

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 08-0171.01 Jery Payne

HOUSE BILL 08-1123

HOUSE SPONSORSHIP

Stafford,

SENATE SPONSORSHIP

Johnson,

House Committees

Business Affairs and Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF PERSONS WHO PROVIDE FOR THE**
102 **FINAL DISPOSITION OF DEAD HUMAN BODIES IN THE COURSE OF**
103 **BUSINESS, AND MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Regulates the mortuary science profession by:

- ! Requiring a mortuary science practitioner to be licensed, which requires a mortuary science degree, passing the national board examination, and 2,000 hours of experience in the field;
- ! Requiring a funeral director to be registered, which

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
3rd Reading Unamended
March 31, 2008

HOUSE
Amended 2nd Reading
March 28, 2008

requires 2,000 hours of experience and 50 funerals or graveside services directed;

! Requiring an embalmer to be registered, which requires 4,000 hours of experience and the embalming of at least 50 bodies;

! Requiring a cremationist to be registered, which requires 500 hours of experience and the cremation of 100 bodies;

! Requiring an intern to be registered, which requires a high school diploma and a supervising professional.

Prohibits persons disciplined in Colorado or another state from licensure or registration if they have been disciplined within the last 2 years or are currently under suspension. Requires licenses and registrations to be renewed annually. Limits the period a registrant may intern to 4 years as an embalmer and 2 years as a mortuary science practitioner, funeral director, or cremationist.

Requires funeral establishments to be registered.

Sets standards of practice for embalming, cremating, and transporting bodies.

Authorizes the executive director of the department of regulatory agencies (director) to discipline licensees or registrants for:

! Misstatements or omitted disclosures on an application;

! Being disciplined within the last 2 years, typically in another state;

! Negligently violating the mortuary science code;

! Failing to comply with the standards of practice; and

! A pattern of unprofessional acts.

Requires disciplinary hearings to be conducted in accordance with the "State Administrative Procedure Act". Sets the revocation period as 2 years. Authorizes temporary suspensions in lieu of revocation when a violation does not rise to revocation. Authorizes the director to investigate potential violations, administer oaths, issue subpoenas, and hear witnesses. Requires an investigation if a complaint is made by a professional organization. Authorizes cease-and-desist orders. Allows the director to obtain a consultation or opinion from a professional association when considering a standard of care.

Grants the director rule-making authority. Requires the director to seek input and advice from professional organizations. Instructs the director to promulgate a rule that ensures continuing competence of licensees and registrants.

Grants the director fee-setting authority. Requires fees to be in an amount to offset the costs of implementing the act. Creates the mortuary cash fund.

Grants the director authority to issue an order regarding the closure or continued operation of a funeral establishment if the establishment is an unreasonable and imminent hazard to public health. Sets standards for

the order and procedures for a hearing on the order. Authorizes the director to enter a funeral establishment and to conduct random inspections. Deems a refusal to allow entry as a health risk.

Authorizes the director to forward complaints to the district attorney, or any government law enforcement agency, for prosecution. Authorizes the director to seek injunctions and contempt orders to enforce the act.

Establishes a sunset and review date of July 1, 2018.

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

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

6 **12-54-102. Definitions.** As used in this part 1, unless the context
7 otherwise requires:

8 (4) "Cremation" OR "CREMATE" means the reduction of a dead
9 human body to essential elements through direct exposure to intense heat,
10 the processing of the remains, and the placement of the processed remains
11 in a cremated remains container.

12 (4.5) "CREMATIONIST" MEANS A PERSON WHO, FOR
13 COMPENSATION, CREMATES OR PREPARES FOR CREMATION A DEAD HUMAN
14 BODY.

15 (5.5) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF
16 REGISTRATIONS OR THE DIRECTOR'S DESIGNEE.

17 (8) "Embalmer" means any person who embalms, OR PREPARES
18 FOR EMBALMING, a dead human body for compensation.

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

20 (a) Arranges, directs, or supervises funerals, memorial services,
21 or graveside services; or

1 (b) Prepares dead human bodies for final disposition by means
2 other than embalming OR CREMATION.

3 (12) "Funeral establishment" means: ~~either or both of the~~
4 ~~following:~~

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

9 (b) An establishment that provides funeral goods or services to the
10 public;

11 (c) FACILITIES USED TO HOLD, CARE FOR, OR PREPARE A DEAD
12 HUMAN BODY PRIOR TO FINAL DISPOSITION; EXCEPT THAT THIS PARAGRAPH
13 (c) DOES NOT APPLY TO FACILITIES IN WHICH INDIVIDUALS REGULARLY
14 DIE; AND

15 (d) A FACILITY, INCLUDING, WITHOUT LIMITATION, A MOTOR
16 VEHICLE, USED FOR THE TRANSPORTATION OF DEAD HUMAN BODIES TO OR
17 FROM A PLACE SPECIFIED IN PARAGRAPHS (a) TO (c) OF THIS SUBSECTION
18 (12).

19 (14) "Funeral services" means: ~~any one or more of the following:~~

20 (a) Preparation of dead human bodies for final disposition; AND

21 (b) Arrangement, supervision, or conduct of the funeral ceremony
22 or the final disposition of dead human bodies. ~~or~~

23 (c) ~~Transportation of dead human bodies to or from a funeral~~
24 ~~establishment.~~

25 (16) ~~"Mortician"~~ "MORTUARY SCIENCE PRACTITIONER" means a
26 person who, for compensation, DOES THE FOLLOWING OR OFFERS TO DO
27 THE FOLLOWING:

- 1 (a) Embalms OR CREMATES dead human bodies;
- 2 (b) Arranges, directs, or supervises funerals, memorial services,
3 or graveside services; or
- 4 (c) Prepares dead human bodies for final disposition.

5 (21) "UNPROFESSIONAL ACT" MEANS A RECKLESS OR INTENTIONAL
6 ACT OR OMISSION THAT CAUSES DAMAGES AND FAILS TO MEET GENERALLY
7 ACCEPTED STANDARDS OF MORTUARY SCIENCE IN CONNECTION WITH THE
8 FINAL DISPOSITION OF A DEAD HUMAN BODY.

9 **SECTION 2.** 12-54-103, Colorado Revised Statutes, is amended
10 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
11 read:

12 **12-54-103. Funeral establishment - registration.** (3) (a) EACH
13 FUNERAL ESTABLISHMENT SHALL REGISTER WITH THE DIRECTOR USING
14 FORMS AS DETERMINED BY THE DIRECTOR. THE REGISTRATION SHALL
15 INCLUDE THE FOLLOWING:

16 (I) THE SPECIFIC LOCATION OF THE FUNERAL ESTABLISHMENT AND
17 ALL FACILITIES OF SUCH ESTABLISHMENT;

18 (II) THE FULL NAME AND ADDRESS OF:

19 (A) THE OWNER, IF THE APPLICANT IS A SOLE PROPRIETORSHIP;

20 (B) EACH PARTNER, IF THE APPLICANT IS ANY FORM OF
21 PARTNERSHIP;

22 (C) EACH MEMBER HOLDING AT LEAST A TWENTY-FIVE PERCENT
23 OWNERSHIP INTEREST AND THE MANAGING OFFICER IF THE APPLICANT IS
24 A LIMITED LIABILITY COMPANY; OR

25 (D) EACH STOCKHOLDER WITH AT LEAST TWENTY-FIVE PERCENT
26 OF THE STOCK AND THE MANAGING OFFICER IF THE APPLICANT IS A
27 CORPORATION;

1 (III) A DISCLOSURE, BY EACH INDIVIDUAL WHO IS REQUIRED TO
2 PROVIDE A NAME AND ADDRESS UNDER SUBPARAGRAPH (II) OF THIS
3 PARAGRAPH (a), OF ANY FELONY OR MISDEMEANOR CONVICTIONS IN
4 WHICH FRAUD WAS AN ESSENTIAL ELEMENT OF THE CRIME OR ANY
5 ADMINISTRATIVE DISCIPLINE IMPOSED ON THE INDIVIDUAL CONCERNING
6 THE PRACTICE OF CREMATING, EMBALMING, OR PREPARING DEAD HUMAN
7 BODIES FOR FINAL DISPOSITION;

8 (IV) THE DATE THE ESTABLISHMENT BEGAN DOING BUSINESS; AND

9 (V) A LIST OF EACH OF THE FOLLOWING SERVICES PROVIDED AT
10 EACH LOCATION:

11 (A) REFRIGERATING OR HOLDING DEAD HUMAN BODIES;

12 (B) EMBALMING DEAD HUMAN BODIES;

13 (C) TRANSPORTING DEAD HUMAN BODIES TO OR FROM THE
14 FUNERAL ESTABLISHMENT OR THE PLACE OF FINAL DISPOSITION; AND

15 (D) PROVIDING FUNERAL GOODS OR SERVICES TO THE PUBLIC.

16 (b) EACH FUNERAL ESTABLISHMENT REGISTRATION SHALL BE
17 RENEWED AT LEAST BIENNIALLY ACCORDING TO A SCHEDULE ESTABLISHED
18 BY THE DIRECTOR IN A FORM AS DETERMINED BY THE DIRECTOR.

19 (c) IF, AFTER INITIAL REGISTRATION, THE ESTABLISHMENT
20 PROVIDES A SERVICE LISTED IN SUBPARAGRAPH (V) OF PARAGRAPH (a) OF
21 THIS SUBSECTION (3) THAT WAS NOT INCLUDED IN THE INITIAL
22 REGISTRATION, THE ESTABLISHMENT SHALL SUBMIT AN AMENDED
23 REGISTRATION WITHIN THIRTY DAYS AFTER BEGINNING TO PROVIDE THE
24 NEW SERVICE.

25 (d) THE DIRECTOR MAY ESTABLISH REGISTRATION FEES, RENEWAL
26 FEES, AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO
27 SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW THE

1 REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE
2 DIRECTOR, THE REGISTRATION SHALL EXPIRE.

3 (4) THE DIRECTOR MAY DENY OR REFUSE TO RENEW THE
4 REGISTRATION OF A FUNERAL ESTABLISHMENT IF ANY OF THE FOLLOWING
5 PRINCIPALS HAVE, WITHIN THE LAST FIVE YEARS, BEEN CONVICTED OF A
6 CRIME IN WHICH FRAUD IS AN ESSENTIAL ELEMENT OR HAS BEEN
7 ADMINISTRATIVELY DISCIPLINED CONCERNING THE PRACTICE OF
8 CREMATING, EMBALMING, OR PREPARING DEAD HUMAN BODIES FOR FINAL
9 DISPOSITION:

10 (a) THE OWNER, IF THE APPLICANT IS A SOLE PROPRIETORSHIP;

11 (b) EACH PARTNER, IF THE APPLICANT IS ANY FORM OF
12 PARTNERSHIP;

13 (c) EACH MEMBER HOLDING AT LEAST A TWENTY-FIVE PERCENT
14 OWNERSHIP INTEREST AND THE MANAGING OFFICER IF THE APPLICANT IS
15 A LIMITED LIABILITY COMPANY; OR

16 (d) EACH STOCKHOLDER WITH AT LEAST TWENTY-FIVE PERCENT OF
17 THE STOCK AND THE MANAGING OFFICER IF THE APPLICANT IS A
18 CORPORATION.

19 (5) THE DIRECTOR SHALL DENY, REVOKE, OR REFUSE TO RENEW
20 THE REGISTRATION OF A FUNERAL ESTABLISHMENT IF THE ESTABLISHMENT
21 IS LICENSED, OR IF AT LEAST TWENTY-FIVE PERCENT OF THE
22 ESTABLISHMENT IS OWNED BY A PERSON LICENSED, PURSUANT SECTION
23 25-1.5-103, C.R.S.

