

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 24-0082.02 Jery Payne x2157

SENATE BILL 24-173

SENATE SPONSORSHIP

Roberts and Gardner, Hinrichsen, Marchman

HOUSE SPONSORSHIP

Soper and Titone,

Senate Committees

Business, Labor, & Technology
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF PERSONS PROVIDING MORTUARY**
102 **SCIENCE SERVICES, AND, IN CONNECTION THEREWITH, MAKING**
103 **AN 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 requires an individual to obtain a license to practice as a funeral director, a mortuary science practitioner, an embalmer, a cremationist, or a natural reductionist (mortuary science professional). The director of the division of professions and occupations (director) will promulgate rules on licensing mortuary science professionals. To be

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

SENATE
Amended 2nd Reading
April 12, 2024

licensed, an individual must submit an application, pay an application fee, obtain a fingerprint-based criminal history record check, not have been subject to discipline in another state or convicted of a disqualifying crime, and meet the following qualifications:

- For a funeral director, the applicant must have graduated from an approved mortuary science school, have successfully passed the arts section of the national board examination, and have served an apprenticeship of one year or longer;
- For a mortuary science practitioner, the applicant must have graduated from an approved mortuary science school, have successfully passed both the arts and science sections of the national board examination, and have served an apprenticeship of one year or longer;
- For an embalmer, the applicant must have graduated from an approved mortuary science school, have successfully passed the science section of the national board examination, and have served an apprenticeship of one year or longer; and
- For a cremationist or natural reductionist, the applicant must have received official certification as a crematory operator from the Cremation Association of North America, the International Cemetery, Cremation and Funeral Association, or a successor organization.

The bill grants an applicant who is a current practitioner a provisional license if the applicant does not meet these requirements. To obtain a provisional license, the applicant must have obtained at least 6,500 hours of work experience, have served an apprenticeship of one year or longer, and pass a fingerprint-based criminal history record check. If an individual holds a provisional license at least 24 months without being subject to discipline, the person qualifies for full licensure.

Administrative procedures for license renewal and fees are established. A license holder must obtain 6 hours of continuing education to renew a license. The continuing education must include:

- One hour covering the applicable law;
- One hour covering applicable ethics; and
- One hour covering public health requirements.

The current law covering title protection is updated to require a person to hold the appropriate license to use the title "funeral director", "mortuary science practitioner", "embalmer", "cremationist", or "natural reductionist".

The director may investigate and discipline license holders. The bill establishes grounds for disciplining an applicant or license holder and authorizes the director to take the following disciplinary actions against an applicant or a license holder:

- Refuse to issue a license or impose conditions on a license;
- Suspend or revoke a license;
- Issue a letter of admonition;
- Issue a confidential letter of concern;
- Require additional training; or
- Impose a fine not to exceed \$5,000 per violation.

The director may seek an injunction to stop violations of the bill. An employer of a mortuary science professional must report to the director any termination, disciplinary action, or resignation if any of these actions were taken for conduct that violates the bill. The director may bring an action for the enforcement of an order of the director.

The regulation of the practice of a mortuary science professional sunsets on September 1, 2031. Before the repeal, the regulation will undergo a sunset review and report.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-135-103, **amend**
 3 (1), (7), (12), (15), and (22); **repeal** (10) and (26); and **add** (1.5), (22.3),
 4 (22.6), and (28) as follows:

5 **12-135-103. Definitions - repeal.** As used in this article 135,
 6 unless the context otherwise requires:

7 (1) "Alternative container" means a nonmetal receptacle or
 8 enclosure, without ornamentation or a fixed interior lining, that is
 9 designed for the encasement of human remains and is made of fiberboard,
 10 pressed wood, composition materials, or other similar materials

11 "ACCREDITED MORTUARY SCIENCE SCHOOL" MEANS A MORTUARY SCIENCE
 12 SCHOOL THAT THE DIRECTOR DETERMINES QUALIFIES AN INDIVIDUAL FOR
 13 LICENSURE UNDER SECTION 12-135-602, 12-135-702, OR 12-135-802.

14 (1.5) "ALTERNATIVE CONTAINER" MEANS A NONMETAL
 15 RECEPTACLE OR ENCLOSURE, WITHOUT ORNAMENTATION OR A FIXED
 16 INTERIOR LINING, THAT IS DESIGNED FOR THE ENCASEMENT OF HUMAN
 17 REMAINS AND IS MADE OF FIBERBOARD, PRESSED WOOD, COMPOSITION

1 MATERIALS, OR OTHER SIMILAR MATERIALS.

2 (7) ~~"Cremationist" means a person who cremates or prepares for~~
3 ~~cremation human remains~~ AN INDIVIDUAL WHO PRACTICES AS DESCRIBED
4 IN SECTION 12-135-901 (1).

5 (10) ~~"Designee" means an individual designated by a funeral~~
6 ~~establishment registered in accordance with section 12-135-110 or~~
7 ~~12-135-303.~~

8 (12) ~~"Embalmer" means any person who embalms, or prepares for~~
9 ~~embalming, human remains for compensation~~ AN INDIVIDUAL WHO
10 PRACTICES AS DESCRIBED IN SECTION 12-135-801.

11 (15) ~~"Funeral director" means a person who, for compensation:~~ AN
12 INDIVIDUAL WHO PRACTICES AS DESCRIBED IN SECTION 12-135-601.

13 (a) ~~Arranges, directs, or supervises funerals, memorial services,~~
14 ~~or graveside services; or~~

15 (b) ~~Prepares human remains for final disposition by means other~~
16 ~~than embalming.~~

17 (22) ~~"Mortuary science practitioner" means a person who, for~~
18 ~~compensation, does the following or offers to do the following:~~ AN
19 INDIVIDUAL WHO PRACTICES AS DESCRIBED IN SECTION 12-135-701.

20 (a) ~~Embalms or cremates human remains;~~

21 (b) ~~Arranges, directs, or supervises funerals, memorial services,~~
22 ~~or graveside services; or~~

23 (c) ~~Prepares human remains for final disposition, not including~~
24 ~~preparing the remains for natural reduction.~~

25 (22.3) "MORTUARY SCIENCE PROFESSIONAL" MEANS:

26 (a) A FUNERAL DIRECTOR;

27 (b) A MORTUARY SCIENCE PRACTITIONER;

- 1 (c) AN EMBALMER;
- 2 (d) A CREMATIONIST; OR
- 3 (e) A NATURAL REDUCTIONIST.

4 (22.6) "NATURAL REDUCTIONIST" MEANS AN INDIVIDUAL WHO
5 PRACTICES AS DESCRIBED IN SECTION 12-135-901 (2).

6 (26) ~~"Preparation of the body" means embalming, washing,~~
7 ~~disinfecting, shaving, dressing, restoring, casketing, positioning, caring~~
8 ~~for the hair of or applying cosmetics to human remains.~~

9 (28) (a) "PROVISIONAL LICENSE" MEANS A LICENSE ISSUED UNDER
10 SECTION 12-135-501 (4).

11 (b) THIS SUBSECTION (28) IS REPEALED, EFFECTIVE JANUARY 1,
12 2031.

13 **SECTION 2.** In Colorado Revised Statutes, **add with amended**
14 **and relocated provisions** parts 5, 6, 7, 8, and 9 to article 135 of title 12
15 as follows:

16 PART 5

17 LICENSING OF MORTUARY SCIENCE PROFESSIONALS

18 **12-135-501. Licenses required - funeral director, mortuary**
19 **science practitioner, embalmer, cremationist, and natural**
20 **reductionist - provisional license - rules - repeal.** (1) EFFECTIVE
21 JANUARY 1, 2026, AN INDIVIDUAL SHALL NOT PRACTICE AS OR OFFER THE
22 SERVICES OF ANY OF THE FOLLOWING UNLESS THE INDIVIDUAL HOLDS THE
23 APPROPRIATE LICENSE AS A MORTUARY SCIENCE PROFESSIONAL ISSUED
24 PURSUANT TO THIS PART 5 AND PARTS 6 TO 9 OF THIS ARTICLE 135:

- 25 (a) A FUNERAL DIRECTOR;
- 26 (b) A MORTUARY SCIENCE PRACTITIONER;
- 27 (c) AN EMBALMER;

1 (d) A CREMATIONIST; OR

2 (e) A NATURAL REDUCTIONIST.

3 (2) THE DIRECTOR MAY PROMULGATE RULES TO ESTABLISH
4 APPLICATION PROCEDURES AND FORMS FOR ISSUING AND RENEWING A
5 LICENSE.

