

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 11-0079.01 Jery Payne

HOUSE BILL 11-1178

HOUSE SPONSORSHIP

Looper,

SENATE SPONSORSHIP

Williams S.,

House Committees
Economic and Business Development

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF PERSONS WHO DISPOSE OF**
102 **HUMAN REMAINS IN THE ORDINARY COURSE OF LAWFUL**
103 **BUSINESS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The current regulation of crematories assumes that cremation occurs through intense heat. The standards for cremation are updated to include alternatives, such as chemical methods.

Currently, a funeral establishment must be registered if it

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.*

HOUSE
Amended 2nd Reading
February 22, 2011

"provides" funeral goods or services to the public, but some establishments believe that merely selling these goods and services is not "providing" them. The registration requirement is clarified to cover selling and offering to sell funeral goods and services and providing memorial services.

Currently, a funeral establishment must notify customers of subcontractors and suppliers. This requirement is narrowed to apply only when the subcontractor handles or cares for the dead human body.

The bill also clarifies that a cemetery or mausoleum may be used to dispose of unclaimed cremated remains and that there is no liability for records that are destroyed unless the custodian is negligent. A funeral establishment or crematory is authorized to dispose of remains abandoned for 3 years in an unrecoverable manner. The title protection standards are broadened to include a person who has obtained a mortuary science certificate from an accredited school. Finally, a cremationist is required to use a cremation chamber exclusively for human remains.

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

2 **SECTION 1.** 12-54-102 (1), (2), (4), (4.5), (4.7), (5), (7), (8), (9),
3 (11) (b), (12), (14), (16), (17), and (19), Colorado Revised Statutes, are
4 amended, and the said 12-54-102 is further amended BY THE
5 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

6 **12-54-102. Definitions.** As used in this article, unless the context
7 otherwise requires:

8 (1) "Alternative container" means a nonmetal receptacle or
9 enclosure, without ornamentation or a fixed interior lining, that is
10 designed for the encasement of ~~dead human bodies~~ HUMAN REMAINS and
11 is made of fiberboard, pressed wood, composition materials, or other
12 similar materials.

13 (2) "Casket" means a rigid container that is designed for the
14 encasement of ~~dead human bodies~~ HUMAN REMAINS and is ornamented
15 and lined with fabric.

16 (4) "Cremation" or "cremate" means the reduction of a ~~dead~~

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

4 (4.3) "CREMATION CHAMBER" MEANS THE ENCLOSED SPACE INSIDE
5 OF WHICH HUMAN REMAINS ARE CREMATED.

6 (4.5) "Cremation container" means a container in which the ~~dead~~
7 ~~human body is~~ HUMAN REMAINS ARE transported to the crematory and
8 intended to be placed in the cremation chamber.

9 (4.7) "Cremationist" means a person who cremates or prepares for
10 cremation a ~~dead human body~~ HUMAN REMAINS.

11 (5) "Crematory" means a building, FACILITY, or structure
12 ~~containing one or more cremation chambers or retorts for the cremation~~
13 ~~of dead human bodies~~ WHERE HUMAN REMAINS ARE CREMATED.

14 (5.3) "CUSTODIAN" MEANS THE PERSON WITH POSSESSION AND
15 CONTROL OF HUMAN REMAINS.

16 (7) "Embalm" or "embalming" means the disinfection and
17 temporary preservation of ~~dead human bodies~~ HUMAN REMAINS by
18 chemically treating the body to reduce the presence and growth of
19 organisms, to retard organic decomposition, or to attempt restoration of
20 the physical appearance.

21 (8) "Embalmer" means any person who embalms, or prepares for
22 embalming, a ~~dead human body~~ HUMAN REMAINS for compensation.

23 (9) "Final disposition" means the disposition of a ~~dead human~~
24 ~~body~~ HUMAN REMAINS by entombment, burial, cremation, or removal
25 from the state.

