

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

ENGROSSED

This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction

LLS NO. 21-0401.01 Jery Payne x2157

SENATE BILL 21-006

SENATE SPONSORSHIP

Rodriguez,

HOUSE SPONSORSHIP

Soper and Titone,

Senate Committees

Local Government
Appropriations

House 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, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

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". The bill prohibits the following when done

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.

SENATE
Amended 2nd Reading
March 12, 2021

in the course of business:

- Selling or offering to sell the soil;
- Commingling the soil of more than one person without the consent of the person or persons with the right of final disposition unless the soil is abandoned;
- Commingling the human remains of more than one person without the consent of the person or persons with the right of final disposition within the container wherein natural reduction produces soil; or
- Using the soil to grow food for human consumption.

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

Current law has a provision that governs the disposal of abandoned cremated remains. The soil from natural reduction is added to this provision, with an option to return the soil to the earth in a respectful manner.

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)

1 and (6.9) as follows:

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

4 (3.6) "FINAL DISPOSITION" MEANS THE DISPOSITION OF HUMAN
5 REMAINS BY ENTOMBMENT, BURIAL, CREMATION, NATURAL REDUCTION,
6 OR REMOVAL FROM THE STATE.

7 (6.9) "NATURAL REDUCTION" OR "NATURALLY REDUCE" MEANS
8 THE CONTAINED, ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.

9 **SECTION 2.** In Colorado Revised Statutes, 12-135-105, **add**
10 (1)(q), (1)(r), and (1)(s) as follows:

11 **12-135-105. Unlawful acts.** (1) It is unlawful:

12 (q) TO SELL OR OFFER TO SELL THE SOIL PRODUCED BY THE
13 NATURAL REDUCTION OF HUMAN REMAINS TO ANY PERSON;

14 (r) TO COMMINGLE WITHOUT THE CONSENT OF THE PERSON OR
15 PERSONS WITH THE RIGHT OF FINAL DISPOSITION, AS DETERMINED BY
16 SECTION 15-19-106, IN THE COURSE OF A PERSON'S BUSINESS, VOCATION,
17 OR OCCUPATION:

18 (I) THE SOIL PRODUCED BY THE NATURAL REDUCTION OF THE
19 HUMAN REMAINS OF MORE THAN ONE PERSON EXCEPT AS AUTHORIZED IN
20 SECTION 12-135-109 (5)(a); OR

21 (II) THE HUMAN REMAINS OF MORE THAN ONE PERSON WITHIN THE
22 CONTAINER WHEREIN NATURAL REDUCTION PRODUCES SOIL;

23 (s) TO USE, IN THE COURSE OF A PERSON'S BUSINESS, VOCATION, OR
24 OCCUPATION, THE SOIL PRODUCED BY THE NATURAL REDUCTION OF
25 HUMAN REMAINS TO GROW FOOD FOR HUMAN CONSUMPTION.

26 **SECTION 3.** In Colorado Revised Statutes, **add** 15-19-110 as
27 follows:

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

4 **SECTION 4.** 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 5.** 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 6.** 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 7.** In Colorado Revised Statutes, 12-135-103, **amend**
12 (4), (13), (17), (22)(c), and (24); 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" HAS THE
4 MEANING SET FORTH IN SECTION 2-4-401 (6.9).

5 (24) "Ossuary" means a receptacle used for the communal
6 placement of cremated remains OR NATURALLY REDUCED REMAINS,
7 without using an urn or other container, in which cremated OR
8 NATURALLY REDUCED remains are commingled with other cremated OR
9 NATURALLY REDUCED remains.