6 (3) (a) TO BE LICENSED UNDER THIS SECTION, AN INDIVIDUAL
7 MUST:

8 (I) SUBMIT TO THE DIRECTOR AN APPLICATION IN THE FORM AND
9 MANNER SPECIFIED BY AND AN APPLICATION FEE IN AN AMOUNT
10 DETERMINED BY THE DIRECTOR UNDER SECTION 12-20-105;

11 (II) OBTAIN A CRIMINAL HISTORY RECORD CHECK IN ACCORDANCE
12 WITH SECTION 12-135-502 AND NOT HAVE A DISQUALIFYING CRIMINAL
13 HISTORY OR OTHER DISQUALIFIER PURSUANT TO SECTION 12-135-503;

14 (III) DEMONSTRATE TO THE DIRECTOR THAT:

15 (A) THE APPLICANT MEETS THE QUALIFICATION STANDARDS SET
16 FORTH IN SECTION 12-135-603, 12-135-703, 12-135-803, OR 12-135-903
17 FOR THE TYPE OF LICENSE THAT IS THE SUBJECT OF THE APPLICATION; OR

18 (B) THE APPLICANT QUALIFIES FOR A PROVISIONAL LICENSE ISSUED
19 IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION; OR

20 (C) THE APPLICANT QUALIFIES FOR A LICENSE ISSUED IN
21 ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION; AND

22 (IV) DISCLOSE TO THE DIRECTOR ANY SUSPENSION OF,
23 REVOCAION OF, OR ADVERSE ACTION AGAINST A LICENSE, REGISTRATION,
24 OR CERTIFICATION TO PRACTICE MORTUARY SCIENCE IN ANOTHER STATE
25 OR SIGN AN AFFIDAVIT MADE UNDER PENALTY OF PERJURY THAT ATTESTS
26 THAT THE APPLICANT DOES NOT HAVE A LICENSE, REGISTRATION, OR
27 CERTIFICATION TO PRACTICE MORTUARY SCIENCE UNDER SUSPENSION,

1 REVOCATION, OR ADVERSE ACTION IN ANOTHER STATE.

2 (b) THE DIRECTOR SHALL DETERMINE WHETHER AN APPLICANT
3 SATISFIES THE REQUIREMENTS FOR LICENSURE AND SHALL EITHER:

4 (I) SEND THE APPLICANT A WRITTEN STATEMENT OF THE REASONS
5 THE LICENSE IS DENIED;

6 (II) ISSUE A LICENSE TO THE APPLICANT; OR

7 (III) OFFER TO ISSUE A CONDITIONAL LICENSE TO THE APPLICANT,
8 IN LIEU OF DENIAL, IN ACCORDANCE WITH SECTION 24-34-107 (5) AND AS
9 DETERMINED BY THE DIRECTOR.

10 (c) THIS SUBSECTION (3)(c) AND SUBSECTION (3)(a)(III)(B) OF
11 THIS SECTION ARE REPEALED, EFFECTIVE JANUARY 1, 2031.

12 (4) (a) AN INDIVIDUAL PRACTICING AS A FUNERAL DIRECTOR,
13 MORTUARY SCIENCE PRACTITIONER, EMBALMER, CREMATIONIST, OR
14 NATURAL REDUCTIONIST BEFORE JANUARY 1, 2026, WHO DOES NOT MEET
15 THE REQUIREMENTS SET FORTH IN SECTION 12-135-603, 12-135-703,
16 12-135-803, OR 12-135-903, RESPECTIVELY, MAY APPLY FOR A
17 PROVISIONAL LICENSE TO ALLOW THE INDIVIDUAL TO CONTINUE
18 PRACTICING AS A MORTUARY SCIENCE PROFESSIONAL. THE INDIVIDUAL
19 MUST FILE AN APPLICATION FOR A PROVISIONAL LICENSE WITH, AND PAY
20 THE REQUIRED APPLICATION FEE TO, THE DIRECTOR NO LATER THAN
21 JANUARY 1, 2026.

22 (b) TO BE ISSUED A PROVISIONAL LICENSE, AN APPLICANT MUST
23 DEMONSTRATE THAT THE APPLICANT:

24 (I) HAS OBTAINED AT LEAST FOUR THOUSAND HOURS OF WORK
25 EXPERIENCE EQUIVALENT TO THE WORK PERFORMED BY A FUNERAL
26 DIRECTOR, MORTUARY SCIENCE PRACTITIONER, EMBALMER,
27 CREMATIONIST, OR NATURAL REDUCTIONIST, AS APPLICABLE, BEFORE

1 JANUARY 1, 2026;

2 (II) HAS RECEIVED WORKPLACE LEARNING EXPERIENCE, AS
3 DEFINED BY THE DIRECTOR IN RULE, OF ONE YEAR OR LONGER THAT MAY
4 BE RECEIVED CONCURRENTLY WITH THE HOURS DESCRIBED IN SUBSECTION
5 (4)(b)(I) OF THIS SECTION; AND

6 (III) HAS OBTAINED A CRIMINAL HISTORY RECORD CHECK IN
7 ACCORDANCE WITH SECTION 12-135-502 AND DOES NOT HAVE A
8 DISQUALIFYING CRIMINAL HISTORY OR OTHER DISQUALIFIER PURSUANT TO
9 SECTION 12-135-503.

10 (c) A PROVISIONAL LICENSE ISSUED PURSUANT TO THIS
11 SUBSECTION (4) EXPIRES THREE YEARS AFTER THE DATE OF ISSUANCE. THE
12 REINSTATING OR EXTENDING OF A PROVISIONAL LICENSE MUST BE
13 APPROVED BY THE DIRECTOR.

14 (d) AN INDIVIDUAL HOLDING A PROVISIONAL LICENSE IS SUBJECT
15 TO DISCIPLINE PURSUANT TO SECTIONS 12-135-401 AND 12-135-507 FOR
16 AN ACT OR OMISSION SET FORTH IN SECTION 12-135-508.

17 (e) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JANUARY 1,
18 2031.

19 (5) (a) AN INDIVIDUAL WHO HOLDS A PROVISIONAL LICENSE MAY
20 REQUEST A WAIVER OF EDUCATIONAL REQUIREMENTS AS DESCRIBED IN
21 SUBSECTION (6) OF THIS SECTION AND OBTAIN FULL LICENSURE UPON
22 COMPLETION OF THE EXAMINATION REQUIRED UNDER SECTION 12-135-603
23 (1)(b), 12-135-703 (1)(b), OR 12-135-803 (1)(b) FOR THE SAME PRACTICE
24 AS LISTED ON THE INDIVIDUAL'S PROVISIONAL LICENSE.

25 (b) AN INDIVIDUAL WHO HAS HELD A PROVISIONAL LICENSE FOR A
26 PERIOD OF NOT LESS THAN TWENTY-FOUR MONTHS AND WHO HAS NOT
27 BEEN SUBJECT TO DISCIPLINE QUALIFIES FOR FULL LICENSURE UNDER PART

1 9 OF THIS ARTICLE 135, NOTWITHSTANDING SECTION 12-135-903, FOR THE
2 SAME PRACTICE AS LISTED ON THE INDIVIDUAL'S PROVISIONAL LICENSE.

3 (6) (a) AN APPLICANT FOR LICENSURE UNDER THIS PART 5 MAY
4 SUBMIT TO THE DIRECTOR A PETITION FOR WAIVER OF EDUCATIONAL
5 REQUIREMENTS TO ALLOW THE APPLICANT TO TAKE THE ARTS OR SCIENCE
6 PORTIONS OF THE NATIONAL BOARD EXAMINATION ADMINISTERED BY THE
7 INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS
8 OR BY A SUCCESSOR ORGANIZATION APPROVED BY THE DIRECTOR.

9 (b) UPON RECEIVING A PETITION FOR WAIVER, THE DIRECTOR
10 SHALL DETERMINE IF A WAIVER IS APPROPRIATE AND EITHER ISSUE A
11 WAIVER ALLOWING THE APPLICANT TO TAKE THE NATIONAL BOARD
12 EXAMINATION OR A LETTER DETAILING WHY THE WAIVER IS NOT GRANTED.

13 (c) THIS SUBSECTION (6) DOES NOT WAIVE THE EXAMINATION
14 REQUIREMENTS IN THIS PART 5 OR PARTS 6 TO 9 OF THIS ARTICLE 135
15 WITHOUT THE APPROVAL OF THE DIRECTOR.

16 (d) AN APPLICANT WHO RECEIVES A WAIVER AND PASSES THE
17 NATIONAL BOARD EXAMINATION IS DEEMED TO HAVE MET BOTH THE
18 EDUCATION AND EXAMINATION REQUIREMENTS FOR LICENSURE BUT MUST
19 ALSO MEET ALL OTHER REQUIREMENTS TO BE ISSUED A LICENSE UNDER
20 THIS PART 5.

21 **12-135-502. Criminal history record checks.** (1) AN APPLICANT
22 FOR A LICENSE ISSUED PURSUANT TO THIS PART 5 SHALL SUBMIT TO A
23 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT
24 MUST PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED
25 CRIMINAL HISTORY RECORD CHECK.

26 (2) AFTER SUBMITTING AN APPLICATION FOR A LICENSE, THE
27 APPLICANT SHALL HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A

1 LOCAL LAW ENFORCEMENT AGENCY OR A THIRD PARTY APPROVED BY THE
2 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING
3 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT
4 MUST AUTHORIZE THE ENTITY TAKING THE APPLICANT'S FINGERPRINTS TO
5 SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE
6 APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION
7 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
8 HISTORY RECORD CHECK.

9 (3) IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
10 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
11 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN
12 EQUIPMENT. A THIRD-PARTY VENDOR SHALL NOT KEEP THE APPLICANT'S
13 INFORMATION FOR MORE THAN THIRTY DAYS.

14 (4) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
15 APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD
16 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF
17 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL
18 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
19 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO
20 BUREAU OF INVESTIGATION, THE APPLICANT, THE DIRECTOR, AND THE
21 ENTITY TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU
22 OF INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY
23 RECORD CHECK.

24 (5) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN
25 THE RESULTS OF ITS FINGERPRINT-BASED CRIMINAL HISTORY RECORD
26 CHECK TO THE DIRECTOR, AND THE DIRECTOR IS AUTHORIZED TO RECEIVE
27 THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S CRIMINAL

1 HISTORY RECORD CHECK. THE DIRECTOR SHALL USE THE INFORMATION
2 RESULTING FROM THE CRIMINAL HISTORY RECORD CHECKS TO
3 INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO
4 HOLD A LICENSE PURSUANT TO THIS PART 5.

5 (6) (a) WHEN THE FEDERAL BUREAU OF INVESTIGATION IS UNABLE
6 TO COMPLETE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
7 OF AN APPLICANT, THE COLORADO BUREAU OF INVESTIGATION SHALL
8 INFORM THE DIRECTOR, AND THE DIRECTOR MAY CONDUCT A CRIMINAL
9 HISTORY RECORD CHECK OF THE PERSON USING THE COLORADO BUREAU
10 OF INVESTIGATION'S RECORDS AS A SUBSTITUTE FOR THE
11 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK REQUIRED IN THIS
12 SECTION.

