OVER WHO CONTROLS THE
25 RIGHT OF FINAL DISPOSITION;

26 (g) TO CREMATE A DEAD HUMAN BODY WITHOUT OBTAINING
27 PERMISSION FROM THE PERSON WITH THE RIGHT OF FINAL DISPOSITION;

1 (h) TO PROHIBIT, HINDER, OR RESTRICT, OR ATTEMPT TO PROHIBIT,
2 HINDER, OR RESTRICT, THE FOLLOWING:

3 (I) THE OFFERING OR ADVERTISING OF IMMEDIATE CREMATION,
4 ADVANCE FUNERAL ARRANGEMENTS, LOW-COST FUNERALS, OR LOW-COST
5 CREMATIONS;

6 (II) ARRANGEMENTS BETWEEN MEMORIAL SOCIETIES AND
7 FUNERAL INDUSTRY MEMBERS; OR

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

11 (i) TO CREMATE A DEAD HUMAN BODY IN A FACILITY UNLESS THE
12 FACILITY IS REGISTERED PURSUANT TO SECTION 12-54-303;

13 (j) TO REFUSE TO ACCEPT A DEAD HUMAN BODY THAT IS NOT IN A
14 CASKET OR TO REQUIRE A DEAD HUMAN BODY TO BE PLACED IN A CASKET
15 AT ANY TIME;

16 (k) TO PERFORM SERVICES BEYOND A CREMATIONIST'S
17 COMPETENCY, TRAINING, OR EDUCATION;

18 (l) TO ENGAGE IN WILLFULLY DISHONEST CONDUCT OR COMMIT
19 NEGLIGENCE IN THE PRACTICE OF CREMATION OR PROVIDING FOR FINAL
20 DISPOSITION THAT DEFRAUDS OR CAUSES INJURY OR IS LIKELY TO DEFRAUD
21 OR CAUSE INJURY.

22 (2) FOR PURPOSES OF THIS SECTION ONLY, "NEXT OF KIN" SHALL
23 NOT INCLUDE ANY PERSON WHO IS ARRESTED ON SUSPICION OF HAVING
24 COMMITTED, IS CHARGED WITH, OR HAS BEEN CONVICTED OF, ANY FELONY
25 OFFENSE SPECIFIED IN PART 1 OF ARTICLE 3 OF TITLE 18, C.R.S.,
26 INVOLVING THE DEATH OF THE DECEASED PERSON. THIS SUBSECTION (2)
27 SHALL NOT APPLY IF CHARGES ARE NOT BROUGHT, CHARGES ARE BROUGHT

1 BUT DISMISSED, OR THE PERSON CHARGED IS ACQUITTED OF THE ALLEGED
2 CRIME BEFORE FINAL DISPOSITION OF THE DECEASED PERSON'S BODY.

3 **12-54-302. Exceptions - safe harbor.** (1) IF A CREMATIONIST
4 HAS ACTED IN GOOD FAITH, THE CREMATIONIST MAY RELY ON A SIGNED
5 STATEMENT FROM A PERSON WITH THE RIGHT OF FINAL DISPOSITION UNDER
6 SECTION 15-19-106, C.R.S., THAT:

7 (a) THE PERSON KNOWS OF NO DOCUMENT EXPRESSING THE
8 DECEASED PERSON'S WISHES FOR FINAL DISPOSITION THAT QUALIFIES TO
9 DIRECT THE FINAL DISPOSITION UNDER SECTION 15-19-104, C.R.S.;

10 (b) THE PERSON HAS MADE A REASONABLE EFFORT UNDER SECTION
11 15-19-106, C.R.S., TO CONTACT EACH PERSON WITH THE RIGHT OF FINAL
12 DISPOSITION AND TO LEARN HIS OR HER WISHES; AND

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

15 (2) (a) A CREMATIONIST MAY DISPOSE OF CREMAINS AT THE
16 EXPENSE OF THE PERSON WITH THE RIGHT OF FINAL DISPOSITION ONE
17 HUNDRED EIGHTY DAYS AFTER CREMATION IF THE PERSON WAS GIVEN
18 CLEAR PRIOR NOTICE OF THIS PARAGRAPH (a) AND A REASONABLE
19 OPPORTUNITY TO COLLECT THE CREMAINS, THE EXACT LOCATION OF THE
20 DISPOSITION AND THE COSTS ASSOCIATED WITH THE DISPOSITION ARE
21 RECORDED, AND THE RECOVERY OF THE CREMAINS IS POSSIBLE.
22 RECOVERY OF COSTS SHALL BE LIMITED TO A REASONABLE AMOUNT OF
23 THE COSTS ACTUALLY EXPENDED BY THE CREMATIONIST.

