

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 18, 2015

Date

Committee on Business, Labor, & Technology.

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

SB15-110 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, after line 7 insert:

2 "SECTION 3. In Colorado Revised Statutes, 12-54-102, **amend**
3 (5) and (12) introductory portion as follows:

4 **12-54-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (5) "Crematory" means a building, facility, ESTABLISHMENT or
7 structure where human remains are cremated.

8 (12) "Funeral establishment", "FUNERAL HOME", OR "MORTUARY"
9 means:

10 **SECTION 4.** In Colorado Revised Statutes, **amend** 12-54-105 as
11 follows:

12 **12-54-105. Care of bodies required - public health.** ~~The~~
13 ~~custodian shall not keep the human remains more than twenty-four hours~~
14 ~~after death before final disposition but shall embalm or properly~~
15 ~~refrigerate the body after twenty-four hours~~ A FUNERAL ESTABLISHMENT
16 SHALL EMBALM, REFRIGERATE, CREMATE, BURY, OR ENTOMB HUMAN
17 REMAINS WITHIN TWENTY-FOUR HOURS AFTER TAKING CUSTODY OF THE
18 REMAINS."

19 Renumber succeeding sections accordingly.

20 Page 3, strike lines 20 through 27 and substitute:

1 "(2) A FUNERAL ESTABLISHMENT IS RESPONSIBLE FOR IDENTIFYING
2 AND TRACKING HUMAN REMAINS FROM THE TIME IT TAKES CUSTODY OF
3 HUMAN REMAINS UNTIL THE:
4 (a) FINAL DISPOSITION HAS OCCURRED OR THE REMAINS ARE
5 RETURNED TO THE PERSON WHO HAS THE RIGHT OF FINAL DISPOSITION;
6 (b) HUMAN REMAINS ARE RELEASED IN ACCORDANCE WITH THE
7 INSTRUCTIONS GIVEN BY THE PERSON WHO HAS THE RIGHT OF FINAL
8 DISPOSITION; OR
9 (c) REMAINS ARE RELEASED TO ANOTHER FUNERAL
10 ESTABLISHMENT, CREMATORY, REPOSITORY, OR ENTITY AS AUTHORIZED
11 BY THE PERSON WHO HAS THE RIGHT OF FINAL DISPOSITION."

12 Page 4, strike lines 1 through 5.

13 Page 4, line 9, strike "FACILITY";" and substitute "FACILITY",
14 "REPOSITORY", AND "ENTITY";".

15 Page 4, strike lines 18 and 19 and substitute:

16 "(k) To ALLOW A CREMATORY OPERATOR TO perform services
17 beyond a ~~cremationist's~~ AN OPERATOR'S competency, training, or
18 education;".

19 Page 5, after line 25 insert:

20 "**SECTION 8.** In Colorado Revised Statutes, **add** 12-54-308 as
21 follows:

22 **12-54-308. Custody and responsibility - rules.** (1) A
23 CREMATORY SHALL NOT, THROUGH ITS MANAGERS, EMPLOYEES,
24 CONTRACTORS, OR AGENTS, TAKE CUSTODY OF HUMAN REMAINS WITHOUT
25 AN ATTESTATION OF POSITIVE IDENTIFICATION ON A FORM PROMULGATED
26 BY THE DIRECTOR BY RULE BY:

27 (a) THE NEXT OF KIN;
28 (b) THE COUNTY CORONER OR THE COUNTY CORONER'S DESIGNEE;
29 OR

30 (c) AN AUTHORIZED PERSON AT THE CARE FACILITY WHERE THE
31 DECEASED DIED.

32 (2) A CREMATORY IS RESPONSIBLE FOR IDENTIFYING AND
33 TRACKING HUMAN REMAINS FROM THE TIME IT TAKES CUSTODY OF HUMAN
34 REMAINS UNTIL THE:

35 (a) FINAL DISPOSITION HAS OCCURRED OR THE REMAINS ARE

1 RETURNED TO THE PERSON WHO HAS THE RIGHT OF FINAL DISPOSITION;
2 (b) HUMAN REMAINS ARE RELEASED IN ACCORDANCE WITH THE
3 INSTRUCTIONS GIVEN BY THE PERSON WHO HAS THE RIGHT OF FINAL
4 DISPOSITION; OR
5 (c) REMAINS ARE RELEASED TO A FUNERAL ESTABLISHMENT,
6 ANOTHER CREMATORY, REPOSITORY, OR ENTITY AS AUTHORIZED BY THE
7 PERSON WHO HAS THE RIGHT OF FINAL DISPOSITION.
8 (3) THE DIRECTOR SHALL ADOPT RULES IMPLEMENTING THIS
9 SECTION THAT:
10 (a) ESTABLISH WHAT CONSTITUTES CUSTODY;
11 (b) DEFINE "CARE FACILITY", "REPOSITORY", AND "ENTITY";
12 (c) ESTABLISH WHO IS AUTHORIZED TO IDENTIFY HUMAN REMAINS
13 AT A CARE FACILITY FOR A FUNERAL ESTABLISHMENT; AND
14 (d) PRESCRIBE THE PROCEDURES FOR DOCUMENTING THE POSITIVE
15 IDENTIFICATION AND CHAIN OF CUSTODY OF HUMAN REMAINS."

16 Renumber succeeding sections accordingly.

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