

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

Date

Committee on Business Affairs and Labor.

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

HB08-1123 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

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

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

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

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

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

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

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

2 (a) Arranges, directs, or supervises funerals, memorial services,
3 or graveside services; or

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

6 (12) "Funeral establishment" means: ~~either or both of the~~
7 ~~following:~~

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

12 (b) An establishment that provides funeral goods or services to the
13 public;

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

18 (d) A FACILITY, INCLUDING, WITHOUT LIMITATION, A MOTOR
19 VEHICLE, USED FOR THE TRANSPORTATION OF DEAD HUMAN BODIES TO OR
20 FROM A PLACE SPECIFIED IN PARAGRAPHS (a) TO (c) OF THIS SUBSECTION
21 (12).

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

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

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

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

28 (16) ~~"Mortician"~~ "MORTUARY SCIENCE PRACTITIONER" means a
29 person who, for compensation, DOES THE FOLLOWING OR OFFERS TO DO



1 THE FOLLOWING:

2 (a) Embalms OR CREMATES dead human bodies;

3 (b) Arranges, directs, or supervises funerals, memorial services,
4 or graveside services; or

5 (c) Prepares dead human bodies for final disposition.

6 (21) "UNPROFESSIONAL ACT" MEANS AN ACT OR OMISSION THAT
7 FAILS TO MEET GENERALLY ACCEPTED STANDARDS OF MORTUARY SCIENCE
8 IN CONNECTION WITH THE 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;

28 (III) A DISCLOSURE, BY EACH INDIVIDUAL WHO IS REQUIRED TO



1 PROVIDE A NAME AN ADDRESS UNDER SUBPARAGRAPH (II) OF THIS
2 PARAGRAPH (a), OF ANY FELONY OR MISDEMEANOR CONVICTIONS IN
3 WHICH FRAUD WAS AN ESSENTIAL ELEMENT OF THE CRIME OR ANY
4 ADMINISTRATIVE DISCIPLINE WAS TAKEN AGAINST THE APPLICANT
5 CONCERNING THE PRACTICE OF CREMATING, EMBALMING, OR PREPARING
6 DEAD HUMAN BODIES FOR FINAL DISPOSITION;

7 (IV) THE DATE THE BUSINESS WAS ESTABLISHED; AND

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

10 (A) REFRIGERATING OR HOLDING DEAD HUMAN BODIES;

11 (B) EMBALMING DEAD HUMAN BODIES;

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

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

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

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

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

29 (4) THE DIRECTOR SHALL DENY OR REFUSE TO RENEW THE
30 REGISTRATION OF A FUNERAL ESTABLISHMENT IF ANY OF THE FOLLOWING
31 PRINCIPALS HAVE, WITHIN THE LAST FIVE YEARS, BEEN CONVICTED OF A



1 CRIME IN WHICH FRAUD IS AN ESSENTIAL ELEMENT OR HAS BEEN
2 ADMINISTRATIVELY DISCIPLINED CONCERNING THE PRACTICE OF
3 CREMATING, EMBALMING, OR PREPARING DEAD HUMAN BODIES FOR FINAL
4 DISPOSITION:

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

6 (b) EACH PARTNER, IF THE APPLICANT IS ANY FORM OF
7 PARTNERSHIP;

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

11 (d) EACH STOCKHOLDER WITH AT LEAST TWENTY-FIVE PERCENT OF
12 THE STOCK AND THE MANAGING OFFICER IF THE APPLICANT IS A
13 CORPORATION;

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

19 **12-54-104. Unlawful acts.** (1) It is unlawful:

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

26 (e) For a funeral director, ~~mortician~~ MORTUARY SCIENCE
27 PRACTITIONER, embalmer, or funeral establishment, OR FACILITY IN WHICH
28 PEOPLE REGULARLY DIE or such person's OR FACILITY'S agent to engage
29 in a business practice that interferes with the freedom of choice of the
30 general public to choose a funeral director, ~~mortician~~ MORTUARY SCIENCE
31 PRACTITIONER, embalmer, or funeral establishment;

32 (g) To transport or otherwise transfer by common carrier a dead



1 human body unless:

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

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

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

20 (I) Is a funeral director, MORTUARY SCIENCE PRACTITIONER,
21 CREMATIONIST, or embalmer;

22 (VI) Is a registered or licensed ~~nurse~~, ~~or~~ NURSE WITH A MEDICAL
23 REASON TO BE PRESENT;

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

26 (VIII) IS A TECHNICIAN WITH A CERTIFIED ANATOMICAL DONATION
27 ORGANIZATION WHO POSSESSES APPROPRIATE DOCUMENTATION OF A
28 POTENTIAL ORGAN OR TISSUE DONATION;

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

32 **12-54-104. Unlawful acts.** (1) It is unlawful:



1 (n) FOR A MORTUARY SCIENCE PRACTITIONER, FUNERAL DIRECTOR,
2 EMBALMER, OR AGENT THEREOF, TO SELL ANY PART OF A HUMAN BODY;
3 OR

4 (o) FOR A REGISTRANT OR LICENSEE TO PERFORM SERVICES
5 BEYOND THE COMPETENCY, TRAINING, OR EDUCATION OF THE REGISTRANT
6 OR LICENSEE.

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

9 **12-54-107. Violations and penalties.** Any person who violates
10 ~~the provisions of this part 1 OR PART 3 OF THIS ARTICLE~~ is guilty of a
11 misdemeanor and, upon conviction, shall be punished by a fine of not
12 more than five thousand dollars or by imprisonment in the county jail for
13 not more than twenty-four months or by both such fine and imprisonment.

14 **SECTION 6.** The introductory portion to 12-54-108 (4) and
15 12-54-108 (5), Colorado Revised Statutes, are amended to read:

16 **12-54-108. Exceptions - safe harbor.** (4) If a funeral director,
17 MORTUARY SCIENCE PRACTITIONER, or embalmer has acted in good faith,
18 the funeral director, MORTUARY SCIENCE PRACTITIONER, or embalmer may
19 rely on a signed statement from a person with the right of final disposition
20 under section 15-19-106, C.R.S., that:

21 (5) (a) A funeral director or ~~embalmer~~ MORTUARY SCIENCE
22 PRACTITIONER may dispose of cremated remains at the expense of the
23 person with the right of final disposition three hundred sixty-five days
24 after cremation if the ~~funeral director has~~ PERSON WAS given clear prior
25 notice of this ~~provision~~ PARAGRAPH (a) and ~~has given such person a~~
26 reasonable opportunity to collect the cremated remains, ~~if the funeral~~
27 ~~director or embalmer records~~ the exact location of the disposition and the
28 costs associated with the disposition ARE RECORDED, and the recovery of
29 the cremated remains is possible. Recovery of costs shall be limited to a
30 reasonable amount of the costs actually expended by the funeral director.

