

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

INTRODUCED

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

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF PERSONS PROVIDING MORTUARY**
102 **SCIENCE SERVICES.**

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 licensed, an individual must submit an application, pay an application fee,

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.

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 (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 (1.5) "APPROVED MORTUARY SCIENCE SCHOOL" MEANS A
 8 MORTUARY SCIENCE SCHOOL THAT THE DIRECTOR DETERMINES QUALIFIES
 9 AN INDIVIDUAL FOR LICENSURE UNDER SECTION 12-135-602, 12-135-702,
 10 OR 12-135-802.

11 (7) "Cremationist" means ~~a person who cremates or prepares for~~
 12 ~~cremation human remains~~ AN INDIVIDUAL WHO PRACTICES AS DESCRIBED
 13 IN SECTION 12-125-901 (1).

14 (10) "~~Designee~~" means ~~an individual designated by a funeral~~
 15 ~~establishment registered in accordance with section 12-135-110 or~~
 16 ~~12-135-303.~~

17 (12) "Embalmer" means ~~any person who embalms, or prepares for~~
 18 ~~embalming, human remains for compensation~~ AN INDIVIDUAL WHO

1 PRACTICES AS DESCRIBED IN SECTION 12-125-801.

2 (15) "Funeral director" means ~~a person who, for compensation:~~ AN
3 INDIVIDUAL WHO PRACTICES AS DESCRIBED IN SECTION 12-125-601.

4 ~~(a) Arranges, directs, or supervises funerals, memorial services,~~
5 ~~or graveside services; or~~

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

8 (22) "Mortuary science practitioner" means ~~a person who, for~~
9 ~~compensation, does the following or offers to do the following:~~ AN
10 INDIVIDUAL WHO PRACTICES AS DESCRIBED IN SECTION 12-125-701.

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

12 ~~(b) Arranges, directs, or supervises funerals, memorial services,~~
13 ~~or graveside services; or~~

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

16 (22.3) "MORTUARY SCIENCE PROFESSIONAL" MEANS:

17 (a) A FUNERAL DIRECTOR;

18 (b) A MORTUARY SCIENCE PRACTITIONER;

19 (c) AN EMBALMER;

20 (d) A CREMATIONIST; OR

21 (e) A NATURAL REDUCTIONIST.

22 (22.6) "NATURAL REDUCTIONIST" MEANS AN INDIVIDUAL WHO
23 PRACTICES AS DESCRIBED IN SECTION 12-125-901 (2).

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

27 (28) (a) "PROVISIONAL LICENSE" MEANS A LICENSE ISSUED UNDER

1 SECTION 12-135-501 (4).

2 (b) THIS SUBSECTION (28) IS REPEALED, EFFECTIVE JANUARY 1,
3 2031.

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

7 PART 5

8 LICENSING OF MORTUARY SCIENCE PROFESSIONALS

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

16 (a) A FUNERAL DIRECTOR;

17 (b) A MORTUARY SCIENCE PRACTITIONER;

18 (c) AN EMBALMER;

19 (d) A CREMATIONIST; OR

20 (e) A NATURAL REDUCTIONIST.

21 (2) THE DIRECTOR SHALL PROMULGATE RULES:

22 (a) TO ESTABLISH APPLICATION PROCEDURES AND FORMS FOR
23 ISSUING AND RENEWING A LICENSE; AND

24 (b) SETTING APPLICATION, LICENSURE, AND RENEWAL FEES IN
25 ACCORDANCE WITH SECTION 12-20-105.

26 (3) (a) TO BE LICENSED UNDER THIS SECTION, AN INDIVIDUAL
27 MUST:

1 (I) SUBMIT TO THE DIRECTOR AN APPLICATION IN THE MANNER
2 SPECIFIED IN, AND AN APPLICATION FEE IN AN AMOUNT SET FORTH IN,
3 RULES PROMULGATED BY THE DIRECTOR UNDER SUBSECTION (2) OF THIS
4 SECTION;

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

8 (III) DEMONSTRATE TO THE DIRECTOR THAT:

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

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

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

16 (IV) DISCLOSE TO THE DIRECTOR ANY SUSPENSION OR
17 REVOCATION OF A LICENSE, REGISTRATION, OR CERTIFICATION TO
18 PRACTICE MORTUARY SCIENCE IN ANOTHER STATE OR SIGN AN AFFIDAVIT
19 MADE UNDER PENALTY OF PERJURY THAT ATTESTS THAT THE APPLICANT
20 DOES NOT HAVE A LICENSE, REGISTRATION, OR CERTIFICATION TO
21 PRACTICE MORTUARY SCIENCE UNDER SUSPENSION OR REVOCATION IN
22 ANOTHER STATE.

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

25 (I) SEND THE APPLICANT A WRITTEN STATEMENT OF THE REASONS
26 THE LICENSE IS DENIED;

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

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

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

6 (4) (a) AN INDIVIDUAL PRACTICING AS A FUNERAL DIRECTOR,
7 MORTUARY SCIENCE PRACTITIONER, EMBALMER, CREMATIONIST, OR
8 NATURAL REDUCTIONIST BEFORE JANUARY 1, 2026, WHO DOES NOT MEET
9 THE REQUIREMENTS SET FORTH IN SECTION 12-135-603, 12-135-703,
10 12-135-803, OR 12-135-903, RESPECTIVELY, MAY APPLY FOR A
11 PROVISIONAL LICENSE TO ALLOW THE INDIVIDUAL TO CONTINUE
12 PRACTICING AS A MORTUARY SCIENCE PROFESSIONAL. THE INDIVIDUAL
13 MUST FILE AN APPLICATION FOR A PROVISIONAL LICENSE WITH, AND PAY
14 THE REQUIRED APPLICATION FEE TO, THE DIRECTOR NO LATER THAN
15 JANUARY 1, 2026.