13 (b) WHEN THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK
14 OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A
15 RECORD OF ARREST WITHOUT A DISPOSITION, THE DIRECTOR SHALL
16 REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED JUDICIAL RECORD
17 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

18 **12-135-503. Criminal history - rules.** (1) SUBJECT TO SECTION
19 24-5-101, A LICENSEE OR AN APPLICANT FOR A LICENSE UNDER THIS PART
20 5 HAS A DISQUALIFYING CRIMINAL HISTORY IF THE LICENSEE OR APPLICANT
21 HAS BEEN CONVICTED OF, PLEAD GUILTY TO, PLEAD NOLO CONTENDERE
22 TO, OR RECEIVED A DEFERRED SENTENCE FOR:

23 (a) A FELONY COMMITTED IN THE COURSE OF AND RELATED TO
24 PRACTICING AS, INTERNING AS, OR HAVING A WORKPLACE LEARNING
25 EXPERIENCE AS A FUNERAL DIRECTOR, A MORTUARY SCIENCE
26 PRACTITIONER, AN EMBALMER, A CREMATIONIST, OR A NATURAL
27 REDUCTIONIST;

1 (b) A FELONY COMMITTED IN THE COURSE OF AND RELATED TO
2 BEING AN EMPLOYEE OF OR BEING AN AGENT OF A FUNERAL
3 ESTABLISHMENT REGISTERED IN ACCORDANCE WITH SECTION 12-135-110
4 OR OF A CREMATORY REGISTERED IN ACCORDANCE WITH SECTION
5 12-135-303;

6 (c) A VIOLATION OF SECTION 18-13-101;

7 (d) A FELONY LISTED IN ARTICLE 4 OR 5 OF TITLE 18; OR

8 (e) A VIOLATION OF A STATUTE OF ANOTHER STATE IF THE
9 VIOLATION IS SUBSTANTIALLY SIMILAR TO A VIOLATION LISTED IN
10 SUBSECTION (1)(a), (1)(b), (1)(c), (1)(d), OR (2) OF THIS SECTION.

11 (2) THE DIRECTOR MAY PROMULGATE RULES TO CATEGORIZE A
12 VIOLATION OF ANY OF THE FOLLOWING AS DISQUALIFYING CRIMINAL
13 HISTORY UNDER THIS PART 5:

14 (a) ARTICLE 140 OF THIS TITLE 12;

15 (b) ARTICLE 15 OF TITLE 10; OR

16 (c) TITLE 6.

17 **12-135-504. License expiration - continuing education - rules.**

18 (1) A LICENSE ISSUED UNDER THIS PART 5 IS SUBJECT TO THE RENEWAL,
19 EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS
20 SPECIFIED IN SECTION 12-20-202 (1) AND (2).

21 (2) (a) TO RENEW A LICENSE ISSUED UNDER THIS PART 5, A
22 LICENSEE MUST, IN ACCORDANCE WITH THE DIRECTOR'S RULES,
23 SUCCESSFULLY COMPLETE AT LEAST SIX HOURS OF CONTINUING
24 EDUCATION, INCLUDING:

25 (I) ONE HOUR COVERING THE LAW APPLICABLE TO THE TYPE OF
26 LICENSE HELD BY THE APPLICANT FOR RENEWAL;

27 (II) ONE HOUR COVERING APPLICABLE ETHICS; AND

1 (III) ONE HOUR COVERING PUBLIC HEALTH REQUIREMENTS, SUCH
2 AS UNIVERSAL PRECAUTIONS.

3 (b) (I) THE DIRECTOR SHALL PROMULGATE RULES GOVERNING
4 CONTINUING EDUCATION. THE RULES MUST ADDRESS:

5 (A) THE BASIC REQUIREMENTS FOR CONTINUING EDUCATION;

6 (B) APPROVAL OF QUALIFYING CONTINUING EDUCATION CLASSES
7 OR PROVIDERS; AND

8 (C) A SYSTEM OF REPORTING.

9 (II) IN ADOPTING THE RULES REQUIRED BY THIS SUBSECTION (2)(b),
10 THE DIRECTOR SHALL ALLOW FOR A VARIETY OF METHODS OF DELIVERY OF
11 QUALIFYING CONTINUING EDUCATION CLASSES, INCLUDING IN-PERSON,
12 REMOTE, AND RECORDED CLASSES, TO COMPLY WITH THE CONTINUING
13 EDUCATION REQUIREMENTS OF THIS SUBSECTION (2).

14 **12-135-505. Not required to be licensed.** (1) THIS PART 5 DOES
15 NOT REQUIRE THE FOLLOWING INDIVIDUALS TO BE LICENSED UNDER THIS
16 PART 5:

17 (a) A FUNERAL ESTABLISHMENT'S CLERICAL STAFF;

18 (b) A DRIVER WHO TRANSFERS DECEASED HUMANS TO OR FROM A
19 FUNERAL ESTABLISHMENT;

20 (c) AN INDIVIDUAL LICENSED PURSUANT TO ARTICLE 105 OF THIS
21 TITLE 12 WHEN PRACTICING WITHIN THE SCOPE OF THE INDIVIDUAL'S
22 LICENSE;

23 (d) COURIERS; AND

24 (e) PRENEED CONTRACT COUNSELORS.

25 **12-135-506. Title protection.** (1) [Formerly 12-135-111 (1)] A
26 person shall not advertise, represent, or hold ~~himself or herself~~ THEMSELF
27 out as or use the title of a "mortuary science practitioner" unless the

1 person HOLDS A MORTUARY SCIENCE PRACTITIONER LICENSE ISSUED IN
2 ACCORDANCE WITH SECTION 12-135-501.

3 ~~(a) Has at least two thousand hours practicing or interning as a~~
4 ~~mortuary science practitioner, including, without limitation, experience~~
5 ~~in cremation and embalming;~~

6 ~~(b) Has graduated with a certificate, diploma, or degree in~~
7 ~~mortuary science from:~~

8 ~~(I) A program accredited by the American Board of Funeral~~
9 ~~Service Education or its successor, if the successor is approved by the~~
10 ~~director, and the program is part of a school of higher education; or~~

11 ~~(II) A school of higher education accredited by the American~~
12 ~~Board of Funeral Service Education or its successor, if the successor is~~
13 ~~approved by the director; and~~

14 ~~(c) Has taken the mortuary science test, known as the national~~
15 ~~board examination, administered by the International Conference of~~
16 ~~Funeral Service Examining Boards or its successor, if the successor is~~
17 ~~approved by the director, and received a passing score.~~

18 (2) [Formerly 12-135-111 (2)] A person shall not advertise,
19 represent, or hold oneself THEMSELF out as or use the title of a "funeral
20 director" unless the applicant: PERSON HOLDS A FUNERAL DIRECTOR
21 LICENSE ISSUED IN ACCORDANCE WITH SECTION 12-135-501.

22 ~~(a) Has at least two thousand hours practicing or interning as a~~
23 ~~funeral director; and~~

24 ~~(b) Has directed at least fifty funerals or graveside services.~~

25 (3) [Formerly 12-135-111 (3)] A person shall not advertise,
26 represent, or hold oneself THEMSELF out as or use the title of an
27 "embalmer" unless the applicant: PERSON HOLDS AN EMBALMER LICENSE

1 ISSUED IN ACCORDANCE WITH SECTION 12-135-501.

2 (a) ~~Has at least four thousand hours practicing or interning as an~~
3 ~~embalmer; and~~

4 (b) ~~Has embalmed at least fifty human remains.~~

5 (4) [Formerly 12-135-304] A person shall not advertise, represent,
6 or hold ~~oneself~~ THEMSELF out as or use the title of a "cremationist" unless
7 the ~~applicant has at least five hundred hours practicing or interning as a~~
8 ~~cremationist and has cremated at least fifty human remains~~ PERSON HOLDS
9 A CREMATIONIST LICENSE ISSUED IN ACCORDANCE WITH SECTION
10 12-135-501.

11 (5) A PERSON SHALL NOT ADVERTISE, REPRESENT, OR HOLD
12 THEMSELF OUT AS OR USE THE TITLE OF A "NATURAL REDUCTIONIST"
13 UNLESS THE PERSON HOLDS A NATURAL REDUCTIONIST LICENSE ISSUED IN
14 ACCORDANCE WITH SECTION 12-135-501.

15 **12-135-507. Disciplinary proceedings - investigations -**
16 **hearings - judicial review - fines.** (1) (a) THE DIRECTOR MAY
17 INVESTIGATE, HOLD HEARINGS, AND GATHER EVIDENCE IN ALL MATTERS
18 RELATED TO THE EXERCISE AND PERFORMANCE OF THE POWERS AND
19 DUTIES OF THE DIRECTOR PURSUANT TO SECTION 12-20-403, THIS ARTICLE
20 135, AND ARTICLE 4 OF TITLE 24.

21 (b) ON COMPLETION OF AN INVESTIGATION, THE DIRECTOR SHALL
22 FIND ONE OF THE FOLLOWING:

23 (I) THE COMPLAINT IS WITHOUT MERIT AND NO FURTHER ACTION
24 IS NEEDED;

25 (II) REASONABLE CAUSE TO WARRANT FURTHER ACTION DOES NOT
26 EXIST;

27 (III) THE LICENSEE ENGAGED IN CONDUCT THAT DOES NOT

1 WARRANT FORMAL ACTION BUT THAT SHOULD NOT BE DISMISSED AS BEING
2 WITHOUT MERIT; OR

3 (IV) THE COMPLAINT OR INVESTIGATION DISCLOSES MISCONDUCT
4 BY THE LICENSEE THAT WARRANTS FORMAL ACTION.