24 (6) PRIOR TO PROVIDING FUNERAL GOODS OR SERVICES, A FUNERAL
25 ESTABLISHMENT SHALL NOTIFY A POTENTIAL CUSTOMER OF EACH TRADE
26 NAME UNDER WHICH THE FUNERAL ESTABLISHMENT DOES BUSINESS OR OF
27 ANY OTHER FUNERAL ESTABLISHMENTS, OR TRADE NAMES THEREOF, THAT

1 IS OWNED BY, THAT OWNS, OR THAT IS UNDER COMMON OWNERSHIP WITH
2 THE FUNERAL ESTABLISHMENT IF SUCH TRADE NAMES OR FUNERAL
3 ESTABLISHMENTS ARE WITHIN THIRTY MILES OF THE PROVIDER FUNERAL
4 ESTABLISHMENT.

5 **SECTION 3.** 12-54-104 (1) (c), (1) (e), (1) (g) (I), and (1) (h),
6 the introductory portion to 12-54-104 (1) (i), and 12-54-104 (1) (i) (I), (1)
7 (i) (VI), and (1) (i) (VII), Colorado Revised Statutes, are amended, and
8 the said 12-54-104 (1) (i) is further amended BY THE ADDITION OF A
9 NEW SUBPARAGRAPH, to read:

10 **12-54-104. Unlawful acts.** (1) It is unlawful:

11 (c) For any public officer or employee, the official of any public
12 institution, or any hospital, nursing home, physician, surgeon, funeral
13 director, ~~embalmer, mortician~~ MORTUARY SCIENCE PRACTITIONER,
14 EMBALMER, or any other person having a professional relationship with
15 the decedent to approve or cause the final disposition of a dead human
16 body in violation of this article;

17 (e) For a funeral director, ~~mortician~~ MORTUARY SCIENCE
18 PRACTITIONER, embalmer, ~~or~~ funeral establishment, OR FACILITY IN WHICH
19 PEOPLE REGULARLY DIE or such person's OR FACILITY'S agent to engage
20 in a business practice that interferes with the freedom of choice of the
21 general public to choose a funeral director, ~~mortician~~ MORTUARY SCIENCE
22 PRACTITIONER, embalmer, or funeral establishment;

23 (g) To transport or otherwise transfer by common carrier a dead
24 human body unless:

25 (I) A funeral director, MORTUARY SCIENCE PRACTITIONER, or
26 embalmer has embalmed or hermetically sealed the body for
27 transportation and complies with applicable common carrier law; or

1 (h) For a funeral director, ~~mortician~~ MORTUARY SCIENCE
2 PRACTITIONER, or embalmer to advertise as holding a degree ~~or degree~~ in
3 mortuary science, A certificate of registration, A professional license, or
4 A professional certification issued by a state, political subdivision, or
5 agency unless the person holds such degree, registration, license, or
6 certification and it is current and valid at the time of advertisement. If a
7 funeral director, ~~mortician~~ MORTUARY SCIENCE PRACTITIONER, or
8 embalmer advertises as holding a credential granted by a governmental
9 entity, such person shall identify the jurisdiction that granted such
10 credential in such advertisement.

11 (i) For ~~an embalmer~~, A funeral director, ~~or mortician~~ MORTUARY
12 SCIENCE PRACTITIONER, OR EMBALMER to admit or permit any person to
13 visit the embalming, CREMATING, or preparation room during the time
14 such body is being embalmed, CREMATED, or prepared for final
15 disposition, unless such person:

16 (I) Is a funeral director, MORTUARY SCIENCE PRACTITIONER,
17 CREMATIONIST, or embalmer;

18 (VI) Is a registered or licensed ~~nurse~~; or NURSE WITH A MEDICAL
19 REASON TO BE PRESENT;

20 (VII) Is a licensed physician or surgeon WITH A MEDICAL REASON
21 TO BE PRESENT; OR

22 (VIII) IS A TECHNICIAN WITH A CERTIFIED ANATOMICAL DONATION
23 ORGANIZATION WHO POSSESSES APPROPRIATE DOCUMENTATION OF A
24 POTENTIAL ORGAN OR TISSUE DONATION;

25 **SECTION 4.** 12-54-104 (1), Colorado Revised Statutes, is
26 amended BY THE ADDITION OF THE FOLLOWING NEW
27 PARAGRAPHS to read:

1 **12-54-104. Unlawful acts.** (1) It is unlawful:
2 (n) FOR A MORTUARY SCIENCE PRACTITIONER, FUNERAL DIRECTOR,
3 EMBALMER, OR AGENT THEREOF, TO SELL ANY PART OF A HUMAN BODY;
4 (o) FOR A REGISTRANT OR LICENSEE TO PERFORM SERVICES
5 BEYOND THE COMPETENCY, TRAINING, OR EDUCATION OF THE REGISTRANT
6 OR LICENSEE; OR
7 (p) TO REQUIRE A CREMATORY TO ACCEPT A CREMATION
8 CONTAINER FROM WHICH BODILY FLUIDS ARE LEAKING.

9 **SECTION 5.** 12-54-107, Colorado Revised Statutes, is amended
10 to read:

11 **12-54-107. Violations and penalties.** Any person who violates
12 ~~the provisions of this part 1 OR PART 3 OF THIS ARTICLE~~ is guilty of a
13 misdemeanor and, upon conviction, shall be punished by a fine of not
14 more than five thousand dollars or by imprisonment in the county jail for
15 not more than twenty-four months or by both such fine and imprisonment.

16 **SECTION 6.** The introductory portion to 12-54-108 (4) and
17 12-54-108 (5), Colorado Revised Statutes, are amended to read:

18 **12-54-108. Exceptions - safe harbor.** (4) If a funeral director,
19 MORTUARY SCIENCE PRACTITIONER, or embalmer has acted in good faith,
20 ~~the funeral director, MORTUARY SCIENCE PRACTITIONER, or embalmer~~ may
21 rely on a signed statement from a person with the right of final disposition
22 under section 15-19-106, C.R.S., that:

23 (5) (a) A funeral director or ~~embalmer~~ MORTUARY SCIENCE
24 PRACTITIONER may dispose of cremated remains at the expense of the
25 person with the right of final disposition three hundred sixty-five days
26 after cremation if the ~~funeral director has~~ PERSON WAS given clear prior
27 notice of this ~~provision~~ PARAGRAPH (a) and ~~has given such person a~~

1 reasonable opportunity to collect the cremated remains, ~~if the funeral~~
2 ~~director or embalmer records~~ the exact location of the disposition and the
3 costs associated with the disposition ARE RECORDED, and the recovery of
4 the cremated remains is possible. Recovery of costs shall be limited to a
5 reasonable amount of the costs actually expended by the funeral director.

6 (b) If the person was cremated prior to July 1, 2003, and the
7 funeral director OR MORTUARY SCIENCE PRACTITIONER reasonably
8 attempts to notify the person with the right of final disposition of the
9 provisions of this subsection (5), the ~~funeral director may dispose of~~
10 cremated remains MAY BE DISPOSED OF in accordance with this subsection
11 (5) notwithstanding a failure to provide the notice of the provisions of this
12 subsection (5) to the person with the right of final disposition prior to
13 disposing of the remains.

14 **SECTION 7.** Part 1 of article 19 of title 15, Colorado Revised
15 Statutes, is amended BY THE ADDITION OF A NEW SECTION
16 CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS,
17 to read:

18 **15-19-109. [Formerly 12-54-109] Effect of criminal charges.**
19 A person who has been arrested on suspicion of having committed, is
20 charged with, or has been convicted of, any felony offense specified in
21 part 1 of article 3 of title 18, C.R.S., involving the death of the deceased
22 person, shall not direct the final disposition of the deceased person or
23 arrange the ceremonies for the deceased person. If charges are not
24 brought, charges are brought but dismissed, or the person charged is
25 acquitted of the alleged crime before final disposition of the deceased
26 person's body, this section shall not apply.

27 **SECTION 8. Repeal of provision being relocated.** 12-54-109,

1 Colorado Revised Statutes, is repealed.

2 SECTION 9. Part 1 of article 54 of title 12, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
4 SECTIONS to read:

5 12-54-110. License or registration required. (1) (a) (I) UNLESS
6 LICENSED BY THE DIRECTOR, A PERSON SHALL NOT PRACTICE AS OR OFFER
7 THE SERVICES OF A MORTUARY SCIENCE PRACTITIONER.

8 (II) THIS PARAGRAPH (a) IS EFFECTIVE JULY 1, 2009.

9 (b) (I) UNLESS REGISTERED BY THE DIRECTOR, A PERSON SHALL NOT
10 PRACTICE AS OR OFFER THE SERVICES OF A FUNERAL DIRECTOR,
11 CREMATIONIST, OR EMBALMER, EXCEPT AS SPECIFIED IN PARAGRAPH (a) OF
12 SUBSECTION (5) OF THIS SECTION.

13 (II) THIS PARAGRAPH (b) IS EFFECTIVE JULY 1, 2009.

14 (2) (a) AN APPLICANT FOR A MORTUARY SCIENCE PRACTITIONER
15 LICENSE OR FUNERAL DIRECTOR OR EMBALMER REGISTRATION SHALL
16 SUBMIT THE FOLLOWING:

17 (I) A DISCLOSURE OF ALL ADMINISTRATIVE DISCIPLINE TAKEN
18 AGAINST THE APPLICANT CONCERNING THE PRACTICE OF CREMATING,
19 EMBALMING, OR PREPARING DEAD HUMAN BODIES FOR FINAL DISPOSITION;

20 (II) EVIDENCE, ACCEPTABLE TO THE DIRECTOR, THAT THE
21 APPLICANT HAS MET THE REQUIREMENTS OF SUBSECTION (3) OF THIS
22 SECTION;

23 (III) THE APPLICATION FEE ESTABLISHED BY SECTION 12-54-115;

24 AND

25 (IV) THE APPLICANT'S NAME AND ADDRESS.

26 (b) AN APPLICANT FOR AN INTERN REGISTRATION SHALL SUBMIT
27 THE FOLLOWING:

1 (I) EVIDENCE, ACCEPTABLE TO THE DIRECTOR, THAT THE APPLICANT
2 HAS MET THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION;

3 (II) THE APPLICATION FEE ESTABLISHED BY SECTION 12-54-115;
4 AND

5 (III) THE APPLICANT'S NAME AND ADDRESS.

6 (3) (a) AN APPLICANT SHALL NOT BE LICENSED AS A MORTUARY
7 SCIENCE PRACTITIONER UNLESS THE APPLICANT:

8 (I) HAS AT LEAST TWO THOUSAND HOURS PRACTICING OR
9 INTERNING AS A MORTUARY SCIENCE PRACTITIONER, INCLUDING, WITHOUT
10 LIMITATION, EXPERIENCE IN CREMATION AND EMBALMING;

11 (II) HAS GRADUATED WITH A DEGREE IN MORTUARY SCIENCE FROM
12 A SCHOOL OF HIGHER EDUCATION ACCREDITED BY THE AMERICAN BOARD
13 OF FUNERAL SERVICE EDUCATION OR ITS SUCCESSOR; AND

14 (III) HAS TAKEN THE MORTUARY SCIENCE TEST, KNOWN AS THE
15 NATIONAL BOARD EXAMINATION, ADMINISTERED BY THE INTERNATIONAL
16 CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS OR ITS SUCCESSOR,
17 AND RECEIVED A PASSING SCORE.

18 (b) AN APPLICANT SHALL NOT BE REGISTERED AS A FUNERAL
19 DIRECTOR UNLESS THE APPLICANT:

20 (I) HAS AT LEAST TWO THOUSAND HOURS PRACTICING OR
21 INTERNING AS A FUNERAL DIRECTOR; AND

22 (II) HAS DIRECTED AT LEAST FIFTY FUNERALS OR GRAVESIDE
23 SERVICES.

24 (c) AN APPLICANT SHALL NOT BE REGISTERED AS AN EMBALMER
25 UNLESS THE APPLICANT:

26 (I) HAS AT LEAST FOUR THOUSAND HOURS PRACTICING OR
27 INTERNING AS AN EMBALMER; AND

1 (II) HAS EMBALMED AT LEAST FIFTY DEAD HUMAN BODIES.