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

18 (I) HAS OBTAINED AT LEAST SIX THOUSAND FIVE HUNDRED HOURS
19 OF WORK EXPERIENCE EQUIVALENT TO THE WORK PERFORMED BY A
20 FUNERAL DIRECTOR, MORTUARY SCIENCE PRACTITIONER, EMBALMER,
21 CREMATIONIST, OR NATURAL REDUCTIONIST, AS APPLICABLE, BEFORE
22 JANUARY 1, 2026;

23 (II) HAS SERVED AN APPRENTICESHIP, AS DEFINED BY THE
24 DIRECTOR IN RULE, OF ONE YEAR OR LONGER THAT MAY BE SERVED
25 CONCURRENTLY WHILE ATTENDING MORTUARY SCIENCE SCHOOL; AND

26 (III) HAS OBTAINED A CRIMINAL HISTORY RECORD CHECK IN
27 ACCORDANCE WITH SECTION 12-135-502 AND DOES NOT HAVE A

1 DISQUALIFYING CRIMINAL HISTORY OR OTHER DISQUALIFIER PURSUANT TO
2 SECTION 12-135-503.

3 (c) A PROVISIONAL LICENSE ISSUED PURSUANT TO THIS
4 SUBSECTION (4) EXPIRES ANNUALLY AND MAY BE RENEWED IN
5 ACCORDANCE WITH THE RULES OF THE DIRECTOR.

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

9 (e) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JANUARY 1,
10 2031.

11 (5) AN INDIVIDUAL WHO HAS HELD A PROVISIONAL LICENSE FOR A
12 PERIOD OF NOT LESS THAN TWENTY-FOUR MONTHS AND WHO HAS NOT
13 BEEN SUBJECT TO DISCIPLINE QUALIFIES FOR FULL LICENSURE UNDER THIS
14 PART 5, NOTWITHSTANDING SECTION 12-135-603, 12-135-703,
15 12-135-803, OR 12-135-903, FOR THE SAME PRACTICE AS LISTED ON THE
16 INDIVIDUAL'S PROVISIONAL LICENSE.

17 **12-135-502. Criminal history record checks.** (1) AN APPLICANT
18 FOR A LICENSE ISSUED PURSUANT TO THIS PART 5 SHALL SUBMIT TO A
19 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT
20 MUST PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED
21 CRIMINAL HISTORY RECORD CHECK.

22 (2) AFTER SUBMITTING AN APPLICATION FOR A LICENSE, THE
23 APPLICANT SHALL HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A
24 LOCAL LAW ENFORCEMENT AGENCY OR A THIRD PARTY APPROVED BY THE
25 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING
26 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT
27 MUST AUTHORIZE THE ENTITY TAKING THE APPLICANT'S FINGERPRINTS TO

1 SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE
2 APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION
3 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
4 HISTORY RECORD CHECK.

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

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

20 (5) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN
21 THE RESULTS OF ITS FINGERPRINT-BASED CRIMINAL HISTORY RECORD
22 CHECK TO THE DIRECTOR, AND THE DIRECTOR IS AUTHORIZED TO RECEIVE
23 THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S CRIMINAL
24 HISTORY RECORD CHECK. THE DIRECTOR SHALL USE THE INFORMATION
25 RESULTING FROM THE CRIMINAL HISTORY RECORD CHECKS TO
26 INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO
27 HOLD A LICENSE PURSUANT TO THIS PART 5.

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

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

14 **12-135-503. Criminal history - rules.** (1) SUBJECT TO SECTION
15 24-5-101, AN APPLICANT FOR A LICENSE UNDER THIS PART 5 HAS A
16 DISQUALIFYING CRIMINAL HISTORY IF THE APPLICANT HAS BEEN
17 CONVICTED OF, PLEAD GUILTY TO, OR PLEAD NOLO CONTENDERE TO:

18 (a) A FELONY COMMITTED IN THE COURSE OF AND RELATED TO
19 PRACTICING AS, INTERNING AS, OR APPRENTICING AS A FUNERAL
20 DIRECTOR, A MORTUARY SCIENCE PRACTITIONER, AN EMBALMER, A
21 CREMATIONIST, OR A NATURAL REDUCTIONIST;

22 (b) A FELONY COMMITTED IN THE COURSE OF AND RELATED TO
23 BEING AN EMPLOYEE OF OR BEING AN AGENT OF A FUNERAL
24 ESTABLISHMENT REGISTERED IN ACCORDANCE WITH SECTION 12-135-110
25 OR OF A CREMATORY REGISTERED IN ACCORDANCE WITH SECTION
26 12-135-303;

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

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

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

5 (2) THE DIRECTOR MAY PROMULGATE RULES TO CATEGORIZE A
6 VIOLATION OF ANY OF THE FOLLOWING AS DISQUALIFYING AN APPLICANT
7 FOR A LICENSE UNDER THIS PART 5:

8 (a) ARTICLE 140 OF THIS TITLE 12;

9 (b) ARTICLE 15 OF TITLE 10; OR

10 (c) TITLE 6.

11 **12-135-504. License expiration - continuing education - rules.**

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

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

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

21 (II) ONE HOUR COVERING APPLICABLE ETHICS; AND

22 (III) ONE HOUR COVERING PUBLIC HEALTH REQUIREMENTS, SUCH
23 AS UNIVERSAL PRECAUTIONS.

