

## CHAPTER 123

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**PROFESSIONS AND OCCUPATIONS**


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**SENATE BILL 21-006**

BY SENATOR(S) Rodriguez, Gonzales, Hansen, Holbert, Jaquez Lewis, Priola, Winter;  
also REPRESENTATIVE(S) Soper and Titone, Bennett, Cutter, Esgar, Hooton, Kipp, McCormick, McLachlan, Mullica, Sirota,  
Snyder, Valdez A., Weissman, Woodrow.

**AN ACT**

**CONCERNING THE CONVERSION OF HUMAN REMAINS TO BASIC ELEMENTS WITHIN A CONTAINER USING AN ACCELERATED PROCESS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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

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

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

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

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

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

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

(r) TO COMMINGLE WITHOUT THE CONSENT OF THE PERSON OR PERSONS WITH THE

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

RIGHT OF FINAL DISPOSITION, AS DETERMINED BY SECTION 15-19-106, IN THE COURSE OF A PERSON'S BUSINESS, VOCATION, OR OCCUPATION:

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

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

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

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

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

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

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

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

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

**SECTION 5.** In Colorado Revised Statutes, **amend** 10-15-101 as follows:

**10-15-101. Legislative declaration.** The general assembly declares that the business of selling preneed contracts whereby the seller agrees to provide FINAL DISPOSITION OR funeral ~~interment, entombment, or cremation~~ merchandise or services in the future or for future use is affected with a public interest, and the preservation of the safety and welfare of the public from unconscionable dealing requires regulation of the sale of ~~such~~ THE contracts and of the disposition of funds obtained as a result of ~~such~~ THE sales.

**SECTION 6.** In Colorado Revised Statutes, 10-15-102, **amend** (16) as follows:

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

requires:

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

**SECTION 7.** In Colorado Revised Statutes, 12-135-103, **amend** (4), (13), (17), (22)(c), and (24); and **add** (22.5) as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**12-135-109. Exceptions - safe harbor.** (2) (a) This part 1 ~~shall~~ DOES not apply to, nor in any way interfere with, any custom or rite of any religious sect in the ~~burial~~ FINAL DISPOSITION of its dead, and the members and followers of the religious sect may continue to provide memorial services for, care for, prepare, and ~~bury~~ PROVIDE FOR THE FINAL DISPOSITION of the bodies of deceased members of the religious sect, free from any term, or condition, or ~~any~~ provision of this part 1, and are not subject to this part 1, so long as the human remains are refrigerated, frozen, embalmed, interred, or cremated within seven days after death OR THE PROCESS OF NATURAL REDUCTION IS BEGUN WITHIN SEVEN DAYS AFTER DEATH.

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

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

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

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

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

**13-21-126. Funeral picketing - legislative declaration - definitions - damages.**

(3) As used in this section:

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

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

**13-21-203.5. Alternative means of establishing damages - solatium amount.**

In ~~any~~ A case arising under section 13-21-202, the persons entitled to sue under ~~the provisions of~~ section 13-21-201 (1) may elect in writing to sue for and recover a solatium in the amount of fifty thousand dollars. ~~Such~~ THE solatium amount ~~shall be~~ IS in addition to economic damages and to reasonable ~~funeral, burial, interment, or cremation~~ FINAL DISPOSITION expenses, which expenses may also be recovered in an action under this section. ~~Such~~ THE solatium amount ~~shall be~~ IS in lieu of noneconomic damages recoverable under section 13-21-203 and ~~shall be~~ IS awarded upon a finding or admission of the defendant's liability for the wrongful death.

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

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

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

**15-11-404. Family allowance.** (1) In addition to the right to exempt property, the decedent's surviving spouse and minor children who the decedent was obligated to support and children who were in fact being supported by the decedent are entitled to a reasonable allowance in money out of the estate for their maintenance during the period of administration, which allowance may not continue for longer than one year if the estate is inadequate to discharge allowed claims. The allowance may be paid as a lump sum or in periodic installments. It is payable to the surviving spouse, if living, for the use of the surviving spouse and minor and dependent children; otherwise to the children or persons having ~~their~~ THE CHILDREN'S care and custody. If a minor child or dependent child is not living with the surviving spouse, the allowance may be made partially to the child or ~~his or her~~ THE CHILD'S guardian or other person having the child's care and custody, and partially to the spouse, as their needs may appear. The family allowance is exempt from and has priority over

all claims except claims for the costs and expenses of administration and reasonable FINAL DISPOSITION AND funeral and ~~burial, interment, or cremation~~ expenses, which shall be paid in the priority and manner set forth in section 15-12-805.

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

**15-12-621. Public administrator - decedents' estates - areas of responsibility.**

(7) In the absence of any interested person willing to make funeral and ~~burial~~ FINAL DISPOSITION arrangements, a public administrator may make funeral and ~~burial~~ FINAL DISPOSITION arrangements for the decedent. The public administrator shall make reasonable efforts to see that ~~such~~ THE arrangements are consistent with the decedent's apparent religious or other preferences regarding such matters. A public administrator may authorize the cremation OR NATURAL REDUCTION of the decedent's remains if the decedent left signed written instructions, or other funeral arrangements authorized by the decedent, ~~which~~ THAT indicated the decedent's wish to be cremated OR NATURALLY REDUCED. A public administrator ~~shall have the authority to~~ MAY authorize cremation OR NATURAL REDUCTION if ~~he believes that~~ public funds will be needed to complete the administration of an estate because the estate lacks the apparent assets to pay fully all necessary administration, funeral, and burial costs and expenses. In cases of doubt, the public administrator may decline to authorize cremation OR NATURAL REDUCTION.