2 (d) AN APPLICANT SHALL NOT BE REGISTERED AS A CREMATIONIST
3 UNLESS THE APPLICANT:

4 (I) HAS AT LEAST FIVE HUNDRED HOURS PRACTICING OR INTERNING
5 AS A CREMATIONIST; AND

6 (II) HAS CREMATED AT LEAST ONE HUNDRED DEAD HUMAN BODIES.

7 (e) AN APPLICANT SHALL NOT BE REGISTERED AS AN INTERN UNLESS
8 THE APPLICANT HAS A HIGH SCHOOL DIPLOMA OR GRADUATION
9 EQUIVALENCY DIPLOMA.

10 (f) FOR PURPOSES OF THIS SUBSECTION (3), THE DIRECTOR SHALL
11 ACCEPT INTERN OR PRACTICE HOURS FROM COLORADO OR ANY OTHER
12 STATE.

13 (4) A PERSON WHO IS LICENSED OR REGISTERED PURSUANT TO THIS
14 SECTION SHALL RENEW SUCH LICENSE OR REGISTRATION AT LEAST
15 ANNUALLY ACCORDING TO A SCHEDULE OF RENEWAL ESTABLISHED BY THE
16 DIRECTOR.

17 (5)(a) A PERSON MAY INTERN AS A FUNERAL DIRECTOR, MORTUARY
18 SCIENCE PRACTITIONER, OR EMBALMER IF THE PERSON IS PRACTICING
19 UNDER THE DIRECT SUPERVISION OF AN AUTHORIZED FUNERAL DIRECTOR,
20 MORTUARY SCIENCE PRACTITIONER, OR EMBALMER. IF THE FUNERAL
21 DIRECTOR, MORTUARY SCIENCE PRACTITIONER, OR EMBALMER SUPERVISES
22 THE INTERN NEGLIGENTLY, THE SUPERVISOR SHALL BE LIABLE FOR AND
23 SUBJECT TO DISCIPLINE FOR ACTS COMMITTED BY THE INTERN.

24 (b) A PERSON SHALL NOT INTERN AS AN EMBALMER FOR MORE THAN
25 FOUR YEARS.

26 (c) A PERSON SHALL NOT INTERN AS A FUNERAL DIRECTOR OR
27 MORTUARY SCIENCE PRACTITIONER FOR MORE THAN TWO YEARS.

1 (6) A LICENSEE OR REGISTRANT SHALL NOTIFY THE DIRECTOR
2 WITHIN THIRTY DAYS OF A CHANGE OF ADDRESS.

3 **12-54-111. Standards of practice - embalming - cremating -**
4 **transporting.** (1) AN EMBALMER OR MORTUARY SCIENCE PRACTITIONER

5 WHO PERFORMS EMBALMING SHALL:

6 (a) MAINTAIN A SANITARY PREPARATION ROOM WITH SANITARY
7 FLOORING, DRAINAGE, AND VENTILATION;

8 (b) EMPLOY UNIVERSAL BIOLOGICAL HAZARD PRECAUTIONS;

9 (c) EMPLOY REASONABLE CARE TO MINIMIZE THE RISK OF
10 TRANSMITTING COMMUNICABLE DISEASES FROM DEAD HUMAN BODIES;

11 (d) BE EQUIPPED WITH INSTRUMENTS AND SUPPLIES NECESSARY TO
12 PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND EMPLOYEES OF THE
13 ESTABLISHMENT; AND

14 (e) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
15 MANNER.

16 (2) A MORTUARY SCIENCE PRACTITIONER WHO PERFORMS
17 CREMATION SHALL COMPLY WITH PART 3 OF THIS ARTICLE.

18 (3) A FUNERAL ESTABLISHMENT THAT TRANSPORTS DEAD HUMAN
19 BODIES SHALL:

20 (a) USE A MOTOR VEHICLE THAT IS APPROPRIATE FOR THE
21 TRANSPORTATION OF A DEAD HUMAN BODY; AND

22 (b) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
23 MANNER.

24 **12-54-112. Powers and duties of the director - rules.** (1) THE
25 DIRECTOR MAY DENY, REFUSE TO RENEW, REVOKE, PLACE ON PROBATION,
26 OR LIMIT THE SCOPE OF PRACTICE OF THE LICENSE OR REGISTRATION OF AN
27 APPLICANT WHO HAS:

1 (a) FILED AN APPLICATION WITH THE DIRECTOR CONTAINING
2 MATERIAL MISSTATEMENTS OF FACT OR OMITTED ANY DISCLOSURE
3 REQUIRED BY THIS PART 1;

4 (b) HAD A LICENSE OR REGISTRATION ISSUED BY COLORADO, OR AN
5 EQUIVALENT LICENSE, REGISTRATION, OR CERTIFICATION ISSUED BY
6 ANOTHER STATE, TO PRACTICE MORTUARY SCIENCE OR TO EMBALM OR
7 CREMATE A DEAD HUMAN BODY REVOKED WITHIN THE LAST TWO YEARS;

8 (c) A LICENSE OR REGISTRATION ISSUED BY COLORADO, OR AN
9 EQUIVALENT LICENSE, REGISTRATION, OR CERTIFICATION ISSUED BY
10 ANOTHER STATE, TO PRACTICE MORTUARY SCIENCE OR TO EMBALM OR
11 CREMATE A DEAD HUMAN BODY CURRENTLY UNDER SUSPENSION;

12 (d) NEGLIGENTLY VIOLATED THIS PART 1;

13 (e) FAILED TO COMPLY WITH THE STANDARDS OF PRACTICE IN
14 SECTION 12-54-111; OR

15 (f) COMMITTED A PATTERN OF UNPROFESSIONAL ACTS.

16 (2) THE DIRECTOR MAY REVOKE THE LICENSE OR REGISTRATION OF
17 A LICENSEE OR REGISTRANT WITHOUT A HEARING IF THE LICENSEE OR
18 REGISTRANT HAS BEEN CONVICTED OF A FELONY RELATED TO ANOTHER
19 ACTIVITY REGULATED UNDER THIS PART 1. THE DIRECTOR SHALL
20 PROMPTLY NOTIFY THE LICENSEE OR REGISTRANT OF SUCH REVOCATION.

21 (3) UPON FINDING A VIOLATION OF THIS PART 1 OR OF A RULE
22 PROMULGATED PURSUANT TO THIS PART 1, THE DIRECTOR OR AN
23 ADMINISTRATIVE LAW JUDGE MAY TEMPORARILY SUSPEND, FOR UP TO
24 SIXTY DAYS, A LICENSE OR REGISTRATION ISSUED PURSUANT TO THIS PART
25 1 IN LIEU OF REFUSING TO RENEW OR REVOKING THE LICENSE OR
26 REGISTRATION UPON DETERMINING THAT THE VIOLATION DOES NOT MERIT
27 REVOCATION.

1 (4) (a) THE DIRECTOR MAY INVESTIGATE THE ACTIVITIES OF A
2 LICENSEE, REGISTRANT, OR OTHER PERSON THAT PRESENT GROUNDS FOR
3 DISCIPLINARY ACTION UNDER THIS SECTION OR WHO HAS VIOLATED THIS
4 PART 1 OR RULES PROMULGATED PURSUANT TO THIS PART 1.

5 (b) THE DIRECTOR SHALL TAKE COMPLAINTS AND SHALL
6 INVESTIGATE THE ACTIVITIES OF A LICENSEE OR REGISTRANT UPON A
7 COMPLAINT BEING MADE BY A CLIENT OR PROFESSIONAL ORGANIZATION OF
8 LICENSEES OR REGISTRANTS UNDER THIS PART 1.

9 (5) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE APPOINTED
10 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., SHALL CONDUCT
11 DISCIPLINARY HEARINGS CONCERNING A LICENSE OR REGISTRATION ISSUED
12 UNDER THIS PART 1. SUCH HEARINGS SHALL CONFORM TO ARTICLE 4 OF
13 TITLE 24, C.R.S.

14 (6) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS
15 SUBSECTION (6), A PERSON WHOSE LICENSE OR REGISTRATION HAS BEEN
16 REVOKED SHALL NOT BE ELIGIBLE FOR A LICENSE OR REGISTRATION FOR
17 TWO YEARS AFTER THE EFFECTIVE DATE OF THE REVOCATION.

18 (b) IF THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE
19 DETERMINES THAT AN APPLICATION CONTAINED A MISSTATEMENT OF FACT
20 OR OMITTED A REQUIRED DISCLOSURE DUE TO AN UNINTENTIONAL ERROR,
21 THE DIRECTOR SHALL ALLOW THE APPLICANT TO CORRECT THE
22 APPLICATION. UPON RECEIPT OF THE CORRECTED AND COMPLETED
23 APPLICATION, THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE SHALL NOT
24 BAR THE APPLICANT FROM BEING LICENSED OR REGISTERED ON THE BASIS
25 OF THE UNINTENTIONAL MISSTATEMENT OR OMISSION.

26 (7) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE MAY
27 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE

1 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE
2 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY
3 EVIDENCE, AND MATERIALS IN ANY HEARING OR INVESTIGATION
4 CONDUCTED BY THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

5 (b) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR
6 SERVICE OF PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE
7 SUBPOENAED WITNESS RESIDES OR CONDUCTS BUSINESS MAY ISSUE AN
8 ORDER REQUIRING THE WITNESS TO APPEAR BEFORE THE DIRECTOR OR
9 ADMINISTRATIVE LAW JUDGE AND PRODUCE THE RELEVANT PAPERS, BOOKS,
10 RECORDS, DOCUMENTARY EVIDENCE, TESTIMONY, OR MATERIALS IN
11 QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED
12 AS A CONTEMPT OF COURT. THE DIRECTOR OR AN ADMINISTRATIVE LAW
13 JUDGE MAY APPLY FOR SUCH ORDER.

14 (8) THE DIRECTOR SHALL KEEP RECORDS OF THE PERSONS LICENSED
15 OR REGISTERED UNDER THIS PART 1 AND OF DISCIPLINARY PROCEEDINGS.
16 THE RECORDS KEPT BY THE DIRECTOR SHALL BE OPEN TO PUBLIC
17 INSPECTION IN A REASONABLE TIME AND MANNER DETERMINED BY THE
18 DIRECTOR.

19 (9) WHEN THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE DEEMS
20 IT APPROPRIATE AND USEFUL, THE DIRECTOR OR ADMINISTRATIVE LAW
21 JUDGE SHALL CONSULT WITH OR OBTAIN A WRITTEN OPINION FROM AN
22 APPROPRIATE PROFESSIONAL ORGANIZATION OR ASSOCIATION OF PERSONS
23 LICENSED OR REGISTERED UNDER THIS PART 1 FOR THE PURPOSES OF
24 INVESTIGATING POSSIBLE VIOLATIONS OR WEIGHING THE APPROPRIATE
25 STANDARD OF CARE TO BE APPLIED TO SPECIFIC EVENTS OR THE FACTS IN A
26 HEARING BEING HELD UNDER THIS PART 1. WHEN OBTAINING AN OPINION
27 OR CONSULTING WITH THE PROFESSIONAL ORGANIZATION OR ASSOCIATION,

1 THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE SHALL NOT REVEAL THE
2 NAMES OF ANY OF THE PARTIES INVOLVED IN THE INVESTIGATION UNTIL A
3 HEARING IS HELD UNDER THIS PART 1 AND ARTICLE 4 OF TITLE 24, C.R.S.

4 (10) (a) THE DIRECTOR MAY PROMULGATE REASONABLE RULES
5 NECESSARY TO IMPLEMENT THIS SECTION AND SECTIONS 12-54-110,
6 12-54-115, AND 12-54-116.

7 (b) BEFORE PROMULGATING RULES, THE DIRECTOR MAY SEEK INPUT
8 AND ADVICE FROM A PERSON, OR ANY STATE PROFESSIONAL ORGANIZATION
9 OF PERSONS, REQUIRED TO BE LICENSED OR REGISTERED PURSUANT TO THIS
10 PART 1.

