

HB1202_L.001

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee_____
DateCommittee on Business Affairs and Labor.

After consideration on the merits, the Committee recommends the following:

HB09-1202 be amended as follows:

- 1 Amend printed bill, page 4, line 4, strike "who, for compensation," and
- 2 substitute "who for compensation,";
- 3 strike lines 10 through 14.
- 4 Page 6, after line 11, insert the following:
 - 5 "SECTION 3. 12-54-104 (1), Colorado Revised Statutes, is
 - 6 amended BY THE ADDITION OF A NEW PARAGRAPH to read:
 - 7 **12-54-104. Unlawful acts.** (1) It is unlawful:
 - 8 (n) "TO ENGAGE IN WILLFULLY DISHONEST CONDUCT OR COMMIT
 - 9 NEGLIGENCE IN THE PRACTICE OF EMBALMING, FUNERAL DIRECTING, OR
 - 10 PROVIDING FOR FINAL DISPOSITION THAT DEFRAUDS OR CAUSES INJURY OR
 - 11 IS LIKELY TO DEFRAUD OR CAUSE INJURY."
 - 12 Renumber succeeding sections accordingly.
 - 13 Page 7, line 1, strike "three hundred sixty-five" and substitute "three
 - 14 ~~hundred sixty-five~~ ONE HUNDRED EIGHTY".
 - 15 Page 9, line 10, strike "RENEWED AT LEAST ANNUALLY," and substitute
 - 16 "RENEWED,".
 - 17 Page 10, strike lines 2 through 6.
 - 18 Renumber succeeding subsections accordingly.



- 1 Page 10, strike lines 12 through 14;
- 2 line 23, strike "SUCCESSOR;" and substitute "SUCCESSOR, IF THE
3 SUCCESSOR IS APPROVED BY THE DIRECTOR;"
- 4 line 26, after "SUCCESSOR,", insert "IF THE SUCCESSOR IS APPROVED BY
5 THE DIRECTOR,".

6 Page 11, after line 16, insert the following:

7 **"12-54-112. Standards of practice - embalming - transporting.**

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

9 (a) MAINTAIN A SANITARY PREPARATION ROOM WITH SANITARY
10 FLOORING, DRAINAGE, AND VENTILATION;

11 (b) EMPLOY UNIVERSAL BIOLOGICAL HAZARD PRECAUTIONS;

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

14 (d) BE EQUIPPED WITH INSTRUMENTS AND SUPPLIES NECESSARY TO
15 PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND EMPLOYEES OF THE
16 FUNERAL ESTABLISHMENT; AND

17 (e) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
18 MANNER.

19 (2) A FUNERAL ESTABLISHMENT THAT TRANSPORTS DEAD HUMAN
20 BODIES SHALL:

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

23 (b) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
24 MANNER.

25 (3) A FUNERAL ESTABLISHMENT SHALL REMOVE ANY IMPLANTED
26 DEVICE IN A DEAD HUMAN BODY BEFORE TRANSPORTING THE BODY TO A
27 CREMATORY.";



1 line 24, after "COLOR," insert "RELIGION, SEX, MARITAL STATUS,".

2 Page 13, line 9, strike "PAID;" and substitute "PAID, UNLESS THERE IS A
3 GOOD FAITH DISPUTE OVER WHO CONTROLS THE RIGHT OF FINAL
4 DISPOSITION;".

5 Page 14, after line 1, insert the following:

6 (1) TO ENGAGE IN WILLFULLY DISHONEST CONDUCT OR COMMIT
7 NEGLIGENCE IN THE PRACTICE OF CREMATION OR PROVIDING FOR FINAL
8 DISPOSITION THAT DEFRAUDS OR CAUSES INJURY OR IS LIKELY TO DEFRAUD
9 OR CAUSE INJURY.".

10 Page 16, line 17, strike "RENEWED AT" and substitute "RENEWED,";

11 line 18, strike "LEAST ANNUALLY,".

12 Page 17, strike lines 8 through 12.

13 Renumber succeeding subsection accordingly.

14 Page 19, after line 4, insert the following:

15 "12-54-307. Standards of practice - cremating. (1) A
16 CREMATORY SHALL:

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

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

21 (c) BE EQUIPPED WITH INSTRUMENTS AND SUPPLIES NECESSARY TO
22 PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND EMPLOYEES OF THE
23 CREMATORY; AND

24 (d) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
25 MANNER.