5 (c) IF THE DIRECTOR MAKES A FINDING DESCRIBED IN SUBSECTION
6 (1)(b)(IV) OF THIS SECTION, THE DIRECTOR MAY INITIATE DISCIPLINARY
7 PROCEEDINGS PURSUANT TO SUBSECTION (3) OF THIS SECTION.

8 (2) AN EMPLOYER OF A MORTUARY SCIENCE PROFESSIONAL SHALL
9 REPORT TO THE DIRECTOR A TERMINATION, DISCIPLINARY ACTION, OR
10 RESIGNATION IN LIEU OF TERMINATION OR DISCIPLINARY ACTION IF THE
11 ACTION WAS TAKEN FOR CONDUCT THAT VIOLATES THIS ARTICLE 135 OR
12 A RULE PROMULGATED UNDER THIS ARTICLE 135.

13 (3) (a) THE DIRECTOR MAY COMMENCE A DISCIPLINARY
14 PROCEEDING WHEN THE DIRECTOR HAS REASONABLE GROUNDS TO
15 CONCLUDE THAT A LICENSEE HAS COMMITTED AN ACT OR OMISSION
16 DESCRIBED IN SECTION 12-135-508 OR AN ACT THAT VIOLATES THIS
17 ARTICLE 135 OR A RULE PROMULGATED UNDER THIS ARTICLE 135.

18 (b) THE DIRECTOR SHALL CONDUCT DISCIPLINARY PROCEEDINGS
19 IN ACCORDANCE WITH SECTION 12-20-403 AND ARTICLE 4 OF TITLE 24.

20 (c) IF THE DIRECTOR FINDS, IN ACCORDANCE WITH ARTICLE 4 OF
21 TITLE 24, THE CHARGES PROVEN AND ORDERS THAT DISCIPLINE BE
22 IMPOSED, THE DIRECTOR SHALL DETERMINE THE EXTENT OF THE
23 DISCIPLINE.

24 (d) IF THE DIRECTOR FINDS THE CHARGES AGAINST THE LICENSEE
25 PROVEN AND ORDERS THAT DISCIPLINE BE IMPOSED, THE DIRECTOR MAY
26 REQUIRE, AS A CONDITION TO REINSTATE A SUSPENDED, REVOKED, OR
27 DENIED LICENSE, THAT THE LICENSEE TAKE COURSES OF TRAINING OR

1 FURTHER EDUCATION AS MAY BE NEEDED TO CORRECT A DEFICIENCY.

2 (4) (a) SECTION 12-20-408 GOVERNS JUDICIAL REVIEW OF A FINAL
3 ACTION OF THE DIRECTOR.

4 (b) THE DIRECTOR MAY BRING AN ACTION FOR THE ENFORCEMENT
5 OF AN ORDER OF THE DIRECTOR IN ACCORDANCE WITH SECTION 12-20-406.

6 (5) IF A PERSON COMMITS AN ACT THAT VIOLATES THIS ARTICLE
7 135 OR A RULE PROMULGATED UNDER THIS ARTICLE 135, THE DIRECTOR
8 MAY IMPOSE A FINE NOT TO EXCEED FIVE THOUSAND DOLLARS PER
9 VIOLATION. EACH DAY OF A CONTINUING VIOLATION CONSTITUTES A
10 SEPARATE VIOLATION.

11

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12 **12-135-508. Grounds for discipline.** (1) THE DIRECTOR MAY
13 TAKE DISCIPLINARY ACTION IN ACCORDANCE WITH SECTIONS 12-20-404,
14 12-135-401, AND 12-135-507 AGAINST AN APPLICANT OR LICENSEE WHO
15 HAS:

16 (a) ADVERTISED, REPRESENTED, OR HELD THEMSELF OUT AS A
17 LICENSED MORTUARY SCIENCE PROFESSIONAL AFTER THE EXPIRATION,
18 SUSPENSION, OR REVOCATION OF THEIR LICENSE;

19 (b) FALSIFIED INFORMATION IN AN APPLICATION FOR A LICENSE OR
20 TO RENEW A LICENSE UNDER THIS PART 5;

21 (c) ATTEMPTED TO OBTAIN OR OBTAINED A LICENSE BY FRAUD,
22 DECEPTION, OR MISREPRESENTATION;

23 (d) ENGAGED IN FRAUD, MISREPRESENTATION, DECEPTION, OR
24 CHEATING IN TAKING OR FURNISHING THE RESULTS OF AN EXAMINATION
25 REQUIRED BY SECTION 12-135-603 (1)(b), 12-135-703 (1)(b), 12-135-803
26 (1)(b), OR 12-135-903;

27 (e) FRAUDULENTLY OBTAINED OR FURNISHED OR AIDED AND

1 ABETTED ANOTHER PERSON IN FRAUDULENTLY OBTAINING OR FURNISHING:

2 (I) A LICENSE ISSUED UNDER THIS PART 5;

3 (II) A RENEWAL OR REINSTATEMENT OF A LICENSE ISSUED UNDER
4 THIS PART 5; OR

5 (III) A DIPLOMA, A CERTIFICATE, OR A RECORD RELATED TO A
6 LICENSE ISSUED UNDER THIS PART 5;

7 (f) (I) FAILED TO NOTIFY THE DIRECTOR, IN WRITING, OF:

8 (A) THE ENTRY OF A FINAL JUDGMENT BY A COURT IN FAVOR OF
9 ANOTHER PARTY AND AGAINST THE LICENSEE FOR MALPRACTICE OF
10 MORTUARY SCIENCE; OR

11 (B) A SETTLEMENT BY THE LICENSEE IN RESPONSE TO CHARGES OR
12 ALLEGATIONS OF MALPRACTICE OF MORTUARY SCIENCE.

13 (II) TO COMPLY WITH SUBSECTION (1)(f)(I) OF THIS SECTION, THE
14 LICENSEE MUST:

15 (A) GIVE THE NOTICE WITHIN NINETY DAYS AFTER THE ENTRY OF
16 THE JUDGMENT OR SETTLEMENT; AND

17 (B) FOR NOTICE OF A JUDGMENT, INCLUDE THE NAME OF THE
18 COURT, THE CASE NUMBER, AND THE NAMES OF ALL PARTIES TO THE
19 ACTION.

20 (g) (I) A DISQUALIFYING CRIMINAL HISTORY AS DESCRIBED IN
21 SECTION 12-135-503.

22 (II) FOR THE PURPOSES OF SUBSECTION (1)(g)(I) OF THIS SECTION,
23 A CERTIFIED COPY OF A DOCUMENT FROM A COURT OF COMPETENT
24 JURISDICTION DOCUMENTING A CONVICTION OR ENTRY OF A PLEA IS
25 CONCLUSIVE EVIDENCE OF THE CONVICTION OR THE PLEA. IN CONSIDERING
26 A DISCIPLINARY ACTION, THE DIRECTOR SHALL BE GOVERNED BY SECTIONS
27 12-20-202 (5) AND 24-5-101.

1 (h) ADVERTISED, REPRESENTED, HELD THEMSELF OUT IN ANY
2 MANNER, OR USED ANY DESIGNATION IN CONNECTION WITH AN
3 INDIVIDUAL'S NAME AS A MORTUARY SCIENCE PROFESSIONAL WITHOUT
4 BEING LICENSED UNDER THIS ARTICLE 135;

5 (i) VIOLATED OR AIDED OR ABETTED A VIOLATION OF THIS ARTICLE
6 135, ARTICLE 20 OR 30 OF THIS TITLE 12, A RULE ADOPTED UNDER THIS
7 ARTICLE 135, OR AN ORDER OF THE DIRECTOR;

8 (j) FAILED TO REPORT TO THE DIRECTOR THE SURRENDER OF A
9 LICENSE, CERTIFICATION, OR REGISTRATION TO, OR AN ADVERSE ACTION
10 TAKEN AGAINST A LICENSE, CERTIFICATION, OR REGISTRATION BY, A
11 GOVERNMENTAL AGENCY IN ANOTHER STATE, TERRITORY, OR COUNTRY,
12 A LAW ENFORCEMENT AGENCY, OR A COURT FOR ACTS THAT CONSTITUTE
13 GROUNDS FOR DISCIPLINE UNDER THIS ARTICLE 135 OR A RULE
14 PROMULGATED UNDER THIS ARTICLE 135;

15 (k) COMMITTED AN ACT THAT DOES NOT MEET, OR FAILED TO
16 PERFORM AN ACT NECESSARY TO MEET, GENERALLY ACCEPTED
17 STANDARDS OF MORTUARY SCIENCE;

18 (l) USED FRAUDULENT, COERCIVE, OR DISHONEST PRACTICES, OR
19 DEMONSTRATED INCOMPETENCE OR UNTRUSTWORTHINESS, IN THIS STATE
20 OR ELSEWHERE;

21 (m) DISINFECTED, PRESERVED, OR MADE FINAL DISPOSITION OF
22 HUMAN REMAINS WITH KNOWLEDGE SUFFICIENT TO AROUSE A
23 REASONABLE SUSPICION OF A CRIME IN CONNECTION WITH THE CAUSE OF
24 DEATH OF THE DECEDENT UNLESS THE LICENSEE HAS OBTAINED THE
25 PERMISSION OF THE CORONER, THE DEPUTY CORONER, OR, IF THERE IS NO
26 CORONER, THE DISTRICT ATTORNEY;

27 (n) DISCRIMINATED BECAUSE OF RACE, CREED, COLOR, RELIGION,

1 DISABILITY, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER
2 EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, AGE, OR ANCESTRY IN
3 THE PROVISION OF FUNERAL SERVICES OR THE SERVICES OF A MORTUARY
4 SCIENCE PROFESSIONAL;