11 **12-54-113. Cease-and-desist orders - procedure.** (1) (a) IF IT
12 APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS
13 PRESENTED IN A WRITTEN COMPLAINT, THAT THE HOLDER OF A LICENSE OR
14 REGISTRATION UNDER THIS ARTICLE IS ACTING IN A MANNER THAT CREATES
15 AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A
16 PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR
17 REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST
18 SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES
19 ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE
20 CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL
21 UNLAWFUL ACTS OR UNAUTHORIZED PRACTICES IMMEDIATELY CEASE.

22 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
23 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE
24 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER
25 ACTS OR PRACTICES IN VIOLATION OF THIS PART 1 HAVE OCCURRED. SUCH
26 HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND
27 24-4-105, C.R.S.

1 (2) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
2 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON HAS
3 VIOLATED THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS
4 GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ISSUE TO SUCH
5 PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT
6 ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM
7 THE UNLAWFUL ACT OR PRACTICE.

8 (b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN
9 ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE
10 PROMPTLY NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE ORDER,
11 ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR
12 THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE
13 ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY
14 FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE
15 PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED.
16 PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO
17 THIS SUBSECTION (2) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

18 (c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE
19 COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE
20 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
21 NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS
22 SUBSECTION (2). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL
23 PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF
24 PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER,
25 BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY
26 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
27 NOTIFICATION.

1 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
2 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES
3 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE
4 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON
5 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND SUCH OTHER
6 EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS
7 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS
8 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE
9 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME
10 FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL
11 BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

12 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON
13 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS
14 ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION OR HAS
15 ENGAGED OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING
16 VIOLATIONS OF THIS ARTICLE, A FINAL CEASE-AND-DESIST ORDER MAY BE
17 ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER
18 UNLAWFUL ACTS OR UNLICENSED PRACTICES.

19 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET
20 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL
21 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE
22 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON
23 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER
24 SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR
25 PURPOSES OF JUDICIAL REVIEW.

26 (3) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
27 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN

1 OR IS ABOUT TO ENGAGE IN AN ACT OR PRACTICE CONSTITUTING A
2 VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS
3 ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR
4 PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION
5 PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ENTER INTO A
6 STIPULATION WITH THE PERSON.

7 (4) IF A PERSON FAILS TO COMPLY WITH A FINAL CEASE-AND-DESIST
8 ORDER OR A STIPULATION, THE DIRECTOR MAY REQUEST THE ATTORNEY
9 GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH
10 THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH
11 ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND
12 FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED
13 VIOLATION OF THE FINAL ORDER.

14 (5) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST ORDER
15 MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF THE
16 DIRECTOR'S FINAL ORDER.

17 **12-54-114. Immunity.** THE DIRECTOR, ANY MEMBER OF THE
18 DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO
19 THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED
20 UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT
21 PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY
22 CIVIL ACTION FOR ACTS OCCURRING WHILE ACTING WITHIN THE SCOPE OF
23 THE PERSON'S CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS,
24 RESPECTIVELY, IF THE PERSON WAS ACTING IN GOOD FAITH, MADE A
25 REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH
26 THE PERSON ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE
27 ACTION TAKEN WAS WARRANTED BY THE FACTS. A PERSON PARTICIPATING

1 IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY
2 INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS
3 ARTICLE SHALL BE IMMUNE FROM ANY CIVIL LIABILITY THAT MAY RESULT
4 FROM SUCH PARTICIPATION.

5 **12-54-115. Fees - mortuary cash fund - created.** (1) THE
6 DIRECTOR SHALL ESTABLISH AND COLLECT THE FEES FOR A LICENSE OR
7 REGISTRATION ISSUED UNDER THIS ARTICLE PURSUANT TO SECTION
8 24-34-105, C.R.S.

9 (2) ALL FEES COLLECTED BY THE DIRECTOR SHALL BE TRANSMITTED
10 TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME PURSUANT TO
11 SECTION 24-34-105, C.R.S., AND THE GENERAL ASSEMBLY SHALL MAKE
12 ANNUAL APPROPRIATIONS FOR EXPENDITURES OF THE DIRECTOR REQUIRED
13 TO PERFORM HIS OR HER DUTIES UNDER THIS PART 1, WHICH EXPENDITURES
14 SHALL BE MADE FROM SUCH APPROPRIATIONS UPON VOUCHERS AND
15 WARRANTS DRAWN PURSUANT TO LAW. THE DIVISION SHALL EMPLOY,
16 SUBJECT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION, SUCH
17 CLERICAL OR OTHER ASSISTANTS AS ARE NECESSARY FOR THE PROPER
18 PERFORMANCE OF ITS WORK.

19 **12-54-116. Authority - inspections - public safety.** (1) (a) IF THE
20 DIRECTOR HAS REASON TO BELIEVE THAT AN UNREASONABLE AND
21 IMMINENT HAZARD TO PUBLIC HEALTH EXISTS IN THE CONTINUED
22 OPERATION OF A CREMATORY OR FUNERAL ESTABLISHMENT, AFTER
23 REASONABLE VERIFICATION TO THE EXTENT PRACTICABLE UNDER THE
24 CIRCUMSTANCES AND CONSISTENT WITH THE PUBLIC HEALTH, THE
25 DIRECTOR MAY ISSUE AN EMERGENCY ORDER AS REASONABLY NECESSARY
26 TO ABATE THE HAZARD. THE EMERGENCY ORDER MAY REQUIRE THE
27 FUNERAL ESTABLISHMENT TO CEASE ALL OPERATION; TO CEASE

1 CREMATING, EMBALMING, OR STORING DEAD HUMAN BODIES; OR TO TAKE
2 OR REFRAIN FROM TAKING ANY OTHER ACTION REASONABLY NECESSARY
3 TO PROTECT THE PUBLIC FROM SUCH HAZARD. THE EMERGENCY ORDER
4 SHALL BE IN WRITING AND SIGNED BY THE DIRECTOR OR AN
5 ADMINISTRATIVE LAW JUDGE. THE ORDER MAY BE SERVED BY:

6 (I) PERSONAL DELIVERY TO THE OWNER, MANAGER, OR EMPLOYEE
7 OF THE FUNERAL ESTABLISHMENT;

8 (II) CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR AN
9 ALTERNATIVE THAT IS EQUALLY RELIABLE, TO THE OWNER OR MANAGER OF
10 THE FUNERAL ESTABLISHMENT; OR

11 (III) ANY OTHER METHOD AUTHORIZED BY ARTICLE 4 OF TITLE 24,
12 C.R.S.

13 (b) AN ORDER SHALL STATE THE TERM OF ITS EFFECT AND THE ACTS
14 NECESSARY FOR ABATING THE ORDER. UNLESS A HEARING IS REQUESTED
15 PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (1), AN EMERGENCY
16 ORDER SHALL BE EFFECTIVE ACCORDING TO ITS TERMS.

17 (c) THE OWNER OR MANAGER OF A CREMATORY OR FUNERAL
18 ESTABLISHMENT SUBJECT TO AN ORDER ISSUED PURSUANT TO PARAGRAPH
19 (a) OF THIS SUBSECTION (1) MAY REQUEST A HEARING TO DETERMINE
20 WHETHER THERE IS AN UNREASONABLE OR IMMINENT HAZARD TO THE
21 PUBLIC, WHETHER THE ORDER IS NECESSARY TO PROTECT THE PUBLIC, OR
22 WHETHER A LESS RESTRICTIVE ORDER MAY PROTECT THE PUBLIC FROM THE
23 HAZARD. THE HEARING REQUEST SHALL BE IN WRITING. THE DIRECTOR
24 SHALL HOLD A HEARING IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24,
25 C.R.S., WITHIN THIRTY DAYS AFTER RECEIVING SUCH WRITTEN REQUEST.

26 (d) AFTER HOLDING A HEARING PURSUANT TO PARAGRAPH (c) OF
27 THIS SUBSECTION (1), THE DIRECTOR SHALL MAKE FINDINGS ON THE ISSUES

1 IN QUESTION. THE ORDER SHALL BE AFFIRMED, MODIFIED, OR RESCINDED
2 IN ACCORDANCE WITH THE FINDINGS. IF THE ORDER IS AFFIRMED, IT SHALL
3 CONTINUE TO BE EFFECTIVE ACCORDING TO ITS TERMS. IF THE ORDER IS
4 MODIFIED, IT SHALL CONTINUE ACCORDING TO THE MODIFIED TERMS. IF
5 THE ORDER IS RESCINDED, IT SHALL NOT REMAIN IN EFFECT.

6 (2) (a) THE DIRECTOR MAY AT ANY TIME ENTER A CREMATORY OR
7 FUNERAL ESTABLISHMENT TO PERFORM A SAFETY INSPECTION IN ORDER TO
8 ASSESS A POTENTIAL HEALTH HAZARD OR TO VERIFY COMPLIANCE WITH
9 THIS ARTICLE. THE DIRECTOR MAY PERFORM RANDOM INSPECTIONS.

10 (b) IF THE DIRECTOR IS REFUSED ENTRY INTO A CREMATORY OR
11 FUNERAL ESTABLISHMENT, THE DIRECTOR MAY DEEM THE ESTABLISHMENT
12 AN IMMINENT AND UNREASONABLE HEALTH HAZARD FOR THE PURPOSES OF
13 ISSUING AN EMERGENCY ORDER PURSUANT TO SUBSECTION (1) OF THIS
14 SECTION UNTIL A HEARING IS REQUESTED PURSUANT TO SUBSECTION (1) OF
15 THIS SECTION.

16 **12-54-117. Enforcement - injunctions.** (1) THE DIRECTOR MAY
17 FORWARD INFORMATION CONCERNING POSSIBLE VIOLATIONS OF THIS
18 ARTICLE COMMITTED BY ANY PERSON OR COMPLAINTS FILED AGAINST A
19 FUNERAL DIRECTOR, MORTUARY SCIENCE PRACTITIONER, CREMATIONIST,
20 OR EMBALMER TO A DISTRICT ATTORNEY OR A STATE OR FEDERAL LAW
21 ENFORCEMENT AGENCY.

22 (2) THE DIRECTOR MAY REQUEST THAT AN ACTION BE BROUGHT IN
23 THE NAME OF THE PEOPLE OF THE STATE OF COLORADO BY THE ATTORNEY
24 GENERAL OR THE DISTRICT ATTORNEY OF THE DISTRICT IN WHICH THE
25 VIOLATION IS ALLEGED TO HAVE OCCURRED TO ENJOIN A PERSON FROM
26 ENGAGING IN OR CONTINUING THE VIOLATION OR FROM DOING ANY ACT
27 THAT FURTHERS THE VIOLATION. IN SUCH AN ACTION, AN ORDER OR

1 JUDGMENT MAY BE ENTERED AWARDING SUCH PRELIMINARY OR FINAL
2 INJUNCTION AS IS DEEMED PROPER BY THE COURT. THE NOTICE, HEARING,
3 OR DURATION OF AN INJUNCTION OR RESTRAINING ORDER SHALL BE MADE
4 IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE.

5 **12-54-118. Letters of admonition and concern.** (1) (a) WHEN
6 A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT
7 UNDER THIS ARTICLE THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT
8 WARRANT FORMAL ACTION BUT THAT SHOULD NOT BE DISMISSED AS BEING
9 WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY
10 CERTIFIED MAIL, TO THE LICENSEE OR REGISTRANT.

11 (b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR TO
12 A LICENSEE OR REGISTRANT, SUCH LICENSEE OR REGISTRANT SHALL BE
13 ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN
14 TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY
15 PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE
16 CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

17 (c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE
18 LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER
19 SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

20 (2) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
21 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION AND, IN
22 THE OPINION OF THE DIRECTOR, THE COMPLAINT SHOULD BE DISMISSED, BUT
23 THE DIRECTOR HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT
24 BY THE LICENSEE OR REGISTRANT THAT COULD LEAD TO SERIOUS
25 CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN
26 MAY BE ISSUED AND SENT TO THE LICENSEE OR REGISTRANT.