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

26 (A) THE BASIC REQUIREMENTS FOR CONTINUING EDUCATION;

27 (B) APPROVAL OF QUALIFYING CONTINUING EDUCATION CLASSES

1 OR PROVIDERS; AND

2 (C) A SYSTEM OF REPORTING.

3 (II) IN ADOPTING THE RULES REQUIRED BY THIS SUBSECTION (2)(b),
4 THE DIRECTOR SHALL ALLOW FOR A VARIETY OF METHODS OF DELIVERY OF
5 QUALIFYING CONTINUING EDUCATION CLASSES, INCLUDING IN-PERSON,
6 REMOTE, AND RECORDED CLASSES, TO COMPLY WITH THE CONTINUING
7 EDUCATION REQUIREMENTS OF THIS SUBSECTION (2).

8 **12-135-505. Not required to be licensed.** (1) THIS PART 5 DOES
9 NOT REQUIRE THE FOLLOWING INDIVIDUALS TO BE LICENSED UNDER THIS
10 PART 5:

- 11 (a) A FUNERAL ESTABLISHMENT'S CLERICAL STAFF;
- 12 (b) A DRIVER WHO TRANSFERS DECEASED HUMANS TO OR FROM A
13 FUNERAL ESTABLISHMENT;
- 14 (c) AN INDIVIDUAL LICENSED PURSUANT TO ARTICLE 105 OF THIS
15 TITLE 12;
- 16 (d) COURIERS; AND
- 17 (e) PRENEED CONTRACT COUNSELORS.

18 **12-135-506. Title protection.** (1) [Formerly 12-135-111 (1)] A
19 person shall not advertise, represent, or hold ~~himself or herself~~ THEMSELF
20 out as or use the title of a "mortuary science practitioner" unless the
21 person HOLDS A MORTUARY SCIENCE PRACTITIONER LICENSE ISSUED IN
22 ACCORDANCE WITH SECTION 12-135-501.

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

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

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

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

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

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

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

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

18 (3) [Formerly 12-135-111 (3)] A person shall not advertise,
19 represent, or hold oneself THEMSELF out as or use the title of an
20 "embalmer" unless the applicant: PERSON HOLDS AN EMBALMER LICENSE
21 ISSUED IN ACCORDANCE WITH SECTION 12-135-501.

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

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

25 (4) [Formerly 12-135-304] A person shall not advertise, represent,
26 or hold oneself THEMSELF out as or use the title of a "cremationist" unless
27 the applicant has at least five hundred hours practicing or interning as a

1 ~~cremationist and has cremated at least fifty human remains~~ PERSON HOLDS
2 A CREMATIONIST LICENSE ISSUED IN ACCORDANCE WITH SECTION
3 12-135-501.

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

8 **12-135-507. Disciplinary proceedings - investigations -**
9 **hearings - judicial review - fines.** (1) (a) THE DIRECTOR MAY
10 INVESTIGATE, HOLD HEARINGS, AND GATHER EVIDENCE IN ALL MATTERS
11 RELATED TO THE EXERCISE AND PERFORMANCE OF THE POWERS AND
12 DUTIES OF THE DIRECTOR PURSUANT TO SECTION 12-20-403, THIS ARTICLE
13 135, AND ARTICLE 4 OF TITLE 24.

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

16 (I) THE COMPLAINT IS WITHOUT MERIT AND NO FURTHER ACTION
17 IS NEEDED;

18 (II) REASONABLE CAUSE TO WARRANT FURTHER ACTION DOES NOT
19 EXIST;

20 (III) THE LICENSEE ENGAGED IN CONDUCT THAT DOES NOT
21 WARRANT FORMAL ACTION BUT THAT SHOULD NOT BE DISMISSED AS BEING
22 WITHOUT MERIT; OR

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

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

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

6 (3) (a) THE DIRECTOR MAY COMMENCE A DISCIPLINARY
7 PROCEEDING WHEN THE DIRECTOR HAS REASONABLE GROUNDS TO
8 CONCLUDE THAT A LICENSEE HAS COMMITTED AN ACT OR OMISSION
9 DESCRIBED IN SECTION 12-135-508 OR AN ACT THAT VIOLATES THIS
10 ARTICLE 135 OR A RULE PROMULGATED UNDER THIS ARTICLE 135.

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

13 (c) IF THE DIRECTOR FINDS, IN ACCORDANCE WITH ARTICLE 4 OF
14 TITLE 24, THE CHARGES PROVEN AND ORDERS THAT DISCIPLINE BE
15 IMPOSED, THE DIRECTOR SHALL DETERMINE THE EXTENT OF THE
16 DISCIPLINE.

17 (d) IF THE DIRECTOR FINDS THE CHARGES AGAINST THE LICENSEE
18 PROVEN AND ORDERS THAT DISCIPLINE BE IMPOSED, THE DIRECTOR MAY
19 REQUIRE, AS A CONDITION TO REINSTATE A SUSPENDED, REVOKED, OR
20 DENIED LICENSE, THAT THE LICENSEE TAKE COURSES OF TRAINING OR
21 FURTHER EDUCATION AS MAY BE NEEDED TO CORRECT A DEFICIENCY.

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

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

26 (5) IF A PERSON COMMITS AN ACT THAT VIOLATES THIS ARTICLE
27 135 OR A RULE PROMULGATED UNDER THIS ARTICLE 135, THE DIRECTOR

1 MAY IMPOSE A FINE NOT TO EXCEED FIVE THOUSAND DOLLARS PER
2 VIOLATION. EACH DAY OF A CONTINUING VIOLATION CONSTITUTES A
3 SEPARATE VIOLATION.