31 (b) If the person was cremated prior to July 1, 2003, and the
32 funeral director OR MORTUARY SCIENCE PRACTITIONER reasonably
33 attempts to notify the person with the right of final disposition of the
34 provisions of this subsection (5), the ~~funeral director may dispose of~~

1 cremated remains MAY BE DISPOSED OF in accordance with this subsection
2 (5) notwithstanding a failure to provide the notice of the provisions of this
3 subsection (5) to the person with the right of final disposition prior to
4 disposing of the remains.

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

9 **15-19-109. [Formerly 12-54-109] Effect of criminal charges.**
10 A person who has been arrested on suspicion of having committed, is
11 charged with, or has been convicted of, any felony offense specified in
12 part 1 of article 3 of title 18, C.R.S., involving the death of the deceased
13 person, shall not direct the final disposition of the deceased person or
14 arrange the ceremonies for the deceased person. If charges are not
15 brought, charges are brought but dismissed, or the person charged is
16 acquitted of the alleged crime before final disposition of the deceased
17 person's body, this section shall not apply.

18 **SECTION 8. Repeal of provision being relocated.** 12-54-109,
19 Colorado Revised Statutes, is repealed.

20 **SECTION 9.** Part 1 of article 54 of title 12, Colorado Revised
21 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
22 SECTIONS to read:

23 **12-54-110. License or registration required.** (1) (a) (I) UNLESS
24 LICENSED BY THE DIRECTOR, A PERSON SHALL NOT PRACTICE AS OR OFFER
25 THE SERVICES OF A MORTUARY SCIENCE PRACTITIONER.

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

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

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

32 (2) (a) AN APPLICANT FOR A MORTUARY SCIENCE PRACTITIONER



1 LICENSE OR FUNERAL DIRECTOR OR EMBALMER REGISTRATION SHALL
2 SUBMIT THE FOLLOWING:

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

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

9 (III) THE APPLICATION FEE ESTABLISHED BY SECTION 12-54-115;
10 AND

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

12 (b) AN APPLICANT FOR AN INTERN REGISTRATION SHALL SUBMIT
13 THE FOLLOWING:

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

16 (II) THE APPLICATION FEE ESTABLISHED BY SECTION 12-54-115;
17 AND

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

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

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

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

27 (III) HAS TAKEN THE MORTUARY SCIENCE TEST, KNOWN AS THE
28 NATIONAL BOARD EXAMINATION, ADMINISTERED BY THE INTERNATIONAL
29 CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS OR ITS SUCCESSOR,



1 AND RECEIVED A PASSING SCORE.

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

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

6 (II) HAS DIRECTED AT LEAST FIFTY FUNERALS OR GRAVESIDE
7 SERVICES.

8 (c) AN APPLICANT SHALL NOT BE REGISTERED AS AN EMBALMER
9 UNLESS THE APPLICANT:

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

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

13 (d) AN APPLICANT SHALL NOT BE REGISTERED AS A CREMATIONIST
14 UNLESS THE APPLICANT:

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

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

18 (e) AN APPLICANT SHALL NOT BE REGISTERED AS AN INTERN UNLESS
19 THE APPLICANT HAS A HIGH SCHOOL DIPLOMA OR GRADUATION
20 EQUIVALENCY DIPLOMA.

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

24 (4) A PERSON WHO IS LICENSED OR REGISTERED PURSUANT TO THIS
25 SECTION SHALL RENEW SUCH LICENSE OR REGISTRATION AT LEAST
26 ANNUALLY ACCORDING TO A SCHEDULE OF RENEWAL ESTABLISHED BY THE
27 DIRECTOR.

28 (5)(a) A PERSON MAY INTERN AS A FUNERAL DIRECTOR, MORTUARY



1 SCIENCE PRACTITIONER, OR EMBALMER IF THE PERSON IS PRACTICING
2 UNDER THE DIRECT SUPERVISION OF AN AUTHORIZED FUNERAL DIRECTOR,
3 MORTUARY SCIENCE PRACTITIONER, OR EMBALMER. IF THE FUNERAL
4 DIRECTOR, MORTUARY SCIENCE PRACTITIONER, OR EMBALMER SUPERVISES
5 THE INTERN NEGLIGENTLY, THE SUPERVISOR SHALL BE LIABLE FOR AND
6 SUBJECT TO DISCIPLINE FOR ACTS COMMITTED BY THE INTERN.

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

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

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

13 **12-54-111. Standards of practice - embalming - cremating -**
14 **transporting.** (1) AN EMBALMER OR MORTUARY SCIENCE PRACTITIONER
15 WHO PERFORMS EMBALMING SHALL:

16 (a) MAINTAIN A SANITARY PREPARATION ROOM WITH SANITARY
17 FLOORING, DRAINAGE, AND VENTILATION;

18 (b) EMPLOY UNIVERSAL BIOLOGICAL HAZARD PRECAUTIONS;

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

21 (d) BE EQUIPPED WITH INSTRUMENTS AND SUPPLIES NECESSARY TO
22 PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND EMPLOYEES OF THE
23 ESTABLISHMENT; AND

24 (e) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
25 MANNER.

26 (2) A MORTUARY SCIENCE PRACTITIONER WHO PERFORMS
27 CREMATION SHALL:

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



1 (b) EMPLOY A SYSTEM THAT IS REASONABLY DESIGNED TO
2 PRESERVE THE IDENTITY OF CREMATED REMAINS;

3 (c) EMPLOY UNIVERSAL BIOLOGICAL HAZARD PRECAUTIONS;

4 (d) EMPLOY REASONABLE CARE TO MINIMIZE THE RISK OF
5 TRANSMITTING COMMUNICABLE DISEASES FROM DEAD HUMAN BODIES;

6 (e) BE EQUIPPED WITH INSTRUMENTS AND SUPPLIES NECESSARY TO
7 PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND EMPLOYEES OF THE
8 ESTABLISHMENT; AND

9 (f) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
10 MANNER.