24 (b) IF THE DECEASED WAS CREMATED PRIOR TO JULY 1, 2003, AND
25 THE CREMATIONIST REASONABLY ATTEMPTS TO NOTIFY THE PERSON WITH
26 THE RIGHT OF FINAL DISPOSITION OF THE PROVISIONS OF THIS SUBSECTION
27 (2), THE CREMAINS MAY BE DISPOSED OF IN ACCORDANCE WITH THIS

1 SUBSECTION (2), NOTWITHSTANDING A FAILURE TO PROVIDE THE NOTICE
2 OF THE PROVISIONS OF THIS SUBSECTION (2) TO THE PERSON WITH THE
3 RIGHT OF FINAL DISPOSITION PRIOR TO DISPOSING OF THE REMAINS.

4 (3) (a) THIS PART 3 SHALL NOT APPLY TO, NOR INTERFERE WITH,
5 ANY CUSTOM OR RITE OF A RELIGIOUS SECT IN THE FINAL DISPOSITION OF
6 ITS DEAD, AND THE MEMBERS AND FOLLOWERS OF SUCH RELIGIOUS SECT
7 MAY CONTINUE TO CARE FOR, PREPARE, AND CREMATE THE BODIES OF
8 DECEASED MEMBERS OF THE RELIGIOUS SECT IF THE DEAD HUMAN BODY
9 IS REFRIGERATED, FROZEN, OR CREMATED WITHIN SEVEN DAYS AFTER
10 DEATH.

11 (b) IF A DEAD HUMAN BODY IS REFRIGERATED PURSUANT TO
12 PARAGRAPH (a) OF THIS SUBSECTION (3), THE BODY SHALL BE CREMATED
13 WITHIN THIRTY DAYS AFTER DEATH UNLESS THE CORONER AUTHORIZES
14 OTHERWISE IN WRITING. THE CORONER SHALL NOT PERMIT AN EXCEPTION
15 TO THIS PARAGRAPH (b) UNLESS THE APPLICANT CAN DEMONSTRATE A
16 LEGITIMATE DELAY CAUSED BY UNFORESEEN, UNCONTROLLABLE
17 CIRCUMSTANCES OR BY A CRIMINAL INVESTIGATION.

18 **12-54-303. Registration required.** (1) UNLESS PRACTICING AT
19 A REGISTERED CREMATORY PURSUANT TO THIS SECTION, A PERSON SHALL
20 NOT PRACTICE AS, OR OFFER THE SERVICES OF, A CREMATIONIST, NOR
21 SHALL THE CREMATORY SELL OR OFFER TO SELL FUNERAL GOODS OR
22 SERVICES TO THE PUBLIC.

23 (2) (a) EACH CREMATORY SHALL REGISTER WITH THE DIRECTOR
24 USING FORMS AS DETERMINED BY THE DIRECTOR. THE REGISTRATION
25 SHALL INCLUDE, WITHOUT LIMITATION, THE FOLLOWING:

- 26 (I) THE SPECIFIC LOCATION OF THE CREMATORY;
- 27 (II) THE FULL NAME AND ADDRESS OF THE DESIGNEE APPOINTED

1 PURSUANT TO SUBSECTION (3) OF THIS SECTION;

2 (III) THE DATE THE CREMATORY BEGAN DOING BUSINESS; AND

3 (IV) A LIST OF EACH OF THE FOLLOWING SERVICES PROVIDED AT

4 EACH CREMATORY LOCATION:

5 (A) REFRIGERATING OR HOLDING DEAD HUMAN BODIES;

6 (B) TRANSPORTING DEAD HUMAN BODIES TO OR FROM THE

7 CREMATORY OR THE PLACE OF FINAL DISPOSITION;

8 (C) PROVIDING FUNERAL GOODS OR SERVICES TO THE PUBLIC; AND

9 (D) CREMATING DEAD HUMAN BODIES.

10 (b) EACH CREMATORY REGISTRATION SHALL BE RENEWED, [REDACTED]