5 (o) AUTHORIZED AN OFFICER OF OR EMPLOYEE OF A LICENSEE, OF
6 A REGISTRANT UNDER SECTION 12-135-110 OR 12-135-303, OR OF
7 ANOTHER PERSON HAVING A PROFESSIONAL RELATIONSHIP WITH THE
8 DECEDENT TO APPROVE OR CAUSE THE FINAL DISPOSITION OF HUMAN
9 REMAINS IN VIOLATION OF THIS ARTICLE 135;

10 (p) PAID OR PROVIDED BENEFITS IN A MANNER THAT DEPRIVES THE
11 NEXT OF KIN OR LEGAL REPRESENTATIVE OF THE RIGHT TO USE THOSE
12 PAYMENTS OR BENEFITS AT A FUNERAL ESTABLISHMENT OF THE
13 CUSTOMER'S CHOICE;

14 (q) ENGAGED IN A BUSINESS PRACTICE THAT INTERFERES WITH THE
15 FREEDOM OF CHOICE OF THE GENERAL PUBLIC TO CHOOSE A MORTUARY
16 SCIENCE PROFESSIONAL OR FUNERAL ESTABLISHMENT;

17 (r) REFUSED TO PROPERLY AND PROMPTLY RELEASE HUMAN
18 REMAINS, NATURALLY REDUCED REMAINS, OR CREMATED REMAINS TO THE
19 CUSTODY OF THE PERSON WHO HAS THE LEGAL RIGHT TO EFFECT THE
20 RELEASE, REGARDLESS OF WHETHER ANY COSTS HAVE BEEN PAID;

21 (s) TOLD A PERSON THAT A CASKET WAS REQUIRED WHEN THE
22 EXPRESSED WISH OF THE DECEDENT, NEXT OF KIN, OR LEGAL
23 REPRESENTATIVE WAS FOR IMMEDIATE CREMATION;

24 (t) EMBALMED, NATURALLY REDUCED, OR CREMATED HUMAN
25 REMAINS WITHOUT OBTAINING PERMISSION FROM THE PERSON WITH THE
26 RIGHT OF FINAL DISPOSITION, UNLESS OTHERWISE REQUIRED BY SECTION
27 12-135-106;

1 (u) PROHIBITED, HINDERED, OR RESTRICTED OR ATTEMPTED TO
2 PROHIBIT, HINDER, OR RESTRICT:

3 (I) A PERSON FROM OFFERING OR ADVERTISING IMMEDIATE
4 CREMATION, IMMEDIATE NATURAL REDUCTION, ADVANCE FUNERAL
5 ARRANGEMENTS, OR LOW-COST FUNERALS;

6 (II) A PERSON FROM FORMING OR FACILITATING ARRANGEMENTS
7 BETWEEN MEMORIAL SOCIETIES AND FUNERAL INDUSTRY MEMBERS; OR

8 (III) A FUNERAL SERVICE INDUSTRY MEMBER FROM DISCLOSING
9 ACCURATE INFORMATION CONCERNING FUNERAL MERCHANDISE AND
10 SERVICES;

11 (v) ENGAGED IN WILLFULLY DISHONEST CONDUCT;

12 (w) COMMITTED NEGLIGENCE THAT DEFRAUDED OR CAUSED
13 INJURY OR WAS LIKELY TO DEFRAUD OR CAUSE INJURY IN THE PRACTICE OF
14 CREMATION, NATURAL REDUCTION, EMBALMING, FUNERAL DIRECTING, OR
15 PROVIDING FOR FINAL DISPOSITION;

16 (x) SOLD OR OFFERED TO SELL THE SOIL PRODUCED BY THE
17 NATURAL REDUCTION OF HUMAN REMAINS TO ANY PERSON;

18 (y) COMMINGLED THE FOLLOWING WITHOUT THE CONSENT OF THE
19 PERSON OR PERSONS WITH THE RIGHT OF FINAL DISPOSITION, AS
20 DETERMINED BY SECTION 15-19-106, IN THE COURSE OF A PERSON'S
21 BUSINESS, VOCATION, OR OCCUPATION:

22 (I) THE CREMATED REMAINS OF MORE THAN ONE PERSON; EXCEPT
23 AS AUTHORIZED IN SECTION 12-135-109 (5);

24 (II) THE SOIL PRODUCED BY THE NATURAL REDUCTION OF THE
25 HUMAN REMAINS OF MORE THAN ONE PERSON, EXCEPT AS AUTHORIZED IN
26 SECTION 12-135-109 (5);

27 (III) THE CREMATED REMAINS OF MORE THAN ONE PERSON WITHIN

1 A CREMATION CHAMBER; OR

2 (IV) THE HUMAN REMAINS OF MORE THAN ONE PERSON WITHIN A
3 CONTAINER USED TO NATURALLY REDUCE HUMAN REMAINS TO PRODUCE
4 SOIL; OR

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

8 (2) (a) FOR PURPOSES OF THIS SECTION ONLY AND EXCEPT AS
9 PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION, "NEXT OF KIN" DOES
10 NOT INCLUDE A PERSON WHO IS ARRESTED ON SUSPICION OF HAVING
11 COMMITTED, IS CHARGED WITH, OR HAS BEEN CONVICTED OF A FELONY
12 OFFENSE SPECIFIED IN PART 1 OF ARTICLE 3 OF TITLE 18 INVOLVING THE
13 DEATH OF THE DECEDENT.

14 (b) SUBSECTION (2)(a) OF THIS SECTION DOES NOT APPLY IF,
15 BEFORE FINAL DISPOSITION OF THE DECEASED PERSON'S HUMAN REMAINS,
16 CHARGES ARE NOT BROUGHT, CHARGES ARE BROUGHT BUT DISMISSED, OR
17 THE PERSON CHARGED IS ACQUITTED OF THE ALLEGED CRIME.

18 **12-135-509. Liberal construction.** THIS PART 5 AND PARTS 6 TO
19 9 OF THIS ARTICLE 135 MUST BE LIBERALLY CONSTRUED TO EFFECTUATE
20 THEIR PURPOSES AND TO PROTECT CONSUMERS.

21 **12-135-510. Repeal of part.** THIS PART 5 AND PARTS 6 TO 9 OF
22 THIS ARTICLE 135 ARE REPEALED, EFFECTIVE SEPTEMBER 1, 2031. BEFORE
23 THE REPEAL, THIS PART 5 AND PARTS 6 TO 9 OF THIS ARTICLE 135 ARE
24 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

25 PART 6

26 FUNERAL DIRECTORS

27 **12-135-601. Practice of a funeral director described -**

1 **definition.** (1) AS USED IN THIS PART 6, "SERVICES CONCERNING THE
2 FINAL DISPOSITION OF HUMAN REMAINS" INCLUDES FUNERAL SERVICES,
3 EMBALMING, CREMATION, NATURAL REDUCTION, AND REMOVAL OF
4 HUMAN REMAINS FROM THE STATE.

5 (2) (a) THE PRACTICE OF A FUNERAL DIRECTOR CONSISTS OF
6 PERFORMING THE FOLLOWING ACTS FOR COMPENSATION:

7 (I) SELLING OR OFFERING TO SELL SERVICES CONCERNING THE
8 FINAL DISPOSITION OF HUMAN REMAINS ON AN AT-NEED BASIS;

9 (II) PLANNING, ARRANGING, OR OFFERING TO PLAN OR ARRANGE,
10 ON AN AT-NEED BASIS, THE DETAILS OF SERVICES CONCERNING THE FINAL
11 DISPOSITION OF HUMAN REMAINS AND ESTABLISHING THE TYPE OF
12 SERVICES TO BE RENDERED;

13 (III) MAKING, NEGOTIATING, COMPLETING, OR OFFERING TO MAKE,
14 NEGOTIATE, OR COMPLETE THE FINANCIAL ARRANGEMENTS FOR SERVICES
15 CONCERNING THE FINAL DISPOSITION OF HUMAN REMAINS ON AN AT-NEED
16 BASIS; EXCEPT THAT NONLICENSED PERSONNEL MAY ASSIST THE FUNERAL
17 DIRECTOR IN PERFORMING SUCH TASKS;

18 (IV) DIRECTLY OR INDIRECTLY DIRECTING, BEING IN CHARGE OR
19 APPARENT CHARGE OF, SUPERVISING, OR OFFERING TO DIRECT, BE IN
20 CHARGE OF, OR SUPERVISE:

21 (A) A VISITATION OR VIEWING OF HUMAN REMAINS;

22 (B) A FUNERAL SERVICE; OR

23 (C) A MEMORIAL SERVICE, IF THE MEMORIAL SERVICE IS SOLD OR
24 ARRANGED BY A LICENSEE;

25 (V) MANAGING OR SUPERVISING THE OPERATION OF A FUNERAL
26 ESTABLISHMENT, EXCEPT FOR ADMINISTRATIVE MATTERS, SUCH AS
27 BUDGETING, ACCOUNTING AND PERSONNEL, MAINTENANCE OF BUILDINGS,

1 EQUIPMENT, AND GROUNDS, AND ROUTINE CLERICAL AND
2 RECORD-KEEPING FUNCTIONS; OR

3 (VI) USING, IN CONNECTION WITH ONE'S NAME OR EMPLOYMENT:

4 (A) THE WORD "FUNERAL DIRECTOR", "UNDERTAKER", OR
5 "MORTICIAN"; OR

6 (B) A WORD, TITLE, OR COMBINATION OF WORDS, TITLES, OR
7 PICTURES THAT WHEN CONSIDERED IN THE CONTEXT IN WHICH THEY ARE
8 USED WOULD IMPLY THAT THE PERSON IS ENGAGED IN THE PRACTICE OF A
9 FUNERAL DIRECTOR OR THAT THE PERSON IS HOLDING THEMSELF OUT TO
10 THE PUBLIC AS BEING ENGAGED IN THE PRACTICE OF A FUNERAL DIRECTOR.