26 (11) "Funeral director" means a person who, for compensation:

27 (b) Prepares ~~dead human bodies~~ HUMAN REMAINS for final

1 disposition by means other than embalming

2 (12) "Funeral establishment" means:

3 (a) An establishment that holds, cares for, or prepares ~~a dead~~
4 ~~human body~~ HUMAN REMAINS prior to final disposition, including ~~but not~~
5 ~~limited to~~, a crematory or embalming room; except that this paragraph (a)
6 does not apply to establishments in which individuals regularly die;

7 (b) An establishment that provides funeral goods and services to
8 the public; ~~or~~

9 (c) Facilities used to hold, care for, or prepare ~~a dead human body~~
10 HUMAN REMAINS prior to final disposition; except that this paragraph (c)
11 does not apply to facilities in which individuals regularly die; OR

12 (d) AN ESTABLISHMENT THAT PROVIDES FUNERAL OR MEMORIAL
13 SERVICES TO THE PUBLIC FOR COMPENSATION.

14 (14) "Funeral services" means:

15 (a) Preparation of ~~dead human bodies~~ HUMAN REMAINS for final
16 disposition; except that this paragraph (a) does not apply to cremation;

17 (b) Arrangement, supervision, or conduct of the funeral ceremony
18 or the final disposition of ~~dead human bodies~~ HUMAN REMAINS; or

19 (c) Transportation of ~~dead human bodies~~ HUMAN REMAINS to or
20 from a funeral establishment.

21 (14.2) "HUMAN REMAINS" MEANS THE PHYSICAL REMAINS OF A
22 DEAD HUMAN.

23 (16) "Mortuary science practitioner" means a person who, for
24 compensation, does the following or offers to do the following:

25 (a) Embalms or cremates ~~dead human bodies~~ HUMAN REMAINS;

26 (b) Arranges, directs, or supervises funerals, memorial services,
27 or graveside services; or

1 (c) Prepares ~~dead human bodies~~ HUMAN REMAINS for final
2 disposition.

3 (17) "Next of kin" means a family member or members of the
4 deceased who, under Colorado law, have legal authority over the
5 disposition of a ~~dead human body~~ HUMAN REMAINS.

6 (17.5) "OSSUARY" MEANS A RECEPTACLE USED FOR THE
7 COMMUNAL PLACEMENT OF CREMATED REMAINS, WITHOUT USING AN URN
8 OR OTHER CONTAINER, IN WHICH CREMATED REMAINS ARE COMMINGLED
9 WITH OTHER CREMATED REMAINS.

10 (19) "Preparation of the body" means embalming, washing,
11 disinfecting, shaving, dressing, restoring, casketing, positioning, caring
12 for the hair of or applying cosmetics to a ~~dead human body~~ HUMAN
13 REMAINS.

14 **SECTION 2.** 12-54-103 (1) and (2), Colorado Revised Statutes,
15 are amended to read:

16 **12-54-103. Funeral establishment.** (1) A funeral establishment
17 shall have the appropriate equipment and personnel to adequately provide
18 the funeral services it contracts to provide and shall provide written notice
19 to the consumer specifying any subcontractors OR agents ~~or other~~
20 ~~equipment and personnel providers for the funeral establishment. Such~~
21 ~~notice shall be~~ ROUTINELY HANDLING OR CARING FOR HUMAN REMAINS.

22 ■ TO COMPLY, THE NOTICE MUST BE given when the consumer inquires
23 about the goods or services the funeral establishment provides and ~~shall~~
24 ~~provide~~ MUST INCLUDE the names and addresses of ~~such~~ THE
25 subcontractors, agents, or other providers; except that, if ~~such~~ THE inquiry
26 is over the telephone, ~~such~~ THE written notice ~~shall~~ MUST be provided
27 ~~before~~ WHEN the customer ~~selects~~ FINALIZES THE ARRANGEMENTS FOR

1 goods or services WITH THE FUNERAL ESTABLISHMENT.

2 (2) A funeral establishment shall retain all documents and records
3 concerning the final disposition of a ~~dead human body~~ HUMAN REMAINS
4 for at least seven years after ~~such~~ THE disposition.