26 (2)(a) A CREMATORY SHALL NOT CREMATE A DEAD HUMAN BODY
27 UNLESS THE CREMATORY HAS OBTAINED A STATEMENT CONTAINING THE



1 FOLLOWING FROM A FUNERAL ESTABLISHMENT, FUNERAL DIRECTOR,
2 MORTUARY SCIENCE PRACTITIONER, OR THE PERSON WITH THE RIGHT OF
3 FINAL DISPOSITION:

4 (I) THE IDENTITY OF THE DECEDENT;

5 (II) THE DATE OF DEATH;

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

7 (IV) THE NAME OF THE PERSON AUTHORIZING CREMATION AND AN
8 AFFIDAVIT OR OTHER DOCUMENT IN COMPLIANCE WITH ARTICLE 19 OF
9 TITLE 15, C.R.S., THAT THE AUTHORIZATION COMPLIES WITH ARTICLE 19
10 OF TITLE 15, C.R.S.;

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

13 (VI) THE NAME OF THE PERSON AUTHORIZED TO RECEIVE THE
14 CREMAINS;

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

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

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

21 (X) A SIGNATURE OF A REPRESENTATIVE OF ANY FUNERAL
22 ESTABLISHMENT OR THE NEXT OF KIN MAKING ARRANGEMENTS FOR
23 CREMATION THAT THE REPRESENTATIVE HAS NO ACTUAL KNOWLEDGE
24 THAT CONTRADICTS ANY INFORMATION REQUIRED BY THIS PARAGRAPH (a).

25 (b) A PERSON WHO SIGNS THE STATEMENT REQUIRED BY
26 PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL WARRANT THE
27 TRUTHFULNESS OF THE FACTS CONTAINED THEREIN. A PERSON WHO SIGNS
28 THE STATEMENT WITH ACTUAL KNOWLEDGE TO THE CONTRARY SHALL BE
29 CIVILLY LIABLE.



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

3 (b) THE DEAD HUMAN BODY SHALL BE CREMATED IN A CREMATION
4 CONTAINER.

5 (c) A CREMATION CONTAINER SHALL:

6 (I) BE COMPOSED OF COMBUSTIBLE MATERIALS SUITABLE FOR
7 CREMATION;

8 (II) BE ABLE TO BE CLOSED IN ORDER TO PROVIDE A COMPLETE
9 COVERING FOR THE DEAD HUMAN BODY;

10 (III) BE RESISTANT TO LEAKING OR SPILLING;

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

12 (V) PROVIDE REASONABLE PROTECTION FOR THE HEALTH AND
13 SAFETY OF CREMATORY EMPLOYEES.

14 (4) A CREMATORY SHALL NOT CREMATE MORE THAN ONE DEAD
15 HUMAN BODY WITHIN THE SAME CREMATION CHAMBER OR OTHERWISE
16 COMMINGLE THE CREMAINS OF MULTIPLE DEAD HUMAN BODIES UNLESS
17 THE NEXT OF KIN HAS SIGNED A WRITTEN AUTHORIZATION. NO
18 CREMATORY SHALL BE HELD CIVILLY LIABLE FOR COMMINGLING THE
19 CREMAINS OF DEAD HUMAN BODIES IF THE NEXT OF KIN HAS SIGNED SUCH
20 WRITTEN AUTHORIZATION.

21 (5) (a) A CREMATORY SHALL USE A TAG TO IDENTIFY A DEAD
22 HUMAN BODY AND CREMAINS. THE TAG SHALL BE VERIFIED, REMOVED,
23 AND PLACED NEAR THE CREMATION CHAMBER CONTROL PANEL PRIOR TO
24 CREMATION. THE TAG SHALL REMAIN NEXT TO THE CREMATION CHAMBER
25 UNTIL THE CREMATION IS COMPLETE.

26 (b) AFTER CREMATION IS COMPLETE, ALL OF THE CREMAINS AND
27 REASONABLE RECOVERABLE RESIDUE SHALL BE REMOVED FROM THE
28 CREMATION CHAMBER AND PROCESSED AS NECESSARY. ANYTHING OTHER
29 THAN THE CREMAINS SHALL BE DISPOSED OF UNLESS THE NEXT OF KIN
30 AUTHORIZES OTHERWISE.



1 (c) THE PROCESSED CREMAINS SHALL BE PLACED IN A TEMPORARY
2 CONTAINER OR URN. ANY CREMAINS THAT DO NOT FIT WITHIN SUCH
3 ENCLOSURE SHALL BE PLACED IN A SEPARATE TEMPORARY CONTAINER OR
4 URN. EACH CONTAINER SHALL BE MARKED WITH THE DECEDENT'S
5 IDENTITY AND THE NAME OF THE CREMATORY. IF A TEMPORARY
6 CONTAINER IS USED, THE CREMATORY SHALL DISCLOSE THAT THE
7 TEMPORARY CONTAINER SHOULD NOT BE USED FOR PERMANENT STORAGE.

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

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

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

21 (b) IF THE PERSON AUTHORIZING CREMATION FAILS TO INFORM THE
22 CREMATORY OF THE PRESENCE OF AN IMPLANTED DEVICE, THE PERSON
23 SHALL BE SOLELY LIABLE FOR ANY RESULTING DAMAGE TO THE
24 CREMATORY.";

25 strike lines 7 through 27.

26 Strike pages 20 and 21.

27 Page 22, strike lines 1 through 12 and substitute the following:

28 **"12-54-401. Powers and duties of the director - rules.** (1) THE
29 DIRECTOR MAY DENY, SUSPEND, REFUSE TO RENEW, ISSUE A LETTER OF
30 ADMONITION OR CONFIDENTIAL LETTER OF CONCERN TO, REVOKE, PLACE
31 ON PROBATION, OR LIMIT THE SCOPE OF PRACTICE OF A REGISTRATION
32 APPLICATION OR THE REGISTRATION OF A FUNERAL ESTABLISHMENT OR
33 CREMATORY UNDER THIS ARTICLE THAT HAS:



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

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

8 (c) VIOLATED THIS ARTICLE OR ANY RULE OF THE DIRECTOR
9 ADOPTED UNDER THIS ARTICLE.

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

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

20 (3) THE DIRECTOR MAY INVESTIGATE THE ACTIVITIES OF A
21 FUNERAL ESTABLISHMENT OR CREMATORY UPON HIS OR HER OWN
22 INITIATIVE OR UPON RECEIPT OF A COMPLAINT OR A SUSPECTED OR
23 ALLEGED VIOLATION OF THIS ARTICLE. THE DIRECTOR MAY ENTER THE
24 PREMISES IN WHICH VIOLATIONS ARE ALLEGED TO HAVE OCCURRED
25 DURING BUSINESS HOURS.

26 (4) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE APPOINTED
27 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., SHALL
28 CONDUCT DISCIPLINARY HEARINGS CONCERNING A REGISTRATION ISSUED
29 UNDER THIS ARTICLE. SUCH HEARINGS SHALL CONFORM TO ARTICLE 4 OF
30 TITLE 24, C.R.S.

31 (5) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE MAY
32 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE
33 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE
34 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY



1 EVIDENCE, AND MATERIALS IN ANY HEARING OR INVESTIGATION
2 CONDUCTED BY THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

3 (b) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR
4 SERVICE OF PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE
5 SUBPOENAED WITNESS RESIDES OR CONDUCTS BUSINESS MAY ISSUE AN
6 ORDER REQUIRING THE WITNESS TO APPEAR BEFORE THE DIRECTOR OR
7 ADMINISTRATIVE LAW JUDGE AND PRODUCE THE RELEVANT PAPERS,
8 BOOKS, RECORDS, DOCUMENTARY EVIDENCE, TESTIMONY, OR MATERIALS
9 IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE
10 PUNISHED AS A CONTEMPT OF COURT. THE DIRECTOR OR AN
11 ADMINISTRATIVE LAW JUDGE MAY APPLY FOR SUCH ORDER.

12 (7) THE DIRECTOR SHALL KEEP RECORDS OF REGISTRATIONS AND
13 DISCIPLINARY PROCEEDINGS. THE RECORDS KEPT BY THE DIRECTOR SHALL
14 BE OPEN TO PUBLIC INSPECTION IN A REASONABLE TIME AND MANNER
15 DETERMINED BY THE DIRECTOR.

16 (8) WHEN THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE DEEMS
17 IT APPROPRIATE AND USEFUL, THE DIRECTOR OR ADMINISTRATIVE LAW
18 JUDGE SHALL CONSULT WITH OR OBTAIN A WRITTEN OPINION FROM AN
19 APPROPRIATE PROFESSIONAL ORGANIZATION OR ASSOCIATION OF
20 BUSINESSES WHO OFFER SERVICES REQUIRING REGISTRATION UNDER THIS
21 ARTICLE FOR THE PURPOSE OF INVESTIGATING POSSIBLE VIOLATIONS OR
22 WEIGHING THE APPROPRIATE STANDARD OF CARE TO BE APPLIED TO
23 SPECIFIC EVENTS OR THE FACTS IN A HEARING BEING HELD UNDER THIS
24 ARTICLE.