11 (3) A FUNERAL ESTABLISHMENT THAT TRANSPORTS DEAD HUMAN
12 BODIES SHALL:

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

15 (b) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
16 MANNER.

17 **12-54-112. Powers and duties of the director - rules.** (1) THE
18 DIRECTOR MAY DENY, REFUSE TO RENEW, REVOKE, PLACE ON PROBATION,
19 OR LIMIT THE SCOPE OF PRACTICE OF THE LICENSE OR REGISTRATION OF AN
20 APPLICANT WHO HAS:

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

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

28 (c) A LICENSE OR REGISTRATION ISSUED BY COLORADO, OR AN
29 EQUIVALENT LICENSE, REGISTRATION, OR CERTIFICATION ISSUED BY
30 ANOTHER STATE, TO PRACTICE MORTUARY SCIENCE OR TO EMBALM OR



1 CREMATE A DEAD HUMAN BODY CURRENTLY UNDER SUSPENSION;

2 (d) NEGLIGENTLY VIOLATED THIS PART 1;

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

5 (f) COMMITTED A PATTERN OF UNPROFESSIONAL ACTS.

6 (2) THE DIRECTOR MAY REVOKE THE LICENSE OR REGISTRATION OF
7 A LICENSEE OR REGISTRANT WITHOUT A HEARING IF THE LICENSEE OR
8 REGISTRANT HAS BEEN CONVICTED OF A FELONY RELATED TO ANOTHER
9 ACTIVITY REGULATED UNDER THIS PART 1. THE DIRECTOR SHALL
10 PROMPTLY NOTIFY THE LICENSEE OR REGISTRANT OF SUCH REVOCATION.

11 (3) UPON FINDING A VIOLATION OF THIS PART 1 OR OF A RULE
12 PROMULGATED PURSUANT TO THIS PART 1, THE DIRECTOR OR AN
13 ADMINISTRATIVE LAW JUDGE MAY TEMPORARILY SUSPEND, FOR UP TO
14 SIXTY DAYS, A LICENSE OR REGISTRATION ISSUED PURSUANT TO THIS PART
15 1 IN LIEU OF REFUSING TO RENEW OR REVOKING THE LICENSE OR
16 REGISTRATION UPON DETERMINING THAT THE VIOLATION DOES NOT MERIT
17 REVOCATION.

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

22 (b) THE DIRECTOR SHALL TAKE COMPLAINTS AND SHALL
23 INVESTIGATE THE ACTIVITIES OF A LICENSEE OR REGISTRANT UPON A
24 COMPLAINT BEING MADE BY A CLIENT OR PROFESSIONAL ORGANIZATION OF
25 LICENSEES OR REGISTRANTS UNDER THIS PART 1.

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

31 (6) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS
32 SUBSECTION (6), A PERSON WHOSE LICENSE OR REGISTRATION HAS BEEN



1 REVOKED SHALL NOT BE ELIGIBLE FOR A LICENSE OR REGISTRATION FOR
2 TWO YEARS AFTER THE EFFECTIVE DATE OF THE REVOCATION.

3 (b) IF THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE
4 DETERMINES THAT AN APPLICATION CONTAINED A MISSTATEMENT OF FACT
5 OR OMITTED A REQUIRED DISCLOSURE DUE TO AN UNINTENTIONAL ERROR,
6 THE DIRECTOR SHALL ALLOW THE APPLICANT TO CORRECT THE
7 APPLICATION. UPON RECEIPT OF THE CORRECTED AND COMPLETED
8 APPLICATION, THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE SHALL NOT
9 BAR THE APPLICANT FROM BEING LICENSED OR REGISTERED ON THE BASIS
10 OF THE UNINTENTIONAL MISSTATEMENT OR OMISSION.

11 (7) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE MAY
12 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE
13 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE
14 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY
15 EVIDENCE, AND MATERIALS IN ANY HEARING OR INVESTIGATION
16 CONDUCTED BY THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

17 (b) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR
18 SERVICE OF PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE
19 SUBPOENAED WITNESS RESIDES OR CONDUCTS BUSINESS MAY ISSUE AN
20 ORDER REQUIRING THE WITNESS TO APPEAR BEFORE THE DIRECTOR OR
21 ADMINISTRATIVE LAW JUDGE AND PRODUCE THE RELEVANT PAPERS, BOOKS,
22 RECORDS, DOCUMENTARY EVIDENCE, TESTIMONY, OR MATERIALS IN
23 QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED
24 AS A CONTEMPT OF COURT. THE DIRECTOR OR AN ADMINISTRATIVE LAW
25 JUDGE MAY APPLY FOR SUCH ORDER.

26 (8) THE DIRECTOR SHALL KEEP RECORDS OF THE PERSONS LICENSED
27 OR REGISTERED UNDER THIS PART 1 AND OF DISCIPLINARY PROCEEDINGS.
28 THE RECORDS KEPT BY THE DIRECTOR SHALL BE OPEN TO PUBLIC
29 INSPECTION IN A REASONABLE TIME AND MANNER DETERMINED BY THE
30 DIRECTOR.

31 (9) WHEN THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE DEEMS
32 IT APPROPRIATE AND USEFUL, THE DIRECTOR OR ADMINISTRATIVE LAW
33 JUDGE SHALL CONSULT WITH OR OBTAIN A WRITTEN OPINION FROM AN
34 APPROPRIATE PROFESSIONAL ORGANIZATION OR ASSOCIATION OF PERSONS
35 LICENSED OR REGISTERED UNDER THIS PART 1 FOR THE PURPOSES OF
36 INVESTIGATING POSSIBLE VIOLATIONS OR WEIGHING THE APPROPRIATE



1 STANDARD OF CARE TO BE APPLIED TO SPECIFIC EVENTS OR THE FACTS IN A
2 HEARING BEING HELD UNDER THIS PART 1. WHEN OBTAINING AN OPINION
3 OR CONSULTING WITH THE PROFESSIONAL ORGANIZATION OR ASSOCIATION,
4 THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE SHALL NOT REVEAL THE
5 NAMES OF ANY OF THE PARTIES INVOLVED IN THE INVESTIGATION UNTIL A
6 HEARING IS HELD UNDER THIS PART 1 AND ARTICLE 4 OF TITLE 24, C.R.S.