4 (6) THE DIRECTOR MAY DISCIPLINE AN APPLICANT OR LICENSEE
5 FOR AN ACT OR OMISSION THAT IS GROUNDS FOR DISCIPLINE AND THAT IS
6 COMMITTED IN CONNECTION WITH THE PRACTICE OF THE APPLICANT OR
7 LICENSEE BY A PERSON WHO:

8 (a) IS AN OFFICER OF, DIRECTOR OF, MEMBER OF, OR PARTNER OF
9 THE APPLICANT OR LICENSEE;

10 (b) HAS MANAGING OR CONTROLLING AUTHORITY OF THE
11 APPLICANT OR LICENSEE; OR

12 (c) IS AN EMPLOYEE OR CONTRACTOR OF THE APPLICANT OR
13 LICENSEE.

14 **12-135-508. Grounds for discipline.** (1) THE DIRECTOR MAY
15 TAKE DISCIPLINARY ACTION IN ACCORDANCE WITH SECTIONS 12-20-404,
16 12-135-401, AND 12-135-507 AGAINST AN APPLICANT OR LICENSEE WHO
17 HAS:

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

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

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

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

1 (1)(b), OR 12-135-903;

2 (e) FRAUDULENTLY OBTAINED OR FURNISHED OR AIDED AND
3 ABETTED ANOTHER PERSON IN FRAUDULENTLY OBTAINING OR FURNISHING:

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

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

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

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

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

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

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

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

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

22 (g) (I) BEEN CONVICTED OF, PLED GUILTY OR NOLO CONTENDERE
23 TO, OR RECEIVED A DEFERRED SENTENCE FOR A CRIME THAT RELATES TO
24 THE PRACTICE OF A MORTUARY SCIENCE PROFESSIONAL OR HAS
25 COMMITTED AN ACT THAT IS A CRIME AND THAT RELATES TO THE PRACTICE
26 OF A MORTUARY SCIENCE PROFESSIONAL.

27 (II) FOR THE PURPOSES OF SUBSECTION (1)(g)(I) OF THIS SECTION,

1 A CERTIFIED COPY OF A DOCUMENT FROM A COURT OF COMPETENT
2 JURISDICTION DOCUMENTING A CONVICTION OR ENTRY OF A PLEA IS
3 CONCLUSIVE EVIDENCE OF THE CONVICTION OR THE PLEA. IN CONSIDERING
4 A DISCIPLINARY ACTION, THE DIRECTOR SHALL BE GOVERNED BY SECTIONS
5 12-20-202 (5) AND 24-5-101.

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

10 (i) VIOLATED OR AIDED OR ABETTED A VIOLATION OF THIS ARTICLE
11 135, ARTICLE 20 OR 30 OF THIS TITLE 12, A RULE ADOPTED UNDER THIS
12 ARTICLE 135, OR AN ORDER OF THE DIRECTOR;

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

20 (k) COMMITTED AN ACT THAT DOES NOT MEET, OR FAILED TO
21 PERFORM AN ACT NECESSARY TO MEET, GENERALLY ACCEPTED
22 STANDARDS OF MORTUARY SCIENCE;

23 (l) USED FRAUDULENT, COERCIVE, OR DISHONEST PRACTICES, OR
24 DEMONSTRATED INCOMPETENCE OR UNTRUSTWORTHINESS, IN THIS STATE
25 OR ELSEWHERE;

26 (m) DISINFECTED, PRESERVED, OR MADE FINAL DISPOSITION OF
27 HUMAN REMAINS WITH KNOWLEDGE SUFFICIENT TO AROUSE A

1 REASONABLE SUSPICION OF A CRIME IN CONNECTION WITH THE CAUSE OF
2 DEATH OF THE DECEDENT UNLESS THE LICENSEE HAS OBTAINED THE
3 PERMISSION OF THE CORONER, THE DEPUTY CORONER, OR, IF THERE IS NO
4 CORONER, THE DISTRICT ATTORNEY;

5 (n) DISCRIMINATED BECAUSE OF RACE, CREED, COLOR, RELIGION,
6 DISABILITY, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER
7 EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, AGE, OR ANCESTRY IN
8 THE PROVISION OF FUNERAL SERVICES OR THE SERVICES OF A MORTUARY
9 SCIENCE PROFESSIONAL;

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

15 (p) PAID OR PROVIDED BENEFITS IN A MANNER THAT DEPRIVES THE
16 NEXT OF KIN OR LEGAL REPRESENTATIVE OF THE RIGHT TO USE THOSE
17 PAYMENTS OR BENEFITS AT A FUNERAL ESTABLISHMENT OF THE
18 CUSTOMER'S CHOICE;

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

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

26 (s) TOLD A PERSON THAT A CASKET WAS REQUIRED WHEN THE
27 EXPRESSED WISH OF THE DECEDENT, NEXT OF KIN, OR LEGAL

1 REPRESENTATIVE WAS FOR IMMEDIATE CREMATION;

2 (t) EMBALMED, NATURALLY REDUCED, OR CREMATED HUMAN
3 REMAINS WITHOUT OBTAINING PERMISSION FROM THE PERSON WITH THE
4 RIGHT OF FINAL DISPOSITION, UNLESS OTHERWISE REQUIRED BY SECTION
5 12-135-106;

6 (u) PROHIBITED, HINDERED, OR RESTRICTED OR ATTEMPTED TO
7 PROHIBIT, HINDER, OR RESTRICT:

8 (I) A PERSON FROM OFFERING OR ADVERTISING IMMEDIATE
9 CREMATION, IMMEDIATE NATURAL REDUCTION, ADVANCE FUNERAL
10 ARRANGEMENTS, OR LOW-COST FUNERALS;

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

13 (III) A FUNERAL SERVICE INDUSTRY MEMBER FROM DISCLOSING
14 ACCURATE INFORMATION CONCERNING FUNERAL MERCHANDISE AND
15 SERVICES;

16 (v) ENGAGED IN WILLFULLY DISHONEST CONDUCT;

17 (w) COMMITTED NEGLIGENCE THAT DEFRAUDED OR CAUSED
18 INJURY OR WAS LIKELY TO DEFRAUD OR CAUSE INJURY IN THE PRACTICE OF
19 CREMATION, NATURAL REDUCTION, EMBALMING, FUNERAL DIRECTING, OR
20 PROVIDING FOR FINAL DISPOSITION;

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

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

27 (I) THE CREMAINS OF MORE THAN ONE PERSON; EXCEPT AS

1 AUTHORIZED IN SECTION 12-135-109 (5);

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

5 (III) THE CREMAINS OF MORE THAN ONE PERSON WITHIN A
6 CREMATION CHAMBER; OR

7 (IV) THE HUMAN REMAINS OF MORE THAN ONE PERSON WITHIN A
8 CONTAINER USED TO NATURALLY REDUCE HUMAN REMAINS TO PRODUCE
9 SOIL; OR

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

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

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

23 **12-135-509. Liberal construction.** THIS PART 5 AND PARTS 6 TO
24 9 OF THIS ARTICLE 135 MUST BE LIBERALLY CONSTRUED TO EFFECTUATE
25 THEIR PURPOSES AND TO PROTECT CONSUMERS.

26 **12-135-510. Repeal of part.** THIS PART 5 AND PARTS 6 TO 9 OF
27 THIS ARTICLE 135 ARE REPEALED, EFFECTIVE SEPTEMBER 1, 2031. BEFORE

1 THE REPEAL, THIS PART 5 AND PARTS 6 TO 9 OF THIS ARTICLE 135 ARE
2 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

3 PART 6
4 FUNERAL DIRECTORS

5 **12-135-601. Practice of a funeral director described -**
6 **definition.** (1) AS USED IN THIS PART 6, "SERVICES CONCERNING THE
7 FINAL DISPOSITION OF HUMAN REMAINS" INCLUDES FUNERAL SERVICES,
8 EMBALMING, CREMATION, NATURAL REDUCTION, AND REMOVAL OF
9 HUMAN REMAINS FROM THE STATE.

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

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

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

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

23 (IV) DIRECTLY OR INDIRECTLY DIRECTING, BEING IN CHARGE OR
24 APPARENT CHARGE OF, SUPERVISING, OR OFFERING TO DIRECT, BE IN
25 CHARGE OF, OR SUPERVISE:

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

27 (B) A FUNERAL SERVICE; OR

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

3 (V) MANAGING OR SUPERVISING THE OPERATION OF A FUNERAL
4 ESTABLISHMENT, EXCEPT FOR ADMINISTRATIVE MATTERS, SUCH AS
5 BUDGETING, ACCOUNTING AND PERSONNEL, MAINTENANCE OF BUILDINGS,
6 EQUIPMENT, AND GROUNDS, AND ROUTINE CLERICAL AND
7 RECORD-KEEPING FUNCTIONS; OR

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

9 (A) THE WORD "FUNERAL DIRECTOR", "UNDERTAKER", OR
10 "MORTICIAN"; OR

11 (B) A WORD, TITLE, OR COMBINATION OF WORDS, TITLES, OR
12 PICTURES THAT WHEN CONSIDERED IN THE CONTEXT IN WHICH THEY ARE
13 USED WOULD IMPLY THAT THE PERSON IS ENGAGED IN THE PRACTICE OF A
14 FUNERAL DIRECTOR OR THAT THE PERSON IS HOLDING THEMSELF OUT TO
15 THE PUBLIC AS BEING ENGAGED IN THE PRACTICE OF A FUNERAL DIRECTOR.

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

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

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

27 (a) (I) TRANSMITTING, BY TELEPHONE, BY FAX, OR

- 1 ELECTRONICALLY, OBITUARY NOTICES;
- 2 (II) ORDERING FLOWERS OR MERCHANDISE;
- 3 (III) DELIVERING DEATH CERTIFICATES TO ATTENDING
4 PHYSICIANS;
- 5 (IV) CLERICAL PREPARATION AND PROCESSING OF DEATH
6 CERTIFICATES, INSURANCE FORMS, AND ANY CLERICAL TASKS THAT
7 RECORD THE INFORMATION COMPILED BY THE FUNERAL DIRECTOR; OR
- 8 (V) AN ACT THAT IS INCIDENTAL TO ANY OF THE FUNCTIONS
9 SPECIFIED IN THIS SUBSECTION (3)(a);
- 10 (b) FURNISHING STANDARD, PRINTED PRICE LISTS AND DISCLOSURE
11 INFORMATION TO THE PUBLIC BY PROVIDING THE INFORMATION TO
12 PERSONS MAKING AN INQUIRY;
- 13 (c) ARRANGING, COORDINATING, OR EMPLOYING LICENSED
14 REMOVAL SERVICES, LICENSED REFRIGERATION FACILITIES, OR LICENSED
15 CENTRALIZED EMBALMING FACILITIES;
- 16 (d) ANY ASPECT OF MAKING PRENEED FUNERAL ARRANGEMENTS
17 OR ENTERING INTO PRENEED CONTRACTS; OR
- 18 (e) FUNCTIONS NORMALLY PERFORMED BY CEMETERY OR
19 CREMATORY PERSONNEL.

