

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0441.01 Jery Payne x2157

HOUSE BILL 20-1060

HOUSE SPONSORSHIP

Titone and Soper,

SENATE SPONSORSHIP

Rodriguez,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONVERSION OF HUMAN REMAINS TO BASIC
102 ELEMENTS WITHIN A CONTAINER USING AN ACCELERATED
103 PROCESS.

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 authorizes human remains to be converted to soil using a container that accelerates the process of biological decomposition, also known as "natural reduction".

Current law has various provisions that deal with burial, cremation, interment, and entombment. In connection with authorizing

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.

natural reduction, the bill replaces these terms with the phrase "final disposition", which term is defined to include natural reduction. The following types of provisions are updated to reflect the option to use natural reduction:

- ! Life insurance statutes;
- ! Preneed funeral insurance contracts;
- ! The "Mortuary Science Code";
- ! Funeral picketing statutes;
- ! Litigation damages;
- ! The "Colorado Probate Code";
- ! The "Disposition of Last Remains Act";
- ! The "Revised Uniform Anatomical Gift Act";
- ! Missing person reports for unidentified human remains;
- ! Public peace and order statutes;
- ! Vital statistics statutes;
- ! The "Colorado Public Assistance Act"; and
- ! Firefighter pension plans.

Natural reduction is added to the statutes that regulate funeral establishments, and this addition will result in the regulation of the natural reduction process. But the definitions of "cremation" and "mortuary science practitioner" are amended so that a practitioner of natural reduction is not regulated as a cremationist or mortuary science practitioner.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-4-401, **add** (3.6)
3 and (6.9) as follows:

4 **2-4-401. Definitions.** The following definitions apply to every
5 statute, unless the context otherwise requires:

6 (3.6) "FINAL DISPOSITION" MEANS THE DISPOSITION OF HUMAN
7 REMAINS BY ENTOMBMENT, BURIAL, CREMATION, NATURAL REDUCTION,
8 OR REMOVAL FROM THE STATE.

9 (6.9) "NATURAL REDUCTION" OR "NATURALLY REDUCE" MEANS
10 THE CONTAINED, ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.

11 **SECTION 2.** In Colorado Revised Statutes, **add** 15-19-110 as
12 follows:

1 **15-19-110. Natural reduction.** A PERSON MAY USE NATURAL
2 REDUCTION TO DISPOSE OF LAST REMAINS OR AS A STEP IN THE FINAL
3 DISPOSITION OF LAST REMAINS.

4 **SECTION 3.** In Colorado Revised Statutes, 10-7-102, **amend** (1)
5 introductory portion and (1)(j) as follows:

6 **10-7-102. Life insurance policies - requirements.** (1) It is
7 unlawful for any foreign or domestic life insurance company to issue or
8 deliver in this state any life insurance policy unless the ~~same~~ POLICY
9 contains the following provisions:

10 (j) If a policy is advertised or marketed as a means of payment of
11 final expenses for FINAL DISPOSITION OR funeral ~~interment, entombment,~~
12 ~~or cremation~~ merchandise or services other than according to the
13 provisions of article 15 of this ~~title~~ TITLE 10, the policy ~~shall~~ MUST state
14 in predominate type:

15 **THIS POLICY DOES NOT GUARANTEE THAT ITS**
16 **PROCEEDS WILL BE SUFFICIENT TO PAY FOR**
17 **ANY PARTICULAR SERVICES OR MERCHANDISE**
18 **AT TIME OF NEED OR THAT SERVICES OR**
19 **MERCHANDISE SHALL BE PROVIDED BY ANY**
20 **PARTICULAR PROVIDER.**

21 **SECTION 4.** In Colorado Revised Statutes, **amend** 10-15-101 as
22 follows:

23 **10-15-101. Legislative declaration.** The general assembly
24 declares that the business of selling preneed contracts whereby the seller
25 agrees to provide FINAL DISPOSITION OR funeral ~~interment, entombment,~~
26 ~~or cremation~~ merchandise or services in the future or for future use is
27 affected with a public interest, and the preservation of the safety and

1 welfare of the public from unconscionable dealing requires regulation of
2 the sale of ~~such~~ THE contracts and of the disposition of funds obtained as
3 a result of ~~such~~ THE sales.