7 (10) (a) THE DIRECTOR MAY PROMULGATE REASONABLE RULES
8 NECESSARY TO IMPLEMENT THIS SECTION AND SECTIONS 12-54-110,
9 12-54-115, AND 12-54-116.

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

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

25 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
26 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE
27 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER
28 ACTS OR PRACTICES IN VIOLATION OF THIS PART 1 HAVE OCCURRED. SUCH
29 HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND
30 24-4-105, C.R.S.

31 (2) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
32 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON HAS
33 VIOLATED THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS
34 GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ISSUE TO SUCH
35 PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT
36 ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM



1 THE UNLAWFUL ACT OR PRACTICE.

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

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

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

33 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON
34 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS
35 ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION OR HAS OR IS
36 ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF
37 THIS ARTICLE, A FINAL CEASE-AND-DESIST ORDER MAY BE ISSUED,



1 DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL
2 ACTS OR UNLICENSED PRACTICES.

3 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET
4 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL
5 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE
6 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON
7 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER
8 SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR
9 PURPOSES OF JUDICIAL REVIEW.

10 (3) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
11 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN
12 OR IS ABOUT TO ENGAGE IN AN ACT OR PRACTICE CONSTITUTING A
13 VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS
14 ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR
15 PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION
16 PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ENTER INTO A
17 STIPULATION WITH THE PERSON.

18 (4) IF A PERSON FAILS TO COMPLY WITH A FINAL CEASE-AND-DESIST
19 ORDER OR A STIPULATION, THE DIRECTOR MAY REQUEST THE ATTORNEY
20 GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH
21 THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH
22 ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND
23 FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED
24 VIOLATION OF THE FINAL ORDER.

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

28 **12-54-114. Immunity.** THE DIRECTOR, ANY MEMBER OF THE
29 DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO
30 THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED
31 UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT
32 PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY
33 CIVIL ACTION FOR ACTS OCCURRING WHILE ACTING WITHIN THE SCOPE OF
34 THE PERSON'S CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS,
35 RESPECTIVELY, IF THE PERSON WAS ACTING IN GOOD FAITH, MADE A
36 REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH

1 THE PERSON ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE
2 ACTION TAKEN WAS WARRANTED BY THE FACTS. A PERSON PARTICIPATING
3 IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY
4 INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS
5 ARTICLE SHALL BE IMMUNE FROM ANY CIVIL LIABILITY THAT MAY RESULT
6 FROM SUCH PARTICIPATION.

7 **12-54-115. Fees - mortuary cash fund - created.** (1) THE
8 DIRECTOR SHALL ESTABLISH AND COLLECT THE FEES FOR A LICENSE OR
9 REGISTRATION ISSUED UNDER THIS ARTICLE PURSUANT TO SECTION
10 24-34-105, C.R.S.

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

21 **12-54-116. Authority - inspections - public safety.** (1) (a) IF THE
22 DIRECTOR HAS REASON TO BELIEVE THAT AN UNREASONABLE AND
23 IMMINENT HAZARD TO PUBLIC HEALTH EXISTS IN THE CONTINUED
24 OPERATION OF A FUNERAL ESTABLISHMENT, AFTER REASONABLE
25 VERIFICATION TO THE EXTENT PRACTICABLE UNDER THE CIRCUMSTANCES
26 AND CONSISTENT WITH THE PUBLIC HEALTH, THE DIRECTOR MAY ISSUE AN
27 EMERGENCY ORDER AS REASONABLY NECESSARY TO ABATE THE HAZARD.
28 THE EMERGENCY ORDER MAY REQUIRE THE FUNERAL ESTABLISHMENT TO
29 CEASE ALL OPERATION; TO CEASE CREMATING, EMBALMING, OR STORING
30 DEAD HUMAN BODIES; OR TO TAKE OR REFRAIN FROM TAKING ANY OTHER
31 ACTION REASONABLY NECESSARY TO PROTECT THE PUBLIC FROM SUCH
32 HAZARD. THE EMERGENCY ORDER SHALL BE IN WRITING AND SIGNED BY
33 THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE. THE ORDER MAY BE
34 SERVED BY:

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



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

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

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

10 (c) THE OWNER OR MANAGER OF A FUNERAL HOME SUBJECT TO AN
11 ORDER ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) MAY
12 REQUEST A HEARING TO DETERMINE WHETHER THERE IS AN UNREASONABLE
13 OR IMMINENT HAZARD TO THE PUBLIC, WHETHER THE ORDER IS NECESSARY
14 TO PROTECT THE PUBLIC, OR WHETHER A LESS RESTRICTIVE ORDER MAY
15 PROTECT THE PUBLIC FROM THE HAZARD. THE HEARING REQUEST SHALL BE
16 IN WRITING. THE DIRECTOR SHALL HOLD A HEARING IN ACCORDANCE WITH
17 ARTICLE 4 OF TITLE 24, C.R.S., WITHIN THIRTY DAYS AFTER RECEIVING
18 SUCH WRITTEN REQUEST.

19 (d) UPON A HEARING BEING REQUESTED PURSUANT TO PARAGRAPH
20 (c) OF THIS SUBSECTION (1), THE DIRECTOR SHALL MAKE FINDINGS ON THE
21 ISSUES IN QUESTION. THE ORDER SHALL BE AFFIRMED, MODIFIED, OR
22 RESCINDED IN ACCORDANCE WITH THE FINDINGS. IF THE ORDER IS
23 AFFIRMED, IT SHALL CONTINUE TO BE EFFECTIVE ACCORDING TO ITS TERMS.
24 IF THE ORDER IS MODIFIED, IT SHALL CONTINUE ACCORDING TO THE
25 MODIFIED TERMS. IF THE ORDER IS RESCINDED, IT SHALL NOT REMAIN IN
26 EFFECT.

27 (2) (a) THE DIRECTOR MAY AT ALL TIMES ENTER ANY FUNERAL
28 ESTABLISHMENT TO PERFORM A SAFETY INSPECTION. AN INSPECTION MAY
29 BE TO ASSESS A POTENTIAL HEALTH HAZARD OR TO VERIFY COMPLIANCE
30 WITH THIS ARTICLE. THE DIRECTOR MAY PERFORM RANDOM INSPECTIONS
31 OF FUNERAL ESTABLISHMENTS TO VERIFY COMPLIANCE WITH THIS ARTICLE.