20 **12-135-602. License required.** ON AND AFTER JANUARY 1, 2026,
21 AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF A FUNERAL DIRECTOR
22 MUST BE LICENSED BY THE DIRECTOR AS A FUNERAL DIRECTOR OR
23 MORTUARY SCIENCE PRACTITIONER IN ACCORDANCE WITH PART 5 OF THIS
24 ARTICLE 135 AND THIS PART 6 OR PART 7 OF THIS ARTICLE 135, AS
25 APPLICABLE.

26 **12-135-603. Qualifications - examination - licensure- rules.**
27 (1) IN ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION

1 12-135-501 (3), TO BE QUALIFIED TO OBTAIN A FUNERAL DIRECTOR
2 LICENSE, AN APPLICANT MUST:

3 (a) HAVE GRADUATED FROM AN APPROVED MORTUARY SCIENCE
4 SCHOOL;

5 (b) HAVE SUCCESSFULLY PASSED THE ARTS SECTION OF THE
6 NATIONAL BOARD EXAMINATION ADMINISTERED BY THE INTERNATIONAL
7 CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS OR BY A
8 SUCCESSOR ORGANIZATION THAT IS APPROVED BY THE DIRECTOR; AND

9 (c) HAVE SERVED AN APPRENTICESHIP, AS DEFINED BY THE
10 DIRECTOR IN RULE, OF ONE YEAR OR LONGER THAT MAY BE SERVED
11 CONCURRENTLY WHILE ATTENDING MORTUARY SCIENCE SCHOOL.

12 PART 7

13 MORTUARY SCIENCE PRACTITIONERS

14 **12-135-701. Practice of a mortuary science practitioner**

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

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

20 (b) THE PRACTICE OF AN EMBALMER AS DESCRIBED IN SECTION
21 12-135-801 (1);

22 (c) THE PRACTICE OF A CREMATIONIST AS DESCRIBED IN SECTION
23 12-135-901 (1);

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

26 (e) USING ANY WORD OR ABBREVIATION TO INDICATE OR INDUCE
27 OTHERS TO BELIEVE THAT ONE IS LICENSED TO PRACTICE AS A MORTUARY

1 SCIENCE PRACTITIONER.

2 **12-135-702. License required.** ON AND AFTER JANUARY 1, 2026,
3 EXCEPT AS OTHERWISE PROVIDED IN PART 6, 8, OR 9 OF THIS ARTICLE 135,
4 AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF A MORTUARY SCIENCE
5 PRACTITIONER MUST BE LICENSED BY THE DIRECTOR AS A MORTUARY
6 SCIENCE PRACTITIONER IN ACCORDANCE WITH THIS PART 7 AND PART 5 OF
7 THIS ARTICLE 135.

8 **12-135-703. Qualifications - examination - licensure - rules.**

9 (1) IN ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION
10 12-135-501 (3), TO BE QUALIFIED TO OBTAIN A MORTUARY SCIENCE
11 PRACTITIONER LICENSE, THE APPLICANT MUST:

12 (a) HAVE GRADUATED FROM AN APPROVED MORTUARY SCIENCE
13 SCHOOL;

14 (b) HAVE SUCCESSFULLY PASSED BOTH THE ARTS AND SCIENCE
15 SECTIONS OF THE NATIONAL BOARD EXAMINATION ADMINISTERED BY THE
16 INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS
17 OR BY A SUCCESSOR ORGANIZATION THAT IS APPROVED BY THE DIRECTOR;
18 AND

19 (c) HAVE SERVED AN APPRENTICESHIP, AS DEFINED BY THE
20 DIRECTOR IN RULE, OF ONE YEAR OR LONGER THAT MAY BE SERVED
21 CONCURRENTLY WHILE ATTENDING MORTUARY SCIENCE SCHOOL.

22 PART 8

23 EMBALMERS

24 **12-135-801. Practice of an embalmer described.** (1) THE
25 PRACTICE OF AN EMBALMER CONSISTS OF ENGAGING IN, OFFERING TO
26 ENGAGE IN, OR ATTEMPTING TO ENGAGE IN THE FOLLOWING ACTS FOR
27 COMPENSATION:

1 (a) TEMPORARILY DISINFECTING AND PRESERVING HUMAN
2 REMAINS BY CHEMICALLY TREATING THE HUMAN REMAINS TO:

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

4 (II) RETARD ORGANIC DECOMPOSITION;

5 (b) DISINFECTING AND PRESERVING HUMAN REMAINS BY THE USE
6 OF OR APPLICATION OF CHEMICAL SUBSTANCES THAT ARE ORDINARILY
7 USED FOR, PREPARED FOR, OR INTENDED FOR DISINFECTION OR
8 PRESERVATION BY:

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

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

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

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

17 (a) SETTING FEATURES FOR THE PURPOSE OF IDENTIFYING
18 UNEMBALMED HUMAN REMAINS; OR

19 (b) DISINFECTING HUMAN REMAINS THROUGH NONARTERIAL
20 METHODS.

21 **12-135-802. License required.** ON AND AFTER JANUARY 1, 2026,
22 EXCEPT AS PROVIDED IN PART 7 OF THIS ARTICLE 135, AN INDIVIDUAL WHO
23 ENGAGES IN THE PRACTICE OF AN EMBALMER MUST BE LICENSED BY THE
24 DIRECTOR AS AN EMBALMER IN ACCORDANCE WITH THIS PART 8 AND PART
25 5 OF THIS ARTICLE 135.