25 (9) (a) THE DIRECTOR MAY PROMULGATE REASONABLE RULES
26 NECESSARY TO IMPLEMENT THIS SECTION, SECTIONS 12-54-110,
27 12-54-111, 12-54-303, AND 12-54-304, AND THIS PART 4.

28 (b) BEFORE PROMULGATING RULES, THE DIRECTOR SHALL SEEK
29 INPUT AND ADVICE FROM A PERSON, OR ANY STATE PROFESSIONAL
30 ORGANIZATION OF PERSONS, OFFERING SERVICES THAT REQUIRE
31 REGISTRATION PURSUANT TO THIS ARTICLE."

32 Page 23, strike lines 14 through 27.

33 Strike pages 24 and 25.



1 Page 26, strike lines 1 through 24 and substitute the following:

2 **"12-54-404. Letters of concern.** THE DIRECTOR MAY ISSUE AND
3 SEND A CONFIDENTIAL LETTER OF CONCERN TO THE FUNERAL
4 ESTABLISHMENT OR CREMATORY WHEN A COMPLAINT OR INVESTIGATION
5 DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL
6 ACTION BY THE DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE
7 COMPLAINT SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED
8 INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE FUNERAL
9 ESTABLISHMENT OR CREMATORY THAT COULD LEAD TO SERIOUS
10 CONSEQUENCES IF NOT CORRECTED.

11 **12-54-405. Letters of admonition - funeral homes and**
12 **crematories.** (1) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
13 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES
14 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT
15 BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY
16 BE ISSUED AND SENT TO A PERSON BY CERTIFIED MAIL.

17 (2) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR,
18 THE SUBJECT SHALL BE ADVISED OF THE RIGHT TO REQUEST THAT FORMAL
19 DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY
20 OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED. THE
21 SUBJECT SHALL MAKE THE REQUEST IN WRITING WITHIN TWENTY DAYS
22 AFTER RECEIPT OF THE LETTER.

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

26 **12-54-406. Cease-and-desist orders - procedure.** (1) (a) IF IT
27 APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS
28 PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON IS ACTING IN A
29 MANNER THAT CREATES AN IMMINENT THREAT TO THE HEALTH AND
30 SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT
31 THE REQUIRED REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO
32 CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE
33 STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS
34 ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT
35 THAT ALL UNLAWFUL ACTS OR UNAUTHORIZED PRACTICES IMMEDIATELY
36 CEASE.



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

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

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

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

35 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
36 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES
37 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE



1 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON
2 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND SUCH OTHER
3 EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS
4 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS
5 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE
6 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME
7 FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL
8 BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

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

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

23 (3) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
24 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN
25 AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, A RULE
26 PROMULGATED PURSUANT TO THIS ARTICLE, AN ORDER ISSUED PURSUANT
27 TO THIS ARTICLE, OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR
28 ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR
29 MAY ENTER INTO A STIPULATION WITH THE PERSON.

30 (4) IF A PERSON FAILS TO COMPLY WITH A FINAL
31 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY
32 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE
33 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,
34 AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A
35 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO
36 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.



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

4 **12-54-407. Civil penalty - fine.** (1) ON MOTION OF THE
5 DIRECTOR, THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN
6 ONE THOUSAND DOLLARS FOR A VIOLATION OF THIS ARTICLE OR A RULE
7 PROMULGATED UNDER THIS ARTICLE. THE PENALTY SHALL BE
8 TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE GENERAL
9 FUND.

10 (2) IN ADDITION TO ANY OTHER PENALTY THAT MAY BE IMPOSED
11 PURSUANT TO THIS SECTION, A FUNERAL ESTABLISHMENT OR CREMATORY
12 VIOLATING THIS ARTICLE OR A RULE PROMULGATED PURSUANT TO THIS
13 ARTICLE MAY BE FINED NO LESS THAN ONE HUNDRED DOLLARS AND NO
14 MORE THAN FIVE THOUSAND DOLLARS FOR EACH VIOLATION PROVEN BY
15 THE DIRECTOR. ALL FINES COLLECTED PURSUANT TO THIS SUBSECTION (2)
16 SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT
17 SUCH MONEYS TO THE GENERAL FUND."

18 Renumber succeeding C.R.S. sections accordingly.

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