32 (b) IF THE DIRECTOR IS REFUSED ENTRY INTO A FUNERAL
33 ESTABLISHMENT, THE DIRECTOR MAY DEEM THE ESTABLISHMENT AN
34 IMMINENT AND UNREASONABLE HEALTH HAZARD FOR THE PURPOSES OF
35 ISSUING AN EMERGENCY ORDER PURSUANT TO SUBSECTION (1) OF THIS



1 SECTION UNTIL A HEARING IS REQUESTED PURSUANT TO SUBSECTION (1) OF
2 THIS SECTION.

3 **12-54-117. Enforcement - injunctions.** (1) THE DIRECTOR MAY
4 FORWARD INFORMATION CONCERNING POSSIBLE VIOLATIONS OF THIS
5 ARTICLE COMMITTED BY ANY PERSON OR COMPLAINTS FILED AGAINST A
6 FUNERAL DIRECTOR, MORTUARY SCIENCE PRACTITIONER, CREMATIONIST,
7 OR EMBALMER TO A DISTRICT ATTORNEY OR A STATE OR FEDERAL LAW
8 ENFORCEMENT AGENCY.

9 (2) THE DIRECTOR MAY REQUEST THAT AN ACTION BE BROUGHT IN
10 THE NAME OF THE PEOPLE OF THE STATE OF COLORADO BY THE ATTORNEY
11 GENERAL OR THE DISTRICT ATTORNEY OF THE DISTRICT IN WHICH THE
12 VIOLATION IS ALLEGED TO HAVE OCCURRED TO ENJOIN A PERSON FROM
13 ENGAGING IN OR CONTINUING THE VIOLATION OR FROM DOING ANY ACT
14 THAT FURTHERS THE VIOLATION. IN SUCH AN ACTION, AN ORDER OR
15 JUDGMENT MAY BE ENTERED AWARDING SUCH PRELIMINARY OR FINAL
16 INJUNCTION AS IS DEEMED PROPER BY THE COURT. THE NOTICE, HEARING,
17 OR DURATION OF AN INJUNCTION OR RESTRAINING ORDER SHALL BE MADE
18 IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE.

19 **12-54-118. Letters of admonition and concern.** (1) (a) WHEN
20 A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT
21 UNDER THIS ARTICLE THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT
22 WARRANT FORMAL ACTION BUT THAT SHOULD NOT BE DISMISSED AS BEING
23 WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY
24 CERTIFIED MAIL, TO THE LICENSEE OR REGISTRANT.

25 (b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR TO
26 A LICENSEE OR REGISTRANT, SUCH LICENSEE OR REGISTRANT SHALL BE
27 ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN
28 TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY
29 PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE
30 CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

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

34 (2) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
35 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION AND, IN



1 THE OPINION OF THE DIRECTOR, THE COMPLAINT SHOULD BE DISMISSED, BUT
2 THE DIRECTOR HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT
3 BY THE LICENSEE OR REGISTRANT THAT COULD LEAD TO SERIOUS
4 CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN
5 MAY BE ISSUED AND SENT TO THE LICENSEE OR REGISTRANT.

6 **12-54-119. Deferment prohibited.** WHEN A COMPLAINT OR AN
7 INVESTIGATION DISCLOSES MISCONDUCT THAT, IN THE OPINION OF THE
8 DIRECTOR, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE
9 RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR
10 PROSECUTION.

11 **12-54-120. Repeal of sections.** SECTIONS 12-54-110 TO 12-54-120
12 ARE REPEALED, EFFECTIVE JULY 1, 2018. PRIOR TO SUCH REPEAL, THE
13 REGULATION OF PERSONS LICENSED OR REGISTERED TO PRACTICE
14 MORTUARY SCIENCE SHALL BE REVIEWED PURSUANT TO SECTION
15 24-34-104, C.R.S.

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

18 **PART 3**
19 **CREMATION**

20 **12-54-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "CREMATED REMAINS" OR "CREMAINS" MEANS ALL HUMAN
23 REMAINS RECOVERED AFTER CREMATION, INCLUDING PULVERIZATION,
24 THAT LEAVES ONLY BONE FRAGMENTS THAT HAVE BEEN REDUCED TO
25 UNIDENTIFIABLE DIMENSIONS.

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

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



1 (4) "CREMATIONIST" MEANS A PERSON WHO, FOR COMPENSATION,
2 CREMATES OR PREPARES FOR CREMATION A DEAD HUMAN BODY.

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

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

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

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

13 (9) "FUNERAL ESTABLISHMENT" MEANS EITHER OR BOTH OF THE
14 FOLLOWING:

15 (a) AN ESTABLISHMENT THAT HOLDS, CARES FOR, OR PREPARES A
16 DEAD HUMAN BODY PRIOR TO FINAL DISPOSITION, INCLUDING, BUT NOT
17 LIMITED TO, A CREMATORY OR EMBALMING ROOM; EXCEPT THAT THIS
18 PARAGRAPH (a) DOES NOT APPLY TO ESTABLISHMENTS IN WHICH
19 INDIVIDUALS REGULARLY DIE; OR

20 (b) AN ESTABLISHMENT THAT PROVIDES FUNERAL GOODS OR
21 SERVICES TO THE PUBLIC.

22 (10) "FUNERAL SERVICES" MEANS ANY ONE OR MORE OF THE
23 FOLLOWING:

24 (a) PREPARATION OF DEAD HUMAN BODIES FOR FINAL DISPOSITION;

25 (b) ARRANGEMENT, SUPERVISION, OR CONDUCT OF THE FUNERAL
26 CEREMONY OR THE FINAL DISPOSITION OF DEAD HUMAN BODIES; OR

27 (c) TRANSPORTATION OF DEAD HUMAN BODIES TO OR FROM A
28 FUNERAL ESTABLISHMENT.

29 (11) "IMPLANTED DEVICE" MEANS AN ELECTRONIC DEVICE



1 IMPLANTED IN THE DEAD HUMAN BODY THAT MAY BE HAZARDOUS WHEN
2 EXPOSED TO HEAT, INCLUDING, WITHOUT LIMITATION, A PACEMAKER OR
3 DEFIBRILLATOR. IMPLANTED DEVICE SHALL NOT MEAN A PROSTHESES,
4 SYNTHETIC JOINT, OR SYNTHETIC LIMB.