26 **12-135-803. Qualifications - examination - licensure - rules.**

27 (1) IN ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION

1 12-135-501 (3), TO BE QUALIFIED TO OBTAIN AN EMBALMER LICENSE, THE
2 APPLICANT MUST:

3 (a) HAVE GRADUATED FROM AN APPROVED MORTUARY SCIENCE
4 SCHOOL;

5 (b) HAVE SUCCESSFULLY PASSED THE SCIENCE SECTION OF THE
6 NATIONAL BOARD EXAMINATION ADMINISTERED BY THE INTERNATIONAL
7 CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS OR BY A
8 SUCCESSOR ORGANIZATION THAT IS APPROVED BY THE DIRECTOR; AND

9 (c) HAVE SERVED AN APPRENTICESHIP, AS DEFINED BY THE
10 DIRECTOR IN RULE, OF ONE YEAR OR LONGER THAT MAY BE SERVED
11 CONCURRENTLY WHILE ATTENDING MORTUARY SCIENCE SCHOOL.

12 PART 9

13 CREMATIONISTS AND NATURAL REDUCTIONISTS

14 **12-135-901. Practice of a cremationist described - practice of**
15 **a natural reductionist described.** (1) THE PRACTICE OF A CREMATIONIST
16 CONSISTS OF ENGAGING IN, OFFERING TO ENGAGE IN, OR ATTEMPTING TO
17 ENGAGE IN THE FOLLOWING ACTS FOR COMPENSATION:

18 (a) PREPARING HUMAN REMAINS FOR CREMATION;

19 (b) CREMATING HUMAN REMAINS; OR

20 (c) USING ANY WORD OR ABBREVIATION TO INDICATE OR INDUCE
21 OTHERS TO BELIEVE THAT ONE IS LICENSED TO PRACTICE AS A
22 CREMATIONIST.

23 (2) THE PRACTICE OF A NATURAL REDUCTIONIST CONSISTS OF
24 ENGAGING IN, OFFERING TO ENGAGE IN, OR ATTEMPTING TO ENGAGE IN
25 THE FOLLOWING ACTS FOR COMPENSATION:

26 (a) PREPARING HUMAN REMAINS FOR NATURAL REDUCTION;

27 (b) NATURAL REDUCTION OF HUMAN REMAINS; OR

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

4 **12-135-902. License required.** (1) ON AND AFTER JANUARY 1,
5 2026, EXCEPT AS PROVIDED IN PART 7 OF THIS ARTICLE 135:

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

9 (b) AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF A NATURAL
10 REDUCTIONIST MUST BE LICENSED BY THE DIRECTOR AS A NATURAL
11 REDUCTION REDUCTIONIST IN ACCORDANCE WITH THIS PART 9 AND PART
12 5 OF THIS ARTICLE 135.

13 **12-135-903. Qualifications - examinations - rules.** (1) IN
14 ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION 12-135-501 (3),
15 TO BE QUALIFIED TO OBTAIN A CREMATIONIST LICENSE, THE APPLICANT
16 MUST HAVE RECEIVED OFFICIAL CERTIFICATION AS A CREMATORY
17 OPERATOR FROM THE CREMATION ASSOCIATION OF NORTH AMERICA, THE
18 INTERNATIONAL CEMETERY, CREMATION AND FUNERAL ASSOCIATION, OR
19 A SUCCESSOR ORGANIZATION THAT IS APPROVED BY THE DIRECTOR.

20 (2) IN ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION
21 12-135-501 (3), TO BE QUALIFIED TO OBTAIN A NATURAL REDUCTIONIST
22 LICENSE, THE APPLICANT MUST HAVE RECEIVED OFFICIAL CERTIFICATION
23 AS A NATURAL REDUCTIONIST FROM THE CREMATION ASSOCIATION OF
24 NORTH AMERICA, THE INTERNATIONAL CEMETERY, CREMATION AND
25 FUNERAL ASSOCIATION, OR A SUCCESSOR ORGANIZATION THAT IS
26 APPROVED BY THE DIRECTOR.

27 **SECTION 3. Repeal of relocated and nonrelocated provisions**

1 **in this act.** In Colorado Revised Statutes, **repeal** 12-135-111 and
2 12-135-304; except that 12-135-111 (4) is not relocated.

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

5 **12-20-204. Regulator's rule-making authority.** (2) Subsection
6 (1) of this section does not apply to the following:

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

8 (c) ~~Article 135 of this title 12 concerning mortuaries and~~
9 ~~crematories; and~~

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

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

14 (III) ~~Article 135 of this title 12 concerning mortuaries and~~
15 ~~crematories;~~

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

18 **12-135-110. Registration required.** (3) Each funeral
19 establishment shall appoint an individual as the designee of the funeral
20 establishment. A designee ~~shall~~ MUST:

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

23 (e) Not be designated for more than one funeral establishment
24 unless the additional establishment is operated under common ownership
25 and management and no funeral establishment is more than sixty miles
26 from another establishment held under the same ownership conditions;

27 AND

1 (f) (I) BE LICENSED AS A FUNERAL DIRECTOR PURSUANT TO
2 SECTION 12-135-501 AND PART 6 OF THIS ARTICLE 135; OR

3 (II) BE LICENSED AS A MORTUARY SCIENCE PRACTITIONER
4 PURSUANT TO SECTION 12-135-501 AND PART 7 OF THIS ARTICLE 135.