11 (b) (I) SUBSECTION (2)(a)(IV)(A) OF THIS SECTION DOES NOT
12 REQUIRE AN INDIVIDUAL TO BE LICENSED TO CONDUCT A VISITATION OR
13 VIEWING IF A LICENSED FUNERAL DIRECTOR OR LICENSED MORTUARY
14 SCIENCE PRACTITIONER IS READILY AVAILABLE FOR CONSULTATION.

15 (II) SUBSECTION (2)(a)(VI) OF THIS SECTION DOES NOT PREVENT
16 A PERSON FROM USING THE NAME OF AN OWNER, OFFICER, OR CORPORATE
17 DIRECTOR OF A FUNERAL ESTABLISHMENT, NOTWITHSTANDING THAT THE
18 PERSON DOES NOT HOLD A LICENSE, IN CONNECTION WITH THE NAME OF
19 THE FUNERAL ESTABLISHMENT WITH WHICH THE PERSON IS AFFILIATED, SO
20 LONG AS THE PERSON'S AFFILIATION IS PROPERLY SPECIFIED.

21 (3) THE PRACTICE OF A FUNERAL DIRECTOR DOES NOT INCLUDE:

22 (a) (I) TRANSMITTING, BY TELEPHONE, BY FAX, OR
23 ELECTRONICALLY, OBITUARY NOTICES;

24 (II) ORDERING FLOWERS OR MERCHANDISE;

25 (III) DELIVERING DEATH CERTIFICATES TO ATTENDING
26 PHYSICIANS;

27 (IV) CLERICAL PREPARATION AND PROCESSING OF DEATH

1 CERTIFICATES, INSURANCE FORMS, AND ANY CLERICAL TASKS THAT
2 RECORD THE INFORMATION COMPILED BY THE FUNERAL DIRECTOR; OR

3 (V) AN ACT THAT IS INCIDENTAL TO ANY OF THE FUNCTIONS
4 SPECIFIED IN THIS SUBSECTION (3)(a);

5 (b) FURNISHING STANDARD, PRINTED PRICE LISTS AND DISCLOSURE
6 INFORMATION TO THE PUBLIC BY PROVIDING THE INFORMATION TO
7 PERSONS MAKING AN INQUIRY;

8 (c) ARRANGING, COORDINATING, OR EMPLOYING LICENSED
9 REMOVAL SERVICES, LICENSED REFRIGERATION FACILITIES, OR LICENSED
10 CENTRALIZED EMBALMING FACILITIES;

11 (d) ANY ASPECT OF MAKING PRENEED FUNERAL ARRANGEMENTS
12 OR ENTERING INTO PRENEED CONTRACTS; OR

13 (e) FUNCTIONS NORMALLY PERFORMED BY CEMETERY OR
14 CREMATORY PERSONNEL.

15 (4) (a) AN INDIVIDUAL LICENSED UNDER THIS PART 6 MAY
16 DELEGATE TASKS, AS DETERMINED BY THE DIRECTOR IN RULE, WITHIN THE
17 SCOPE OF THE INDIVIDUAL'S LICENSE TO UNLICENSED PERSONS PRACTICING
18 WITHIN THE UNLICENSED PERSON'S EXPERIENCE, EDUCATION, OR
19 TRAINING.

20 (b) A LICENSEE IS RESPONSIBLE FOR ENSURING THAT A DELEGATEE
21 HAS THE EXPERIENCE, EDUCATION, AND TRAINING NECESSARY TO
22 PERFORM DELEGATED TASKS.

23 (c) A LICENSEE RETAINS RESPONSIBILITY FOR ANY TASKS
24 DELEGATED UNDER THIS SUBSECTION (4).

25 (d) A LICENSEE SHALL NOT DELEGATE THE FOLLOWING TASKS:

26 (I) ANY TASK INVOLVING HANDLING HUMAN REMAINS; EXCEPT
27 THAT THIS SUBSECTION (4)(d)(I) DOES NOT APPLY TO TRANSPORTING

1 HUMAN REMAINS;

2 (II) SIGNING CONTRACTS OR OTHER LEGAL DOCUMENTS THAT
3 INVOLVE COMPENSATION FOR FUNERAL GOODS OR SERVICES; OR

4 (III) OVERSIGHT OF A FUNERAL HOME OR CREMATORY OPERATIONS
5 RELATED TO THE FINAL DISPOSITION OF HUMAN REMAINS.

6 **12-135-602. License required.** ON AND AFTER JANUARY 1, 2026,
7 AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF A FUNERAL DIRECTOR
8 MUST BE LICENSED BY THE DIRECTOR AS A FUNERAL DIRECTOR OR
9 MORTUARY SCIENCE PRACTITIONER IN ACCORDANCE WITH PART 5 OF THIS
10 ARTICLE 135 AND THIS PART 6 OR PART 7 OF THIS ARTICLE 135, AS
11 APPLICABLE.

12 **12-135-603. Qualifications - examination - licensure- rules.**

13 (1) IN ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION
14 12-135-501 (3), TO BE QUALIFIED TO OBTAIN A FUNERAL DIRECTOR
15 LICENSE, AN APPLICANT MUST:

16 (a) HAVE GRADUATED FROM AN ACCREDITED MORTUARY SCIENCE
17 SCHOOL;

18 (b) HAVE SUCCESSFULLY PASSED THE ARTS SECTION OF THE
19 NATIONAL BOARD EXAMINATION ADMINISTERED BY THE INTERNATIONAL
20 CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS OR BY A
21 SUCCESSOR ORGANIZATION THAT IS APPROVED BY THE DIRECTOR; AND

22 (c) HAVE RECEIVED WORKPLACE LEARNING EXPERIENCE, AS
23 DEFINED BY THE DIRECTOR IN RULE, OF ONE YEAR OR LONGER THAT MAY
24 BE RECEIVED CONCURRENTLY WHILE ATTENDING MORTUARY SCIENCE
25 SCHOOL.

26

PART 7

27

MORTUARY SCIENCE PRACTITIONERS

1 **12-135-701. Practice of a mortuary science practitioner**

2 **described.** (1) THE PRACTICE OF A MORTUARY SCIENCE PRACTITIONER
3 CONSISTS OF PERFORMING OR OFFERING TO PERFORM ANY OF THE
4 FOLLOWING ACTS FOR COMPENSATION:

5 (a) THE PRACTICE OF A FUNERAL DIRECTOR AS DESCRIBED IN
6 SECTION 12-135-601 (2);

7 (b) THE PRACTICE OF AN EMBALMER AS DESCRIBED IN SECTION
8 12-135-801 (1);

9 (c) THE PRACTICE OF A CREMATIONIST AS DESCRIBED IN SECTION
10 12-135-901 (1);

11 (d) THE PRACTICE OF A NATURAL REDUCTIONIST AS DESCRIBED IN
12 SECTION 12-135-901 (2); OR

13 (e) USING ANY WORD OR ABBREVIATION TO INDICATE OR INDUCE
14 OTHERS TO BELIEVE THAT ONE IS LICENSED TO PRACTICE AS A MORTUARY
15 SCIENCE PRACTITIONER.

16 (2) (a) AN INDIVIDUAL LICENSED UNDER THIS PART 7 MAY
17 DELEGATE TASKS, AS DETERMINED BY THE DIRECTOR IN RULE, WITHIN THE
18 SCOPE OF THE INDIVIDUAL'S LICENSE TO UNLICENSED PERSONS PRACTICING
19 WITHIN THE UNLICENSED PERSON'S EXPERIENCE, EDUCATION, OR
20 TRAINING.

21 (b) A LICENSEE IS RESPONSIBLE FOR ENSURING THAT A DELEGATEE
22 HAS THE EXPERIENCE, EDUCATION, AND TRAINING NECESSARY TO
23 PERFORM DELEGATED TASKS.

24 (c) A LICENSEE RETAINS RESPONSIBILITY FOR ANY TASKS
25 DELEGATED UNDER THIS SUBSECTION (2).

26 (d) A LICENSEE SHALL NOT DELEGATE THE FOLLOWING TASKS:

27 (I) ANY TASK INVOLVING HANDLING HUMAN REMAINS; EXCEPT

1 THAT THIS SUBSECTION (2)(d)(I) DOES NOT APPLY TO TRANSPORTING
2 HUMAN REMAINS;

3 (II) SIGNING CONTRACTS OR OTHER LEGAL DOCUMENTS THAT
4 INVOLVE COMPENSATION FOR FUNERAL GOODS OR SERVICES; OR

5 (III) OVERSIGHT OF A FUNERAL HOME OR CREMATORY OPERATIONS
6 RELATED TO THE FINAL DISPOSITION OF HUMAN REMAINS.

7 **12-135-702. License required.** ON AND AFTER JANUARY 1, 2026,
8 EXCEPT AS OTHERWISE PROVIDED IN PART 6, 8, OR 9 OF THIS ARTICLE 135,
9 AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF A MORTUARY SCIENCE
10 PRACTITIONER MUST BE LICENSED BY THE DIRECTOR AS A MORTUARY
11 SCIENCE PRACTITIONER IN ACCORDANCE WITH THIS PART 7 AND PART 5 OF
12 THIS ARTICLE 135.