5 **SECTION 3.** 12-54-104 (1) (a), (1) (c), the introductory portion
6 to 12-54-104 (1) (g) and 12-54-104 (1) (j) and (1) (l), Colorado Revised
7 Statutes, are amended to read:

8 **12-54-104. Unlawful acts.** (1) It is unlawful:

9 (a) To disinfect or preserve or to make final disposition of a ~~dead~~
10 ~~human body~~ HUMAN REMAINS with knowledge sufficient to arouse a
11 reasonable suspicion of a crime in connection with the cause of death of
12 the deceased until the permission of the coroner, deputy coroner, or
13 district attorney, if there is no coroner, has been first obtained;

14 (c) For any public officer or employee or any other person having
15 a professional relationship with the decedent to approve or cause the final
16 disposition of a ~~dead human body~~ HUMAN REMAINS in violation of this
17 article;

18 (g) To transport or otherwise transfer by common carrier a ~~dead~~
19 ~~human body~~ HUMAN REMAINS unless:

20 (j) To refuse to properly and promptly release a ~~dead human body~~
21 HUMAN REMAINS OR CREMATED REMAINS to the custody of the person
22 who has the legal right to effect such release whether or not any costs
23 have been paid;

24 (l) To embalm or cremate a ~~dead human body~~ HUMAN REMAINS
25 without obtaining permission from the person with the right of final
26 disposition unless otherwise required by section 12-54-105;

27 **SECTION 4.** 12-54-105, Colorado Revised Statutes, is amended

1 to read:

2 **12-54-105. Embalming or refrigeration of bodies required.** ~~All~~
3 ~~dead human bodies kept~~ THE CUSTODIAN SHALL NOT KEEP THE HUMAN
4 REMAINS more than twenty-four hours after death before final disposition
5 ~~BUT shall be embalmed or shall be properly refrigerated~~ EMBALM OR
6 PROPERTY REFRIGERATE THE BODY AFTER TWENTY-FOUR HOURS.

7 **SECTION 5.** 12-54-108 (2) and (5) (a), Colorado Revised
8 Statutes, are amended to read:

9 **12-54-108. Exceptions - safe harbor.** (2) (a) This part 1 shall
10 not apply to, nor in any way interfere with, any custom or rite of any
11 religious sect in the burial of its dead, and the members and followers of
12 ~~such~~ THE religious sect may continue to PROVIDE MEMORIAL SERVICES
13 FOR, care for, prepare, and bury the bodies of deceased members of ~~such~~
14 THE religious sect, free from any term or condition, or any provision of
15 this part 1, and are not subject to this part 1, so long as the ~~dead human~~
16 ~~body is~~ HUMAN REMAINS ARE refrigerated, frozen, embalmed, interred, or
17 cremated within seven days after death.

18 (b) ~~If a dead human body is~~ HUMAN REMAINS ARE refrigerated or
19 embalmed pursuant to paragraph (a) of this subsection (2), the body ~~shall~~
20 MUST be interred, frozen, or cremated within thirty days after death unless
21 the coroner authorizes otherwise in writing. The coroner shall not permit
22 an exception to this paragraph (b) unless the applicant can demonstrate
23 a legitimate delay caused by unforeseen uncontrollable circumstances or
24 by a criminal investigation.

25 (c) Notwithstanding ~~the provisions of~~ this subsection (2), upon the
26 receipt of evidence that the ~~dead human body~~ HUMAN REMAINS likely
27 contained a serious contagious disease, the state department of public

1 health and environment, the state board of health, or a local department
2 of health may issue an order overruling this subsection (2).

3 (5) (a) (I) A FUNERAL ESTABLISHMENT, funeral director, or
4 mortuary science practitioner may dispose of cremated remains at the
5 expense of the person with the right of final disposition one hundred
6 eighty days after cremation if the person was given clear prior notice of
7 this paragraph (a) and a reasonable opportunity to collect the cremated
8 remains, the exact location of the FINAL disposition and the costs
9 associated with the FINAL disposition are recorded, and the recovery of
10 the cremated remains is possible. Recovery of costs shall be IS limited to
11 a reasonable amount of the costs actually expended by the FUNERAL
12 ESTABLISHMENT, funeral director, or mortuary science practitioner.