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

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

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

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

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

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

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

(3) "Declaration" means a written instrument directing the lawful disposition of the declarant's last remains and the ceremonies planned after a declarant's death, in accordance with this part 1. A declaration may be made within a will; prepaid funeral ~~burial, or cremation~~ OR FINAL DISPOSITION contract; durable or medical power of attorney; a designated beneficiary agreement as described in article 22 of

this title 15; a federal record of emergency data; or any other written document, including, but not limited to, a document governing the disposition of last remains under part 7 of article 11 of this title 15.

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

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

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

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

**15-19-107. Declaration of disposition of last remains.** (1) **Form.** The following statutory declaration of disposition of last remains is legally sufficient:

DECLARATION OF DISPOSITION OF LAST REMAINS

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

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

\_\_\_\_\_ Buried. I direct that my body be buried at \_\_\_\_\_ .

\_\_\_\_\_ Cremated. I direct that my cremated remains be disposed of as follows:

\_\_\_\_\_  
\_\_\_\_\_ .

\_\_\_\_\_ Entombed. I direct that my body be entombed at \_\_\_\_\_ .

\_\_\_\_\_ NATURALLY REDUCED. I DIRECT THAT MY REDUCED REMAINS BE GIVEN FINAL DISPOSITION AS FOLLOWS:

\_\_\_\_\_  
\_\_\_\_\_ .

\_\_\_\_\_ Other. I direct that my body be disposed of as follows:

\_\_\_\_\_  
\_\_\_\_\_ .

\_\_\_\_\_ Disposed of as (name of designee) shall decide in writing. If \_\_\_\_\_ is unwilling or unable to act, I nominate

\_\_\_\_\_ as my alternate designee.

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

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

\_\_\_\_\_ Funeral. I request the following arrangements for my funeral:  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_ Memorial Service. I request the following arrangements for my memorial service:  
\_\_\_\_\_  
\_\_\_\_\_.

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

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

I execute this declaration as my free and voluntary act, on \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
(Declarant)

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

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

A. \_\_\_\_\_ Any needed organs/tissues

B. \_\_\_\_\_ The following organs/tissues:  
\_\_\_\_\_  
\_\_\_\_\_.

Donor signature: \_\_\_\_\_

Notarization optional:

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

Acknowledged before me by \_\_\_\_\_, Declarant, on \_\_\_\_\_, \_\_\_\_.

My commission expires: \_\_\_\_\_

[seal]

\_\_\_\_\_  
Notary Public

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

**15-19-214. Rights and duties of procurement organization and others.**

(h) Subject to sections 15-19-211 (i) and 15-19-223, the rights of the person to which a part passes under section 15-19-211 are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this part 2, a person that accepts an anatomical gift of an entire body may allow ~~embalming, burial or cremation~~; ANY FORM OF FINAL DISPOSITION and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 15-19-211, upon the death of the donor and before ~~embalming, burial, or cremation~~ FINAL DISPOSITION, shall cause the part to be removed without unnecessary mutilation.

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

**16-2.7-104. Unidentified human remains - reporting - DNA samples.**

(5) Until all available information concerning the physical appearance and structure of unidentified human remains is entered into the national crime information center database, ~~cremation OR NATURAL REDUCTION~~ of unidentified human remains is prohibited.

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

**18-1.3-603. Assessment of restitution - corrective orders.** (10) (b) The amount of assistance provided is established by either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) "Public assistance" means assistance payments, food stamps, and social

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Subject to available appropriations, a death reimbursement covering reasonable funeral expenses or reasonable ~~cremation or burial~~ FINAL DISPOSITION expenses or any combination ~~thereof~~ OF THESE EXPENSES shall be paid by the county department for a decedent if the estate of the deceased is insufficient to pay ~~such~~ THE reasonable expenses and if the persons legally responsible for the support of the deceased are unable to pay ~~such~~ THE reasonable expenses. The county department shall be reimbursed eighty percent of the amount of the death reimbursement paid for recipients of aid to the needy disabled and assistance under the Colorado works program pursuant to part 7 of this ~~article~~ ARTICLE 2 and shall be reimbursed one hundred percent of the amount of the death reimbursement for recipients of old age pensions. If the state department determines that the level of appropriation is insufficient to meet the demand for death reimbursements, the state department shall reduce the amount of the death reimbursement level to meet the amount appropriated by the general assembly for death reimbursements. In the event that ~~such~~ a reduction is made, the county department ~~shall have~~ HAS no additional responsibility beyond the reimbursement level as defined in the state department's rules.

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

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

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

(9)(a) Notwithstanding any other provision of law to the contrary, the disposition of a deceased public assistance or medical assistance recipient ~~shall~~ MUST be in accordance with ~~subparagraph (I) or (II) of this paragraph (a)~~ SUBSECTION (9)(a)(I)

OR (9)(a)(II) OF THIS SECTION, as follows:

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

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

(10) The state department shall:

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

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

**31-30.5-705. Firefighters' old hire pension plans - municipalities of at least one hundred thousand in population.** (9) When an active or retired firefighter dies without necessary funeral expenses, the board shall appropriate from the fund a sum not exceeding one hundred dollars to the surviving spouse or family or other person paying ~~said~~ THE expenses for the purpose of assisting the proper ~~burial~~ FINAL DISPOSITION of ~~said~~ THE deceased old hire member.

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

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

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

Approved: May 10, 2021