11 ACCORDING TO A SCHEDULE ESTABLISHED BY THE DIRECTOR, IN A FORM AS

12 DETERMINED BY THE DIRECTOR.

13 (c) IF, AFTER INITIAL REGISTRATION, THE CREMATORY PROVIDES

14 A SERVICE LISTED IN SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF THIS

15 SUBSECTION (2) THAT WAS NOT INCLUDED IN THE INITIAL REGISTRATION,

16 THE CREMATORY SHALL SUBMIT AN AMENDED REGISTRATION WITHIN

17 THIRTY DAYS AFTER BEGINNING TO PROVIDE THE NEW SERVICE.

18 (d) IF, AFTER INITIAL REGISTRATION, THE CREMATORY APPOINTS

19 A NEW DESIGNEE, THE CREMATORY SHALL SUBMIT AN AMENDED

20 REGISTRATION WITHIN THIRTY DAYS AFTER APPOINTING THE DESIGNEE.

21 (e) THE DIRECTOR MAY ESTABLISH REGISTRATION FEES, RENEWAL

22 FEES, AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO

23 SECTION 24-34-105, C.R.S. IF A CREMATORY FAILS TO RENEW THE

24 REGISTRATION IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE

25 DIRECTOR, THE REGISTRATION SHALL EXPIRE.

26 (3) EACH CREMATORY SHALL APPOINT AN INDIVIDUAL AS THE

27 DESIGNEE OF THE CREMATORY. A DESIGNEE SHALL:

- 1 (a) BE AT LEAST EIGHTEEN YEARS OF AGE;
- 2 (b) HAVE AT LEAST TWO YEARS' EXPERIENCE WORKING FOR A
- 3 CREMATORY;
- 4 (c) BE EMPLOYED BY THE REGISTERED CREMATORY THAT THE
- 5 DESIGNEE REPRESENTS;
- 6 (d) HAVE THE AUTHORITY WITHIN THE CREMATORY'S
- 7 ORGANIZATION TO REQUIRE THAT PERSONNEL COMPLY WITH THIS ARTICLE;
- 8 AND
- 9 (e) NOT BE DESIGNATED FOR MORE THAN ONE CREMATORY UNLESS
- 10 THE ADDITIONAL ESTABLISHMENT IS OPERATED UNDER COMMON
- 11 OWNERSHIP AND MANAGEMENT AND NO CREMATORY IS MORE THAN SIXTY
- 12 MILES FROM ANOTHER ESTABLISHMENT HELD UNDER THE SAME
- 13 OWNERSHIP CONDITIONS.

14 [REDACTED]

15 (4) THE DESIGNEE SHALL REQUIRE EACH PERSON EMPLOYED AT

16 THE CREMATORY TO DEMONSTRATE EVIDENCE OF COMPLIANCE WITH

17 SECTION 12-54-304. THE DESIGNEE SHALL RETAIN THE RECORDS OF SUCH

18 EVIDENCE SO LONG AS THE PERSON IS EMPLOYED AT THE CREMATORY.

19 **12-54-304. Title protection.** A PERSON SHALL NOT ADVERTISE,

20 REPRESENT, OR HOLD ONESELF OUT AS OR USE THE TITLE OF A

21 CREMATIONIST UNLESS THE APPLICANT HAS AT LEAST FIVE HUNDRED

22 HOURS PRACTICING OR INTERNING AS A CREMATIONIST AND HAS

23 CREMATED AT LEAST ONE HUNDRED DEAD HUMAN BODIES.

24 **12-54-305. Records and receipts.** (1) THE CREMATORY SHALL

25 FURNISH TO A PERSON WHO DELIVERS HUMAN REMAINS TO THE

26 CREMATORY A RECEIPT, WHICH SHALL BE SIGNED BY BOTH THE

27 CREMATORY'S REPRESENTATIVE AND THE PERSON WHO DELIVERS THE

1 HUMAN REMAINS. THE CREMATORY SHALL RETAIN A COPY OF THE RECEIPT
2 IN ITS RECORDS PURSUANT TO SUBSECTION (3) OF THIS SECTION. THE
3 RECEIPT SHALL INCLUDE THE FOLLOWING:

4 (a) THE DATE AND TIME OF THE DELIVERY;

5 (b) THE TYPE OF CASKET OR ALTERNATIVE CONTAINER THAT WAS
6 DELIVERED;

7 (c) THE NAME OF THE PERSON WHO DELIVERED THE HUMAN
8 REMAINS;

9 (d) THE NAME OF ANY BUSINESS WITH WHICH THE PERSON
10 DELIVERING THE HUMAN REMAINS IS AFFILIATED;

11 (e) THE NAME OF THE PERSON WHO RECEIVED THE HUMAN
12 REMAINS ON BEHALF OF THE CREMATORY; AND

13 (f) THE NAME OF THE DECEDENT.

14 (2) UPON RELEASE OF CREMAINS, THE CREMATORY SHALL FURNISH
15 TO THE PERSON WHO RECEIVES THE CREMAINS A RECEIPT, SIGNED BY BOTH
16 THE CREMATORY'S REPRESENTATIVE AND THE PERSON WHO RECEIVES THE
17 CREMAINS. THE CREMATORY SHALL RETAIN A COPY OF THE RECEIPT IN ITS
18 RECORDS PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE RECEIPT
19 SHALL INCLUDE THE FOLLOWING:

20 (a) THE DATE AND TIME OF THE RELEASE;

21 (b) THE NAME OF THE PERSON TO WHOM THE CREMAINS WERE
22 RELEASED;

23 (c) THE NAME OF THE PERSON WHO RELEASED THE CREMAINS ON
24 BEHALF OF THE CREMATORY; AND

25 (d) THE NAME OF THE DECEDENT.

26 (3) A CREMATORY SHALL MAINTAIN, FOR AT LEAST FIVE YEARS
27 AND AVAILABLE AT THE REGISTERED LOCATION, A PERMANENT RECORD OF

1 EACH CREMATION OCCURRING AT THE FACILITY AND COPIES OF THE
2 RECEIPTS REQUIRED BY THIS SECTION.

3 **12-54-306. Limited liability.** A CREMATORY SHALL NOT BE
4 LIABLE FOR ANY VALUABLES DELIVERED TO THE CREMATORY IF THE
5 CREMATORY EXERCISED REASONABLE CARE IN HANDLING AND
6 PROTECTING THE VALUABLES.