13 **12-135-703. Qualifications - examination - licensure - rules.**

14 (1) IN ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION
15 12-135-501 (3), TO BE QUALIFIED TO OBTAIN A MORTUARY SCIENCE
16 PRACTITIONER LICENSE, THE APPLICANT MUST:

17 (a) HAVE GRADUATED FROM AN ACCREDITED MORTUARY SCIENCE
18 SCHOOL;

19 (b) HAVE SUCCESSFULLY PASSED BOTH THE ARTS AND SCIENCE
20 SECTIONS OF THE NATIONAL BOARD EXAMINATION ADMINISTERED BY THE
21 INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS
22 OR BY A SUCCESSOR ORGANIZATION THAT IS APPROVED BY THE DIRECTOR;
23 AND

24 (c) HAVE RECEIVED WORKPLACE LEARNING EXPERIENCE, AS
25 DEFINED BY THE DIRECTOR IN RULE, OF ONE YEAR OR LONGER THAT MAY
26 BE RECEIVED CONCURRENTLY WHILE ATTENDING MORTUARY SCIENCE
27 SCHOOL.

1 PART 8

2 EMBALMERS

3 **12-135-801. Practice of an embalmer described.** (1) THE
4 PRACTICE OF AN EMBALMER CONSISTS OF ENGAGING IN, OFFERING TO
5 ENGAGE IN, OR ATTEMPTING TO ENGAGE IN THE FOLLOWING ACTS FOR
6 COMPENSATION:

7 (a) TEMPORARILY DISINFECTING AND PRESERVING HUMAN
8 REMAINS BY CHEMICALLY TREATING THE HUMAN REMAINS TO:

9 (I) REDUCE THE PRESENCE AND GROWTH OF ORGANISMS; OR

10 (II) RETARD ORGANIC DECOMPOSITION;

11 (b) DISINFECTING AND PRESERVING HUMAN REMAINS BY THE USE
12 OF OR APPLICATION OF CHEMICAL SUBSTANCES THAT ARE ORDINARILY
13 USED FOR, PREPARED FOR, OR INTENDED FOR DISINFECTION OR
14 PRESERVATION BY:

15 (I) INTRODUCING THE CHEMICAL SUBSTANCES INTO THE HUMAN
16 REMAINS BY VASCULAR OR HYPODERMIC INJECTION; OR

17 (II) DIRECTLY INTRODUCING CHEMICAL SUBSTANCES INTO THE
18 ORGANS OR CAVITIES OF THE HUMAN REMAINS; OR

19 (c) USING THE TITLE "EMBALMER" OR ANY OTHER WORD OR
20 ABBREVIATION TO INDICATE OR INDUCE OTHERS TO BELIEVE THAT ONE IS
21 LICENSED TO PRACTICE AS AN EMBALMER.

22 (2) THE PRACTICE OF AN EMBALMER DOES NOT INCLUDE:

23 (a) SETTING FEATURES FOR THE PURPOSE OF IDENTIFYING
24 UNEMBALMED HUMAN REMAINS; OR

25 (b) DISINFECTING HUMAN REMAINS THROUGH NONARTERIAL
26 METHODS.

27 **12-135-802. License required.** ON AND AFTER JANUARY 1, 2026,

1 EXCEPT AS PROVIDED IN PART 7 OF THIS ARTICLE 135, AN INDIVIDUAL WHO
2 ENGAGES IN THE PRACTICE OF AN EMBALMER MUST BE LICENSED BY THE
3 DIRECTOR AS AN EMBALMER IN ACCORDANCE WITH THIS PART 8 AND PART
4 5 OF THIS ARTICLE 135.

5 **12-135-803. Qualifications - examination - licensure - rules.**

6 (1) IN ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION
7 12-135-501 (3), TO BE QUALIFIED TO OBTAIN AN EMBALMER LICENSE, THE
8 APPLICANT MUST:

9 (a) HAVE GRADUATED FROM AN ACCREDITED MORTUARY SCIENCE
10 SCHOOL;

11 (b) HAVE SUCCESSFULLY PASSED THE SCIENCE SECTION OF THE
12 NATIONAL BOARD EXAMINATION ADMINISTERED BY THE INTERNATIONAL
13 CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS OR BY A
14 SUCCESSOR ORGANIZATION THAT IS APPROVED BY THE DIRECTOR; AND

15 (c) HAVE RECEIVED WORKPLACE LEARNING EXPERIENCE, AS
16 DEFINED BY THE DIRECTOR IN RULE, OF ONE YEAR OR LONGER THAT MAY
17 BE RECEIVED CONCURRENTLY WHILE ATTENDING MORTUARY SCIENCE
18 SCHOOL.

19 PART 9

20 CREMATIONISTS AND NATURAL REDUCTIONISTS

21 **12-135-901. Practice of a cremationist described - practice of**

22 **a natural reductionist described.** (1) THE PRACTICE OF A CREMATIONIST
23 CONSISTS OF ENGAGING IN, OFFERING TO ENGAGE IN, OR ATTEMPTING TO
24 ENGAGE IN THE FOLLOWING ACTS FOR COMPENSATION:

25 (a) PREPARING HUMAN REMAINS FOR CREMATION;

26 (b) CREMATING HUMAN REMAINS; OR

27 (c) USING ANY WORD OR ABBREVIATION TO INDICATE OR INDUCE

1 OTHERS TO BELIEVE THAT ONE IS LICENSED TO PRACTICE AS A
2 CREMATIONIST.

3 (2) THE PRACTICE OF A NATURAL REDUCTIONIST CONSISTS OF
4 ENGAGING IN, OFFERING TO ENGAGE IN, OR ATTEMPTING TO ENGAGE IN
5 THE FOLLOWING ACTS FOR COMPENSATION:

6 (a) PREPARING HUMAN REMAINS FOR NATURAL REDUCTION;

7 (b) NATURAL REDUCTION OF HUMAN REMAINS; OR

8 (c) USING ANY OTHER WORD OR ABBREVIATION TO INDICATE OR
9 INDUCE OTHERS TO BELIEVE THAT ONE IS LICENSED TO PRACTICE AS A
10 NATURAL REDUCTIONIST.

11 **12-135-902. License required.** (1) ON AND AFTER JANUARY 1,
12 2026, EXCEPT AS PROVIDED IN PART 7 OF THIS ARTICLE 135:

13 (a) AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF A
14 CREMATIONIST MUST BE LICENSED BY THE DIRECTOR AS A CREMATIONIST
15 IN ACCORDANCE WITH THIS PART 9 AND PART 5 OF THIS ARTICLE 135; AND

16 (b) AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF A NATURAL
17 REDUCTIONIST MUST BE LICENSED BY THE DIRECTOR AS A NATURAL
18 REDUCTION REDUCTIONIST IN ACCORDANCE WITH THIS PART 9 AND PART
19 5 OF THIS ARTICLE 135.

20 **12-135-903. Qualifications - examinations - rules.** (1) IN
21 ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION 12-135-501 (3),
22 TO BE QUALIFIED TO OBTAIN A CREMATIONIST LICENSE, THE APPLICANT
23 MUST HAVE RECEIVED OFFICIAL CERTIFICATION AS A CREMATORY
24 OPERATOR FROM THE CREMATION ASSOCIATION OF NORTH AMERICA, THE
25 INTERNATIONAL CEMETERY, CREMATION AND FUNERAL ASSOCIATION,
26 THE NATIONAL FUNERAL DIRECTORS ASSOCIATION, OR A SUCCESSOR
27 ORGANIZATION THAT IS APPROVED BY THE DIRECTOR.

1 (2) IN ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION
2 12-135-501 (3), TO BE QUALIFIED TO OBTAIN A NATURAL REDUCTIONIST
3 LICENSE, THE APPLICANT MUST HAVE RECEIVED OFFICIAL CERTIFICATION
4 AS A NATURAL REDUCTIONIST FROM THE CREMATION ASSOCIATION OF
5 NORTH AMERICA, THE INTERNATIONAL CEMETERY, CREMATION AND
6 FUNERAL ASSOCIATION, THE NATIONAL FUNERAL DIRECTORS
7 ASSOCIATION, OR A SUCCESSOR ORGANIZATION THAT IS APPROVED BY THE
8 DIRECTOR.

9 **SECTION 3. Repeal of relocated and nonrelocated provisions**
10 **in this act.** In Colorado Revised Statutes, **repeal** 12-135-111 and
11 12-135-304; except that 12-135-111 (4) is not relocated.

12 **SECTION 4.** In Colorado Revised Statutes, 12-20-204, **amend**
13 (2)(a); and **repeal** (2)(c) as follows:

14 **12-20-204. Regulator's rule-making authority.** (2) Subsection
15 (1) of this section does not apply to the following:

16 (a) Article 110 of this title 12 concerning combative sports; AND

17 (c) ~~Article 135 of this title 12 concerning mortuaries and~~
18 ~~crematories; and~~

19 **SECTION 5.** In Colorado Revised Statutes, 12-20-406, **repeal**
20 (2)(b)(III) as follows:

21 **12-20-406. Injunctive relief.** (2) (b) Subsection (2)(a) of this
22 section does not apply to the following:

23 (III) ~~Article 135 of this title 12 concerning mortuaries and~~
24 ~~crematories;~~

25 **SECTION 6.** In Colorado Revised Statutes, 12-135-110, **amend**
26 (3) introductory portion, (3)(d), (3)(e), and (4); and **add** (3)(f) as follows:

27 **12-135-110. Registration required.** (3) Each funeral

1 establishment shall appoint an individual as the designee of the funeral
2 establishment. A designee shall MUST:

3 (d) Have the authority within the funeral establishment's
4 organization to require that personnel comply with this article 135; and

5 (e) Not be designated for more than one funeral establishment;
6 unless the additional establishment is operated under common ownership
7 and management and no funeral establishment is more than sixty miles
8 from another establishment held under the same ownership conditions.