5 (12) "MORTUARY SCIENCE PRACTITIONER" MEANS A PERSON WHO
6 DOES THE FOLLOWING, OR OFFERS TO DO THE FOLLOWING, FOR
7 COMPENSATION:

8 (a) EMBALMS OR CREMATES DEAD HUMAN BODIES;

9 (b) ARRANGES, DIRECTS, OR SUPERVISES FUNERALS, MEMORIAL
10 SERVICES, OR GRAVESIDE SERVICES; OR

11 (c) PREPARES DEAD HUMAN BODIES FOR FINAL DISPOSITION.

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

15 (14) "PROCESSING" MEANS THE REMOVAL OF FOREIGN OBJECTS
16 FROM CREMATED REMAINS AND THE REDUCTION OF SUCH REMAINS BY
17 MECHANICAL MEANS TO GRANULES APPROPRIATE FOR FINAL DISPOSITION.

18 (15) "UNPROFESSIONAL ACT" MEANS AN ACT OR OMISSION THAT
19 FAILS TO MEET GENERALLY ACCEPTED CREMATION STANDARDS IN
20 CONNECTION WITH THE FINAL DISPOSITION OF A DEAD HUMAN BODY.

21 **12-54-302. Crematory registration - rules.** (1) (a) A
22 CREMATORY SHALL REGISTER WITH THE DIRECTOR USING FORMS AS
23 DETERMINED BY THE DIRECTOR. THE REGISTRATION SHALL INCLUDE THE
24 FOLLOWING:

25 (I) THE SPECIFIC LOCATION OF THE CREMATORY AND ALL FACILITIES
26 OF SUCH ESTABLISHMENT;

27 (II) THE FULL NAME AND ADDRESS OF:

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

29 (B) EACH PARTNER, IF THE APPLICANT IS ANY FORM OF



1 PARTNERSHIP;

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

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

8 (III) A DISCLOSURE BY EACH INDIVIDUAL WHO IS REQUIRED TO
9 PROVIDE A NAME AND ADDRESS UNDER SUBPARAGRAPH (II) OF THIS
10 PARAGRAPH (a) OF ANY FELONY OR MISDEMEANOR CONVICTIONS IN WHICH
11 FRAUD WAS AN ESSENTIAL ELEMENT OF THE CRIME OR AND ANY
12 ADMINISTRATIVE DISCIPLINE TAKEN AGAINST THE APPLICANT CONCERNING
13 THE PRACTICE OF CREMATING, EMBALMING, OR PREPARING DEAD HUMAN
14 BODIES FOR FINAL DISPOSITION;

15 (IV) THE DATE THE BUSINESS WAS ESTABLISHED; AND

16 (V) A LIST OF EACH OF THE FOLLOWING SERVICES PROVIDED AT
17 EACH LOCATION:

18 (A) REFRIGERATING OR HOLDING DEAD HUMAN BODIES;

19 (B) EMBALMING DEAD HUMAN BODIES;

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

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

23 (b) EACH CREMATORY REGISTRATION SHALL BE RENEWED AT LEAST
24 BIENNIALY ACCORDING TO A SCHEDULE ESTABLISHED BY THE DIRECTOR
25 IN A FORM AS DETERMINED BY THE DIRECTOR.

26 (c) IF, AFTER INITIAL REGISTRATION, THE CREMATORY PROVIDES A
27 SERVICE LISTED IN SUBPARAGRAPH (V) OF PARAGRAPH (a) OF THIS
28 SUBSECTION (3) THAT WAS NOT INCLUDED IN THE INITIAL REGISTRATION,
29 THE CREMATORY SHALL SUBMIT AN AMENDED REGISTRATION WITHIN
30 THIRTY DAYS AFTER BEGINNING TO PROVIDE THE NEW SERVICE.



1 (d) THE DIRECTOR MAY ESTABLISH REGISTRATION FEES, RENEWAL
2 FEES, AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION
3 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW THE REGISTRATION
4 PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE
5 REGISTRATION SHALL EXPIRE.

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

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 (3) (a) THE DIRECTOR SHALL DENY OR REFUSE TO RENEW THE
23 REGISTRATION OF A CREMATORY UNLESS A MANAGING OFFICER, OWNER, OR
24 PARTNER HAS RECEIVED RECOGNIZED TRAINING ON THE EQUIPMENT AT THE
25 FACILITY, INCLUDING, WITHOUT LIMITATION, THE TRAINING PROVIDED BY
26 THE MANUFACTURER OF THE EQUIPMENT OR A REASONABLE LEVEL OF
27 EXPERIENCE OPERATING SUCH EQUIPMENT IF SUCH EQUIPMENT WAS IN USE
28 ON THE EFFECTIVE DATE OF THIS PART 3.

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



1 (c) THE DIRECTOR SHALL PROMULGATE REASONABLE RULES
2 DETERMINING THE EQUIPMENT THAT REQUIRES TRAINING, THE TRAINING
3 THAT MEETS THE REQUIREMENTS OF THIS SECTION, AND SETTING THE LEVEL
4 OF EXPERIENCE THAT MAY SUBSTITUTE FOR SUCH TRAINING PURSUANT TO
5 PARAGRAPH (a) OF THIS SUBSECTION (3).

6 **12-54-303. Unlawful acts.** (1) IT IS UNLAWFUL FOR A
7 CREMATIONIST:

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

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

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

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

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

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

30 (I) IS A FUNERAL DIRECTOR, MORTUARY SCIENCE PRACTITIONER, OR
31 CREMATIONIST;

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



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

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

6 (V) IS A STUDENT OR INTERN ENROLLED IN A MORTUARY SCIENCE
7 PROGRAM;

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

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

12 (VIII) IS A TECHNICIAN WITH A CERTIFIED ANATOMICAL DONATION
13 ORGANIZATION WHO POSSESSES APPROPRIATE DOCUMENTATION OF A
14 POTENTIAL ORGAN OR TISSUE DONATION.