7 **12-54-307. Standards of practice - cremating.** (1) A
8 CREMATORY SHALL:

9 (a) MAINTAIN A RETORT OR CREMATORY CHAMBER THAT IS
10 OPERATED AT ALL TIMES IN A SAFE AND SANITARY MANNER;

11 (b) EMPLOY REASONABLE CARE TO MINIMIZE THE RISK OF
12 TRANSMITTING COMMUNICABLE DISEASES FROM DEAD HUMAN BODIES;

13 (c) BE EQUIPPED WITH INSTRUMENTS AND SUPPLIES NECESSARY TO
14 PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND EMPLOYEES OF THE
15 CREMATORY; AND

16 (d) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
17 MANNER.

18 (2) (a) A CREMATORY SHALL NOT CREMATE A DEAD HUMAN BODY
19 UNLESS THE CREMATORY HAS OBTAINED A STATEMENT CONTAINING THE
20 FOLLOWING FROM A FUNERAL ESTABLISHMENT, FUNERAL DIRECTOR,
21 MORTUARY SCIENCE PRACTITIONER, OR THE PERSON WITH THE RIGHT OF
22 FINAL DISPOSITION:

23 (I) THE IDENTITY OF THE DECEDENT;

24 (II) THE DATE OF DEATH;

25 (III) AUTHORIZATION TO CREMATE THE DEAD HUMAN BODY;

26 (IV) THE NAME OF THE PERSON AUTHORIZING CREMATION AND AN
27 AFFIDAVIT OR OTHER DOCUMENT IN COMPLIANCE WITH ARTICLE 19 OF

1 TITLE 15, C.R.S., THAT THE AUTHORIZATION COMPLIES WITH ARTICLE 19
2 OF TITLE 15, C.R.S.;

3 (V) A STATEMENT THAT THE DEAD HUMAN BODY DOES NOT
4 CONTAIN AN IMPLANTED DEVICE;

5 (VI) THE NAME OF THE PERSON AUTHORIZED TO RECEIVE THE
6 CREMAINS;

7 (VII) A LIST OF ITEMS DELIVERED TO THE CREMATORY ALONG
8 WITH THE DEAD HUMAN BODY;

9 (VIII) A STATEMENT AS TO WHETHER THE NEXT OF KIN HAS MADE
10 ARRANGEMENTS FOR A VIEWING OR SERVICE BEFORE CREMATION AND THE
11 DATE AND TIME OF ANY VIEWING OR SERVICE;

12 (IX) A COPY OF THE DEATH CERTIFICATE; AND

13 (X) A SIGNATURE OF A REPRESENTATIVE OF ANY FUNERAL
14 ESTABLISHMENT OR THE NEXT OF KIN MAKING ARRANGEMENTS FOR
15 CREMATION THAT THE REPRESENTATIVE HAS NO ACTUAL KNOWLEDGE
16 THAT CONTRADICTS ANY INFORMATION REQUIRED BY THIS PARAGRAPH (a).

17 (b) A PERSON WHO SIGNS THE STATEMENT REQUIRED BY
18 PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL WARRANT THE
19 TRUTHFULNESS OF THE FACTS CONTAINED THEREIN. A PERSON WHO SIGNS
20 THE STATEMENT WITH ACTUAL KNOWLEDGE TO THE CONTRARY SHALL BE
21 CIVILLY LIABLE.

22 (3) (a) THE DEAD HUMAN BODY SHALL BE HELD IN A CREMATION
23 CONTAINER AND SHALL NOT BE REMOVED.

24 (b) THE DEAD HUMAN BODY SHALL BE CREMATED IN A CREMATION
25 CONTAINER.

26 (c) A CREMATION CONTAINER SHALL:

27 (I) BE COMPOSED OF COMBUSTIBLE MATERIALS SUITABLE FOR

1 CREMATION;

2 (II) BE ABLE TO BE CLOSED IN ORDER TO PROVIDE A COMPLETE

3 COVERING FOR THE DEAD HUMAN BODY;

4 (III) BE RESISTANT TO LEAKING OR SPILLING;

