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:

<u>SB15-110</u> be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> 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:
- SECTION 4. In Colorado Revised Statutes, amend 12-54-105 as
 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:

SB110_C.001

"(2) A FUNERAL ESTABLISHMENT IS RESPONSIBLE FOR IDENTIFYING
 AND TRACKING HUMAN REMAINS FROM THE TIME IT TAKES CUSTODY OF
 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.
- Page 4, line 9, strike "FACILITY";" and substitute "FACILITY",
 "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:

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

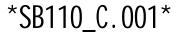
27 (a) THE NEXT OF KIN;

(b) THE COUNTY CORONER OR THE COUNTY CORONER'S DESIGNEE;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



-2-

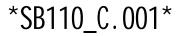
1 RETURNED TO THE PERSON WHO HAS THE RIGHT OF FINAL DISPOSITION;

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,
ANOTHER CREMATORY, REPOSITORY, OR ENTITY AS AUTHORIZED BY THE
PERSON WHO HAS THE RIGHT OF FINAL DISPOSITION.

- 8 (3) THE DIRECTOR SHALL ADOPT RULES IMPLEMENTING THIS 9 SECTION THAT:
 - (a) ESTABLISH WHAT CONSTITUTES CUSTODY;
 - (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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