9 AND

10 (f) (I) ON OR AFTER JANUARY 1, 2026, BE LICENSED AS A FUNERAL
11 DIRECTOR PURSUANT TO SECTION 12-135-501 AND PART 6 OF THIS ARTICLE
12 135; OR

13 (II) ON OR AFTER JANUARY 1, 2026, BE LICENSED AS A MORTUARY
14 SCIENCE PRACTITIONER PURSUANT TO SECTION 12-135-501 AND PART 7 OF
15 THIS ARTICLE 135.

16 (4) The designee shall require each person employed at the funeral
17 establishment to demonstrate evidence of compliance with ~~section~~
18 ~~12-135-111~~ PARTS 5 TO 9 OF THIS ARTICLE 135, AS APPLICABLE. The
19 designee shall retain the records of the evidence of compliance so long as
20 the person is employed at the funeral establishment.

21 **SECTION 7.** In Colorado Revised Statutes, 12-135-303, **amend**
22 (4) as follows:

23 **12-135-303. Registration required.** (4) The designee shall
24 require each person employed at the crematory to demonstrate evidence
25 of compliance with ~~section 12-135-304~~ PARTS 5 TO 9 OF THIS ARTICLE
26 135, AS APPLICABLE. The designee shall retain the records of the evidence
27 of compliance so long as the person is employed at the crematory.

1 **SECTION 8.** In Colorado Revised Statutes, 12-135-401, **amend**
2 (1) introductory portion, (1)(b), (1)(c), (2), (3)(a), (4), (5), and (6)(a) as
3 follows:

4 **12-135-401. Powers and duties of the director - rules.** (1) IN
5 CONNECTION WITH A LICENSE ISSUED PURSUANT TO PART 5 OF THIS
6 ARTICLE 135 OR A REGISTRATION ISSUED PURSUANT TO SECTION
7 12-135-110 OR 12-135-303, the director may deny, suspend, refuse to
8 renew, or revoke a license or registration pursuant to section 12-20-404
9 (1)(d); issue and send, by ~~certified~~ ELECTRONIC mail, a letter of
10 admonition to ~~a funeral establishment or crematory~~ THE LICENSEE OR
11 REGISTRANT under the circumstances specified in and in accordance with
12 section 12-20-404 (4); issue a confidential letter of concern to ~~a funeral~~
13 ~~establishment or crematory~~ THE LICENSEE OR REGISTRANT under the
14 circumstance specified in section 12-20-404 (5); place ~~a registered funeral~~
15 ~~establishment or crematory~~ THE LICENSEE OR REGISTRANT on probation
16 pursuant to section 12-20-404 (1)(b); or limit the scope of practice of the
17 registration of ~~a funeral establishment or crematory~~ OR LICENSE under this
18 article 135 ~~that~~ IF THE LICENSEE OR REGISTRANT has:

19 (b) Had a registration OR LICENSE issued by Colorado, or an
20 equivalent license, registration, or certification issued by another state, to
21 practice ~~mortuary science or to embalm or cremate human remains~~
22 ~~revoked~~ AS DESCRIBED IN SECTIONS 12-135-601, 12-135-701, 12-135-801,
23 AND 12-135-901 REVOKED; or

24 (c) Violated this article 135, an applicable provision of article 20
25 of this title 12, or any rule of the director adopted under this article 135
26 OR COMMITTED AN ACT OR OMISSION SPECIFIED IN SECTION 12-135-508.

27 (2) IN CONNECTION WITH A LICENSE ISSUED PURSUANT TO PART 5

1 OF THIS ARTICLE 135 OR A REGISTRATION ISSUED PURSUANT TO SECTION
2 12-135-110 OR 12-135-303, the director may deny or revoke a registration
3 OR LICENSE if the ~~funeral establishment, crematory,~~ LICENSEE, THE
4 REGISTRANT, or the designee thereof OF A REGISTRANT has been convicted
5 of a felony related to another activity regulated under this article 135 or
6 a felony of moral turpitude A DISQUALIFYING CRIMINAL HISTORY AS
7 DESCRIBED IN SECTION 12-135-503. The director shall promptly notify the
8 funeral establishment or crematory LICENSEE OR REGISTRANT of the
9 revocation.

10 (3) (a) The director may investigate the activities of a ~~funeral~~
11 ~~establishment or crematory~~ LICENSEE LICENSED PURSUANT TO PART 5 OF
12 THIS ARTICLE 135 OR A REGISTRANT REGISTERED PURSUANT TO SECTION
13 12-135-110 OR 12-135-303, upon the director's own initiative or upon
14 receipt of a complaint or a suspected or alleged violation of this article
15 135. The director may contract with a private party to perform an
16 inspection. To perform an inspection, the director or a private party with
17 whom the director contracts to perform the inspection may enter the
18 premises of a funeral establishment or crematory with full right of ingress
19 and egress during business hours.

20 (4) The director shall keep records of registrations, LICENSES, and
21 disciplinary proceedings. ~~The records kept by the director shall be open~~
22 ~~to public inspection in a reasonable time and manner determined by the~~
23 ~~director.~~ IF CONDUCTED PURSUANT TO THIS SECTION:

24 (a) INVESTIGATIONS, EXAMINATIONS, HEARINGS, MEETINGS, OR
25 PROCEEDINGS ARE EXEMPT FROM PART 4 OF ARTICLE 6 OF TITLE 24; AND

26 (b) MINUTES OR RECORDS CONCERNING LICENSING ACTION TAKEN
27 ARE EXEMPT FROM PART 2 OF ARTICLE 72 OF TITLE 24.

1 (5) When the director or administrative law judge deems it
2 appropriate and useful, the director or administrative law judge may
3 consult with or obtain a written opinion from an appropriate professional
4 organization or association of businesses ~~who~~ THAT offer services
5 requiring registration OR LICENSURE under this article 135 for the purpose
6 of investigating possible violations or weighing the appropriate standard
7 of care to be applied to specific events or the facts in a hearing being held
8 under this article 135.

9 (6) (a) The director may promulgate reasonable rules necessary to
10 implement this section, sections 12-135-110, 12-135-111, 12-135-303,
11 and 12-135-304, and this part 4. ARTICLE 135.

12 **SECTION 9.** In Colorado Revised Statutes, **amend** 12-135-402
13 as follows:

14 **12-135-402. Fees.** The director shall establish and collect the fees
15 for a registration issued under PARTS 1 AND 3 OF this article 135 pursuant
16 to section 12-20-105.

17 **SECTION 10.** In Colorado Revised Statutes, **amend** 12-135-404
18 as follows:

19 **12-135-404. Civil penalty - fines.** (1) On motion of the director,
20 the court may impose a civil penalty of not more than one thousand
21 dollars for a violation of PART 1 OR 3 OF this article 135 or a rule
22 promulgated under PART 1 OR 3 OF this article 135.

23 (2) In addition to any other penalty that may be imposed pursuant
24 to this section, a funeral establishment or crematory violating PART 1 OR
25 3 OF this article 135 or a rule promulgated pursuant to PART 1 OR 3 OF this
26 article 135 may be fined no less than one hundred dollars and no more
27 than five thousand dollars for each violation proven by the director.

1 **SECTION 11.** In Colorado Revised Statutes, **amend** 12-135-406
2 as follows:

3 **12-135-406. Repeal - subject to review.** Sections 12-135-110
4 ~~12-135-111~~, AND 12-135-303 and ~~12-135-304~~ and this part 4 are repealed,
5 effective July 1, 2024. Before the repeal, the regulation of persons
6 registered to practice cremation and mortuary science is scheduled for
7 review in accordance with section 24-34-104.

8 **SECTION 12.** In Colorado Revised Statutes, 24-34-104, **amend**
9 (25)(a)(XIII); and **add** (32)(a)(XI) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for repeal, continuation, or reestablishment - legislative**
12 **declaration - repeal.** (25) (a) The following agencies, functions, or both,
13 are scheduled for repeal on September 1, 2024:

14 (XIII) The regulation of persons registered to practice mortuary
15 science by ~~sections 12-135-110 and 12-135-111~~ SECTION 12-135-110 and
16 cremation by ~~sections 12-135-303 and 12-135-304~~ SECTION 12-135-303,
17 and the administration thereof in accordance with part 4 of article 135 of
18 title 12, and the regulation of nontransplant tissue banks by section
19 12-140-103;

20 (32) (a) The following agencies, functions, or both, are scheduled
21 for repeal on September 1, 2031:

22 (XI) THE REGULATION OF MORTUARY SCIENCE PROFESSIONALS
23 PURSUANT TO PARTS 1, 4, AND 5 TO 9 OF ARTICLE 135 OF TITLE 12.

24 **SECTION 13. Appropriation.** (1) For the 2024-25 state fiscal
25 year, \$121,166 is appropriated to the department of regulatory agencies.
26 This appropriation is from the division of professions and occupations
27 cash fund created in section 12-20-105 (3), C.R.S. To implement this act,

1 the department may use this appropriation as follows:

2 (a) \$94,013 for use by the division of professions and occupations
3 for personal services, which amount is based on an assumption that the
4 division will require an additional 1.0 FTE;

5 (b) \$7,950 for use by the division of professions and occupations
6 for operating expenses; and

7 (c) \$19,203 for the purchase of legal services.

8 (2) For the 2024-25 state fiscal year, \$19,203 is appropriated to
9 the department of law. This appropriation is from reappropriated funds
10 received from the department of regulatory agencies under subsection
11 (1)(c) of this section and is based on an assumption that the department
12 of law will require an additional 0.1 FTE. To implement this act, the
13 department of law may use this appropriation to provide legal services for
14 the department of regulatory agencies.

15 **SECTION 14. Safety clause.** The general assembly finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety or for appropriations for
18 the support and maintenance of the departments of the state and state
19 institutions.