5 (IV) BE RIGID ENOUGH TO HANDLE WITH EASE; AND

6 (V) PROVIDE REASONABLE PROTECTION FOR THE HEALTH AND

7 SAFETY OF CREMATORY EMPLOYEES.

8 (4) A CREMATORY SHALL NOT CREMATE MORE THAN ONE DEAD

9 HUMAN BODY WITHIN THE SAME CREMATION CHAMBER OR OTHERWISE

10 COMMINGLE THE CREMAINS OF MULTIPLE DEAD HUMAN BODIES UNLESS

11 THE NEXT OF KIN HAS SIGNED A WRITTEN AUTHORIZATION. NO

12 CREMATORY SHALL BE HELD CIVILLY LIABLE FOR COMMINGLING THE

13 CREMAINS OF DEAD HUMAN BODIES IF THE NEXT OF KIN HAS SIGNED SUCH

14 WRITTEN AUTHORIZATION.

15 (5) (a) A CREMATORY SHALL USE A TAG TO IDENTIFY A DEAD

16 HUMAN BODY AND CREMAINS. THE TAG SHALL BE VERIFIED, REMOVED,

17 AND PLACED NEAR THE CREMATION CHAMBER CONTROL PANEL PRIOR TO

18 CREMATION. THE TAG SHALL REMAIN NEXT TO THE CREMATION CHAMBER

19 UNTIL THE CREMATION IS COMPLETE.

20 (b) AFTER CREMATION IS COMPLETE, ALL OF THE CREMAINS AND

21 REASONABLE RECOVERABLE RESIDUE SHALL BE REMOVED FROM THE

22 CREMATION CHAMBER AND PROCESSED AS NECESSARY. ANYTHING OTHER

23 THAN THE CREMAINS SHALL BE DISPOSED OF UNLESS THE NEXT OF KIN

24 AUTHORIZES OTHERWISE.

25 (c) THE PROCESSED CREMAINS SHALL BE PLACED IN A TEMPORARY

26 CONTAINER OR URN. ANY CREMAINS THAT DO NOT FIT WITHIN SUCH

27 ENCLOSURE SHALL BE PLACED IN A SEPARATE TEMPORARY CONTAINER OR

1 URN. EACH CONTAINER SHALL BE MARKED WITH THE DECEDENT'S
2 IDENTITY AND THE NAME OF THE CREMATORY. IF A TEMPORARY
3 CONTAINER IS USED, THE CREMATORY SHALL DISCLOSE THAT THE
4 TEMPORARY CONTAINER SHOULD NOT BE USED FOR PERMANENT STORAGE.

5 (d) IF CREMATED REMAINS ARE SHIPPED, THE CREMATORY SHALL
6 USE A METHOD THAT EMPLOYS AN INTERNAL TRACKING SYSTEM AND
7 OBTAINS A SIGNED RECEIPT FROM THE PERSON ACCEPTING DELIVERY.

8 (6) CREMAINS SHALL NOT BE COMMINGLED WITH OTHER CREMAINS
9 IN FINAL DISPOSITION OR SCATTERING WITHOUT WRITTEN AUTHORIZATION
10 FROM THE NEXT OF KIN UNLESS THE DISPOSITION OR SCATTERING OCCURS
11 WITHIN A DEDICATED CEMETERY OR CONSECRATED GROUNDS USED
12 EXCLUSIVELY FOR SUCH PURPOSES.

13 (7) (a) A CREMATORY SHALL NOT CREMATE A DEAD HUMAN BODY
14 CONTAINING AN IMPLANTED DEVICE. IF THE FUNERAL ESTABLISHMENT
15 THAT HAD CONTROL OF THE DEAD HUMAN BODY FAILED TO ENSURE THAT
16 A DEVICE WAS REMOVED, THE FUNERAL ESTABLISHMENT SHALL BE
17 RESPONSIBLE FOR REMOVING THE DEVICE.

18 (b) IF THE PERSON AUTHORIZING CREMATION FAILS TO INFORM THE
19 CREMATORY OF THE PRESENCE OF AN IMPLANTED DEVICE, THE PERSON
20 SHALL BE SOLELY LIABLE FOR ANY RESULTING DAMAGE TO THE
21 CREMATORY.

22 PART 4

23 ADMINISTRATION

24

25 **12-54-401. Powers and duties of the director - rules.** (1) THE
26 DIRECTOR MAY DENY, SUSPEND, REFUSE TO RENEW, ISSUE A LETTER OF
27 ADMONITION OR CONFIDENTIAL LETTER OF CONCERN TO, REVOKE, PLACE

1 ON PROBATION, OR LIMIT THE SCOPE OF PRACTICE OF THE REGISTRATION
2 OF A FUNERAL ESTABLISHMENT OR CREMATORY UNDER THIS ARTICLE THAT
3 HAS:

4 (a) FILED AN APPLICATION WITH THE DIRECTOR CONTAINING
5 MATERIAL MISSTATEMENTS OF FACT OR HAS OMITTED ANY DISCLOSURE
6 REQUIRED BY THIS ARTICLE;

7 (b) HAD A REGISTRATION ISSUED BY COLORADO, OR AN
8 EQUIVALENT LICENSE, REGISTRATION, OR CERTIFICATION ISSUED BY
9 ANOTHER STATE, TO PRACTICE MORTUARY SCIENCE OR TO EMBALM OR
10 CREMATE A DEAD HUMAN BODY REVOKED; OR

11 (c) VIOLATED THIS ARTICLE OR ANY RULE OF THE DIRECTOR
12 ADOPTED UNDER THIS ARTICLE.

13 (2) (a) THE DIRECTOR MAY DENY OR REVOKE A REGISTRATION IF
14 THE FUNERAL ESTABLISHMENT, CREMATORY, OR THE DESIGNEE THEREOF
15 HAS BEEN CONVICTED OF A FELONY RELATED TO ANOTHER ACTIVITY
16 REGULATED UNDER THIS ARTICLE OR A FELONY OF MORAL TURPITUDE.
17 THE DIRECTOR SHALL PROMPTLY NOTIFY THE FUNERAL ESTABLISHMENT
18 OR CREMATORY OF SUCH REVOCATION.

19 (b) A CREMATORY OR FUNERAL ESTABLISHMENT WHOSE
20 REGISTRATION HAS BEEN REVOKED SHALL NOT BE ELIGIBLE FOR A
21 REGISTRATION FOR TWO YEARS AFTER THE EFFECTIVE DATE OF THE
22 REVOCATION.

23 (3) THE DIRECTOR MAY INVESTIGATE THE ACTIVITIES OF A
24 FUNERAL ESTABLISHMENT OR CREMATORY UPON HIS OR HER OWN
25 INITIATIVE OR UPON RECEIPT OF A COMPLAINT OR A SUSPECTED OR
26 ALLEGED VIOLATION OF THIS ARTICLE.

27 (4) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE APPOINTED

1 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., SHALL
2 CONDUCT DISCIPLINARY HEARINGS CONCERNING A REGISTRATION ISSUED
3 UNDER THIS ARTICLE. SUCH HEARINGS SHALL CONFORM TO ARTICLE 4 OF
4 TITLE 24, C.R.S.

5 (5) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE MAY
6 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE
7 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE
8 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY
9 EVIDENCE, AND MATERIALS IN ANY HEARING OR INVESTIGATION
10 CONDUCTED BY THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

11 (b) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR
12 SERVICE OF PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE
13 SUBPOENAED WITNESS RESIDES OR CONDUCTS BUSINESS MAY ISSUE AN
14 ORDER REQUIRING THE WITNESS TO APPEAR BEFORE THE DIRECTOR OR
15 ADMINISTRATIVE LAW JUDGE AND PRODUCE THE RELEVANT PAPERS,
16 BOOKS, RECORDS, DOCUMENTARY EVIDENCE, TESTIMONY, OR MATERIALS
17 IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE
18 PUNISHED AS A CONTEMPT OF COURT. THE DIRECTOR OR AN
19 ADMINISTRATIVE LAW JUDGE MAY APPLY FOR SUCH ORDER.

20 (6) THE DIRECTOR SHALL KEEP RECORDS OF REGISTRATIONS AND
21 DISCIPLINARY PROCEEDINGS. THE RECORDS KEPT BY THE DIRECTOR SHALL
22 BE OPEN TO PUBLIC INSPECTION IN A REASONABLE TIME AND MANNER
23 DETERMINED BY THE DIRECTOR.

24 (7) WHEN THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE DEEMS
25 IT APPROPRIATE AND USEFUL, THE DIRECTOR OR ADMINISTRATIVE LAW
26 JUDGE MAY CONSULT WITH OR OBTAIN A WRITTEN OPINION FROM AN
27 APPROPRIATE PROFESSIONAL ORGANIZATION OR ASSOCIATION OF

1 BUSINESSSES WHO OFFER SERVICES REQUIRING REGISTRATION UNDER THIS
2 ARTICLE FOR THE PURPOSE OF INVESTIGATING POSSIBLE VIOLATIONS OR
3 WEIGHING THE APPROPRIATE STANDARD OF CARE TO BE APPLIED TO
4 SPECIFIC EVENTS OR THE FACTS IN A HEARING BEING HELD UNDER THIS
5 ARTICLE.

6 (8) (a) THE DIRECTOR MAY PROMULGATE REASONABLE RULES
7 NECESSARY TO IMPLEMENT THIS SECTION, SECTIONS 12-54-110,
8 12-54-111, 12-54-303, AND 12-54-304, AND THIS PART 4.

9 (b) BEFORE PROMULGATING RULES, THE DIRECTOR SHALL SEEK
10 INPUT AND ADVICE FROM A PERSON, OR ANY STATE PROFESSIONAL
11 ORGANIZATION OF PERSONS, OFFERING SERVICES THAT REQUIRE
12 REGISTRATION PURSUANT TO THIS ARTICLE.

13 **12-54-402. Fees.** (1) THE DIRECTOR SHALL ESTABLISH AND
14 COLLECT THE FEES FOR A REGISTRATION ISSUED UNDER THIS ARTICLE
15 PURSUANT TO SECTION 24-34-105, C.R.S.

16 (2) ALL FEES COLLECTED BY THE DIRECTOR SHALL BE
17 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
18 PURSUANT TO SECTION 24-34-105, C.R.S., AND THE GENERAL ASSEMBLY
19 SHALL MAKE ANNUAL APPROPRIATIONS FOR EXPENDITURES OF THE
20 DIRECTOR REQUIRED TO PERFORM HIS OR HER DUTIES UNDER THIS ARTICLE,
21 WHICH EXPENDITURES SHALL BE MADE FROM SUCH APPROPRIATIONS UPON
22 VOUCHERS AND WARRANTS DRAWN PURSUANT TO LAW. THE DIVISION
23 SHALL EMPLOY, SUBJECT TO SECTION 13 OF ARTICLE XII OF THE STATE
24 CONSTITUTION, SUCH CLERICAL OR OTHER ASSISTANTS AS ARE NECESSARY
25 FOR THE PROPER PERFORMANCE OF ITS WORK.

26 **12-54-403. Immunity.** THE DIRECTOR, ANY MEMBER OF THE
27 DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO

1 THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED
2 UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT
3 PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY
4 CIVIL ACTION FOR ACTS OCCURRING WHILE ACTING WITHIN THE SCOPE OF
5 THE PERSON'S CAPACITY AS DIRECTOR, STAFF, CONSULTANT, WITNESS, OR
6 COMPLAINANT RESPECTIVELY, IF THE PERSON WAS ACTING IN GOOD FAITH,
7 MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO
8 WHICH THE PERSON ACTED, AND ACTED IN THE REASONABLE BELIEF THAT
9 THE ACTION TAKEN WAS WARRANTED BY THE FACTS. A PERSON
10 PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR
11 PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING
12 PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL LIABILITY
13 THAT MAY RESULT FROM SUCH PARTICIPATION.

14

15 **12-54-404. Letters of concern.** THE DIRECTOR MAY ISSUE AND
16 SEND A CONFIDENTIAL LETTER OF CONCERN TO THE FUNERAL
17 ESTABLISHMENT OR CREMATORY WHEN A COMPLAINT OR INVESTIGATION
18 DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL
19 ACTION BY THE DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE
20 COMPLAINT SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED
21 INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE FUNERAL
22 ESTABLISHMENT OR CREMATORY THAT COULD LEAD TO SERIOUS
23 CONSEQUENCES IF NOT CORRECTED.

24 **12-54-405. Letters of admonition - funeral homes and**
25 **crematories.** (1) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
26 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES
27 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT

1 BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY
2 BE ISSUED AND SENT TO A PERSON BY CERTIFIED MAIL.

3 (2) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR,
4 THE SUBJECT SHALL BE ADVISED OF THE RIGHT TO REQUEST THAT FORMAL
5 DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY
6 OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED. THE
7 SUBJECT SHALL MAKE THE REQUEST IN WRITING WITHIN TWENTY DAYS
8 AFTER RECEIPT OF THE LETTER.

9 (3) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE
10 LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER
11 SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

12 **12-54-406. Cease-and-desist orders - procedure.** (1) (a) IF IT
13 APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS
14 PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON IS ACTING IN A
15 MANNER THAT CREATES AN IMMINENT THREAT TO THE HEALTH AND
16 SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT
17 THE REQUIRED REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO
18 CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE
19 STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS
20 ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT
21 THAT ALL UNLAWFUL ACTS OR UNAUTHORIZED PRACTICES IMMEDIATELY
22 CEASE.

23 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
24 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE
25 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER
26 THE ALLEGED ACTS OR PRACTICES HAVE OCCURRED. SUCH HEARING
27 SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105,

1 C.R.S.

2 (2) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
3 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON HAS
4 VIOLATED THIS ARTICLE OR RULES PROMULGATED UNDER THIS ARTICLE,
5 THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS
6 ARTICLE, THE DIRECTOR MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW
7 CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER
8 DIRECTING SUCH PERSON TO CEASE AND DESIST FROM SUCH VIOLATIONS.

9 (b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
10 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL
11 BE PROMPTLY NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE
12 ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL
13 BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A
14 HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL
15 SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS
16 MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS
17 ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT
18 PURSUANT TO THIS SUBSECTION (2) SHALL CONSTITUTE NOTICE THEREOF
19 TO THE PERSON.

20 (c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE
21 COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE
22 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
23 NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS
24 SUBSECTION (2). THE HEARING MAY BE CONTINUED BY AGREEMENT OF
25 ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF
26 PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER,
27 BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY

1 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
2 NOTIFICATION.

3 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
4 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES
5 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE
6 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON
7 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND SUCH OTHER
8 EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS
9 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS
10 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE
11 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME
12 FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL
13 BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

14 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON
15 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR
16 HAS ACTED WITHOUT THE REQUIRED REGISTRATION OR HAS ENGAGED IN
17 ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE OR RULES
18 PROMULGATED UNDER THIS ARTICLE, A FINAL CEASE-AND-DESIST ORDER
19 MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM
20 FURTHER VIOLATIONS.

21 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET
22 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL
23 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE
24 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON
25 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER
26 SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR
27 PURPOSES OF JUDICIAL REVIEW.