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

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

20 (i) TO PROHIBIT, HINDER, OR RESTRICT, OR ATTEMPT TO PROHIBIT,
21 HINDER, OR RESTRICT, THE FOLLOWING:

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

24 (II) ARRANGEMENTS BETWEEN MEMORIAL SOCIETIES AND FUNERAL
25 INDUSTRY MEMBERS; OR

26 (III) A FUNERAL SERVICE INDUSTRY MEMBER FROM DISCLOSING
27 ACCURATE INFORMATION CONCERNING FUNERAL MERCHANDISE AND
28 SERVICES;

29 (j) TO VIOLATE A LAW OF THE UNITED STATES, COLORADO, OR ANY



1 POLITICAL SUBDIVISION OF THE STATE, INCLUDING, WITHOUT LIMITATION,
2 ENVIRONMENTAL, SAFETY, OR LAND USE LAW;

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

5 (l) TO REFUSE TO ACCEPT A DEAD HUMAN BODY THAT IS NOT IN A
6 CASKET OR TO REQUIRE A DEAD HUMAN BODY TO BE PLACED IN A CASKET
7 AT ANY TIME;

8 (m) TO KNOWINGLY CREMATE A DEAD HUMAN BODY CONTAINING
9 AN IMPLANTED DEVICE;

10 (n) TO REQUIRE A CREMATORY TO ACCEPT A CREMATION
11 CONTAINER FROM WHICH BODILY FLUIDS ARE LEAKING; AND

12 (o) PERFORMED SERVICES BEYOND A REGISTRANT'S COMPETENCY,
13 TRAINING, OR EDUCATION.

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

22 **12-54-304. Exceptions - safe harbor.** (1) IF A CREMATIONIST HAS
23 ACTED IN GOOD FAITH, THE CREMATIONIST MAY RELY ON A SIGNED
24 STATEMENT FROM A PERSON WITH THE RIGHT OF FINAL DISPOSITION UNDER
25 SECTION 15-19-106, C.R.S., THAT:

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

29 (b) THE PERSON HAS MADE A REASONABLE EFFORT UNDER SECTION
30 15-19-106, C.R.S., TO CONTACT EACH PERSON WITH THE RIGHT OF FINAL
31 DISPOSITION AND TO LEARN HIS OR HER WISHES; AND



1 (c) THE PERSON KNOWS OF NO OBJECTIONS TO THE FINAL
2 DISPOSITION.

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

12 (b) IF THE DECEASED WAS CREMATED PRIOR TO JULY 1, 2003, AND
13 THE CREMATIONIST REASONABLY ATTEMPTS TO NOTIFY THE PERSON WITH
14 THE RIGHT OF FINAL DISPOSITION OF THE PROVISIONS OF THIS SUBSECTION
15 (2), THE CREMATED REMAINS MAY BE DISPOSED OF IN ACCORDANCE WITH
16 THIS SUBSECTION (2) NOTWITHSTANDING A FAILURE TO PROVIDE THE
17 NOTICE OF THE PROVISIONS OF THIS SUBSECTION (2) TO THE PERSON WITH
18 THE RIGHT OF FINAL DISPOSITION PRIOR TO DISPOSING OF THE REMAINS.

19 **12-54-305. Registration required.** (1) (a) (I) UNLESS
20 REGISTERED BY THE DIRECTOR AND EXCEPT AS AUTHORIZED BY PART 1 OF
21 THIS ARTICLE, A PERSON SHALL NOT PRACTICE AS, OR OFFER THE SERVICES
22 OF, A CREMATIONIST, EXCEPT AS SPECIFIED IN PARAGRAPH (a) OF
23 SUBSECTION (5) OF THIS SECTION.

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

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

27 (2) (a) AN APPLICANT FOR A CREMATIONIST REGISTRATION SHALL
28 SUBMIT THE FOLLOWING:

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

32 (II) EVIDENCE, ACCEPTABLE TO THE DIRECTOR, THAT THE
33 APPLICANT HAS MET THE REQUIREMENTS OF SUBSECTION (3) OF THIS



1 SECTION; AND

2 (III) THE APPLICATION FEE ESTABLISHED BY SECTION 12-54-115;
3 AND

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

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

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

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

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

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

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

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

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

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

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



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

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

5 **12-54-306. Standards of practice.** (1) A CREMATIONIST SHALL:

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

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

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

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

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

20 (I) THE IDENTITY OF THE DECEDENT;

21 (II) THE DATE OF DEATH;

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

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

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



1 (VI) THE NAME OF THE PERSON AUTHORIZED TO RECEIVE THE
2 CREMAINS;

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

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

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

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

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

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

20 (b) THE DEAD HUMAN BODY SHALL BE CREMATED IN A CREMATION
21 CONTAINER.

22 (c) A CREMATION CONTAINER SHALL:

23 (I) BE COMPOSED OF COMBUSTIBLE MATERIALS SUITABLE FOR
24 CREMATION;

25 (II) BE ABLE TO BE CLOSED IN ORDER TO PROVIDE A COMPLETE
26 COVERING FOR THE HUMAN REMAINS;

27 (III) BE RESISTANT TO LEAKING OR SPILLING;

28 (IV) BE RIGID ENOUGH TO HANDLE WITH EASE; AND

1 (V) PROVIDE REASONABLE PROTECTION FOR THE HEALTH AND
2 SAFETY OF CREMATORY PERSONNEL.

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

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

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

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

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

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



1 (7) (a) IF A CREMATIONIST KNOWS THAT A DEAD HUMAN BODY
2 CONTAINS AN IMPLANTED DEVICE, THE CREMATIONIST SHALL BE
3 RESPONSIBLE FOR HAVING THE DEVICE REMOVED BEFORE CREMATING THE
4 BODY, BUT IF THE FUNERAL ESTABLISHMENT FAILS TO ENSURE THAT A
5 DEVICE WAS REMOVED, THE FUNERAL ESTABLISHMENT SHALL BE
6 RESPONSIBLE FOR NOT HAVING THE DEVICE REMOVED.

7 (b) IF THE PERSON AUTHORIZING CREMATION FAILS TO INFORM THE
8 CREMATORY OF THE PRESENCE OF AN IMPLANTED DEVICE, THE PERSON
9 SHALL BE SOLELY LIABLE FOR ANY RESULTING DAMAGE TO THE
10 CREMATORY.