13 (II) A FUNERAL ESTABLISHMENT, FUNERAL DIRECTOR, OR
14 MORTUARY SCIENCE PRACTITIONER MAY COMPLY WITH THIS PARAGRAPH
15 (a) BY TRANSFERRING THE CREMATED REMAINS AND THE RECORDS
16 SHOWING THE FUNERAL ESTABLISHMENT AND THE DECEASED'S NAME,
17 DATE OF BIRTH, AND NEXT OF KIN FOR FINAL DISPOSITION TO A FACILITY
18 OR PLACE NORMALLY USED FOR FINAL DISPOSITION IF THE NEW CUSTODIAN
19 CAN COMPLY WITH THIS PARAGRAPH (a).

20 (III) IF CREMATED REMAINS ARE NOT CLAIMED BY THE PERSON
21 WITH THE RIGHT OF FINAL DISPOSITION WITHIN THREE YEARS AFTER
22 CREMATION, A FUNERAL ESTABLISHMENT, FUNERAL DIRECTOR, OR
23 MORTUARY SCIENCE PRACTITIONER MAY DISPOSE OF THE REMAINS IN AN
24 UNRECOVERABLE MANNER BY PLACING THE REMAINS IN AN OSSUARY OR
25 BY SCATTERING THE REMAINS IN A DEDICATED CEMETERY, SCATTERING
26 GARDEN, OR CONSECRATED GROUND USED EXCLUSIVELY FOR THESE
27 PURPOSES.

1 (IV) THE CUSTODIAN IS NOT LIABLE FOR THE LOSS OR
2 DESTRUCTION OF RECORDS REQUIRED TO BE KEPT BY THIS PARAGRAPH (a)
3 IF THE LOSS OR DESTRUCTION WAS NOT CAUSED BY THE CUSTODIAN'S
4 NEGLIGENCE.

5 **SECTION 6.** 12-54-110 (2) (a) (IV) (A), (2) (a) (IV) (B), (2) (a)
6 (IV) (C), and (5), Colorado Revised Statutes, are amended to read:

7 **12-54-110. Registration required.** (2) (a) Each funeral
8 establishment shall register with the director using forms as determined
9 by the director. The registration shall include, without limitation, the
10 following:

11 (IV) A list of each of the following services provided at each
12 funeral establishment location:

- 13 (A) Refrigerating or holding ~~dead human bodies~~ HUMAN REMAINS;
- 14 (B) Embalming ~~dead human bodies~~ HUMAN REMAINS;
- 15 (C) Transporting ~~dead human bodies~~ HUMAN REMAINS to or from
16 the funeral establishment or the place of final disposition; and

17 (5) This section shall not require the registration of a nonprofit
18 organization that only provides education or support to an individual who
19 intends to provide for final disposition of a ~~dead human body~~ HUMAN
20 REMAINS.

21 **SECTION 7.** The introductory portion to 12-54-111 (1) and
22 12-54-111 (1) (b) and (3) (b), Colorado Revised Statutes, are amended to
23 read:

24 **12-54-111. Title protection.** (1) A person shall not advertise,
25 represent, or hold oneself out as or use the title of a mortuary science
26 practitioner unless the ~~applicant~~ PERSON:

27 (b) Has graduated with a CERTIFICATE, DIPLOMA, OR degree in

1 mortuary science from:

2 (I) A PROGRAM ACCREDITED BY THE AMERICAN BOARD OF
3 FUNERAL SERVICE EDUCATION OR ITS SUCCESSOR, IF THE SUCCESSOR IS
4 APPROVED BY THE DIRECTOR, AND THE PROGRAM IS PART OF A SCHOOL OF
5 HIGHER EDUCATION; OR

6 (II) A school of higher education accredited by the American
7 board of funeral service education or its successor, if the successor is
8 approved by the director; and

9 (3) A person shall not advertise, represent, or hold oneself out as
10 or use the title of an embalmer unless the applicant:

11 (b) Has embalmed at least fifty ~~dead human bodies~~ HUMAN
12 REMAINS.