27 **12-54-119. Deferment prohibited.** WHEN A COMPLAINT OR AN

1 INVESTIGATION DISCLOSES MISCONDUCT THAT, IN THE OPINION OF THE
2 DIRECTOR, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE
3 RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR
4 PROSECUTION.

5 **12-54-120. Repeal of sections.** SECTIONS 12-54-110 TO 12-54-120
6 ARE REPEALED, EFFECTIVE JULY 1, 2018. PRIOR TO SUCH REPEAL, THE
7 REGULATION OF PERSONS LICENSED OR REGISTERED TO PRACTICE
8 MORTUARY SCIENCE SHALL BE REVIEWED PURSUANT TO SECTION
9 24-34-104, C.R.S.

10 **SECTION 10.** Article 54 of title 12, Colorado Revised Statutes,
11 is amended BY THE ADDITION OF A NEW PART to read:

12 **PART 3**

13 **CREMATION**

14 **12-54-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "CREMATED REMAINS" OR "CREMAINS" MEANS ALL HUMAN
17 REMAINS RECOVERED AFTER CREMATION, INCLUDING PULVERIZATION,
18 THAT LEAVES ONLY BONE FRAGMENTS THAT HAVE BEEN REDUCED TO
19 UNIDENTIFIABLE DIMENSIONS.

20 (2) "CREMATION" OR "CREMATE" MEANS THE REDUCTION OF A
21 DEAD HUMAN BODY TO ESSENTIAL ELEMENTS THROUGH DIRECT EXPOSURE
22 TO INTENSE HEAT, THE PROCESSING OF THE REMAINS, AND THE PLACEMENT
23 OF THE PROCESSED REMAINS IN A CREMATED REMAINS CONTAINER.

24 (3) "CREMATION CONTAINER" MEANS A CONTAINER IN WHICH THE
25 DEAD HUMAN BODY IS TRANSPORTED TO THE CREMATORY AND INTENDED
26 TO BE PLACED IN THE CREMATION CHAMBER.

27 (4) "CREMATIONIST" MEANS A PERSON WHO, FOR COMPENSATION,

1 CREMATES OR PREPARES FOR CREMATION A DEAD HUMAN BODY.

2 (5) "CREMATORY" MEANS A BUILDING OR STRUCTURE CONTAINING
3 ONE OR MORE CREMATION CHAMBERS OR RETORTS FOR THE CREMATION OF
4 DEAD HUMAN BODIES.

5 (6) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF
6 REGISTRATIONS OR THE DIRECTOR'S DESIGNEE.

7 (7) "EMBALMER" MEANS ANY PERSON WHO EMBALMS A DEAD
8 HUMAN BODY FOR COMPENSATION.

9 (8) "FINAL DISPOSITION" MEANS THE DISPOSITION OF A DEAD
10 HUMAN BODY BY ENTOMBMENT, BURIAL, CREMATION, OR REMOVAL FROM
11 THE STATE.

12 (9) "FUNERAL ESTABLISHMENT" HAS THE SAME MEANING AS
13 DEFINED IN SECTION 12-54-102.

14 (10) "FUNERAL SERVICES" HAS THE SAME MEANING AS DEFINED IN
15 SECTION 12-54-102.

16 (11) "IMPLANTED DEVICE" MEANS AN ELECTRONIC DEVICE
17 IMPLANTED IN THE DEAD HUMAN BODY THAT MAY BE HAZARDOUS WHEN
18 EXPOSED TO HEAT, INCLUDING, WITHOUT LIMITATION, A PACEMAKER OR
19 DEFIBRILLATOR. IMPLANTED DEVICE SHALL NOT MEAN A PROSTHESES,
20 SYNTHETIC JOINT, OR SYNTHETIC LIMB.

21 (12) "MORTUARY SCIENCE PRACTITIONER" HAS THE SAME MEANING
22 AS DEFINED IN SECTION 12-54-102.

23 (13) "NEXT OF KIN" MEANS A FAMILY MEMBER OR MEMBERS OF THE
24 DECEASED WHO, UNDER COLORADO LAW, HAVE LEGAL AUTHORITY OVER
25 THE DISPOSITION OF A DEAD HUMAN BODY.

26 (14) "PROCESSING" MEANS THE REMOVAL OF FOREIGN OBJECTS
27 FROM CREMATED REMAINS AND THE REDUCTION OF SUCH REMAINS BY

1 MECHANICAL MEANS TO GRANULES APPROPRIATE FOR FINAL DISPOSITION.

2 (15) "UNPROFESSIONAL ACT" MEANS A RECKLESS OR INTENTIONAL
3 ACT OR OMISSION THAT CAUSES DAMAGES AND FAILS TO MEET GENERALLY
4 ACCEPTED CREMATION STANDARDS IN CONNECTION WITH THE FINAL
5 DISPOSITION OF A DEAD HUMAN BODY.

6 **12-54-302. Crematory registration - rules.** (1) (a) A
7 CREMATORY SHALL REGISTER WITH THE DIRECTOR USING FORMS AS
8 DETERMINED BY THE DIRECTOR. THE REGISTRATION SHALL INCLUDE THE
9 FOLLOWING:

10 (I) THE SPECIFIC LOCATION OF THE CREMATORY AND ALL FACILITIES
11 OF SUCH ESTABLISHMENT;

12 (II) THE FULL NAME AND ADDRESS OF:

13 (A) THE OWNER, IF THE APPLICANT IS A SOLE PROPRIETORSHIP;

14 (B) EACH PARTNER, IF THE APPLICANT IS ANY FORM OF
15 PARTNERSHIP;

16 (C) EACH MEMBER HOLDING AT LEAST A TWENTY-FIVE PERCENT
17 OWNERSHIP INTEREST AND THE MANAGING OFFICER IF THE APPLICANT IS A
18 LIMITED LIABILITY COMPANY; OR

19 (D) EACH STOCKHOLDER WITH AT LEAST TWENTY-FIVE PERCENT OF
20 THE STOCK AND THE MANAGING OFFICER IF THE APPLICANT IS A
21 CORPORATION;

22 (III) A DISCLOSURE BY EACH INDIVIDUAL WHO IS REQUIRED TO
23 PROVIDE A NAME AND ADDRESS UNDER SUBPARAGRAPH (II) OF THIS
24 PARAGRAPH (a) OF ANY FELONY OR MISDEMEANOR CONVICTIONS IN WHICH
25 FRAUD WAS AN ESSENTIAL ELEMENT OF THE CRIME AND ANY
26 ADMINISTRATIVE DISCIPLINE IMPOSED ON THE INDIVIDUAL CONCERNING
27 THE PRACTICE OF CREMATING, EMBALMING, OR PREPARING DEAD HUMAN

1 BODIES FOR FINAL DISPOSITION;

2 (IV) THE DATE THE CREMATORY BEGAN DOING BUSINESS; AND

3 (V) A LIST OF EACH OF THE FOLLOWING SERVICES PROVIDED AT

4 EACH LOCATION:

5 (A) REFRIGERATING OR HOLDING DEAD HUMAN BODIES;

6 (B) EMBALMING DEAD HUMAN BODIES;

7 (C) TRANSPORTING DEAD HUMAN BODIES TO OR FROM THE

8 CREMATORY OR THE PLACE OF FINAL DISPOSITION; AND

9 (D) PROVIDING FUNERAL GOODS OR SERVICES TO THE PUBLIC.

10 (b) EACH CREMATORY REGISTRATION SHALL BE RENEWED AT LEAST

11 BIENNIALLY ACCORDING TO A SCHEDULE ESTABLISHED BY THE DIRECTOR

12 IN A FORM AS DETERMINED BY THE DIRECTOR.

13 (c) IF, AFTER INITIAL REGISTRATION, THE CREMATORY PROVIDES A

14 SERVICE LISTED IN SUBPARAGRAPH (V) OF PARAGRAPH (a) OF THIS

15 SUBSECTION (3) THAT WAS NOT INCLUDED IN THE INITIAL REGISTRATION,

16 THE CREMATORY SHALL SUBMIT AN AMENDED REGISTRATION WITHIN

17 THIRTY DAYS AFTER BEGINNING TO PROVIDE THE NEW SERVICE.

18 (d) THE DIRECTOR MAY ESTABLISH REGISTRATION FEES, RENEWAL

19 FEES, AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION

20 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW THE REGISTRATION

21 PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE

22 REGISTRATION SHALL EXPIRE.

23 (2) THE DIRECTOR MAY DENY OR REFUSE TO RENEW THE

24 REGISTRATION OF A CREMATORY IF ANY OF THE FOLLOWING PRINCIPALS

25 HAVE, WITHIN THE LAST FIVE YEARS, BEEN CONVICTED OF A CRIME IN

26 WHICH FRAUD IS AN ESSENTIAL ELEMENT OR HAS BEEN ADMINISTRATIVELY

27 DISCIPLINED CONCERNING THE PRACTICE OF CREMATING, EMBALMING, OR

1 PREPARING DEAD HUMAN BODIES FOR FINAL DISPOSITION:

2 (a) THE OWNER, IF THE APPLICANT IS A SOLE PROPRIETORSHIP;

3 (b) EACH PARTNER, IF THE APPLICANT IS ANY FORM OF
4 PARTNERSHIP;

5 (c) EACH MEMBER HOLDING AT LEAST A TWENTY-FIVE PERCENT
6 OWNERSHIP INTEREST AND THE MANAGING OFFICER IF THE APPLICANT IS A
7 LIMITED LIABILITY COMPANY; OR

8 (d) EACH STOCKHOLDER WITH AT LEAST TWENTY-FIVE PERCENT OF
9 THE STOCK AND THE MANAGING OFFICER IF THE APPLICANT IS A
10 CORPORATION.

11 (3) (a) THE DIRECTOR SHALL DENY OR REFUSE TO RENEW THE
12 REGISTRATION OF A CREMATORY UNLESS A MANAGING OFFICER, OWNER, OR
13 PARTNER HAS RECEIVED RECOGNIZED TRAINING ON THE EQUIPMENT AT THE
14 FACILITY, INCLUDING, WITHOUT LIMITATION, THE TRAINING PROVIDED BY
15 THE MANUFACTURER OF THE EQUIPMENT OR A REASONABLE LEVEL OF
16 EXPERIENCE OPERATING SUCH EQUIPMENT IF SUCH EQUIPMENT WAS IN USE
17 ON THE EFFECTIVE DATE OF THIS PART 3.

18 (b) A CREMATORY SHALL PROVIDE EVIDENCE TO THE DIRECTOR
19 SUFFICIENT TO DEMONSTRATE THAT THE MANAGING OFFICER, OWNER, OR
20 PARTNER HAS OBTAINED THE TRAINING SPECIFIED IN PARAGRAPH (a) OF
21 THIS SUBSECTION (3).

22 (c) THE DIRECTOR SHALL PROMULGATE REASONABLE RULES
23 DETERMINING THE EQUIPMENT THAT REQUIRES TRAINING, THE TRAINING
24 THAT MEETS THE REQUIREMENTS OF THIS SECTION, AND SETTING THE LEVEL
25 OF EXPERIENCE THAT MAY SUBSTITUTE FOR SUCH TRAINING PURSUANT TO
26 PARAGRAPH (a) OF THIS SUBSECTION (3).

27 (4) THE DIRECTOR SHALL DENY, REVOKE, OR REFUSE TO RENEW THE

1 REGISTRATION OF A CREMATORY IF THE CREMATORY IS LICENSED, OR IF AT
2 LEAST TWENTY-FIVE PERCENT OF THE ESTABLISHMENT IS OWNED BY A
3 PERSON LICENSED, PURSUANT SECTION 25-1.5-103, C.R.S.