11 **12-54-307. Records and receipts.** (1) THE CREMATORY SHALL
12 FURNISH TO A PERSON WHO DELIVERS HUMAN REMAINS TO THE CREMATORY
13 A RECEIPT THAT SHALL BE SIGNED BY BOTH THE CREMATORY'S
14 REPRESENTATIVE AND THE PERSON WHO DELIVERS THE HUMAN REMAINS.
15 THE CREMATORY SHALL RETAIN A COPY OF THE RECEIPT IN ITS RECORDS
16 PURSUANT TO SUBSECTION (3) OF THIS SECTION. THE RECEIPT SHALL
17 INCLUDE THE FOLLOWING:

18 (a) THE DATE AND TIME OF THE DELIVERY;

19 (b) THE TYPE OF CASKET OR ALTERNATIVE CONTAINER THAT WAS
20 DELIVERED;

21 (c) THE NAME OF THE PERSON WHO DELIVERED THE REMAINS;

22 (d) THE NAME OF ANY BUSINESS WITH WHICH THE PERSON
23 DELIVERING THE HUMAN REMAINS IS AFFILIATED;

24 (e) THE NAME OF THE PERSON WHO RECEIVED THE HUMAN REMAINS
25 ON BEHALF OF THE CREMATORY; AND

26 (f) THE NAME OF THE DECEDENT.

27 (2) UPON RELEASE OF CREMAINS, THE CREMATORY SHALL FURNISH
28 TO THE PERSON WHO RECEIVES THE CREMATED REMAINS A RECEIPT, SIGNED
29 BY BOTH THE CREMATORY AND THE PERSON WHO RECEIVES THE CREMATED
30 REMAINS. THE CREMATORY SHALL RETAIN A COPY OF THE RECEIPT IN ITS
31 RECORDS PURSUANT TO SUBSECTION (3) OF THIS SECTION. THE RECEIPT
32 SHALL INCLUDE THE FOLLOWING:



- 1 (a) THE DATE AND TIME OF THE RELEASE;
- 2 (b) THE NAME OF THE PERSON TO WHOM THE CREMATED REMAINS
3 WERE RELEASED;
- 4 (c) THE NAME OF THE PERSON WHO RELEASED THE CREMATED
5 REMAINS ON BEHALF OF THE CREMATORY; AND
- 6 (d) THE NAME OF THE DECEDENT.

7 (3) A CREMATORY SHALL MAINTAIN, FOR AT LEAST FIVE YEARS AT
8 THE REGISTERED LOCATION, A PERMANENT RECORD OF EACH CREMATION
9 OCCURRING AT THE FACILITY AND COPIES OF THE RECEIPTS REQUIRED BY
10 THIS SECTION.

11 **12-54-308. Powers and duties of the director - rules.** (1) THE
12 DIRECTOR MAY DENY, REFUSE TO RENEW, REVOKE, PLACE ON PROBATION,
13 OR LIMIT THE SCOPE OF PRACTICE OF THE LICENSE OR REGISTRATION OF AN
14 APPLICANT WHO HAS:

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

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

22 (c) A LICENSE OR REGISTRATION ISSUED BY COLORADO, OR AN
23 EQUIVALENT LICENSE, REGISTRATION, OR CERTIFICATION ISSUED BY
24 ANOTHER STATE, TO PRACTICE MORTUARY SCIENCE OR TO CREMATE A
25 DEAD HUMAN BODY CURRENTLY UNDER SUSPENSION;

26 (d) NEGLIGENTLY VIOLATED THIS ARTICLE;

27 (e) FAILED TO COMPLY WITH THE STANDARDS OF PRACTICE IN
28 SECTION 12-54-306 OR THE RECORD KEEPING REQUIREMENTS OF SECTION
29 12-54-307; OR

30 (f) COMMITTED A PATTERN OF UNPROFESSIONAL ACTS.



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

7 (3) (a) THE DIRECTOR MAY INVESTIGATE THE ACTIVITIES OF A
8 REGISTRANT OR OTHER PERSON THAT PRESENT GROUNDS FOR DISCIPLINARY
9 ACTION UNDER THIS SECTION OR WHO HAS VIOLATED THIS PART 3 OR RULES
10 PROMULGATED PURSUANT TO THIS PART 3.

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

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

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

24 (b) IF THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE
25 DETERMINES THAT AN APPLICATION CONTAINED A MISSTATEMENT OF FACT
26 OR OMITTED A REQUIRED DISCLOSURE DUE TO AN UNINTENTIONAL ERROR,
27 THE DIRECTOR SHALL ALLOW THE APPLICANT TO CORRECT THE
28 APPLICATION. UPON RECEIPT OF THE CORRECTED AND COMPLETED
29 APPLICATION, THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE SHALL NOT
30 BAR THE APPLICANT FROM BEING REGISTERED ON THE BASIS OF THE
31 UNINTENTIONAL MISSTATEMENT OR OMISSION.

32 (6) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE MAY
33 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE
34 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE
35 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY



1 EVIDENCE, AND MATERIALS IN ANY HEARING OR INVESTIGATION
2 CONDUCTED BY THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

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

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

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

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

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

34 **12-54-309. Limited liability.** (1) A CREMATIONIST OR
35 CREMATORY IN COMPLIANCE WITH ARTICLE 19 OF TITLE 15, SHALL HAVE



1 THE LIMITS OF LIABILITY GRANTED THIRD PARTIES UNDER ARTICLE 19 OF
2 TITLE 15.

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

6 **12-54-310. Repeal of part.** THIS PART 3 REPEALED, EFFECTIVE
7 JULY 1, 2018. PRIOR TO SUCH REPEAL, THE REGULATION OF PERSONS
8 LICENSED OR REGISTERED TO PRACTICE MORTUARY SCIENCE SHALL BE
9 REVIEWED PURSUANT TO SECTION 24-34-104, C.R.S.

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

12 **24-34-104. General assembly review of regulatory agencies and**
13 **functions for termination, continuation, or reestablishment.** (49) The
14 following agencies, functions, or both, shall terminate on July 1, 2018:

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

17 (b) THE REGULATION OF PERSONS LICENSED OR REGISTERED TO
18 PRACTICE MORTUARY SCIENCE PURSUANT TO SECTIONS 12-54-110 TO
19 12-54-118 AND PART 3 OF ARTICLE 54 OF TITLE 12, C.R.S.

20 **SECTION 12. Effective date - applicability.** This act shall take
21 effect July 1, 2008, and shall apply to offenses committed on or after said
22 date.

23 **SECTION 13. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety."

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