13 **SECTION 8.** 12-54-112 (1) (c), (1) (e), (2), and (3), Colorado
14 Revised Statutes, are amended to read:

15 **12-54-112. Standards of practice - embalming - transporting.**

16 (1) A funeral establishment that performs embalming shall:

17 (c) Employ reasonable care to minimize the risk of transmitting
18 communicable diseases from ~~dead human bodies~~ HUMAN REMAINS;

19 (e) Transport ~~dead human bodies~~ HUMAN REMAINS in a safe and
20 sanitary manner.

21 (2) A funeral establishment that transports ~~dead human bodies~~
22 HUMAN REMAINS shall:

23 (a) Use a motor vehicle that is appropriate for the transportation
24 of a ~~dead human body~~ HUMAN REMAINS; and

25 (b) Transport ~~dead human bodies~~ HUMAN REMAINS in a safe and
26 sanitary manner.

27 (3) A funeral establishment shall remove any implanted device in

1 ~~a dead human body~~ HUMAN REMAINS before transporting the body to a
2 crematory.

3 **SECTION 9.** 12-54-301 (1) (b), (1) (f), (1) (g), (1) (i), and (1) (j),
4 Colorado Revised Statutes, are amended to read:

5 **12-54-301. Unlawful acts.** (1) It is unlawful for a cremationist:

6 (b) To approve or cause the final disposition of ~~a dead human~~
7 ~~body~~ HUMAN REMAINS in violation of this article;

8 (f) To refuse to properly and promptly release ~~a dead human body~~
9 HUMAN REMAINS to the custody of the person who has the legal right to
10 effect ~~such~~ THE release, whether or not any costs have been paid, unless
11 there is a good faith dispute over who controls the right of final
12 disposition;

13 (g) To cremate ~~a dead human body~~ HUMAN REMAINS without
14 obtaining permission from the person with the right of final disposition;

15 (i) To cremate ~~a dead human body~~ HUMAN REMAINS in a facility
16 unless the facility is registered pursuant to section 12-54-303;

17 (j) To refuse to accept ~~a dead human body~~ HUMAN REMAINS that
18 ~~is~~ ARE not in a casket or to require ~~a dead human body~~ HUMAN REMAINS
19 to be placed in a casket at any time;

20 **SECTION 10.** 12-54-302 (2) (a) and (3), Colorado Revised
21 Statutes, are amended to read:

22 **12-54-302. Exceptions - safe harbor.** (2) (a) (I) A cremationist
23 may dispose of cremains at the expense of the person with the right of
24 final disposition one hundred eighty days after cremation if the person
25 was given clear prior notice of this paragraph (a) and a reasonable
26 opportunity to collect the cremains, the exact location of the FINAL
27 disposition and the costs associated with the FINAL disposition are

1 recorded, and the recovery of the cremains is possible. Recovery of costs
2 ~~shall be~~ IS limited to a reasonable amount of the costs actually expended
3 by the cremationist.

4 (II) A CREMATIONIST MAY COMPLY WITH THIS PARAGRAPH (a) BY
5 TRANSFERRING THE CREMATED REMAINS AND THE RECORDS SHOWING THE
6 FUNERAL ESTABLISHMENT AND THE DECEASED'S NAME, DATE OF BIRTH,
7 AND NEXT OF KIN FOR FINAL DISPOSITION TO A FACILITY OR PLACE
8 NORMALLY USED FOR FINAL DISPOSITION IF THE NEW CUSTODIAN CAN
9 COMPLY WITH THIS PARAGRAPH (a).

10 (III) IF CREMATED REMAINS ARE NOT CLAIMED BY THE PERSON
11 WITH THE RIGHT OF FINAL DISPOSITION WITHIN THREE YEARS AFTER
12 CREMATION, A CREMATIONIST MAY DISPOSE OF THE REMAINS IN AN
13 UNRECOVERABLE MANNER BY PLACING THE REMAINS IN AN OSSUARY OR
14 BY SCATTERING THE REMAINS IN A DEDICATED CEMETERY, SCATTERING
15 GARDEN, OR CONSECRATED GROUND USED EXCLUSIVELY FOR THESE
16 PURPOSES.

17 (IV) THE CUSTODIAN IS NOT LIABLE FOR THE LOSS OR
18 DESTRUCTION OF RECORDS REQUIRED TO BE KEPT BY THIS PARAGRAPH (a)
19 IF THE LOSS OR DESTRUCTION WAS NOT CAUSED BY THE CUSTODIAN'S
20 NEGLIGENCE.

21 (3) (a) This part 3 shall not apply to, nor interfere with, any
22 custom or rite of a religious sect in the final disposition of its dead, and
23 the members and followers of ~~such~~ THE religious sect may continue to
24 PROVIDE MEMORIAL SERVICES FOR, care for, prepare, and cremate the
25 bodies of deceased members of the religious sect if the ~~dead human body~~
26 ~~is~~ HUMAN REMAINS ARE refrigerated, frozen, or cremated within seven
27 days after death.

1 (b) If a ~~dead human body is~~ HUMAN REMAINS ARE refrigerated
2 pursuant to paragraph (a) of this subsection (3), the body ~~shall~~ MUST be
3 cremated within thirty days after death unless the coroner authorizes
4 otherwise in writing. The coroner shall not permit an exception to this
5 paragraph (b) unless the applicant can demonstrate a legitimate delay
6 caused by unforeseen, uncontrollable circumstances or by a criminal
7 investigation.

8 **SECTION 11.** 12-54-303 (2) (a) (IV) (A), (2) (a) (IV) (B), (2) (a)
9 (IV) (D), and (5), Colorado Revised Statutes, are amended to read:

10 **12-54-303. Registration required.** (2) (a) Each crematory shall
11 register with the director using forms as determined by the director. The
12 registration shall include, without limitation, the following:

13 (IV) A list of each of the following services provided at each
14 crematory location:

15 (A) Refrigerating or holding ~~dead human bodies~~ HUMAN REMAINS;

16 (B) Transporting ~~dead human bodies~~ HUMAN REMAINS to or from
17 the crematory or the place of final disposition;

18 (D) Cremating ~~dead human bodies~~ HUMAN REMAINS.

19 (5) This section shall not require the registration of a nonprofit
20 organization that only provides education or support to an individual who
21 intends to provide for final disposition of a ~~dead human body~~ HUMAN
22 REMAINS.

23 **SECTION 12.** 12-54-304, Colorado Revised Statutes, is amended
24 to read:

25 **12-54-304. Title protection.** A person shall not advertise,
26 represent, or hold oneself out as or use the title of a cremationist unless
27 the applicant has at least five hundred hours practicing or interning as a

1 cremationist and has cremated at least fifty ~~dead human bodies~~ HUMAN
2 REMAINS.

3 **SECTION 13.** 12-54-307 (1) (b), (1) (d), the introductory portion
4 to 12-54-307 (2) (a), 12-54-307 (2) (a) (III), (2) (a) (V), (2) (a) (VII), (2)
5 (a) (IX), (3) (a), (3) (b), the introductory portion to 12-54-307 (3) (c),
6 12-54-307 (3) (c) (I), (3) (c) (II), (4), (5) (a), and (7) (a), Colorado
7 Revised Statutes, are amended, and the said 12-54-307 (3) (c) is further
8 amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

9 **12-54-307. Standards of practice - cremating.** (1) A crematory
10 shall:

11 (b) Employ reasonable care to minimize the risk of transmitting
12 communicable diseases from ~~dead human bodies~~ HUMAN REMAINS;

13 (d) Transport ~~dead human bodies~~ HUMAN REMAINS in a safe and
14 sanitary manner.

15 (2) (a) A crematory shall not cremate a ~~dead human body~~ HUMAN
16 REMAINS unless the crematory has obtained a statement containing the
17 following from a funeral establishment, funeral director, mortuary science
18 practitioner, or the person with the right of final disposition:

19 (III) Authorization to cremate the ~~dead human body~~ HUMAN
20 REMAINS;

21 (V) A statement that the ~~dead human body does~~ HUMAN REMAINS
22 DO not contain an implanted device;

23 (VII) A list of items delivered to the crematory along with the
24 ~~dead human body~~ HUMAN REMAINS;

25 (IX) A copy of the ~~death certificate~~ DISPOSITION PERMIT; and

26 (3) (a) The ~~dead human body~~ CREMATORY shall ~~be held~~ HOLD
27 HUMAN REMAINS in a cremation container and shall not ~~be removed~~

1 REMOVE THE REMAINS.

2 (b) The ~~dead human body~~ CREMATORY shall ~~be cremated~~
3 CREMATE THE HUMAN REMAINS in a cremation container.

4 (c) A cremation container shall MUST:

5 (I) Be composed of ~~combustible~~ materials suitable for cremation;

6 (II) Be able to be closed in order to provide a complete covering
7 for the ~~dead human body~~ HUMAN REMAINS;

8 (VI) BE USED EXCLUSIVELY FOR THE CREMATION OF HUMAN
9 REMAINS.

10 (4) A crematory shall not cremate ~~more than one dead human~~
11 ~~body~~ THE HUMAN REMAINS OF MORE THAN ONE PERSON within the same
12 cremation chamber or otherwise commingle the cremains of multiple
13 ~~dead human bodies~~ HUMAN REMAINS unless the next of kin has signed a
14 written authorization. No crematory ~~shall be held~~ IS civilly liable for
15 commingling the cremains of ~~dead human bodies~~ HUMAN REMAINS if the
16 next of kin has signed ~~such~~ THE written authorization.

17 (5) (a) A crematory shall use a tag to identify a ~~dead human body~~
18 HUMAN REMAINS and cremains. The tag shall MUST be verified, removed,
19 and placed near the cremation chamber control panel prior to cremation.
20 The tag shall MUST remain next to the cremation chamber until the
21 cremation is complete.

22 (7) (a) A crematory shall not cremate a ~~dead human body~~ HUMAN
23 REMAINS containing an implanted device. If the funeral establishment
24 that had control of the ~~dead human body~~ HUMAN REMAINS failed to ensure
25 that a device was removed, the funeral establishment ~~shall be~~ IS
26 responsible for removing the device.

27 **SECTION 14.** 12-54-401 (1) (b), Colorado Revised Statutes, is

1 amended to read:

2 **12-54-401. Powers and duties of the director - rules.** (1) The
3 director may deny, suspend, refuse to renew, issue a letter of admonition
4 or confidential letter of concern to, revoke, place on probation, or limit
5 the scope of practice of the registration of a funeral establishment or
6 crematory under this article that has:

7 (b) Had a registration issued by Colorado, or an equivalent
8 license, registration, or certification issued by another state, to practice
9 mortuary science or to embalm or cremate a ~~dead human body~~ HUMAN
10 REMAINS revoked; or

11 **SECTION 15. Act subject to petition - effective date -**
12 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
13 following the expiration of the ninety-day period after final adjournment
14 of the general assembly (August 10, 2011, if adjournment sine die is on
15 May 11, 2011); except that, if a referendum petition is filed pursuant to
16 section 1 (3) of article V of the state constitution against this act or an
17 item, section, or part of this act within such period, then the act, item,
18 section, or part shall not take effect unless approved by the people at the
19 general election to be held in November 2012 and shall take effect on the
20 date of the official declaration of the vote thereon by the governor.

21 (2) The provisions of this act shall apply to acts committed on or
22 after the applicable effective date of this act.