4 **12-54-303. Unlawful acts.** (1) IT IS UNLAWFUL FOR A
5 CREMATIONIST:

6 (a) TO MAKE FINAL DISPOSITION OF A DEAD HUMAN BODY WITH
7 KNOWLEDGE SUFFICIENT TO AROUSE A REASONABLE SUSPICION OF A CRIME
8 IN CONNECTION WITH THE CAUSE OF DEATH OF THE DECEASED UNTIL THE
9 PERMISSION OF THE CORONER, DEPUTY CORONER, OR DISTRICT ATTORNEY,
10 IF THERE IS NO CORONER, HAS BEEN FIRST OBTAINED;

11 (b) TO DISCRIMINATE BECAUSE OF RACE, CREED, COLOR, OR
12 NATIONAL ORIGIN IN THE PROVISION OF FUNERAL SERVICES;

13 (c) TO APPROVE OR CAUSE THE FINAL DISPOSITION OF A DEAD
14 HUMAN BODY IN VIOLATION OF THIS ARTICLE;

15 (d) TO ENGAGE IN A BUSINESS PRACTICE THAT INTERFERES WITH
16 THE FREEDOM OF CHOICE OF THE GENERAL PUBLIC TO CHOOSE A FUNERAL
17 DIRECTOR, MORTUARY SCIENCE PRACTITIONER, CREMATIONIST, EMBALMER,
18 OR FUNERAL ESTABLISHMENT;

19 (e) TO ADVERTISE AS HOLDING A DEGREE, A CERTIFICATE OF
20 REGISTRATION, A PROFESSIONAL LICENSE, OR A PROFESSIONAL
21 CERTIFICATION ISSUED BY A STATE, POLITICAL SUBDIVISION, OR AGENCY
22 UNLESS THE PERSON HOLDS SUCH DEGREE, REGISTRATION, LICENSE, OR
23 CERTIFICATION AND IT IS CURRENT AND VALID AT THE TIME OF
24 ADVERTISEMENT;

25 (f) TO ADMIT OR PERMIT ANY PERSON TO VISIT THE CREMATING OR
26 PREPARATION ROOM DURING THE TIME SUCH BODY IS BEING CREMATED OR
27 PREPARED FOR FINAL DISPOSITION, UNLESS SUCH PERSON:

1 (I) IS A FUNERAL DIRECTOR, MORTUARY SCIENCE PRACTITIONER, OR
2 CREMATIONIST;

3 (II) IS AN AUTHORIZED EMPLOYEE OF A CREMATORY;

4 (III) HAS THE WRITTEN CONSENT OF THE NEXT OF KIN OF SUCH
5 DECEASED PERSON OR OF A PERSON HAVING LEGAL AUTHORITY TO GIVE
6 SUCH PERMISSION IN THE ABSENCE OF ANY NEXT OF KIN;

7 (IV) ENTERS BY ORDER OF A COURT OF COMPETENT JURISDICTION
8 OR A PEACE OFFICER LEVEL I, Ia, II, III, OR IIIa;

9 (V) IS A STUDENT OR INTERN ENROLLED IN A MORTUARY SCIENCE
10 PROGRAM;

11 (VI) IS A REGISTERED OR LICENSED NURSE WITH A MEDICAL REASON
12 TO BE PRESENT;

13 (VII) IS A LICENSED PHYSICIAN OR SURGEON WITH A MEDICAL
14 REASON TO BE PRESENT; OR

15 (VIII) IS A TECHNICIAN WITH A CERTIFIED ANATOMICAL DONATION
16 ORGANIZATION WHO POSSESSES APPROPRIATE DOCUMENTATION OF A
17 POTENTIAL ORGAN OR TISSUE DONATION.

18 (g) TO REFUSE TO PROPERLY AND PROMPTLY RELEASE A DEAD
19 HUMAN BODY TO THE CUSTODY OF THE PERSON WHO HAS THE LEGAL RIGHT
20 TO EFFECT SUCH RELEASE, WHETHER OR NOT ANY COSTS HAVE BEEN PAID;

21 (h) TO CREMATE A DEAD HUMAN BODY WITHOUT OBTAINING
22 PERMISSION FROM THE PERSON WITH THE RIGHT OF FINAL DISPOSITION;

23 (i) TO PROHIBIT, HINDER, OR RESTRICT, OR ATTEMPT TO PROHIBIT,
24 HINDER, OR RESTRICT, THE FOLLOWING:

25 (I) THE OFFERING OR ADVERTISING OF IMMEDIATE CREMATION,
26 ADVANCE FUNERAL ARRANGEMENTS, OR LOW-COST FUNERALS;

27 (II) ARRANGEMENTS BETWEEN MEMORIAL SOCIETIES AND FUNERAL

1 INDUSTRY MEMBERS; OR

2 (III) A FUNERAL SERVICE INDUSTRY MEMBER FROM DISCLOSING
3 ACCURATE INFORMATION CONCERNING FUNERAL MERCHANDISE AND
4 SERVICES;

5 (j) TO VIOLATE A LAW OF THE UNITED STATES, COLORADO, OR ANY
6 POLITICAL SUBDIVISION OF THE STATE, INCLUDING, WITHOUT LIMITATION,
7 ENVIRONMENTAL, SAFETY, OR LAND USE LAW;

8 (k) TO CREMATE A DEAD HUMAN BODY IN A FACILITY UNLESS IT IS
9 REGISTERED PURSUANT TO SECTION 12-54-302;

10 (l) TO REFUSE TO ACCEPT A DEAD HUMAN BODY THAT IS NOT IN A
11 CASKET OR TO REQUIRE A DEAD HUMAN BODY TO BE PLACED IN A CASKET
12 AT ANY TIME;

13 (m) TO KNOWINGLY CREMATE A DEAD HUMAN BODY CONTAINING
14 AN IMPLANTED DEVICE; OR

15 (n) TO PERFORM SERVICES BEYOND A REGISTRANT'S COMPETENCY,
16 TRAINING, OR EDUCATION.

17 (2) FOR PURPOSES OF THIS SECTION ONLY, "NEXT OF KIN" SHALL
18 NOT INCLUDE ANY PERSON WHO IS ARRESTED ON SUSPICION OF HAVING
19 COMMITTED, IS CHARGED WITH, OR HAS BEEN CONVICTED OF, ANY FELONY
20 OFFENSE SPECIFIED IN PART 1 OF ARTICLE 3 OF TITLE 18, C.R.S., INVOLVING
21 THE DEATH OF THE DECEASED PERSON. IF CHARGES ARE NOT BROUGHT,
22 CHARGES ARE BROUGHT BUT DISMISSED, OR THE PERSON CHARGED IS
23 ACQUITTED OF THE ALLEGED CRIME BEFORE FINAL DISPOSITION OF THE
24 DECEASED PERSON'S BODY, THIS SUBSECTION (2) SHALL NOT APPLY.

25 **12-54-304. Exceptions - safe harbor.** (1) IF A CREMATIONIST HAS
26 ACTED IN GOOD FAITH, THE CREMATIONIST MAY RELY ON A SIGNED
27 STATEMENT FROM A PERSON WITH THE RIGHT OF FINAL DISPOSITION UNDER

1 SECTION 15-19-106, C.R.S., THAT:

2 (a) THE PERSON KNOWS OF NO DOCUMENT EXPRESSING THE
3 DECEASED'S WISHES FOR FINAL DISPOSITION THAT QUALIFIES TO DIRECT THE
4 FINAL DISPOSITION UNDER SECTION 15-19-104, C.R.S.;

5 (b) THE PERSON HAS MADE A REASONABLE EFFORT UNDER SECTION
6 15-19-106, C.R.S., TO CONTACT EACH PERSON WITH THE RIGHT OF FINAL
7 DISPOSITION AND TO LEARN HIS OR HER WISHES; AND

8 (c) THE PERSON KNOWS OF NO OBJECTIONS TO THE FINAL
9 DISPOSITION.

10 (2) (a) A CREMATIONIST MAY DISPOSE OF CREMATED REMAINS AT
11 THE EXPENSE OF THE PERSON WITH THE RIGHT OF FINAL DISPOSITION THREE
12 HUNDRED SIXTY-FIVE DAYS AFTER CREMATION IF THE PERSON WAS GIVEN
13 CLEAR PRIOR NOTICE OF THIS PARAGRAPH (a) AND A REASONABLE
14 OPPORTUNITY TO COLLECT THE CREMATED REMAINS, THE EXACT LOCATION
15 OF THE DISPOSITION AND THE COSTS ASSOCIATED WITH THE DISPOSITION
16 ARE RECORDED, AND THE RECOVERY OF THE CREMATED REMAINS IS
17 POSSIBLE. RECOVERY OF COSTS SHALL BE LIMITED TO A REASONABLE
18 AMOUNT OF THE COSTS ACTUALLY EXPENDED BY THE CREMATIONIST.

19 (b) IF THE DECEASED WAS CREMATED PRIOR TO JULY 1, 2003, AND
20 THE CREMATIONIST REASONABLY ATTEMPTS TO NOTIFY THE PERSON WITH
21 THE RIGHT OF FINAL DISPOSITION OF THE PROVISIONS OF THIS SUBSECTION
22 (2), THE CREMATED REMAINS MAY BE DISPOSED OF IN ACCORDANCE WITH
23 THIS SUBSECTION (2) NOTWITHSTANDING A FAILURE TO PROVIDE THE
24 NOTICE OF THE PROVISIONS OF THIS SUBSECTION (2) TO THE PERSON WITH
25 THE RIGHT OF FINAL DISPOSITION PRIOR TO DISPOSING OF THE REMAINS.

26 (3) (a) THIS PART 3 SHALL NOT APPLY TO, NOR INTERFERE WITH,
27 ANY CUSTOM OR RITE OF A RELIGIOUS SECT IN THE BURIAL OF ITS DEAD,

1 AND THE MEMBERS AND FOLLOWERS OF SUCH RELIGIOUS SECT MAY
2 CONTINUE TO CARE FOR, PREPARE, AND CREMATE THE BODIES OF DECEASED
3 MEMBERS OF THE RELIGIOUS SECT, SO LONG AS THE DEAD HUMAN BODY IS
4 REFRIGERATED, FROZEN, OR CREMATED WITHIN SEVEN DAYS AFTER DEATH.

5 (b) IF A DEAD HUMAN BODY IS REFRIGERATED OR EMBALMED
6 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), THE BODY SHALL
7 BE FROZEN OR CREMATED WITHIN THIRTY DAYS AFTER DEATH UNLESS THE
8 CORONER AUTHORIZES OTHERWISE IN WRITING. THE CORONER SHALL NOT
9 PERMIT AN EXCEPTION TO THIS PARAGRAPH (b) UNLESS THE APPLICANT CAN
10 DEMONSTRATE A LEGITIMATE DELAY CAUSED BY UNFORSEEN,
11 UNCONTROLLABLE CIRCUMSTANCES OR BY A CRIMINAL INVESTIGATION.

12 **12-54-305. Registration required.** (1) (a) (I) UNLESS
13 REGISTERED BY THE DIRECTOR AND EXCEPT AS AUTHORIZED BY PART 1 OF
14 THIS ARTICLE, A PERSON SHALL NOT PRACTICE AS, OR OFFER THE SERVICES
15 OF, A CREMATIONIST, EXCEPT AS SPECIFIED IN PARAGRAPH (a) OF
16 SUBSECTION (5) OF THIS SECTION.

17 (II) THIS PARAGRAPH (a) IS EFFECTIVE JULY 1, 2009.

18 (b) UNLESS REGISTERED WITH THE DIRECTOR, A PERSON SHALL NOT
19 INTERN AS A CREMATIONIST.

20 (2) (a) AN APPLICANT FOR A CREMATIONIST REGISTRATION SHALL
21 SUBMIT THE FOLLOWING:

22 (I) A DISCLOSURE OF ALL ADMINISTRATIVE DISCIPLINE TAKEN
23 AGAINST THE APPLICANT CONCERNING THE PRACTICE OF CREMATING OR
24 PREPARING DEAD HUMAN BODIES FOR FINAL DISPOSITION;

25 (II) EVIDENCE, ACCEPTABLE TO THE DIRECTOR, THAT THE
26 APPLICANT HAS MET THE REQUIREMENTS OF SUBSECTION (3) OF THIS
27 SECTION;

1 (III) THE APPLICATION FEE ESTABLISHED BY SECTION 12-54-115;

2 AND

3 (IV) THE APPLICANT'S NAME AND ADDRESS.

4 (b) AN APPLICANT FOR AN INTERN REGISTRATION SHALL SUBMIT
5 THE FOLLOWING:

6 (I) EVIDENCE, ACCEPTABLE TO THE DIRECTOR, THAT THE APPLICANT
7 HAS MET THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION; AND

8 (II) THE APPLICATION FEE ESTABLISHED BY SECTION 12-54-115.

9 (3) (a) AN APPLICANT SHALL NOT BE REGISTERED AS A
10 CREMATIONIST UNLESS THE APPLICANT:

11 (I) EFFECTIVE JANUARY 1, 2009, HAS AT LEAST FIVE HUNDRED
12 HOURS PRACTICING OR INTERNING AS A CREMATIONIST; AND

13 (II) HAS CREMATED AT LEAST ONE HUNDRED DEAD HUMAN BODIES.

14 (b) AN APPLICANT SHALL NOT BE REGISTERED AS AN INTERN UNLESS
15 THE APPLICANT HAS A HIGH SCHOOL DIPLOMA OR GRADUATION
16 EQUIVALENCY DIPLOMA.

17 (c) FOR PURPOSES OF THIS SUBSECTION (3), THE DIRECTOR SHALL
18 ACCEPT INTERN OR PRACTICE HOURS FROM COLORADO OR ANY OTHER
19 STATE.

20 (4) A PERSON WHO IS REGISTERED PURSUANT TO THIS SECTION
21 SHALL RENEW SUCH REGISTRATION AT LEAST ANNUALLY ACCORDING TO A
22 SCHEDULE OF RENEWAL ESTABLISHED BY THE DIRECTOR.

23 (5) (a) A PERSON MAY INTERN AS A CREMATIONIST IF THE PERSON
24 IS PRACTICING UNDER THE DIRECT SUPERVISION OF A REGISTERED
25 CREMATIONIST OR MORTUARY SCIENCE PRACTITIONER. IF THE
26 CREMATIONIST OR MORTUARY SCIENCE PRACTITIONER SUPERVISES THE
27 INTERN NEGLIGENTLY, THE SUPERVISOR SHALL BE LIABLE FOR AND SUBJECT

1 TO DISCIPLINE FOR ACTS COMMITTED BY THE INTERN.

2 (b) A PERSON SHALL NOT INTERN AS A CREMATIONIST FOR MORE
3 THAN TWO YEARS.

4 (6) A LICENSEE OR REGISTRANT SHALL NOTIFY THE DIRECTOR
5 WITHIN THIRTY DAYS OF A CHANGE OF ADDRESS.

6 **12-54-306. Standards of practice.** (1) A CREMATIONIST SHALL:

7 (a) MAINTAIN A RETORT OR CREMATORY CHAMBER THAT IS
8 OPERATED AT ALL TIMES IN A SAFE AND SANITARY MANNER;

9 (b) EMPLOY REASONABLE CARE TO MINIMIZE THE RISK OF
10 TRANSMITTING COMMUNICABLE DISEASES FROM DEAD HUMAN BODIES;

11 (c) BE EQUIPPED WITH INSTRUMENTS AND SUPPLIES NECESSARY TO
12 PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND EMPLOYEES OF THE
13 ESTABLISHMENT; AND

14 (d) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
15 MANNER.

16 (2) (a) A CREMATIONIST SHALL NOT CREMATE A DEAD HUMAN
17 BODY UNLESS THE CREMATIONIST HAS OBTAINED A STATEMENT
18 CONTAINING THE FOLLOWING FROM A FUNERAL ESTABLISHMENT, FUNERAL
19 DIRECTOR, MORTUARY SCIENCE PRACTITIONER, OR THE PERSON WITH THE
20 RIGHT OF FINAL DISPOSITION:

21 (I) THE IDENTITY OF THE DECEDENT;

22 (II) THE DATE OF DEATH;

23 (III) AUTHORIZATION TO CREMATE THE DEAD HUMAN BODY;

24 (IV) THE NAME OF THE PERSON AUTHORIZING CREMATION AND AN
25 AFFIDAVIT OR OTHER DOCUMENT IN COMPLIANCE WITH ARTICLE 19 OF TITLE
26 15, C.R.S., THAT THE AUTHORIZATION COMPLIES WITH ARTICLE 19 OF TITLE
27 15, C.R.S;

1 (V) A STATEMENT THAT THE DEAD HUMAN BODY DOES NOT
2 CONTAIN AN IMPLANTED DEVICE;

3 (VI) THE NAME OF THE PERSON AUTHORIZED TO RECEIVE THE
4 CREMAINS;

5 (VII) A LIST OF ITEMS DELIVERED TO THE CREMATORY ALONG WITH
6 THE DEAD HUMAN BODY;

7 (VIII) A STATEMENT AS TO WHETHER THE NEXT OF KIN HAS MADE
8 ARRAIGNMENTS FOR A VIEWING OR SERVICE BEFORE CREMATION AND THE
9 DATE AND TIME OF ANY VIEWING OR SERVICE;

10 (IX) A COPY OF THE DEATH CERTIFICATE; AND

11 (X) A SIGNATURE OF A REPRESENTATIVE OF ANY FUNERAL
12 ESTABLISHMENT OR THE NEXT OF KIN MAKING ARRANGEMENTS FOR
13 CREMATION THAT THE REPRESENTATIVE HAS NO ACTUAL KNOWLEDGE THAT
14 CONTRADICTS ANY INFORMATION REQUIRED BY THIS PARAGRAPH (a).

15 (b) A PERSON WHO SIGNS THE STATEMENT REQUIRED BY
16 PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL WARRANT THE
17 TRUTHFULNESS OF THE FACTS CONTAINED THEREIN. A PERSON WHO SIGNS
18 THIS STATEMENT WITH ACTUAL KNOWLEDGE TO THE CONTRARY SHALL BE
19 CIVILLY LIABLE.

20 (3) (a) THE DEAD HUMAN BODY SHALL BE HELD IN A CREMATION
21 CONTAINER AND SHALL NOT BE REMOVED.

22 (b) THE DEAD HUMAN BODY SHALL BE CREMATED IN A CREMATION
23 CONTAINER.

24 (c) A CREMATION CONTAINER SHALL:

25 (I) BE COMPOSED OF COMBUSTIBLE MATERIALS SUITABLE FOR
26 CREMATION;

27 (II) BE ABLE TO BE CLOSED IN ORDER TO PROVIDE A COMPLETE

1 COVERING FOR THE HUMAN REMAINS;
2 (III) BE RESISTANT TO LEAKING OR SPILLING;
3 (IV) BE RIGID ENOUGH TO HANDLE WITH EASE; AND
4 (V) PROVIDE REASONABLE PROTECTION FOR THE HEALTH AND
5 SAFETY OF CREMATORY PERSONNEL.

6 (4) A CREMATIONIST SHALL NOT CREMATE MORE THAN ONE DEAD
7 HUMAN BODY WITHIN THE SAME CREMATION CHAMBER OR OTHERWISE
8 COMMINGLE THE CREMAINS OF MULTIPLE PEOPLE UNLESS THE NEXT OF KIN
9 HAS SIGNED A WRITTEN AUTHORIZATION. NO CREMATIONIST OR
10 CREMATORY SHALL BE HELD CIVILLY LIABLE FOR COMMINGLING THE
11 CREMAINS OF DEAD HUMAN BODIES IF THE NEXT OF KIN HAS SIGNED SUCH
12 WRITTEN AUTHORIZATION.

13 (5) (a) A CREMATIONIST SHALL USE A TAG TO IDENTIFY A DEAD
14 HUMAN BODY AND CREMAINS. THE TAG SHALL BE VERIFIED, REMOVED,
15 AND PLACED NEAR THE CREMATION CHAMBER CONTROL PANEL PRIOR TO
16 CREMATION. THE TAG SHALL REMAIN NEXT TO THE CREMATION CHAMBER
17 CONTROL PANEL UNTIL THE CREMATION IS COMPLETE.

18 (b) AFTER CREMATION IS COMPLETE, ALL OF THE CREMAINS AND
19 REASONABLY RECOVERABLE RESIDUE SHALL BE REMOVED FROM THE
20 CREMATION CHAMBER AND PROCESSED AS NECESSARY. ANYTHING OTHER
21 THAN THE CREMAINS SHALL BE DISPOSED OF UNLESS THE NEXT OF KIN
22 AUTHORIZES OTHERWISE.

23 (c) THE PROCESSED CREMAINS SHALL BE PLACED IN A TEMPORARY
24 CONTAINER OR URN. ANY CREMAINS THAT DO NOT FIT WITHIN SUCH
25 ENCLOSURE SHALL BE PLACED IN A SEPARATE TEMPORARY CONTAINER OR
26 URN. EACH CONTAINER SHALL BE MARKED WITH THE DECEDENT'S IDENTITY
27 AND THE NAME OF THE CREMATORY. IF A TEMPORARY CONTAINER IS USED,

1 THE CREMATIONIST SHALL DISCLOSE THAT THE TEMPORARY CONTAINER
2 SHOULD NOT BE USED FOR PERMANENT STORAGE.

3 (d) IF CREMATED REMAINS ARE SHIPPED, THE CREMATORY SHALL
4 USE A METHOD THAT EMPLOYS AN INTERNAL TRACKING SYSTEM AND
5 OBTAINS A SIGNED RECEIPT FROM THE PERSON ACCEPTING DELIVERY.

6 (6) CREMAINS SHALL NOT BE COMMINGLED WITH OTHER CREMAINS
7 IN FINAL DISPOSITION OR SCATTERING WITHOUT WRITTEN AUTHORIZATION
8 FROM THE NEXT OF KIN UNLESS THE DISPOSITION OR SCATTERING OCCURS
9 WITHIN A DEDICATED CEMETERY OR CONSECRATED GROUNDS USED
10 EXCLUSIVELY FOR SUCH PURPOSES.

11 (7) (a) IF A CREMATIONIST KNOWS THAT A DEAD HUMAN BODY
12 CONTAINS AN IMPLANTED DEVICE, THE CREMATIONIST SHALL BE
13 RESPONSIBLE FOR HAVING THE DEVICE REMOVED BEFORE CREMATING THE
14 BODY, BUT IF THE FUNERAL ESTABLISHMENT FAILS TO ENSURE THAT A
15 DEVICE WAS REMOVED, THE FUNERAL ESTABLISHMENT SHALL BE
16 RESPONSIBLE FOR NOT HAVING THE DEVICE REMOVED.

17 (b) IF THE PERSON AUTHORIZING CREMATION FAILS TO INFORM THE
18 CREMATORY OF THE PRESENCE OF AN IMPLANTED DEVICE, THE PERSON
19 SHALL BE SOLELY LIABLE FOR ANY RESULTING DAMAGE TO THE
20 CREMATORY.

21 **12-54-307. Records and receipts.** (1) THE CREMATORY SHALL
22 FURNISH TO A PERSON WHO DELIVERS HUMAN REMAINS TO THE CREMATORY
23 A RECEIPT THAT SHALL BE SIGNED BY BOTH THE CREMATORY'S
24 REPRESENTATIVE AND THE PERSON WHO DELIVERS THE HUMAN REMAINS.
25 THE CREMATORY SHALL RETAIN A COPY OF THE RECEIPT IN ITS RECORDS
26 PURSUANT TO SUBSECTION (3) OF THIS SECTION. THE RECEIPT SHALL
27 INCLUDE THE FOLLOWING:

- 1 (a) THE DATE AND TIME OF THE DELIVERY;
- 2 (b) THE TYPE OF CASKET OR ALTERNATIVE CONTAINER THAT WAS
- 3 DELIVERED;
- 4 (c) THE NAME OF THE PERSON WHO DELIVERED THE REMAINS;
- 5 (d) THE NAME OF ANY BUSINESS WITH WHICH THE PERSON
- 6 DELIVERING THE HUMAN REMAINS IS AFFILIATED;
- 7 (e) THE NAME OF THE PERSON WHO RECEIVED THE HUMAN REMAINS
- 8 ON BEHALF OF THE CREMATORY; AND
- 9 (f) THE NAME OF THE DECEDENT.

