

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 17, 2011

Date

Committee on Economic and Business Development.

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

HB11-1178 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 2, strike "(4), (5), and (12)," and  
2 substitute "(1), (2), (4), (4.5), (4.7), (5), (7), (8), (9), (11) (b), (12), (14),  
3 (16), (17), and (19),".

4 Page 2, after line 7 insert:

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

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

13 Page 2, line 8, strike "dead" and substitute "~~dead~~".

14 Page 2, line 9, strike "human body" and substitute "~~human body~~ HUMAN  
15 REMAINS".

16 Page 2, line 13, strike "DEAD HUMAN BODIES" and substitute "HUMAN  
17 REMAINS".

18 Page 2, after line 13 insert:

1           "(4.5) "Cremation container" means a container in which the ~~dead~~  
2 ~~human body~~ is HUMAN REMAINS ARE transported to the crematory and  
3 intended to be placed in the cremation chamber.

4           (4.7) "Cremationist" means a person who cremates or prepares for  
5 cremation a ~~dead human body~~ HUMAN REMAINS."

6 Page 2, line 16, strike "WHERE dead human bodies" and substitute "~~dead~~  
7 ~~human bodies~~ WHERE HUMAN REMAINS".

8 Page 3, line 1, strike "DEAD".

9 Page 3, after line 1 insert:

10           "(7) "Embalm" or "embalming" means the disinfection and  
11 temporary preservation of ~~dead human bodies~~ HUMAN REMAINS by  
12 chemically treating the body to reduce the presence and growth of  
13 organisms, to retard organic decomposition, or to attempt restoration of  
14 the physical appearance.

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

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

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

21           (b) Prepares ~~dead human bodies~~ HUMAN REMAINS for final  
22 disposition by means other than embalming."

23 Page 3, line 3, strike "a dead" and substitute "~~a dead~~".

24 Page 3, line 4, strike "human body" and substitute "~~human body~~ HUMAN  
25 REMAINS".

26 Page 3, line 9, strike "a dead human body" and substitute "~~a dead human~~  
27 ~~body~~ HUMAN REMAINS".

28 Page 3, after line 13 insert:

29           "(14) "Funeral services" means:

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

1 (b) Arrangement, supervision, or conduct of the funeral ceremony  
2 or the final disposition of ~~dead human bodies~~ HUMAN REMAINS; or  
3 (c) Transportation of ~~dead human bodies~~ HUMAN REMAINS to or  
4 from a funeral establishment.  
5 (14.2) "HUMAN REMAINS" MEANS THE PHYSICAL REMAINS OF A  
6 DEAD HUMAN.  
7 (16) "Mortuary science practitioner" means a person who, for  
8 compensation, does the following or offers to do the following:  
9 (a) Embalms or cremates ~~dead human bodies~~ HUMAN REMAINS;  
10 (b) Arranges, directs, or supervises funerals, memorial services,  
11 or graveside services; or  
12 (c) Prepares ~~dead human bodies~~ HUMAN REMAINS for final  
13 disposition.  
14 (17) "Next of kin" means a family member or members of the  
15 deceased who, under Colorado law, have legal authority over the  
16 disposition of a ~~dead human body~~ HUMAN REMAINS."

17 Page 3, after line 17 insert:

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

22 Page 3, line 18, strike "(1)," and substitute "(1) and (2)," and strike "is"  
23 and substitute "are".

24 Page 3, line 25, strike "THE DEAD HUMAN" and substitute "HUMAN  
25 REMAINS."

26 Page 3, line 26, strike "BODY."

27 Page 4, after line 5 insert:

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

31 Page 4, line 6, strike "(1) (j)," and substitute "(1) (a), (1) (c), the  
32 introductory portion to 12-54-104 (1) (g) and 12-54-104 (1) (j) and (1)  
33 (l)," and strike "is" and substitute "are".

1 Page 4, after line 8 insert:

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

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

11 (g) To transport or otherwise transfer by common carrier ~~a dead~~  
12 ~~human body~~ HUMAN REMAINS unless:".

13 Page 4, line 9, strike "a dead human body" and substitute "~~a dead human~~  
14 ~~body~~ HUMAN REMAINS".

15 Page 4, after line 11 insert:

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

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

21 **12-54-105. Embalming or refrigeration of bodies required.** ~~All~~  
22 ~~dead human bodies kept~~ THE CUSTODIAN SHALL NOT KEEP THE HUMAN  
23 REMAINS more than twenty-four hours after death before final disposition  
24 BUT shall ~~be embalmed or shall be properly refrigerated~~ EMBALM OR  
25 PROPERTY REFRIGERATE THE BODY AFTER TWENTY-FOUR HOURS."