10 **SECTION 8.** In Colorado Revised Statutes, 12-135-105, **amend**
11 (1)(j), (1)(l), and (1)(m)(I) as follows:

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

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

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

20 (m) To prohibit, hinder, or restrict or to attempt to prohibit,
21 hinder, or restrict the following:

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

24 **SECTION 9.** In Colorado Revised Statutes, 12-135-109, **amend**
25 (2)(a), (2)(b), (5)(a)(I), and (5)(a)(II); and add (5)(a)(V) as follows:

26 **12-135-109. Exceptions - safe harbor.** (2) (a) This part 1 ~~shall~~
27 DOES not apply to, nor in any way interfere with, any custom or rite of any

1 religious sect in the ~~burial~~ FINAL DISPOSITION of its dead, and the
2 members and followers of the religious sect may continue to provide
3 memorial services for, care for, prepare, and ~~bury~~ PROVIDE FOR THE FINAL
4 DISPOSITION OF the bodies of deceased members of the religious sect, free
5 from any term, ~~or~~ condition, or ~~any~~ provision of this part 1, and are not
6 subject to this part 1, so long as the human remains are refrigerated,
7 frozen, embalmed, interred, or cremated within seven days after death OR
8 THE PROCESS OF NATURAL REDUCTION IS BEGUN WITHIN SEVEN DAYS
9 AFTER DEATH.

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

19 (5) (a) (I) A funeral establishment, funeral director, or mortuary
20 science practitioner may dispose of cremated OR NATURALLY REDUCED
21 remains at the expense of the person with the right of final disposition one
22 hundred eighty days after cremation OR NATURAL REDUCTION if the
23 person was given clear prior notice of this subsection (5)(a) and a
24 reasonable opportunity to collect the ~~cremated~~ remains, the exact location
25 of the final disposition and the costs associated with the final disposition
26 are recorded, and the recovery of the ~~cremated~~ remains is possible.
27 Recovery of costs is limited to a reasonable amount of the costs actually

1 expended by the funeral establishment, funeral director, or mortuary
2 science practitioner.

3 (II) A funeral establishment, funeral director, or mortuary science
4 practitioner may comply with this subsection (5)(a) by transferring the
5 cremated OR NATURALLY REDUCED remains and the records showing the
6 funeral establishment and the deceased's name, date of birth, and next of
7 kin for final disposition to a facility or place normally used for final
8 disposition if the new custodian can comply with this subsection (5)(a).

9 (V) IF NATURALLY REDUCED REMAINS ARE NOT CLAIMED BY THE
10 PERSON WITH THE RIGHT OF FINAL DISPOSITION WITHIN ONE HUNDRED
11 EIGHTY DAYS AFTER NATURAL REDUCTION, A FUNERAL ESTABLISHMENT,
12 FUNERAL DIRECTOR, OR MORTUARY SCIENCE PRACTITIONER MAY DISPOSE
13 OF THE REMAINS IN AN UNRECOVERABLE MANNER BY RETURNING THE
14 REMAINS TO THE EARTH IN A RESPECTFUL MANNER.

15 **SECTION 10.** In Colorado Revised Statutes, 13-21-126, **amend**
16 (3)(a) as follows:

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

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

23 **SECTION 11.** In Colorado Revised Statutes, **amend** 13-21-203.5
24 as follows:

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

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

9 **SECTION 12.** In Colorado Revised Statutes, 15-11-403, **amend**
10 (1)(b) as follows:

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

26 **SECTION 13.** In Colorado Revised Statutes, 15-11-404, **amend**
27 (1) as follows:

1 **15-11-404. Family allowance.** (1) In addition to the right to
2 exempt property, the decedent's surviving spouse and minor children who
3 the decedent was obligated to support and children who were in fact
4 being supported by the decedent are entitled to a reasonable allowance in
5 money out of the estate for their maintenance during the period of
6 administration, which allowance may not continue for longer than one
7 year if the estate is inadequate to discharge allowed claims. The
8 allowance may be paid as a lump sum or in periodic installments. It is
9 payable to the surviving spouse, if living, for the use of the surviving
10 spouse and minor and dependent children; otherwise to the children or
11 persons having ~~their~~ THE CHILDREN'S care and custody. If a minor child
12 or dependent child is not living with the surviving spouse, the allowance
13 may be made partially to the child or ~~his or her~~ THE CHILD'S guardian or
14 other person having the child's care and custody, and partially to the
15 spouse, as their needs may appear. The family allowance is exempt from
16 and has priority over all claims except claims for the costs and expenses
17 of administration and reasonable FINAL DISPOSITION AND funeral ~~and~~
18 ~~burial, interment, or cremation~~ expenses, which shall be paid in the
19 priority and manner set forth in section 15-12-805.

20 **SECTION 14.** In Colorado Revised Statutes, 15-12-621, **amend**
21 (7) as follows:

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

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

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

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

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

20 **SECTION 16.** In Colorado Revised Statutes, 15-14-428, **amend**
21 (2) as follows:

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

1 the circumstances.

2 **SECTION 17.** In Colorado Revised Statutes, 15-19-103, **amend**
3 (3); and **add** (5.5) as follows:

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

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

15 (5.5) "NATURAL REDUCTION" OR "NATURALLY REDUCE" HAS THE
16 MEANING SET FORTH IN SECTION 2-4-401 (6.9).

17 **SECTION 18.** In Colorado Revised Statutes, 15-19-106, **amend**
18 (5) as follows:

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

27 **SECTION 19.** In Colorado Revised Statutes, 15-19-107, **amend**

1 (1) as follows:

2 **15-19-107. Declaration of disposition of last remains.**

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

5 DECLARATION OF DISPOSITION OF LAST REMAINS

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

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

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

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

14 of as follows:

15 _____

16 _____ .

17 _____ Entombed. I direct that my body be entombed at ____ .

18 _____ NATURALLY REDUCED. I DIRECT THAT MY REDUCED

19 REMAINS BE GIVEN FINAL DISPOSITION AS FOLLOWS:

20 _____

21 _____ .

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

23 _____

24 _____ .

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

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

27 nominate _____ as my alternate designee.

1 2. I request that the following ceremonial arrangements be made
2 (initial desired choice or choices):

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

8 _____ Funeral. I request the following arrangements for my
9 funeral:

10 _____
11 _____ .

12 _____ Memorial Service. I request the following arrangements
13 for my memorial service:

14 _____
15 _____ .

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

19 _____
20 _____ .

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

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

1 _____, _____.

2 _____

3 (Declarant)

4 THE FOLLOWING SECTION REGARDING ORGAN AND
5 TISSUE DONATION IS OPTIONAL. To make a donation, initial the
6 option you select and sign below.

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

9 A. _____ Any needed organs/tissues

10 B. _____ The following organs/tissues:

11 _____

12 _____

13 Donor signature: _____

14 Notarization optional:

15 STATE OF COLORADO)

16) ss.

17 COUNTY OF _____)

18 Acknowledged before me by _____, Declarant, on _____,
19 ____.

20 My commission expires: _____

21 [seal]

22 _____

23 Notary Public

24 **SECTION 20.** In Colorado Revised Statutes, 15-19-214, **amend**
25 (h) as follows:

26 **15-19-214. Rights and duties of procurement organization and**
27 **others.** (h) Subject to sections 15-19-211 (i) and 15-19-223, the rights of

1 the person to which a part passes under section 15-19-211 are superior to
2 the rights of all others with respect to the part. The person may accept or
3 reject an anatomical gift in whole or in part. Subject to the terms of the
4 document of gift and this part 2, a person that accepts an anatomical gift
5 of an entire body may allow ~~embalming, burial or cremation~~, ANY FORM
6 OF FINAL DISPOSITION and use of remains in a funeral service. If the gift
7 is of a part, the person to which the part passes under section 15-19-211,
8 upon the death of the donor and before ~~embalming, burial, or cremation~~
9 FINAL DISPOSITION, shall cause the part to be removed without
10 unnecessary mutilation.

11 **SECTION 21.** In Colorado Revised Statutes, 16-2.7-104, **amend**
12 (5) as follows:

13 **16-2.7-104. Unidentified human remains - reporting - DNA**
14 **samples.** (5) Until all available information concerning the physical
15 appearance and structure of unidentified human remains is entered into
16 the national crime information center database, cremation OR NATURAL
17 REDUCTION of unidentified human remains is prohibited.

18 **SECTION 22.** In Colorado Revised Statutes, 18-1.3-603, **amend**
19 (10)(b)(II)(B) as follows:

20 **18-1.3-603. Assessment of restitution - corrective orders.**

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

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

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

26 **SECTION 23.** In Colorado Revised Statutes, 18-9-101, **amend**
27 (1.4) as follows:

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

3 (1.4) "Funeral" means the ceremonies, rituals, and memorial
4 services held in connection with the ~~burial, cremation,~~ FINAL DISPOSITION
5 or memorial of a deceased person, including the assembly and dispersal
6 of the mourners.

7 **SECTION 24.** In Colorado Revised Statutes, 25-2-102, **amend**
8 (2.5) as follows:

9 **25-2-102. Definitions.** As used in this article 2, unless the context
10 otherwise requires:

11 (2.5) "Final disposition" means the burial, interment, cremation,
12 NATURAL REDUCTION, removal from the state, or other authorized
13 disposition of a dead body or fetus.

14 **SECTION 25.** In Colorado Revised Statutes, 25.5-6-206, **amend**
15 (1) as follows:

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

1 upon the death of a recipient may be provided under rules of the state
2 department in the same manner as provided to recipients of public
3 assistance as defined by section 26-2-103 (8). ~~C.R.S.~~

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

6 **26-1-122. County appropriations and expenditures -**
7 **advancements - procedures.** (4) (c) For purposes of this ~~article~~ ARTICLE
8 1 and except as otherwise provided in subsection (6) of this section, under
9 rules of the state department, program costs shall include: Amounts
10 expended for assistance payments and social services (except for items
11 enumerated in subsection (3)(c) of this section) under programs for aid to
12 the needy disabled, aid to the blind, AND child welfare services; expenses
13 of treatment to prevent blindness or restore eyesight as defined in section
14 26-2-121; funeral and ~~burial~~ FINAL DISPOSITION expenses as ~~defined~~
15 DESCRIBED in section 26-2-129; and state supplementation under part 2
16 of article 2 of this ~~title~~ TITLE 26.

17 **SECTION 27.** In Colorado Revised Statutes, 26-2-103, **amend**
18 (7) as follows:

19 **26-2-103. Definitions.** As used in this article 2 and article 1 of
20 this title 26, unless the context otherwise requires:

21 (7) "Public assistance" means assistance payments, food stamps,
22 and social services provided to or on behalf of eligible recipients through
23 programs administered or supervised by the state department, either in
24 cooperation with the federal government or independently without federal
25 aid, pursuant to ~~the provisions of this article~~ THIS ARTICLE 2. Public
26 assistance includes programs for old age pensions, except for the old age
27 pension health and medical care program, and also includes the Colorado

1 works program, aid to the needy disabled, aid to the blind, child welfare
2 services, food stamps supplementation to households not receiving public
3 assistance found eligible for food stamps under rules adopted by the state
4 board, expenses of treatment to prevent blindness or restore eyesight as
5 defined in section 26-2-121, and funeral and ~~burial~~ FINAL DISPOSITION
6 expenses as ~~defined~~ DESCRIBED in section 26-2-129.

7 **SECTION 28.** In Colorado Revised Statutes, 26-2-129, **amend**
8 (1)(a), (1)(d), (1)(e), (1)(f), (2)(a), (2)(b), (2)(e)(II), (2)(h) introductory
9 portion, (3), (4), (6) introductory portion, (6)(c), (9)(a), and (10)(c) as
10 follows:

11 **26-2-129. Funeral - final disposition expenses - death**
12 **reimbursement - definitions - rules.** (1) The general assembly hereby
13 finds and declares that, subject to available appropriations, the purposes
14 of this section are the following:

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

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

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

27 (f) To allow family members and friends of a decedent to

1 contribute towards the charges of funeral ~~cremation, or burial~~ OR FINAL
2 DISPOSITION expenses to the extent ~~such~~ THE contributions do not exceed
3 the specified maximum combined charges for ~~such~~ THE expenses.

4 (2) For purposes of this section, unless the context otherwise
5 requires:

6 (a) "Contributions" means any monetary payment or donation
7 made directly to the service provider or providers by a nonresponsible
8 person to defray the expenses of a deceased public assistance or medical
9 assistance recipient's funeral ~~cremation, or burial or any combination~~
10 ~~thereof~~ OR FINAL DISPOSITION.

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

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

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

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

24 (3) Subject to available appropriations, a death reimbursement
25 covering reasonable funeral expenses or reasonable ~~cremation or burial~~
26 FINAL DISPOSITION expenses or any combination ~~thereof~~ OF THESE
27 EXPENSES shall be paid by the county department for a decedent if the

1 estate of the deceased is insufficient to pay ~~such~~ THE reasonable expenses
2 and if the persons legally responsible for the support of the deceased are
3 unable to pay ~~such~~ THE reasonable expenses. The county department shall
4 be reimbursed eighty percent of the amount of the death reimbursement
5 paid for recipients of aid to the needy disabled and assistance under the
6 Colorado works program pursuant to part 7 of this ~~article~~ ARTICLE 2 and
7 shall be reimbursed one hundred percent of the amount of the death
8 reimbursement for recipients of old age pensions. If the state department
9 determines that the level of appropriation is insufficient to meet the
10 demand for death reimbursements, the state department shall reduce the
11 amount of the death reimbursement level to meet the amount appropriated
12 by the general assembly for death reimbursements. In the event that ~~such~~
13 a reduction is made, the county department ~~shall have~~ HAS no additional
14 responsibility beyond the reimbursement level as defined in the state
15 department's rules.

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

1 parties.

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

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

10 (9) (a) Notwithstanding any other provision of law to the contrary,
11 the disposition of a deceased public assistance or medical assistance
12 recipient ~~shall~~ MUST be in accordance with ~~subparagraph (I) or (II) of this~~
13 ~~paragraph (a)~~ SUBSECTION (9)(a)(I) OR (9)(a)(II) OF THIS SECTION, as
14 follows:

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

21 (II) The disposition of a public assistance or medical assistance
22 recipient who has not expressed a preference shall be determined
23 respectively by ~~such~~ THE recipient's spouse, adult children, parents, or
24 siblings. Upon the death of a recipient, the county department shall use
25 reasonable effort to contact such an authorized person to determine the
26 disposition of the deceased recipient. If ~~such~~ THE effort does not result in
27 contact with an authorized relative within twenty-four hours, the county

1 shall immediately have the deceased recipient's body refrigerated or
2 embalmed. If ~~such~~ THE effort does not result in contact with and decision
3 by an authorized relative within seven days of the recipient's death, the
4 county department shall determine whether to bury, ~~or~~ cremate, OR
5 NATURALLY REDUCE the deceased recipient on the basis of which option
6 is less costly.

7 (10) The state department shall:

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

12 **SECTION 29.** In Colorado Revised Statutes, 31-30.5-705,
13 **amend** (9) as follows:

14 **31-30.5-705. Firefighters' old hire pension plans -**
15 **municipalities of at least one hundred thousand in population.**

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

21 **SECTION 30. Appropriation.** For the 2021-22 state fiscal year,
22 \$20,000 is appropriated to the department of public health and
23 environment for use by the center for health and environmental
24 information and statistics. This appropriation is from the vital statistics
25 records cash fund created in section 25-2-121 (2)(b)(I), C.R.S. To
26 implement this act, the center may use this appropriation for operating
27 expenses.

1 **SECTION 31. Act subject to petition - effective date -**
2 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
3 the expiration of the ninety-day period after final adjournment of the
4 general assembly; except that, if a referendum petition is filed pursuant
5 to section 1 (3) of article V of the state constitution against this act or an
6 item, section, or part of this act within such period, then the act, item,
7 section, or part will not take effect unless approved by the people at the
8 general election to be held in November 2022 and, in such case, will take
9 effect on the date of the official declaration of the vote thereon by the
10 governor.
11 (2) This act applies to final dispositions of human remains or
12 human fetuses made on or after the applicable effective date of this act.