10 (2) UPON RELEASE OF CREMAINS, THE CREMATORY SHALL FURNISH

11 TO THE PERSON WHO RECEIVES THE CREMATED REMAINS A RECEIPT, SIGNED

12 BY BOTH THE CREMATORY AND THE PERSON WHO RECEIVES THE CREMATED

13 REMAINS. THE CREMATORY SHALL RETAIN A COPY OF THE RECEIPT IN ITS

14 RECORDS PURSUANT TO SUBSECTION (3) OF THIS SECTION. THE RECEIPT

15 SHALL INCLUDE THE FOLLOWING:

- 16 (a) THE DATE AND TIME OF THE RELEASE;
- 17 (b) THE NAME OF THE PERSON TO WHOM THE CREMAINS WERE
- 18 RELEASED;
- 19 (c) THE NAME OF THE PERSON WHO RELEASED THE CREMAINS ON
- 20 BEHALF OF THE CREMATORY; AND
- 21 (d) THE NAME OF THE DECEDENT.

22 (3) A CREMATORY SHALL MAINTAIN, FOR AT LEAST FIVE YEARS AT

23 THE REGISTERED LOCATION, A PERMANENT RECORD OF EACH CREMATION

24 OCCURRING AT THE FACILITY AND COPIES OF THE RECEIPTS REQUIRED BY

25 THIS SECTION.

26 **12-54-308. Powers and duties of the director - rules.** (1) THE

27 DIRECTOR MAY DENY, REFUSE TO RENEW, REVOKE, PLACE ON PROBATION,

1 OR LIMIT THE SCOPE OF PRACTICE OF THE LICENSE OR REGISTRATION OF AN
2 APPLICANT WHO HAS:

3 (a) FILED AN APPLICATION WITH THE DIRECTOR CONTAINING
4 MATERIAL MISSTATEMENTS OF FACT OR OMITTED ANY DISCLOSURE
5 REQUIRED BY THIS PART 3;

6 (b) HAD A REGISTRATION ISSUED BY COLORADO, OR AN
7 EQUIVALENT LICENSE, REGISTRATION, OR CERTIFICATION ISSUED BY
8 ANOTHER STATE, TO PRACTICE MORTUARY SCIENCE OR TO CREMATE A
9 DEAD HUMAN BODY REVOKED WITHIN THE LAST TWO YEARS;

10 (c) A LICENSE OR REGISTRATION ISSUED BY COLORADO, OR AN
11 EQUIVALENT LICENSE, REGISTRATION, OR CERTIFICATION ISSUED BY
12 ANOTHER STATE, TO PRACTICE MORTUARY SCIENCE OR TO CREMATE A
13 DEAD HUMAN BODY CURRENTLY UNDER SUSPENSION;

14 (d) NEGLIGENTLY VIOLATED THIS ARTICLE;

15 (e) FAILED TO COMPLY WITH THE STANDARDS OF PRACTICE IN
16 SECTION 12-54-306 OR THE RECORD KEEPING REQUIREMENTS OF SECTION
17 12-54-307; OR

18 (f) COMMITTED A PATTERN OF UNPROFESSIONAL ACTS.

19 (2) UPON FINDING A VIOLATION OF THIS PART 3 OR OF A RULE
20 PROMULGATED PURSUANT TO THIS PART 3, THE DIRECTOR OR AN
21 ADMINISTRATIVE LAW JUDGE MAY TEMPORARILY SUSPEND, FOR UP TO
22 SIXTY DAYS, A REGISTRATION ISSUED PURSUANT TO THIS SECTION IN LIEU
23 OF REFUSING TO RENEW OR REVOKING THE REGISTRATION UPON
24 DETERMINING THAT THE VIOLATION DOES NOT MERIT REVOCATION.

25 (3) (a) THE DIRECTOR MAY INVESTIGATE THE ACTIVITIES OF A
26 REGISTRANT OR OTHER PERSON THAT PRESENT GROUNDS FOR DISCIPLINARY
27 ACTION UNDER THIS SECTION OR WHO HAS VIOLATED THIS PART 3 OR RULES

1 PROMULGATED PURSUANT TO THIS PART 3.

2 (b) THE DIRECTOR SHALL TAKE COMPLAINTS AND SHALL
3 INVESTIGATE THE ACTIVITIES OF A REGISTRANT UPON A COMPLAINT BEING
4 MADE BY A CLIENT OR PROFESSIONAL ORGANIZATION OF LICENSEES OR
5 REGISTRANTS UNDER THIS PART 3.

6 (4) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE APPOINTED
7 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., SHALL CONDUCT
8 DISCIPLINARY HEARINGS CONCERNING A REGISTRATION ISSUED UNDER THIS
9 PART 3. SUCH HEARINGS SHALL CONFORM TO ARTICLE 4 OF TITLE 24,
10 C.R.S.

11 (5) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS
12 SUBSECTION (5), A PERSON WHOSE REGISTRATION HAS BEEN REVOKED
13 SHALL NOT BE ELIGIBLE FOR A LICENSE OR REGISTRATION FOR TWO YEARS
14 AFTER THE EFFECTIVE DATE OF THE REVOCATION.

15 (b) IF THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE
16 DETERMINES THAT AN APPLICATION CONTAINED A MISSTATEMENT OF FACT
17 OR OMITTED A REQUIRED DISCLOSURE DUE TO AN UNINTENTIONAL ERROR,
18 THE DIRECTOR SHALL ALLOW THE APPLICANT TO CORRECT THE
19 APPLICATION. UPON RECEIPT OF THE CORRECTED AND COMPLETED
20 APPLICATION, THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE SHALL NOT
21 BAR THE APPLICANT FROM BEING REGISTERED ON THE BASIS OF THE
22 UNINTENTIONAL MISSTATEMENT OR OMISSION.

23 (6) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE MAY
24 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE
25 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE
26 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY
27 EVIDENCE, AND MATERIALS IN ANY HEARING OR INVESTIGATION

1 CONDUCTED BY THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

2 (b) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR
3 PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED
4 WITNESS RESIDES OR CONDUCTS BUSINESS MAY ISSUE AN ORDER REQUIRING
5 THE WITNESS TO APPEAR BEFORE THE DIRECTOR OR ADMINISTRATIVE LAW
6 JUDGE AND TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS,
7 DOCUMENTARY EVIDENCE, TESTIMONY, OR MATERIALS IN QUESTION.
8 FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED AS A
9 CONTEMPT OF COURT. THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE
10 MAY APPLY FOR SUCH ORDER.

11 (7) THE DIRECTOR SHALL KEEP RECORDS OF THE PERSONS LICENSED
12 OR REGISTERED UNDER THIS PART 3 AND OF DISCIPLINARY PROCEEDINGS.
13 THE RECORDS KEPT BY THE DIRECTOR SHALL BE OPEN TO PUBLIC
14 INSPECTION IN A REASONABLE TIME AND MANNER DETERMINED BY THE
15 DIRECTOR.

16 (8) WHEN THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE DEEMS
17 IT APPROPRIATE AND USEFUL, THE DIRECTOR OR ADMINISTRATIVE LAW
18 JUDGE SHALL CONSULT WITH OR OBTAIN A WRITTEN OPINION FROM AN
19 APPROPRIATE PROFESSIONAL ORGANIZATION OR ASSOCIATION OF PERSONS
20 REGISTERED UNDER THIS PART 3 FOR THE PURPOSES OF INVESTIGATING
21 POSSIBLE VIOLATIONS OR WEIGHING THE APPROPRIATE STANDARD OF CARE
22 TO BE APPLIED TO SPECIFIC EVENTS OR THE FACTS IN A HEARING BEING
23 HELD UNDER THIS PART 3. WHEN OBTAINING AN OPINION OR CONSULTING
24 WITH THE PROFESSIONAL ORGANIZATION OR ASSOCIATION, THE DIRECTOR
25 OR ADMINISTRATIVE LAW JUDGE SHALL NOT REVEAL THE NAMES OF ANY OF
26 THE PARTIES INVOLVED IN THE INVESTIGATION UNTIL A HEARING IS HELD
27 UNDER THIS PART 3 AND ARTICLE 4 OF TITLE 24, C.R.S.

1 (9) (a) THE DIRECTOR MAY PROMULGATE REASONABLE RULES
2 NECESSARY TO IMPLEMENT THIS SECTION.

3 (b) BEFORE PROMULGATING RULES, THE DIRECTOR MAY SEEK INPUT
4 AND ADVICE FROM A PERSON, OR ANY STATE PROFESSIONAL ORGANIZATION
5 OF PERSONS, REQUIRED TO BE REGISTERED PURSUANT TO THIS PART 3.

6 **12-54-309. Limited liability.** (1) A CREMATIONIST OR
7 CREMATORY IN COMPLIANCE WITH ARTICLE 19 OF TITLE 15, C.R.S., SHALL
8 HAVE THE LIMITS OF LIABILITY GRANTED THIRD PARTIES UNDER ARTICLE 19
9 OF TITLE 15, C.R.S.

10 (2) A CREMATORY SHALL NOT BE LIABLE FOR ANY VALUABLES
11 DELIVERED TO THE CREMATORY IF THE CREMATORY EXERCISED
12 REASONABLE CARE IN HANDLING AND PROTECTING THE VALUABLES.

13 **12-54-310. Repeal of part.** THIS PART 3 REPEALED, EFFECTIVE
14 JULY 1, 2018. PRIOR TO SUCH REPEAL, THE REGULATION OF PERSONS
15 LICENSED OR REGISTERED TO PRACTICE MORTUARY SCIENCE SHALL BE
16 REVIEWED PURSUANT TO SECTION 24-34-104, C.R.S.

17 **SECTION 11.** 24-34-104 (49), Colorado Revised Statutes, is
18 amended to read:

19 **24-34-104. General assembly review of regulatory agencies and**
20 **functions for termination, continuation, or reestablishment.** (49) The
21 following agencies, functions, or both, shall terminate on July 1, 2018:

22 (a) The environmental management system permit program,
23 created in article 6.6 of title 25, C.R.S.;

24 (b) THE REGULATION OF PERSONS LICENSED OR REGISTERED TO
25 PRACTICE MORTUARY SCIENCE PURSUANT TO SECTIONS 12-54-110 TO
26 12-54-118 AND PART 3 OF ARTICLE 54 OF TITLE 12, C.R.S.

27 **SECTION 12. Appropriation.** (1) In addition to any other

1 appropriation, there is hereby appropriated, out of any moneys in the
2 division of registrations cash fund created in section 24-34-105 (2) (b) (I),
3 Colorado Revised Statutes, not otherwise appropriated, to the department
4 of regulatory agencies, for allocation to the executive director's office, for
5 legal services, for the fiscal year beginning July 1, 2008, the sum of
6 eighteen thousand dollars (\$18,000), or so much thereof as may be
7 necessary, for the implementation of this act.

8 (2) In addition to any other appropriation, there is hereby
9 appropriated, out of any moneys in the division of registrations cash fund
10 created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not
11 otherwise appropriated, to the department of regulatory agencies, for
12 allocation to the division of registrations, for the regulation of persons who
13 provide for the final disposition of dead human bodies in the course of
14 business, for the fiscal year beginning July 1, 2008, the sum of one
15 hundred twenty-four thousand eight hundred dollars (\$124,800) and 1.6
16 FTE, or so much thereof as may be necessary, for the implementation of
17 this act.

18 (3) In addition to any other appropriation, there is hereby
19 appropriated to the department of law, for the fiscal year beginning July
20 1, 2008, the sum of eighteen thousand dollars (\$18,000) and 0.1 FTE, or
21 so much thereof as may be necessary, for the provision of legal services to
22 the department of regulatory agencies related to the implementation of this
23 act. Said sum shall be from reappropriated cash funds received from the
24 executive director's office out of the appropriation made in subsection (1)
25 of this section.

26 **SECTION 13. Effective date - applicability.** This act shall take
27 effect July 1, 2008, and shall apply to offenses committed on or after said

1 date.

2 **SECTION 14. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.