



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 20-1060

FINAL FISCAL NOTE

Drafting Number:	LLS 20-0441	Date:	August 10, 2020
Prime Sponsors:	Rep. Titone; Soper Sen. Rodriguez; Marble	Bill Status:	Postponed Indefinitely
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Bill Topic: **NATURAL ORGANIC REDUCTION HUMAN REMAINS**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill would have allowed the use of the natural reduction process for the disposition of human remains. It would have increased state expenditures in FY 2020-21 only and may have increased workload on an ongoing basis.

Appropriation Summary: For FY 2020-21, the bill requires an appropriation of \$20,000 to the Department of Public Health and Environment.

Fiscal Note Status: The fiscal note reflects the reengrossed bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Table 1
State Fiscal Impacts Under HB 20-1060

		FY 2020-21	FY 2021-22
Revenue		-	-
Expenditures	Cash Funds	\$20,000	-
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

Natural reduction is the contained and accelerated conversion of human remains to soil. This bill allows the use of natural reduction to dispose of human remains. It modifies statutes that reference burial, cremation, interment, and entombment to instead reference final disposition, a term that is defined to include natural reduction. Natural reduction is excluded from the definitions of both cremation and mortuary science practitioner.

The bill creates the following unlawful acts:

- refusing to release naturally reduced remains;
- performing natural reduction without permission; and
- prohibiting, hindering, or restricting the offering or advertising of natural reduction.

A person who commits these acts is guilty of an unclassified misdemeanor. A person who commits the following unlawful acts commits a deceptive trade practice.

- selling or offering to sell the soil produced by the natural reduction of human remains to any person;
- commingling the soil produced by the natural reduction of the human remains of more than one person without proper consent, or placing the human remains of more than one person within the container wherein natural reduction produces soil; and
- using the soil produced by the natural reduction of human remains to grow food for human consumption.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of an existing crime. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data and assumptions. This bill adds an element to three unlawful acts and creates three new unlawful acts under the Mortuary Science Code. According to the Judicial Department, zero offenders have been sentenced and convicted for these existing offenses; therefore, the fiscal note assumes that there will continue to be minimal or no additional criminal case filings or convictions for these offenses under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related revenue or expenditures at the state or local levels, these potential impacts are not discussed further in this fiscal note.

State Expenditures

This bill increases state cash fund expenditures in the Office of the State Registrar of Vital Statistics in the Colorado Department of Public Health and Environment (CDPHE) by \$20,000 in FY 2020-21 only. The expenditures are from the Vital Records Cash Fund. It will also increase workload in the Department of Regulatory Agencies (DORA) and the Department of Law. These impacts are explained below.

Office of the State Registrar of Vital Statistics — CDPHE. The office registers and issues disposition permits for all deaths in Colorado. The type of disposition of remains must be specified on the death certificate and most death certificates and disposition permits are processed through an online system. The system will need a modification to add natural reduction as a disposition choice. Based on previous experience with the system vendor, the cost for this modification is estimated at \$20,000.

Office of Funeral Home and Crematory Registration — DORA. The office registers funeral homes and crematories, investigates complaints, and conducts enforcement for violations. Funeral homes will be able to offer natural reduction and office staff will have an increase in workload to respond to inquiries about the change and provide outreach and education to registrants and the public. This workload increase can be accomplished within existing appropriations.

Department of Law. The department enforces consumer protection laws which include deceptive trade practice violations. To the extent claims for deceptive trade practices are brought related to natural reduction, the department will address them within existing appropriations.

Effective Date

The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee on May 27, 2020.

State Appropriations

For FY 2020-21, the bill requires an appropriation of \$20,000 to the Department of Public Health and Environment from the Vital Records Cash Fund.

State and Local Government Contacts

Corrections
County Coroners
Human Services
Law
Public Health and Environment
Regulatory Agencies

Counties
Health Care Policy and Financing
Information Technology
Municipalities
Public Safety
Sheriffs