

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1019.04 Jery Payne x2157

SENATE BILL 18-234

SENATE SPONSORSHIP

Coram and Crowder,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO REDUCE THE SALE WITHOUT CONSENT OF
102 THE REMAINS OF A HUMAN WHO WAS BORN ALIVE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill makes it unlawful under the "Mortuary Science Code" for a person to own more than a 10% indirect interest in a funeral establishment or crematory while simultaneously owning interest in a nontransplant tissue bank. The bill prohibits an entity from profiting from the transfer, sale, storage, or leasing of human remains.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-54-102, **amend**
3 the introductory portion; and **add** (17.3) as follows:

4 **12-54-102. Definitions.** As used in this article **6**, unless the
5 context otherwise requires:

6 (17.3) (a) "NONTRANSPLANT TISSUE BANK" MEANS A PERSON
7 THAT, FOR ANY PURPOSE OTHER THAN TRANSPLANTING A BODY PART,
8 RECOVERS, TRANSPORTS, DISTRIBUTES, PROCESSES, SCREENS, STORES, OR
9 ARRANGES FOR THE STORAGE AND DISTRIBUTION OF A BODY PART.

10 (b) "NONTRANSPLANT TISSUE BANK" DOES NOT INCLUDE AN EYE
11 BANK, AN ORGAN PROCUREMENT ORGANIZATION, OR A TISSUE BANK, AS
12 THOSE TERMS ARE DEFINED IN SECTION 15-19-202 (10), (16), AND (31),
13 RESPECTIVELY.

14 **SECTION 2.** In Colorado Revised Statutes, 12-54-104, **add**
15 (1)(p) as follows:

16 **12-54-104. Unlawful acts.** (1) It is unlawful:

17 (p) FOR A PERSON OWNING AN INDIRECT INTEREST WITH MORE
18 THAN TEN-PERCENT OWNERSHIP IN A FUNERAL ESTABLISHMENT OR FOR A
19 PERSON OWNING A DIRECT INTEREST IN A FUNERAL ESTABLISHMENT TO
20 OWN AN INDIRECT INTEREST WITH MORE THAN TEN-PERCENT OWNERSHIP
21 IN A NONTRANSPLANT TISSUE BANK OR A DIRECT OWNERSHIP OF A
22 NONTRANSPLANT TISSUE BANK.

23 **SECTION 3.** In Colorado Revised Statutes, 12-54-301, **add** (3)
24 as follows:

25 **12-54-301. Unlawful acts.** (3) IT IS UNLAWFUL FOR A PERSON
26 OWNING AN INDIRECT INTEREST WITH MORE THAN TEN-PERCENT

1 OWNERSHIP IN A CREMATORY OR FOR A PERSON OWNING A DIRECT
2 INTEREST IN A CREMATORY TO OWN AN INDIRECT INTEREST WITH MORE
3 THAN TEN-PERCENT OWNERSHIP IN A NONTRANSPLANT TISSUE BANK OR
4 DIRECT OWNERSHIP OF A NONTRANSPLANT TISSUE BANK.

5 **SECTION 4.** In Colorado Revised Statutes, **add** 18-13-101.5 as
6 follows:

7 **18-13-101.5. Human remains profiteering.** (1) A FOR-PROFIT
8 ENTITY, A PERSON WITH AN OWNERSHIP INTEREST IN A FOR-PROFIT ENTITY,
9 OR AN EMPLOYEE OF THE ENTITY SHALL NOT:

10 (a) TRANSFER, OR ARRANGE FOR TRANSFER OF, HUMAN REMAINS
11 FOR VALUABLE CONSIDERATION;

12 (b) SELL HUMAN REMAINS FOR VALUABLE CONSIDERATION;

13 (c) STORE HUMAN REMAINS FOR VALUABLE CONSIDERATION; OR

14 (d) LEASE HUMAN REMAINS FOR VALUABLE CONSIDERATION.

15 (2) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION
16 COMMITS HUMAN REMAINS PROFITEERING, WHICH IS A CLASS 1
17 MISDEMEANOR.

18 (3) AS USED IN THIS SECTION, "VALUABLE CONSIDERATION"
19 INCLUDES THE REIMBURSEMENT FOR THE REASONABLE DIRECT AND
20 INDIRECT COSTS ASSOCIATED WITH THE:

21 (a) REMOVAL OF HUMAN REMAINS;

22 (b) STORAGE OF HUMAN REMAINS; OR

23 (c) TRANSPORTATION OF HUMAN REMAINS.

24 **SECTION 5. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2018 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.