4 **SECTION 5.** In Colorado Revised Statutes, 10-15-102, **amend**
5 (16) as follows:

6 **10-15-102. Definitions.** As used in this article 15, unless the
7 context otherwise requires:

8 (16) "Services" means any services ~~which~~ THAT may be used to
9 care for and prepare deceased human bodies for ~~burial, cremation, or~~
10 ~~other~~ final disposition.

11 **SECTION 6.** In Colorado Revised Statutes, 12-135-103, **amend**
12 (4), (13), (17), and (22)(c); and **add** (22.5) as follows:

13 **12-135-103. Definitions.** As used in this article 135, unless the
14 context otherwise requires:

15 (4) "Cremation" or "cremate" means the reduction of human
16 remains to essential elements, the processing of the remains, and the
17 placement of the processed remains in a cremated remains container;
18 EXCEPT THAT "CREMATION" OR "CREMATE" DOES NOT INCLUDE NATURAL
19 REDUCTION OR TO NATURALLY REDUCE HUMAN REMAINS.

20 (13) "Final disposition" means the disposition of human remains
21 by entombment, burial, cremation, NATURAL REDUCTION, or removal from
22 the state.

23 (17) "Funeral goods" means goods that are sold or offered for sale
24 directly to the public for use in connection with funeral SERVICES or
25 cremation services.

26 (22) "Mortuary science practitioner" means a person who, for
27 compensation, does the following or offers to do the following:

1 (c) Prepares human remains for final disposition, NOT INCLUDING
2 PREPARING THE REMAINS FOR NATURAL REDUCTION.

3 (22.5) "NATURAL REDUCTION" OR "NATURALLY REDUCE" MEANS
4 THE CONTAINED, ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.

5 **SECTION 7.** In Colorado Revised Statutes, 12-135-105, **amend**
6 (1)(j), (1)(l), and (1)(m)(I) as follows:

7 **12-135-105. Unlawful acts.** (1) It is unlawful:

8 (j) To refuse to properly and promptly release human remains,
9 NATURALLY REDUCED REMAINS, or cremated remains to the custody of the
10 person who has the legal right to effect the release whether or not any
11 costs have been paid;

12 (l) To embalm, NATURALLY REDUCE, or cremate human remains
13 without obtaining permission from the person with the right of final
14 disposition unless otherwise required by section 12-135-106;

15 (m) To prohibit, hinder, or restrict or to attempt to prohibit,
16 hinder, or restrict the following:

17 (I) The offering or advertising of immediate cremation, NATURAL
18 REDUCTION, advance funeral arrangements, or low-cost funerals;

19 **SECTION 8.** In Colorado Revised Statutes, 12-135-109, **amend**
20 (2)(a) and (2)(b) as follows:

21 **12-135-109. Exceptions - safe harbor.** (2) (a) This part 1 ~~shall~~
22 DOES not apply to, nor in any way interfere with, any custom or rite of any
23 religious sect in the ~~burial~~ FINAL DISPOSITION of its dead, and the
24 members and followers of the religious sect may continue to provide
25 memorial services for, care for, prepare, and ~~bury~~ PROVIDE FOR THE FINAL
26 DISPOSAL OF the bodies of deceased members of the religious sect, free
27 from any term or condition, or any provision of this part 1, and are not

1 subject to this part 1, so long as the human remains are refrigerated,
2 frozen, embalmed, interred, or cremated within seven days after death OR
3 THE PROCESS OF NATURAL REDUCTION IS BEGUN WITHIN SEVEN DAYS
4 AFTER DEATH.

5 (b) If human remains are refrigerated or embalmed ~~pursuant to~~
6 UNDER subsection (2)(a) of this section, the body must be interred WITHIN,
7 frozen WITHIN, or cremated within thirty days after death ~~unless~~ OR THE
8 PROCESS OF NATURAL REDUCTION MUST BEGIN WITHIN THIRTY DAYS
9 AFTER DEATH; EXCEPT THAT the coroner ~~authorizes~~ MAY AUTHORIZE
10 otherwise in writing. The coroner shall not permit an exception to this
11 subsection (2)(b) unless the applicant can demonstrate a legitimate delay
12 caused by unforeseen uncontrollable circumstances or by a criminal
13 investigation.

14 **SECTION 9.** In Colorado Revised Statutes, 13-21-126, **amend**
15 (3)(a) as follows:

16 **13-21-126. Funeral picketing - legislative declaration -**
17 **definitions - damages.** (3) As used in this section:

18 (a) "Funeral" means the ceremonies, rituals, processions, and
19 memorial services held in connection with the ~~burial, cremation,~~ FINAL
20 DISPOSITION or memorial of a deceased person, including the assembly
21 and dispersal of the mourners.

22 **SECTION 10.** In Colorado Revised Statutes, **amend** 13-21-203.5
23 as follows:

24 **13-21-203.5. Alternative means of establishing damages -**
25 **solatium amount.** In ~~any~~ A case arising under section 13-21-202, the
26 persons entitled to sue under ~~the provisions of~~ section 13-21-201 (1) may
27 elect in writing to sue for and recover a solatium in the amount of fifty

1 thousand dollars. ~~Such~~ THE solatium amount ~~shall be~~ IS in addition to
2 economic damages and to reasonable ~~funeral, burial, interment, or~~
3 ~~cremation~~ FINAL DISPOSITION expenses, which expenses may also be
4 recovered in an action under this section. ~~Such~~ THE solatium amount ~~shall~~
5 ~~be~~ IS in lieu of noneconomic damages recoverable under section
6 13-21-203 and ~~shall be~~ IS awarded upon a finding or admission of the
7 defendant's liability for the wrongful death.

8 **SECTION 11.** In Colorado Revised Statutes, 15-11-403, **amend**
9 (1)(b) as follows:

10 **15-11-403. Exempt property.** (1) (b) On and after January 1,
11 2012, the decedent's surviving spouse is entitled to exempt property from
12 the estate in the form of cash in the amount of or other property of the
13 estate in the value of thirty thousand dollars in excess of any security
14 interests therein. If there is no surviving spouse, the decedent's dependent
15 children are entitled jointly to the same exempt property. Rights to
16 exempt property have priority over all claims against the estate, except
17 claims for the costs and expenses of administration, and reasonable FINAL
18 DISPOSITION AND ~~funeral and burial, interment, or cremation~~ expenses,
19 which ~~shall be~~ ARE paid in the priority and manner set forth in section
20 15-12-805. The right to exempt property ~~shall abate~~ ABATES as necessary
21 to permit payment of the family allowance. These rights are in addition
22 to any benefit or share passing to the surviving spouse or dependent
23 children by the decedent's will, unless otherwise provided, by intestate
24 succession, or by way of elective-share.

25 **SECTION 12.** In Colorado Revised Statutes, 15-11-404, **amend**
26 (1) as follows:

27 **15-11-404. Family allowance.** (1) In addition to the right to

1 exempt property, the decedent's surviving spouse and minor children who
2 the decedent was obligated to support and children who were in fact
3 being supported by the decedent are entitled to a reasonable allowance in
4 money out of the estate for their maintenance during the period of
5 administration, which allowance may not continue for longer than one
6 year if the estate is inadequate to discharge allowed claims. The
7 allowance may be paid as a lump sum or in periodic installments. It is
8 payable to the surviving spouse, if living, for the use of the surviving
9 spouse and minor and dependent children; otherwise to the children or
10 persons having ~~their~~ THE CHILDREN'S care and custody. If a minor child
11 or dependent child is not living with the surviving spouse, the allowance
12 may be made partially to the child or ~~his or her~~ THE CHILD'S guardian or
13 other person having the child's care and custody, and partially to the
14 spouse, as their needs may appear. The family allowance is exempt from
15 and has priority over all claims except claims for the costs and expenses
16 of administration, and reasonable FINAL DISPOSITION AND funeral ~~and~~
17 ~~burial, interment, or cremation~~ expenses, which shall be paid in the
18 priority and manner set forth in section 15-12-805.

19 **SECTION 13.** In Colorado Revised Statutes, 15-12-621, **amend**
20 (7) as follows:

21 **15-12-621. Public administrator - decedents' estates - areas of**
22 **responsibility.** (7) In the absence of any interested person willing to
23 make funeral and ~~burial~~ FINAL DISPOSITION arrangements, a public
24 administrator may make funeral and ~~burial~~ FINAL DISPOSITION
25 arrangements for the decedent. The public administrator shall make
26 reasonable efforts to see that ~~such~~ THE arrangements are consistent with
27 the decedent's apparent religious or other preferences regarding such

1 matters. A public administrator may authorize the cremation OR NATURAL
2 REDUCTION of the decedent's remains if the decedent left signed written
3 instructions, or other funeral arrangements authorized by the decedent,
4 ~~which~~ THAT indicated the decedent's wish to be cremated OR NATURALLY
5 REDUCED. A public administrator ~~shall have the authority to~~ MAY
6 authorize cremation OR NATURAL REDUCTION if ~~he believes that~~ public
7 funds will be needed to complete the administration of an estate because
8 the estate lacks the apparent assets to pay fully all necessary
9 administration, funeral, and burial costs and expenses. In cases of doubt,
10 the public administrator may decline to authorize cremation OR NATURAL
11 REDUCTION.

12 **SECTION 14.** In Colorado Revised Statutes, 15-12-805, **amend**
13 (1)(c) as follows:

14 **15-12-805. Classification of claims.** (1) The personal
15 representative shall pay allowed claims against the estate of a decedent in
16 the following order:

17 (c) Reasonable funeral and ~~burial, interment, or cremation~~ FINAL
18 DISPOSITION expenses;

19 **SECTION 15.** In Colorado Revised Statutes, 15-14-428, **amend**
20 (2) as follows:

21 **15-14-428. Death of protected person.** (2) After the death of the
22 protected person, the conservator shall make no expenditures of
23 conservatorship funds except with court authorization other than
24 necessary to preserve the assets of the estate. However, the conservator
25 may release funds for the funeral ~~cremation, or burial~~ OR FINAL
26 DISPOSITION of the deceased protected person if necessary to do so under
27 the circumstances.

1 **SECTION 16.** In Colorado Revised Statutes, 15-19-103, **amend**
2 (3); and **add** (5.5) as follows:

3 **15-19-103. Definitions.** As used in this part 1, unless the context
4 otherwise requires:

5 (3) "Declaration" means a written instrument directing the lawful
6 disposition of the declarant's last remains and the ceremonies planned
7 after a declarant's death, in accordance with this part 1. A declaration may
8 be made within a will; prepaid funeral ~~burial, or cremation~~ OR FINAL
9 DISPOSITION contract; durable or medical power of attorney; a designated
10 beneficiary agreement as described in article 22 of this title 15; a federal
11 record of emergency data; or any other written document, including, but
12 not limited to, a document governing the disposition of last remains under
13 part 7 of article 11 of this title 15.

14 (5.5) "NATURAL REDUCTION" OR "NATURALLY REDUCE" MEANS
15 THE CONTAINED, ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.

16 **SECTION 17.** In Colorado Revised Statutes, 15-19-106, **amend**
17 (5) as follows:

18 **15-19-106. Right to dispose of remains.** (5) If the persons
19 enumerated in subsection (1) of this section are not willing or able to
20 provide for the final disposition of a decedent's remains, or if the persons'
21 whereabouts cannot be reasonably ascertained, then the public
22 administrator responsible for the decedent's estate or the person who
23 controls THE FINAL DISPOSITION OF indigent ~~burials~~ PEOPLE in the county
24 in which the death occurred shall make arrangements for the final
25 disposition of the decedent's remains.

26 **SECTION 18.** In Colorado Revised Statutes, 15-19-107, **amend**
27 (1) as follows:

1 **15-19-107. Declaration of disposition of last remains.**

2 (1) **Form.** The following statutory declaration of disposition of last
3 remains is legally sufficient:

4 DECLARATION OF DISPOSITION OF LAST REMAINS

5 I, (name of declarant), being of sound mind and lawful age, hereby
6 revoke all prior declarations concerning the disposition of my last remains
7 and those provisions concerning disposition of my last remains found in
8 a will, codicil, or power of attorney, and I declare and direct that after my
9 death the following provisions be taken:

10 1. If permitted by law, my body shall be (initial ONE choice):

11 _____ Buried. I direct that my body be buried at

12 .

13 _____ Cremated. I direct that my cremated remains be disposed

14 of as follows:

15 .

16 _____ Entombed. I direct that my body be entombed at

17 .

18 _____ NATURALLY REDUCED. I DIRECT THAT MY REDUCED

19 REMAINS BE DISPOSED OF AS FOLLOWS:

20 .

21 _____ Other. I direct that my body be disposed of as follows:

22 .

23 _____ Disposed of as (name of designee) shall decide in

24 writing. If _____ is unwilling or unable to act, I

25 nominate _____ as my alternate designee.

26 2. I request that the following ceremonial arrangements be made

27 (initial desired choice or choices):

1 _____ I request _____ (name of
2 designee) make all arrangements for any ceremonies, consistent with my
3 directions set forth in this declaration. If _____ is
4 unwilling or unable to act, I nominate _____ as my
5 alternate designee.

6 _____ Funeral. I request the following arrangements for my
7 funeral:

8 .

9 _____ Memorial Service. I request the following arrangements
10 for my memorial service:

11 .

12 3. Special instructions. In addition to the instructions above, I
13 request (on the following lines you may make special requests regarding
14 ceremonies or lack of ceremonies):

15 .

16 I may revoke or amend this declaration in writing at any time. I
17 agree that a third party who receives a copy of this declaration may act
18 according to it. Revocation of this declaration is not effective as to a third
19 party until the third party learns of my revocation. My estate shall
20 indemnify any third party for costs incurred as a result of claims that arise
21 against the third party because of good-faith reliance on this declaration.

22 I execute this declaration as my free and voluntary act, on

23 _____, _____.

24 _____

25 (Declarant)

26 THE FOLLOWING SECTION REGARDING ORGAN AND
27 TISSUE DONATION IS OPTIONAL. To make a donation, initial the

1 option you select and sign below.

2 In the hope that I might help others, I hereby make an anatomical
3 gift, to be effective upon my death, of:

4 A. _____ Any needed organs/tissues

5 B. _____ The following organs/tissues:

6 Donor signature: _____

7 Notarization optional:

8 STATE OF COLORADO)

9) ss.

10 COUNTY OF _____)

11 Acknowledged before me by _____, Declarant, on _____,
12 ____.

13 My commission expires: _____

14 [seal]

15 _____

16 Notary Public

17 **SECTION 19.** In Colorado Revised Statutes, 15-19-214, **amend**
18 (h) as follows:

19 **15-19-214. Rights and duties of procurement organization and**
20 **others.** (h) Subject to sections 15-19-211 (i) and 15-19-223, the rights of
21 the person to which a part passes under section 15-19-211 are superior to
22 the rights of all others with respect to the part. The person may accept or
23 reject an anatomical gift in whole or in part. Subject to the terms of the
24 document of gift and this part 2, a person that accepts an anatomical gift
25 of an entire body may allow ~~embalming, burial or cremation,~~ ANY FORM
26 OF FINAL DISPOSITION and use of remains in a funeral service. If the gift
27 is of a part, the person to which the part passes under section 15-19-211,

1 upon the death of the donor and before ~~embalming, burial, or cremation~~
2 FINAL DISPOSITION, shall cause the part to be removed without
3 unnecessary mutilation.

4 **SECTION 20.** In Colorado Revised Statutes, 16-2.7-104, **amend**
5 (5) as follows:

6 **16-2.7-104. Unidentified human remains - reporting - DNA**
7 **samples.** (5) Until all available information concerning the physical
8 appearance and structure of unidentified human remains is entered into
9 the national crime information center database, cremation OR NATURAL
10 REDUCTION of unidentified human remains is prohibited.

11 **SECTION 21.** In Colorado Revised Statutes, 18-1.3-603, **amend**
12 (10)(b)(II)(B) as follows:

13 **18-1.3-603. Assessment of restitution - corrective orders.**

14 (10) (b) The amount of assistance provided is established by either:

15 (II) If the identity or location of a provider would pose a threat to
16 the safety or welfare of the victim, summary data reflecting what total
17 payments were made for:

18 (B) Funeral or ~~burial~~ FINAL DISPOSITION expenses;

19 **SECTION 22.** In Colorado Revised Statutes, 18-9-101, **amend**
20 (1.4) as follows:

21 **18-9-101. Definitions.** As used in this part 1, unless the context
22 otherwise requires:

23 (1.4) "Funeral" means the ceremonies, rituals, and memorial
24 services held in connection with the ~~burial, cremation,~~ FINAL DISPOSITION
25 or memorial of a deceased person, including the assembly and dispersal
26 of the mourners.

27 **SECTION 23.** In Colorado Revised Statutes, 25-2-102, **amend**

1 (2.5) as follows:

2 **25-2-102. Definitions.** As used in this article 2, unless the context
3 otherwise requires:

4 (2.5) "Final disposition" OR "FINALLY DISPOSE" means the burial,
5 interment, cremation, NATURAL REDUCTION, removal from the state, or
6 other authorized disposition of a dead body or fetus.

7
8 **SECTION 24.** In Colorado Revised Statutes, 25.5-6-206, **amend**
9 (1) as follows:

10 **25.5-6-206. Personal needs benefits - amount - patient**
11 **personal needs trust fund required - funeral and final disposition**
12 **expenses - penalty for illegal retention and use.** (1) The state
13 department, pursuant to its rules, ~~has the authority to~~ MAY include in
14 medical care benefits provided under this ~~article~~ ARTICLE 6 and articles
15 4 and 5 of this ~~title~~ TITLE 25.5 reasonable amounts for the personal needs
16 of any recipient receiving nursing facility services or intermediate care
17 facilities for individuals with intellectual disabilities, if the recipient is not
18 otherwise eligible for ~~such~~ THE amounts from other categories of public
19 assistance, but ~~such~~ THE amounts for personal needs ~~shall~~ MUST not be
20 less than the minimum amount provided for in subsection (2) of this
21 section. Payments for funeral and ~~burial~~ FINAL DISPOSITION expenses
22 upon the death of a recipient may be provided under rules of the state
23 department in the same manner as provided to recipients of public
24 assistance as defined by section 26-2-103 (8). ~~C.R.S.~~

25 **SECTION 25.** In Colorado Revised Statutes, 26-1-122, **amend**
26 (4)(c) as follows:

27 **26-1-122. County appropriations and expenditures -**

1 **advancements - procedures.** (4) (c) For purposes of this ~~article~~ ARTICLE
2 1 and except as otherwise provided in subsection (6) of this section, under
3 rules of the state department, program costs shall include: Amounts
4 expended for assistance payments and social services (except for items
5 enumerated in subsection (3)(c) of this section) under programs for aid to
6 the needy disabled, aid to the blind, child welfare services, expenses of
7 treatment to prevent blindness or restore eyesight as defined in section
8 26-2-121, funeral and ~~burial~~ DISPOSITION expenses as ~~defined~~ DESCRIBED
9 in section 26-2-129, and state supplementation under part 2 of article 2 of
10 this ~~title~~ TITLE 26.

11 **SECTION 26.** In Colorado Revised Statutes, 26-2-103, **amend**
12 (7) as follows:

13 **26-2-103. Definitions.** As used in this article 2 and article 1 of
14 this title 26, unless the context otherwise requires:

15 (7) "Public assistance" means assistance payments, food stamps,
16 and social services provided to or on behalf of eligible recipients through
17 programs administered or supervised by the state department, either in
18 cooperation with the federal government or independently without federal
19 aid, pursuant to ~~the provisions of this article~~ THIS ARTICLE 2. Public
20 assistance includes programs for old age pensions except for the old age
21 pension health and medical care program, and also includes the Colorado
22 works program, aid to the needy disabled, aid to the blind, child welfare
23 services, food stamps supplementation to households not receiving public
24 assistance found eligible for food stamps under rules adopted by the state
25 board, expenses of treatment to prevent blindness or restore eyesight as
26 defined in section 26-2-121, and funeral and ~~burial~~ FINAL DISPOSITION
27 expenses as ~~defined~~ DESCRIBED in section 26-2-129.

1 **SECTION 27.** In Colorado Revised Statutes, 26-2-129, **amend**
2 (1)(a), (1)(d), (1)(e), (1)(f), (2)(a), (2)(b), (2)(e)(II), (2)(h) introductory
3 portion, (3), (4), (6) introductory portion, (6)(c), (9)(a), and (10)(c) as
4 follows:

5 **26-2-129. Funeral - final disposition expenses - death**
6 **reimbursement - definitions.** (1) The general assembly hereby finds and
7 declares that, subject to available appropriations, the purposes of this
8 section are the following:

9 (a) To provide appropriate and equitable reimbursement of
10 funeral, cremation, ~~or burial~~, OR NATURAL REDUCTION expenses or any
11 combination ~~thereof~~ OF EXPENSES associated with the final disposition of
12 any deceased public assistance or medical assistance recipient;

13 (d) To ensure that reimbursement of a provider of funeral
14 ~~cremation, or burial~~ OR FINAL DISPOSITION services is appropriately
15 disbursed by the county department;

16 (e) To provide that public funds are made available for
17 reimbursement pursuant to this section only after it has been determined
18 that there are insufficient resources from the estate of the decedent or the
19 decedent's legally responsible family members to cover the funeral
20 ~~cremation, or burial~~ OR FINAL DISPOSITION expenses;

21 (f) To allow family members and friends of a decedent to
22 contribute towards the charges of funeral ~~cremation, or burial~~ OR FINAL
23 DISPOSITION expenses to the extent ~~such~~ THE contributions do not exceed
24 the specified maximum combined charges for ~~such~~ THE expenses.

25 (2) For purposes of this section, unless the context otherwise
26 requires:

27 (a) "Contributions" means any monetary payment or donation

1 made directly to the service provider or providers by a nonresponsible
2 person to defray the expenses of a deceased public assistance or medical
3 assistance recipient's funeral ~~cremation, or burial or any combination~~
4 ~~thereof~~ OR FINAL DISPOSITION.

5 (b) "Death reimbursement" means the payment made by the
6 county department to the provider of funeral ~~cremation, or burial~~ OR
7 FINAL DISPOSITION services when adequate resources are not available
8 from legally responsible persons or from the personal resources or income
9 of the decedent or from contributions to cover the charges for funeral
10 ~~cremation, or burial~~ OR FINAL DISPOSITION expenses of a deceased public
11 assistance or medical assistance recipient.

12 (e) "Legally responsible person" means a person who:

13 (II) Bears legal responsibility for the charges associated with the
14 decedent's funeral ~~cremation, or burial~~ OR FINAL DISPOSITION expenses.

15 (h) "Nonresponsible person" means one of the following who
16 makes a contribution to the charges for a funeral ~~cremation, or burial~~ OR
17 FINAL DISPOSITION or any combination ~~thereof~~ OF THESE CHARGES:

18 (3) Subject to available appropriations, a death reimbursement
19 covering reasonable funeral expenses or reasonable ~~cremation or burial~~
20 FINAL DISPOSITION expenses or any combination ~~thereof~~ OF THESE
21 EXPENSES shall be paid by the county department for a decedent if the
22 estate of the deceased is insufficient to pay ~~such~~ THE reasonable expenses
23 and if the persons legally responsible for the support of the deceased are
24 unable to pay ~~such~~ THE reasonable expenses. The county department shall
25 be reimbursed eighty percent of the amount of the death reimbursement
26 paid for recipients of aid to the needy disabled and assistance under the
27 Colorado works program pursuant to part 7 of this ~~article~~ ARTICLE 2 and

1 shall be reimbursed one hundred percent of the amount of the death
2 reimbursement for recipients of old age pensions. If the state department
3 determines that the level of appropriation is insufficient to meet the
4 demand for death reimbursements, the state department shall reduce the
5 amount of the death reimbursement level to meet the amount appropriated
6 by the general assembly for death reimbursements. In the event that ~~such~~
7 a reduction is made, the county department ~~shall have~~ HAS no additional
8 responsibility beyond the reimbursement level as defined in the state
9 department's rules.

10 (4) The total amount of a death reimbursement paid by the county
11 department or state department pursuant to this section ~~shall~~ MUST not
12 exceed one thousand five hundred dollars and the combined charge of a
13 funeral or ~~cremation or burial~~ FINAL DISPOSITION or any combination
14 ~~thereof shall~~ OF THESE EXPENSES MUST not exceed two thousand five
15 hundred dollars. Contributions from nonresponsible persons may be made
16 without jeopardizing payment under this section and shall be counted as
17 an offset to the maximum combined charges of the providers. If the
18 combined charges from the providers exceed two thousand five hundred
19 dollars, no death reimbursement shall be paid by the state or county
20 department. Providers may seek contributions from nonresponsible
21 persons only to the extent that ~~moneys are~~ MONEY IS available from such
22 parties.

23 (6) In calculating the amount of the death reimbursement, any
24 personal resources or income of the decedent ~~shall be~~ IS counted as a
25 deduction from the maximum allowable death reimbursement. For
26 purposes of this section, personal resources or income of the decedent
27 includes the following:

1 (c) Any death benefit in which reimbursement is directly paid to
2 a provider of funeral ~~cremation, or burial~~ OR FINAL DISPOSITION services
3 ~~in connection with the decedent's final disposition~~ FOR THE DECEDENT.

4 (9) (a) Notwithstanding any other provision of law to the contrary,
5 the disposition of a deceased public assistance or medical assistance
6 recipient shall be in accordance with ~~subparagraph (I) or (II) of this~~
7 ~~paragraph (a)~~ SUBSECTION (9)(a)(I) OR (9)(a)(II) OF THIS SECTION, as
8 follows:

9 (I) A public assistance or medical assistance recipient may
10 express, in writing and in accordance with a procedure established by the
11 state department, a preference to be buried, ~~or cremated, or both.~~ Such
12 NATURALLY REDUCED, OR ANY COMBINATION OF THESE PRACTICES. THE
13 expression shall be honored by the county department within the limits of
14 costs and reimbursements specified in this section.

15 (II) The disposition of a public assistance or medical assistance
16 recipient who has not expressed a preference shall be determined
17 respectively by ~~such~~ THE recipient's spouse, adult children, parents, or
18 siblings. Upon the death of a recipient, the county department shall use
19 reasonable effort to contact such an authorized person to determine the
20 disposition of the deceased recipient. If ~~such~~ THE effort does not result in
21 contact with an authorized relative within twenty-four hours, the county
22 shall immediately have the deceased recipient's body refrigerated or
23 embalmed. If ~~such~~ THE effort does not result in contact with and decision
24 by an authorized relative within seven days of the recipient's death, the
25 county department shall determine whether to bury, ~~or cremate,~~ OR
26 NATURALLY REDUCE the deceased recipient on the basis of which option
27 is less costly.

1 (10) The state department shall:

2 (c) Annually review reimbursement levels to determine whether
3 ~~such~~ THE levels are adequate to purchase funeral, cremation, ~~or~~ burial, OR
4 NATURAL REDUCTION services for deceased public assistance or medical
5 assistance recipients.

6 **SECTION 28.** In Colorado Revised Statutes, 31-30.5-705,
7 **amend** (9) as follows:

8 **31-30.5-705. Firefighters' old hire pension plans -**
9 **municipalities of at least one hundred thousand in population.**

10 (9) When an active or retired firefighter dies without necessary funeral
11 expenses, the board shall appropriate from the fund a sum not exceeding
12 one hundred dollars to the surviving spouse or family or other person
13 paying ~~said~~ THE expenses for the purpose of assisting the proper ~~burial~~
14 FINAL DISPOSITION of ~~said~~ THE deceased old hire member.

15 **SECTION 29. Act subject to petition - effective date -**
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
17 the expiration of the ninety-day period after final adjournment of the
18 general assembly (August 5, 2020, if adjournment sine die is on May 6,
19 2020); except that, if a referendum petition is filed pursuant to section 1
20 (3) of article V of the state constitution against this act or an item, section,
21 or part of this act within such period, then the act, item, section, or part
22 will not take effect unless approved by the people at the general election
23 to be held in November 2020 and, in such case, will take effect on the
24 date of the official declaration of the vote thereon by the governor.

25 (2) This act applies to final dispositions of human remains made
26 on or after the applicable effective date of this act.