26 Renumber succeeding sections accordingly.

27 Page 4, line 12, strike "(5) (a)," and substitute "(2) and (5) (a)," and strike  
28 "is" and substitute "are".

29 Page 4, strike line 14 and substitute:

30 **"12-54-108. Exceptions - safe harbor.** (2) (a) This part 1 shall  
31 not apply to, nor in any way interfere with, any custom or rite of any  
32 religious sect in the burial of its dead, and the members and followers of  
33 ~~such~~ THE religious sect may continue to PROVIDE MEMORIAL SERVICES

1 FOR, care for, prepare, and bury the bodies of deceased members of such  
2 THE religious sect, free from any term or condition, or any provision of  
3 this part 1, and are not subject to this part 1, so long as the ~~dead human~~  
4 ~~body is~~ HUMAN REMAINS ARE refrigerated, frozen, embalmed, interred, or  
5 cremated within seven days after death.

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

13 (c) Notwithstanding the provisions of this subsection (2), upon the  
14 receipt of evidence that the ~~dead human body~~ HUMAN REMAINS likely  
15 contained a serious contagious disease, the state department of public  
16 health and environment, the state board of health, or a local department  
17 of health may issue an order overruling this subsection (2).

18 (5) (a) (I) A FUNERAL".

19 Page 5, after line 16 insert:

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

22 **12-54-110. Registration required.** (2) (a) Each funeral  
23 establishment shall register with the director using forms as determined  
24 by the director. The registration shall include, without limitation, the  
25 following:

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

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

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

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

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

36 Renumber succeeding sections accordingly.

37 Page 5, strike lines 17 and 18 and substitute:

1           **"SECTION 7.** The introductory portion to 12-54-111 (1) and  
2 12-54-111 (1) (b) and (3) (b), Colorado Revised Statutes, are amended to  
3 read:".

4 Page 6, after line 3 insert:

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

7           (b) Has embalmed at least fifty ~~dead human bodies~~ HUMAN  
8 REMAINS.

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

11           **12-54-112. Standards of practice - embalming - transporting.**

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

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

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

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

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

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

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

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

28           **12-54-301. Unlawful acts.** (1) It is unlawful for a cremationist:

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

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

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

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

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

4 Renumber succeeding sections accordingly.

5 Page 6, line 4, strike "(2) (a)," and substitute "(2) (a) and (3)," and strike  
6 "is" and substitute "are".

7 Page 7, after line 4 insert:

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

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

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

24 **12-54-303. Registration required.** (2) (a) Each crematory shall  
25 register with the director using forms as determined by the director. The  
26 registration shall include, without limitation, the following:

27 (IV) A list of each of the following services provided at each  
28 crematory location:

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

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

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

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

37 **SECTION 12.** 12-54-304, Colorado Revised Statutes, is amended

1 to read:

2 **12-54-304. Title protection.** A person shall not advertise,  
3 represent, or hold oneself out as or use the title of a cremationist unless  
4 the applicant has at least five hundred hours practicing or interning as a  
5 cremationist and has cremated at least fifty ~~dead human bodies~~ HUMAN  
6 REMAINS."

7 Renumber succeeding sections accordingly.

8 Page 7, strike lines 5 through 13 and substitute:

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

15 **12-54-307. Standards of practice - cremating.** (1) A crematory  
16 shall:

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

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

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

25 (III) Authorization to cremate the ~~dead human body~~ HUMAN  
26 REMAINS;

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

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

31 Page 7, after line 14 insert:

32 "(3) (a) The ~~dead human body~~ CREMATORY shall ~~be held~~ HOLD  
33 HUMAN REMAINS in a cremation container and shall not ~~be removed~~  
34 REMOVE THE REMAINS.

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



1 Page 7, line 15, strike "(3)".

2 Page 7, after line 16 insert:

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

5 Page 7, after line 18 insert:

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

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

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

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

25 **12-54-401. Powers and duties of the director - rules.** (1) The  
26 director may deny, suspend, refuse to renew, issue a letter of admonition  
27 or confidential letter of concern to, revoke, place on probation, or limit  
28 the scope of practice of the registration of a funeral establishment or  
29 crematory under this article that has:

30 (b) Had a registration issued by Colorado, or an equivalent  
31 license, registration, or certification issued by another state, to practice  
32 mortuary science or to embalm or cremate a ~~dead human body~~ HUMAN  
33 REMAINS revoked; or".

34 Renumber succeeding section accordingly.

35 Page 1, line 101, strike "DEAD".

- 1 Page 1, line 102, strike "HUMAN BODIES" and substitute "HUMAN
- 2 REMAINS".

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