

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

**REVISED**

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

LLS NO. 11-0079.01 Jery Payne

**HOUSE BILL 11-1178**

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**HOUSE SPONSORSHIP**

**Looper,**

**SENATE SPONSORSHIP**

**Williams S.,**

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**House Committees**  
Economic and Business Development

**Senate Committees**  
Local Government

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**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.**

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**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.*

SENATE  
Am ended 2nd Reading  
March 18, 2011

HOUSE  
3rd Reading Unam ended  
February 23, 2011

HOUSE  
Am ended 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.

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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 HOLDS ITSELF OUT TO THE  
8 GENERAL PUBLIC AS PROVIDING funeral goods and services; to the public;  
9 or

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

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

15 (14) "Funeral services" means:

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

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

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

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

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

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

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

1 or graveside services; or

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

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

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

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

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

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

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

1 ~~before~~ WHEN the customer ~~selects~~ FINALIZES THE ARRANGEMENTS FOR  
2 goods or services WITH THE FUNERAL ESTABLISHMENT.

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

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

9 **12-54-104. Unlawful acts.** (1) It is unlawful:

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

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

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

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

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

1           **SECTION 4.** 12-54-105, Colorado Revised Statutes, is amended  
2 to read:

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

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

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

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

26           (c) Notwithstanding ~~the provisions of~~ this subsection (2), upon the  
27 receipt of evidence that the ~~dead human body~~ HUMAN REMAINS likely

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

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

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

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



1 PURPOSES.

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

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

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

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

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

15 (B) Embalming ~~dead human bodies~~ HUMAN REMAINS;

16 (C) Transporting ~~dead human bodies~~ HUMAN REMAINS to or from  
17 the funeral establishment or the place of final disposition; and

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

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

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

1 (b) Has graduated with a CERTIFICATE, DIPLOMA, OR degree in  
2 mortuary science from:

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

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

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

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

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

16 **12-54-112. Standards of practice - embalming - transporting.**

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

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

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

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

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

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

1 (3) A funeral establishment shall remove any implanted device in  
2 ~~a dead human body~~ HUMAN REMAINS before transporting the body to a  
3 crematory.

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

6 **12-54-301. Unlawful acts.** (1) It is unlawful for a cremationist:

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

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

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

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

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

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

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

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

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

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

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

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

1 days after death.

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

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

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

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

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

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

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

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

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

26 **12-54-304. Title protection.** A person shall not advertise,  
27 represent, or hold oneself out as or use the title of a cremationist unless

1 the applicant has at least five hundred hours practicing or interning as a  
2 cremationist and has cremated at least fifty ~~dead human bodies~~ HUMAN  
3 REMAINS.

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

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

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

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

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

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

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

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

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

27 (3) (a) The ~~dead human body~~ CREMATORY shall ~~be held~~ HOLD

1 HUMAN REMAINS in a cremation container and shall not ~~be removed~~  
2 REMOVE THE REMAINS.

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

5 (c) A cremation container shall MUST:

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

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

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

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

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

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

1           **SECTION 14.** 12-54-401 (1) (b), Colorado Revised Statutes, is  
2 amended to read:

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

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

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

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