1 (3) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
2 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN
3 AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, A RULE
4 PROMULGATED PURSUANT TO THIS ARTICLE, AN ORDER ISSUED PURSUANT
5 TO THIS ARTICLE, OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR
6 ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR
7 MAY ENTER INTO A STIPULATION WITH THE PERSON.

8 (4) IF A PERSON FAILS TO COMPLY WITH A FINAL
9 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY
10 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE
11 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,
12 AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A
13 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO
14 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

15 (5) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST ORDER
16 MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF
17 THE DIRECTOR'S FINAL ORDER.

18 **12-54-407. Civil penalty - fine.** (1) ON MOTION OF THE
19 DIRECTOR, THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN
20 ONE THOUSAND DOLLARS FOR A VIOLATION OF THIS ARTICLE OR A RULE
21 PROMULGATED UNDER THIS ARTICLE. THE PENALTY SHALL BE
22 TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE GENERAL
23 FUND.

24 (2) IN ADDITION TO ANY OTHER PENALTY THAT MAY BE IMPOSED
25 PURSUANT TO THIS SECTION, A FUNERAL ESTABLISHMENT OR CREMATORY
26 VIOLATING THIS ARTICLE OR A RULE PROMULGATED PURSUANT TO THIS
27 ARTICLE MAY BE FINED NO LESS THAN ONE HUNDRED DOLLARS AND NO

1 MORE THAN FIVE THOUSAND DOLLARS FOR EACH VIOLATION PROVEN BY
2 THE DIRECTOR. ALL FINES COLLECTED PURSUANT TO THIS SUBSECTION (2)
3 SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT
4 SUCH MONEYS TO THE GENERAL FUND.

5 **12-54-408. Enforcement - injunctions.** (1) THE DIRECTOR MAY
6 FORWARD TO A DISTRICT ATTORNEY OR A STATE OR FEDERAL LAW
7 ENFORCEMENT AGENCY ANY INFORMATION CONCERNING POSSIBLE
8 VIOLATIONS OF STATUTE OR RULE UNDER THIS ARTICLE COMMITTED BY
9 ANY PERSON OR COMPLAINTS FILED AGAINST A FUNERAL DIRECTOR,
10 MORTUARY SCIENCE PRACTITIONER, CREMATIONIST, OR EMBALMER.

11 (2) THE DIRECTOR MAY REQUEST THAT AN ACTION BE BROUGHT IN
12 THE NAME OF THE PEOPLE OF THE STATE OF COLORADO BY THE ATTORNEY
13 GENERAL OR THE DISTRICT ATTORNEY OF THE DISTRICT IN WHICH THE
14 VIOLATION IS ALLEGED TO HAVE OCCURRED TO ENJOIN A PERSON FROM
15 ENGAGING IN OR CONTINUING THE VIOLATION OR FROM DOING ANY ACT
16 THAT FURTHERS THE VIOLATION. IN SUCH AN ACTION, AN ORDER OR
17 JUDGMENT MAY BE ENTERED AWARDING SUCH PRELIMINARY OR FINAL
18 INJUNCTION AS IS DEEMED PROPER BY THE COURT. THE NOTICE, HEARING,
19 OR DURATION OF AN INJUNCTION OR RESTRAINING ORDER SHALL BE MADE
20 IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE.

21 **12-54-409. Deferment prohibited.** WHEN A COMPLAINT OR AN
22 INVESTIGATION DISCLOSES MISCONDUCT THAT, IN THE OPINION OF THE
23 DIRECTOR, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE
24 RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR
25 PROSECUTION.

26 **12-54-410. Repeal.** SECTIONS 12-54-110, 12-54-111, 12-54-303,
27 AND 12-54-304 AND THIS PART 4 ARE REPEALED, EFFECTIVE JULY 1, 2015.

1 PRIOR TO SUCH REPEAL, THE REGULATION OF PERSONS REGISTERED TO
2 PRACTICE CREMATION AND MORTUARY SCIENCE SHALL BE REVIEWED
3 PURSUANT TO SECTION 24-34-104, C.R.S.

4 **SECTION 11.** 24-34-104 (46), Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **24-34-104. General assembly review of regulatory agencies**
7 **and functions for termination, continuation, or reestablishment.**

8 (46) The following agencies, functions, or both, shall terminate on July
9 1, 2015:

10 (k) THE REGULATION OF PERSONS REGISTERED TO PRACTICE
11 MORTUARY SCIENCE PURSUANT TO SECTIONS 12-54-110 AND 12-54-111,
12 C.R.S., AND CREMATION PURSUANT TO SECTIONS 12-54-303 AND
13 12-54-304, C.R.S., AND THE ADMINISTRATION THEREOF PURSUANT TO
14 PART 4 OF ARTICLE 54 OF TITLE 12, C.R.S.

15 **SECTION 12. Effective date - applicability.** This act shall take
16 effect July 1, 2009, and shall apply to offenses committed, including
17 failure to register as required by this act, on or after January 1, 2010.

18 [REDACTED]

19 **SECTION 13. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.