5 (4) The designee shall require each person employed at the funeral
6 establishment to demonstrate evidence of compliance with ~~section~~
7 ~~12-135-111~~ PARTS 5 TO 9 OF THIS ARTICLE 135, AS APPLICABLE. The
8 designee shall retain the records of the evidence of compliance so long as
9 the person is employed at the funeral establishment.

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

12 **12-135-303. Registration required.** (4) The designee shall
13 require each person employed at the crematory to demonstrate evidence
14 of compliance with ~~section 12-135-304~~ PARTS 5 TO 9 OF THIS ARTICLE
15 135, AS APPLICABLE. The designee shall retain the records of the evidence
16 of compliance so long as the person is employed at the crematory.

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

20 **12-135-401. Powers and duties of the director - rules.** (1) IN
21 CONNECTION WITH A LICENSE ISSUED PURSUANT TO PART 5 OF THIS
22 ARTICLE 135 OR A REGISTRATION ISSUED PURSUANT TO SECTION
23 12-135-110 OR 12-135-303, the director may deny, suspend, refuse to
24 renew, or revoke a license or registration pursuant to section 12-20-404
25 (1)(d); issue and send, by ~~certified~~ ELECTRONIC mail, a letter of
26 admonition to ~~a funeral establishment or crematory~~ THE LICENSEE OR
27 REGISTRANT under the circumstances specified in and in accordance with

1 section 12-20-404 (4); issue a confidential letter of concern to ~~a funeral~~
2 ~~establishment or crematory~~ THE LICENSEE OR REGISTRANT under the
3 circumstance specified in section 12-20-404 (5); place ~~a registered funeral~~
4 ~~establishment or crematory~~ THE LICENSEE OR REGISTRANT on probation
5 pursuant to section 12-20-404 (1)(b); or limit the scope of practice of the
6 registration of ~~a funeral establishment or crematory~~ OR LICENSE under this
7 article 135 ~~that~~ IF THE LICENSEE OR REGISTRANT has:

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

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

16 (2) IN CONNECTION WITH A LICENSE ISSUED PURSUANT TO PART 5
17 OF THIS ARTICLE 135 OR A REGISTRATION ISSUED PURSUANT TO SECTION
18 12-135-110 OR 12-135-303, the director may deny or revoke a registration
19 OR LICENSE if the ~~funeral establishment, crematory,~~ LICENSEE,
20 REGISTRANT, or the designee ~~thereof~~ OF A REGISTRANT has been convicted
21 of a felony related to another activity regulated under this article 135 or
22 a felony of moral turpitude. The director shall promptly notify the ~~funeral~~
23 ~~establishment or crematory~~ LICENSEE OR REGISTRANT of the revocation.

24 (3) (a) The director may investigate the activities of a ~~funeral~~
25 ~~establishment or crematory~~ LICENSEE LICENSED PURSUANT TO PART 5 OF
26 THIS ARTICLE 135 OR A REGISTRANT REGISTERED PURSUANT TO SECTION
27 12-135-110 OR 12-135-303, upon the director's own initiative or upon

1 receipt of a complaint or a suspected or alleged violation of this article
2 135. The director may contract with a private party to perform an
3 inspection. To perform an inspection, the director or a private party with
4 whom the director contracts to perform the inspection may enter the
5 premises of a funeral establishment or crematory with full right of ingress
6 and egress during business hours.

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

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

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

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

23 (6) (a) The director may promulgate reasonable rules necessary to
24 implement this section, sections 12-135-110 ~~12-135-111~~, AND
25 12-135-303, ~~and 12-135-304~~, and this part 4, AND PARTS 5 TO 9 OF THIS
26 ARTICLE 135.

27 **SECTION 9.** In Colorado Revised Statutes, **amend** 12-135-402

1 as follows:

2 **12-135-402. Fees.** The director shall establish and collect the fees
3 for a registration issued under PARTS 1 AND 3 OF this article 135 pursuant
4 to section 12-20-105.

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

7 **12-135-404. Civil penalty - fines.** (1) On motion of the director,
8 the court may impose a civil penalty of not more than one thousand
9 dollars for a violation of PART 1 OR 3 OF this article 135 or a rule
10 promulgated under PART 1 OR 3 OF this article 135.

11 (2) In addition to any other penalty that may be imposed pursuant
12 to this section, a funeral establishment or crematory violating PART 1 OR
13 3 OF this article 135 or a rule promulgated pursuant to PART 1 OR 3 OF this
14 article 135 may be fined no less than one hundred dollars and no more
15 than five thousand dollars for each violation proven by the director.

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

18 **12-135-406. Repeal - subject to review.** Sections 12-135-110
19 ~~12-135-111~~, AND 12-135-303 and ~~12-135-304~~ and this part 4 are repealed,
20 effective July 1, 2024. Before the repeal, the regulation of persons
21 registered to practice cremation and mortuary science is scheduled for
22 review in accordance with section 24-34-104.

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

25 **24-34-104. General assembly review of regulatory agencies**
26 **and functions for repeal, continuation, or reestablishment - legislative**
27 **declaration - repeal.** (25) (a) The following agencies, functions, or both,

1 are scheduled for repeal on September 1, 2024:

2 (XIII) The regulation of persons registered to practice mortuary
3 science by ~~sections 12-135-110 and 12-135-111~~ SECTION 12-135-110 and
4 cremation by ~~sections 12-135-303 and 12-135-304~~ SECTION 12-135-303,
5 and the administration thereof in accordance with part 4 of article 135 of
6 title 12, and the regulation of nontransplant tissue banks by section
7 12-140-103;

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

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

12 **SECTION 13. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions.