

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

REVISED

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

LLS NO. 24-0082.02 Jery Payne x2157

SENATE BILL 24-173

SENATE SPONSORSHIP

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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.

HOUSE
Amended 2nd Reading
April 30, 2024

SENATE
3rd Reading Unamended
April 15, 2024

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, 2027, 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, 2027, 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, 2027.

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 HOLDS A PROVISIONAL LICENSE AND WHO
26 HAS NOT BEEN SUBJECT TO DISCIPLINE OBTAINS A FULL LICENSE UNDER
27 THIS ARTICLE 135 IF:

1 (I) THE INDIVIDUAL'S WORK HAS BEEN REVIEWED BY A QUALIFIED
2 PEER REVIEWER, AND THE INDIVIDUAL HAS RECEIVED THE WORKPLACE
3 LEARNING EXPERIENCE DESCRIBED IN SUBSECTION (4)(b)(II) OF THIS
4 SECTION;

5 (II) A QUALIFIED PEER REVIEWER CERTIFIES THAT THE INDIVIDUAL
6 HAS COMPLETED THE APPROPRIATE QUALIFICATION DESCRIBED IN
7 SUBSECTION (5)(b)(III) OF THIS SECTION IN COMPLIANCE WITH THIS
8 ARTICLE 135 AND RECOMMENDS THAT THE INDIVIDUAL BE ISSUED A FULL
9 LICENSE; AND

10 (III) (A) NOTWITHSTANDING SECTION 12-135-603, THE
11 INDIVIDUAL HAS DEMONSTRATED THAT THE INDIVIDUAL HAS DIRECTED NO
12 FEWER THAN TWENTY-FIVE FUNERALS;

13 (B) NOTWITHSTANDING SECTION 12-135-703, THE INDIVIDUAL HAS
14 DEMONSTRATED THAT THE INDIVIDUAL HAS DIRECTED NO FEWER THAN
15 TWENTY-FIVE FUNERALS AND EMBALMED NO FEWER THAN TWENTY-FIVE
16 HUMAN REMAINS; OR

17 (C) NOTWITHSTANDING SECTION 12-135-803, THE INDIVIDUAL HAS
18 DEMONSTRATED THAT THE INDIVIDUAL HAS EMBALMED NO FEWER THAN
19 TWENTY-FIVE HUMAN REMAINS.

20 (c) TO BE A QUALIFIED PEER REVIEWER FOR THE PURPOSES OF
21 SUBSECTION (5)(b) OF THIS SECTION, THE QUALIFIED PEER REVIEWER MUST
22 BE:

23 (I) APPROVED BY THE DIRECTOR PRIOR TO COMMENCING REVIEW
24 OF AN INDIVIDUAL'S WORK;

25 (II) A PRACTICING MORTUARY SCIENCE PRACTITIONER OR
26 PRACTICE IN THE SAME FIELD AS THE INDIVIDUAL BEING REVIEWED; AND

27 (III) (A) QUALIFIED FOR A FULL LICENSE UNDER THIS ARTICLE 135;

1 OR

2 (B) APPROVED BY THE DIRECTOR TO BE A PEER REVIEWER, WHICH
3 MAY INCLUDE AN INDIVIDUAL QUALIFIED FOR A PROVISIONAL LICENSE. A
4 PROVISIONAL LICENSEE THAT IS APPROVED TO BE A PEER REVIEWER BY THE
5 DIRECTOR MAY ALSO BE APPROVED FOR FULL LICENSURE WITHIN THE
6 PROFESSION FOR WHICH THEY WILL BE A PEER REVIEWER.

7 (d) (I) A QUALIFIED PEER REVIEWER SHALL REVIEW AND DISCUSS
8 EACH DOCUMENTED CASE WITH THE PROVISIONAL LICENSEE EITHER
9 VIRTUALLY OR IN PERSON, PROVIDE A REPORT TO THE PROVISIONAL
10 LICENSEE AND THE DIRECTOR DESCRIBING THE PROVISIONAL LICENSEE'S
11 WORK, AND ATTEST TO WHETHER THE PROVISIONAL LICENSEE COMPLETED
12 THE REQUIREMENTS DESCRIBED IN SUBSECTION (5)(b) OF THIS SECTION IN
13 COMPLIANCE WITH THIS ARTICLE 135 AND WHETHER THE PROVISIONAL
14 LICENSEE PRACTICED ETHICALLY AND EITHER RECOMMEND FULL
15 LICENSURE OR NOT RECOMMEND FULL LICENSURE.

16 (II) A QUALIFIED PEER REVIEWER MAY:

17 (A) SATISFY THE REQUIREMENTS OF THE REPORT VIRTUALLY;

18 (II) SUPERVISE AS MANY PROVISIONAL LICENSEES AS THE
19 REVIEWER HAS THE CAPACITY TO APPROPRIATELY SUPERVISE; OR

20 (III) BE CHOSEN BY THE PROVISIONAL LICENSEE.

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

27 (b) UPON RECEIVING A PETITION FOR WAIVER, THE DIRECTOR

1 SHALL DETERMINE IF A WAIVER IS APPROPRIATE AND EITHER ISSUE A
2 WAIVER ALLOWING THE APPLICANT TO TAKE THE NATIONAL BOARD
3 EXAMINATION OR A LETTER DETAILING WHY THE WAIVER IS NOT GRANTED.

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

7 (d) AN APPLICANT WHO RECEIVES A WAIVER AND PASSES THE
8 NATIONAL BOARD EXAMINATION IS DEEMED TO HAVE MET BOTH THE
9 EDUCATION AND EXAMINATION REQUIREMENTS FOR LICENSURE BUT MUST
10 ALSO MEET ALL OTHER REQUIREMENTS TO BE ISSUED A LICENSE UNDER
11 THIS PART 5.

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

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

27 (3) IF AN APPROVED THIRD PARTY TAKES THE PERSON'S

1 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
2 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN
3 EQUIPMENT. A THIRD-PARTY VENDOR SHALL NOT KEEP THE APPLICANT'S
4 INFORMATION FOR MORE THAN THIRTY DAYS.

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

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

23 (6) (a) WHEN THE FEDERAL BUREAU OF INVESTIGATION IS UNABLE
24 TO COMPLETE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
25 OF AN APPLICANT, THE COLORADO BUREAU OF INVESTIGATION SHALL
26 INFORM THE DIRECTOR, AND THE DIRECTOR MAY CONDUCT A CRIMINAL
27 HISTORY RECORD CHECK OF THE PERSON USING THE COLORADO BUREAU

1 OF INVESTIGATION'S RECORDS AS A SUBSTITUTE FOR THE
2 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK REQUIRED IN THIS
3 SECTION.

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

9 **12-135-503. Criminal history - rules.** (1) SUBJECT TO SECTION
10 24-5-101, A LICENSEE OR AN APPLICANT FOR A LICENSE UNDER THIS PART
11 5 HAS A DISQUALIFYING CRIMINAL HISTORY IF THE LICENSEE OR APPLICANT
12 HAS BEEN CONVICTED OF, PLEAD GUILTY TO, PLEAD NOLO CONTENDERE
13 TO, OR RECEIVED A DEFERRED SENTENCE FOR:

14 (a) A FELONY COMMITTED IN THE COURSE OF AND RELATED TO
15 PRACTICING AS, INTERNING AS, OR HAVING A WORKPLACE LEARNING
16 EXPERIENCE AS A FUNERAL DIRECTOR, A MORTUARY SCIENCE
17 PRACTITIONER, AN EMBALMER, A CREMATIONIST, OR A NATURAL
18 REDUCTIONIST;

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

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

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

26 (e) A VIOLATION OF A STATUTE OF ANOTHER STATE IF THE
27 VIOLATION IS SUBSTANTIALLY SIMILAR TO A VIOLATION LISTED IN

1 SUBSECTION (1)(a), (1)(b), (1)(c), (1)(d), OR (2) OF THIS SECTION.

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

5 (a) ARTICLE 140 OF THIS TITLE 12;

6 (b) ARTICLE 15 OF TITLE 10; OR

7 (c) TITLE 6.

8 **12-135-504. License expiration - continuing education - rules.**

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

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

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

18 (II) ONE HOUR COVERING APPLICABLE ETHICS; AND

19 (III) ONE HOUR COVERING PUBLIC HEALTH REQUIREMENTS, SUCH
20 AS UNIVERSAL PRECAUTIONS.

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

23 (A) THE BASIC REQUIREMENTS FOR CONTINUING EDUCATION;

24 (B) APPROVAL OF QUALIFYING CONTINUING EDUCATION CLASSES
25 OR PROVIDERS; AND

26 (C) A SYSTEM OF REPORTING.

27 (II) IN ADOPTING THE RULES REQUIRED BY THIS SUBSECTION (2)(b),

1 THE DIRECTOR SHALL ALLOW FOR A VARIETY OF METHODS OF DELIVERY OF
2 QUALIFYING CONTINUING EDUCATION CLASSES, INCLUDING IN-PERSON,
3 REMOTE, AND RECORDED CLASSES, TO COMPLY WITH THE CONTINUING
4 EDUCATION REQUIREMENTS OF THIS SUBSECTION (2).

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

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

16 **12-135-506. Title protection.** (1) [Formerly 12-135-111 (1)] A
17 person shall not advertise, represent, or hold ~~himself or herself~~ THEMSELF
18 out as or use the title of a "mortuary science practitioner" unless the
19 person HOLDS A MORTUARY SCIENCE PRACTITIONER LICENSE ISSUED IN
20 ACCORDANCE WITH SECTION 12-135-501.

- 21 ~~(a) Has at least two thousand hours practicing or interning as a~~
22 ~~mortuary science practitioner, including, without limitation, experience~~
23 ~~in cremation and embalming;~~
- 24 ~~(b) Has graduated with a certificate, diploma, or degree in~~
25 ~~mortuary science from:~~
 - 26 ~~(i) A program accredited by the American Board of Funeral~~
27 ~~Service Education or its successor, if the successor is approved by the~~

1 ~~director, and the program is part of a school of higher education; or~~

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

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

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

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

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

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

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

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

23 (4) [Formerly 12-135-304] A person shall not advertise, represent,
24 or hold oneself THEMSELF out as or use the title of a "cremationist" unless
25 the applicant has at least five hundred hours practicing or interning as a
26 cremationist and has cremated at least fifty human remains PERSON HOLDS
27 A CREMATIONIST LICENSE ISSUED IN ACCORDANCE WITH SECTION

1 12-135-501.

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

6 **12-135-507. Disciplinary proceedings - investigations -**
7 **hearings - judicial review - fines.** (1) (a) THE DIRECTOR MAY
8 INVESTIGATE, HOLD HEARINGS, AND GATHER EVIDENCE IN ALL MATTERS
9 RELATED TO THE EXERCISE AND PERFORMANCE OF THE POWERS AND
10 DUTIES OF THE DIRECTOR PURSUANT TO SECTION 12-20-403, THIS ARTICLE
11 135, AND ARTICLE 4 OF TITLE 24.

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

14 (I) THE COMPLAINT IS WITHOUT MERIT AND NO FURTHER ACTION
15 IS NEEDED;

16 (II) REASONABLE CAUSE TO WARRANT FURTHER ACTION DOES NOT
17 EXIST;

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

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

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

26 (2) AN EMPLOYER OF A MORTUARY SCIENCE PROFESSIONAL SHALL
27 REPORT TO THE DIRECTOR A TERMINATION, DISCIPLINARY ACTION, OR

1 RESIGNATION IN LIEU OF TERMINATION OR DISCIPLINARY ACTION IF THE
2 ACTION WAS TAKEN FOR CONDUCT THAT VIOLATES THIS ARTICLE 135 OR
3 A RULE PROMULGATED UNDER THIS ARTICLE 135.

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

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

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

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

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

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

24 (5) IF A PERSON COMMITS AN ACT THAT VIOLATES THIS ARTICLE
25 135 OR A RULE PROMULGATED UNDER THIS ARTICLE 135, THE DIRECTOR
26 MAY IMPOSE A FINE NOT TO EXCEED FIVE THOUSAND DOLLARS PER
27 VIOLATION. EACH DAY OF A CONTINUING VIOLATION CONSTITUTES A

1 SEPARATE VIOLATION.

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3 **12-135-508. Grounds for discipline.** (1) THE DIRECTOR MAY
4 TAKE DISCIPLINARY ACTION IN ACCORDANCE WITH SECTIONS 12-20-404,
5 12-135-401, AND 12-135-507 AGAINST AN APPLICANT OR LICENSEE WHO
6 HAS:

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

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

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

14 (d) ENGAGED IN FRAUD, MISREPRESENTATION, DECEPTION, OR
15 CHEATING IN TAKING OR FURNISHING THE RESULTS OF AN EXAMINATION
16 REQUIRED BY SECTION 12-135-603 (1)(b), 12-135-703 (1)(b), 12-135-803
17 (1)(b), OR 12-135-903;

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

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

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

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

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

26 (A) THE ENTRY OF A FINAL JUDGMENT BY A COURT IN FAVOR OF
27 ANOTHER PARTY AND AGAINST THE LICENSEE FOR MALPRACTICE OF

1 MORTUARY SCIENCE; OR

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

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

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

8 (B) FOR NOTICE OF A JUDGMENT, INCLUDE THE NAME OF THE
9 COURT, THE CASE NUMBER, AND THE NAMES OF ALL PARTIES TO THE
10 ACTION.

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

13 (II) FOR THE PURPOSES OF SUBSECTION (1)(g)(I) OF THIS SECTION,
14 A CERTIFIED COPY OF A DOCUMENT FROM A COURT OF COMPETENT
15 JURISDICTION DOCUMENTING A CONVICTION OR ENTRY OF A PLEA IS
16 CONCLUSIVE EVIDENCE OF THE CONVICTION OR THE PLEA. IN CONSIDERING
17 A DISCIPLINARY ACTION, THE DIRECTOR SHALL BE GOVERNED BY SECTIONS
18 12-20-202 (5) AND 24-5-101.

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

23 (i) VIOLATED OR AIDED OR ABETTED A VIOLATION OF THIS ARTICLE
24 135, ARTICLE 20 OR 30 OF THIS TITLE 12, A RULE ADOPTED UNDER THIS
25 ARTICLE 135, OR AN ORDER OF THE DIRECTOR;

26 (j) FAILED TO REPORT TO THE DIRECTOR THE SURRENDER OF A
27 LICENSE, CERTIFICATION, OR REGISTRATION TO, OR AN ADVERSE ACTION

1 TAKEN AGAINST A LICENSE, CERTIFICATION, OR REGISTRATION BY, A
2 GOVERNMENTAL AGENCY IN ANOTHER STATE, TERRITORY, OR COUNTRY,
3 A LAW ENFORCEMENT AGENCY, OR A COURT FOR ACTS THAT CONSTITUTE
4 GROUNDS FOR DISCIPLINE UNDER THIS ARTICLE 135 OR A RULE
5 PROMULGATED UNDER THIS ARTICLE 135;

6 (k) COMMITTED AN ACT THAT DOES NOT MEET, OR FAILED TO
7 PERFORM AN ACT NECESSARY TO MEET, GENERALLY ACCEPTED
8 STANDARDS OF MORTUARY SCIENCE;

9 (l) USED FRAUDULENT, COERCIVE, OR DISHONEST PRACTICES, OR
10 DEMONSTRATED INCOMPETENCE OR UNTRUSTWORTHINESS, IN THIS STATE
11 OR ELSEWHERE;

12 (m) DISINFECTED, PRESERVED, OR MADE FINAL DISPOSITION OF
13 HUMAN REMAINS WITH KNOWLEDGE SUFFICIENT TO AROUSE A
14 REASONABLE SUSPICION OF A CRIME IN CONNECTION WITH THE CAUSE OF
15 DEATH OF THE DECEDENT UNLESS THE LICENSEE HAS OBTAINED THE
16 PERMISSION OF THE CORONER, THE DEPUTY CORONER, OR, IF THERE IS NO
17 CORONER, THE DISTRICT ATTORNEY;

18 (n) DISCRIMINATED BECAUSE OF RACE, CREED, COLOR, RELIGION,
19 DISABILITY, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER
20 EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, AGE, OR ANCESTRY IN
21 THE PROVISION OF FUNERAL SERVICES OR THE SERVICES OF A MORTUARY
22 SCIENCE PROFESSIONAL;

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

1 (p) PAID OR PROVIDED BENEFITS IN A MANNER THAT DEPRIVES THE
2 NEXT OF KIN OR LEGAL REPRESENTATIVE OF THE RIGHT TO USE THOSE
3 PAYMENTS OR BENEFITS AT A FUNERAL ESTABLISHMENT OF THE
4 CUSTOMER'S CHOICE;

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

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

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

15 (t) EMBALMED, NATURALLY REDUCED, OR CREMATED HUMAN
16 REMAINS WITHOUT OBTAINING PERMISSION FROM THE PERSON WITH THE
17 RIGHT OF FINAL DISPOSITION, UNLESS OTHERWISE REQUIRED BY SECTION
18 12-135-106;

19 (u) PROHIBITED, HINDERED, OR RESTRICTED OR ATTEMPTED TO
20 PROHIBIT, HINDER, OR RESTRICT:

21 (I) A PERSON FROM OFFERING OR ADVERTISING IMMEDIATE
22 CREMATION, IMMEDIATE NATURAL REDUCTION, ADVANCE FUNERAL
23 ARRANGEMENTS, OR LOW-COST FUNERALS;

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

26 (III) A FUNERAL SERVICE INDUSTRY MEMBER FROM DISCLOSING
27 ACCURATE INFORMATION CONCERNING FUNERAL MERCHANDISE AND

1 SERVICES;

2 (v) ENGAGED IN WILLFULLY DISHONEST CONDUCT;

3 (w) COMMITTED NEGLIGENCE THAT DEFRAUDED OR CAUSED

4 INJURY OR WAS LIKELY TO DEFRAUD OR CAUSE INJURY IN THE PRACTICE OF

5 CREMATION, NATURAL REDUCTION, EMBALMING, FUNERAL DIRECTING, OR

6 PROVIDING FOR FINAL DISPOSITION;

7 (x) SOLD OR OFFERED TO SELL THE SOIL PRODUCED BY THE

8 NATURAL REDUCTION OF HUMAN REMAINS TO ANY PERSON;

9 (y) COMMINGLED THE FOLLOWING WITHOUT THE CONSENT OF THE

10 PERSON OR PERSONS WITH THE RIGHT OF FINAL DISPOSITION, AS

11 DETERMINED BY SECTION 15-19-106, IN THE COURSE OF A PERSON'S

12 BUSINESS, VOCATION, OR OCCUPATION:

13 (I) THE CREMATED REMAINS OF MORE THAN ONE PERSON; EXCEPT

14 AS AUTHORIZED IN SECTION 12-135-109;

15 (II) THE SOIL PRODUCED BY THE NATURAL REDUCTION OF THE

16 HUMAN REMAINS OF MORE THAN ONE PERSON, EXCEPT AS AUTHORIZED IN

17 SECTION 12-135-109;

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

19 A CREMATION CHAMBER; OR

20 (IV) THE HUMAN REMAINS OF MORE THAN ONE PERSON WITHIN A

21 CONTAINER USED TO NATURALLY REDUCE HUMAN REMAINS TO PRODUCE

22 SOIL; OR

23 (z) USED, IN THE COURSE OF A PERSON'S BUSINESS, VOCATION, OR

24 OCCUPATION, THE SOIL PRODUCED BY THE NATURAL REDUCTION OF

25 HUMAN REMAINS TO GROW FOOD FOR HUMAN CONSUMPTION.

26 (2) (a) FOR PURPOSES OF THIS SECTION ONLY AND EXCEPT AS

27 PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION, "NEXT OF KIN" DOES

1 NOT INCLUDE A PERSON WHO IS ARRESTED ON SUSPICION OF HAVING
2 COMMITTED, IS CHARGED WITH, OR HAS BEEN CONVICTED OF A FELONY
3 OFFENSE SPECIFIED IN PART 1 OF ARTICLE 3 OF TITLE 18 INVOLVING THE
4 DEATH OF THE DECEDENT.

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

9 **12-135-509. Liberal construction.** THIS PART 5 AND PARTS 6 TO
10 9 OF THIS ARTICLE 135 MUST BE LIBERALLY CONSTRUED TO EFFECTUATE
11 THEIR PURPOSES AND TO PROTECT CONSUMERS.

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

16 PART 6

17 FUNERAL DIRECTORS

18 **12-135-601. Practice of a funeral director described -**
19 **definition.** (1) AS USED IN THIS PART 6, "SERVICES CONCERNING THE
20 FINAL DISPOSITION OF HUMAN REMAINS" INCLUDES FUNERAL SERVICES,
21 EMBALMING, CREMATION, NATURAL REDUCTION, AND REMOVAL OF
22 HUMAN REMAINS FROM THE STATE.

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

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

27 (II) PLANNING, ARRANGING, OR OFFERING TO PLAN OR ARRANGE,

1 ON AN AT-NEED BASIS, THE DETAILS OF SERVICES CONCERNING THE FINAL
2 DISPOSITION OF HUMAN REMAINS AND ESTABLISHING THE TYPE OF
3 SERVICES TO BE RENDERED;

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

9 (IV) DIRECTLY OR INDIRECTLY DIRECTING, BEING IN CHARGE OR
10 APPARENT CHARGE OF, SUPERVISING, OR OFFERING TO DIRECT, BE IN
11 CHARGE OF, OR SUPERVISE:

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

13 (B) A FUNERAL SERVICE; OR

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

16 (V) MANAGING OR SUPERVISING THE OPERATION OF A FUNERAL
17 ESTABLISHMENT, EXCEPT FOR ADMINISTRATIVE MATTERS, SUCH AS
18 BUDGETING, ACCOUNTING AND PERSONNEL, MAINTENANCE OF BUILDINGS,
19 EQUIPMENT, AND GROUNDS, AND ROUTINE CLERICAL AND
20 RECORD-KEEPING FUNCTIONS; OR

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

22 (A) THE WORD "FUNERAL DIRECTOR", "UNDERTAKER", OR
23 "MORTICIAN"; OR

24 (B) A WORD, TITLE, OR COMBINATION OF WORDS, TITLES, OR
25 PICTURES THAT WHEN CONSIDERED IN THE CONTEXT IN WHICH THEY ARE
26 USED WOULD IMPLY THAT THE PERSON IS ENGAGED IN THE PRACTICE OF A
27 FUNERAL DIRECTOR OR THAT THE PERSON IS HOLDING THEMSELF OUT TO

1 THE PUBLIC AS BEING ENGAGED IN THE PRACTICE OF A FUNERAL DIRECTOR.

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

6 (II) SUBSECTION (2)(a)(VI) OF THIS SECTION DOES NOT PREVENT
7 A PERSON FROM USING THE NAME OF AN OWNER, OFFICER, OR CORPORATE
8 DIRECTOR OF A FUNERAL ESTABLISHMENT, NOTWITHSTANDING THAT THE
9 PERSON DOES NOT HOLD A LICENSE, IN CONNECTION WITH THE NAME OF
10 THE FUNERAL ESTABLISHMENT WITH WHICH THE PERSON IS AFFILIATED, SO
11 LONG AS THE PERSON'S AFFILIATION IS PROPERLY SPECIFIED.

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

13 (a) (I) TRANSMITTING, BY TELEPHONE, BY FAX, OR
14 ELECTRONICALLY, OBITUARY NOTICES;

15 (II) ORDERING FLOWERS OR MERCHANDISE;

16 (III) DELIVERING DEATH CERTIFICATES TO ATTENDING
17 PHYSICIANS;

18 (IV) CLERICAL PREPARATION AND PROCESSING OF DEATH
19 CERTIFICATES, INSURANCE FORMS, AND ANY CLERICAL TASKS THAT
20 RECORD THE INFORMATION COMPILED BY THE FUNERAL DIRECTOR; OR

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

23 (b) FURNISHING STANDARD, PRINTED PRICE LISTS AND DISCLOSURE
24 INFORMATION TO THE PUBLIC BY PROVIDING THE INFORMATION TO
25 PERSONS MAKING AN INQUIRY;

26 (c) ARRANGING, COORDINATING, OR EMPLOYING, IN CONNECTION
27 WITH THE FINAL DISPOSITION OF HUMAN REMAINS, REMOVAL SERVICES,

1 REGISTERED REFRIGERATION FACILITIES, OR REGISTERED CENTRALIZED
2 EMBALMING FACILITIES;

3 (d) ANY ASPECT OF MAKING PRENEED FUNERAL ARRANGEMENTS
4 OR ENTERING INTO PRENEED CONTRACTS; OR

5 (e) FUNCTIONS NORMALLY PERFORMED BY CEMETERY OR
6 CREMATORY PERSONNEL.

7 (4) (a) AN INDIVIDUAL LICENSED UNDER THIS PART 6 MAY
8 DELEGATE TASKS, AS DETERMINED BY THE DIRECTOR IN RULE, WITHIN THE
9 SCOPE OF THE INDIVIDUAL'S LICENSE TO UNLICENSED PERSONS PRACTICING
10 WITHIN THE UNLICENSED PERSON'S EXPERIENCE, EDUCATION, OR
11 TRAINING.

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

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

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

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

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

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

25 **12-135-602. License required.** ON AND AFTER JANUARY 1, 2027,
26 AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF A FUNERAL DIRECTOR
27 MUST BE LICENSED BY THE DIRECTOR AS A FUNERAL DIRECTOR OR

1 MORTUARY SCIENCE PRACTITIONER IN ACCORDANCE WITH PART 5 OF THIS
2 ARTICLE 135 AND THIS PART 6 OR PART 7 OF THIS ARTICLE 135, AS
3 APPLICABLE.

4 **12-135-603. Qualifications - examination - licensure- rules.**

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

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

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

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

18 PART 7

19 MORTUARY SCIENCE PRACTITIONERS

20 **12-135-701. Practice of a mortuary science practitioner**

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

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

26 (b) THE PRACTICE OF AN EMBALMER AS DESCRIBED IN SECTION
27 12-135-801 (1);

1 (c) THE PRACTICE OF A CREMATIONIST AS DESCRIBED IN SECTION
2 12-135-901 (1);

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

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

8 (2) (a) AN INDIVIDUAL LICENSED UNDER THIS PART 7 MAY
9 DELEGATE TASKS, AS DETERMINED BY THE DIRECTOR IN RULE, WITHIN THE
10 SCOPE OF THE INDIVIDUAL'S LICENSE TO UNLICENSED PERSONS PRACTICING
11 WITHIN THE UNLICENSED PERSON'S EXPERIENCE, EDUCATION, OR
12 TRAINING.

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

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

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

19 (I) ANY TASK INVOLVING HANDLING HUMAN REMAINS; EXCEPT
20 THAT THIS SUBSECTION (2)(d)(I) DOES NOT APPLY TO TRANSPORTING
21 HUMAN REMAINS;

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

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

26 **12-135-702. License required.** ON AND AFTER JANUARY 1, 2027,
27 EXCEPT AS OTHERWISE PROVIDED IN PART 6, 8, OR 9 OF THIS ARTICLE 135,

1 AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF A MORTUARY SCIENCE
2 PRACTITIONER MUST BE LICENSED BY THE DIRECTOR AS A MORTUARY
3 SCIENCE PRACTITIONER IN ACCORDANCE WITH THIS PART 7 AND PART 5 OF
4 THIS ARTICLE 135.

5 **12-135-703. Qualifications - examination - licensure - rules.**

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

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

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

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

20 PART 8

21 EMBALMERS

22 **12-135-801. Practice of an embalmer described.** (1) THE
23 PRACTICE OF AN EMBALMER CONSISTS OF ENGAGING IN, OFFERING TO
24 ENGAGE IN, OR ATTEMPTING TO ENGAGE IN THE FOLLOWING ACTS FOR
25 COMPENSATION:

26 (a) TEMPORARILY DISINFECTING AND PRESERVING HUMAN
27 REMAINS BY CHEMICALLY TREATING THE HUMAN REMAINS TO:

1 (I) REDUCE THE PRESENCE AND GROWTH OF ORGANISMS; OR
2 (II) RETARD ORGANIC DECOMPOSITION;
3 (b) DISINFECTING AND PRESERVING HUMAN REMAINS BY THE USE
4 OF OR APPLICATION OF CHEMICAL SUBSTANCES THAT ARE ORDINARILY
5 USED FOR, PREPARED FOR, OR INTENDED FOR DISINFECTION OR
6 PRESERVATION BY:

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

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

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

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

15 (a) SETTING FEATURES FOR THE PURPOSE OF IDENTIFYING
16 UNEMBALMED HUMAN REMAINS; OR

17 (b) DISINFECTING HUMAN REMAINS THROUGH NONARTERIAL
18 METHODS.

19 **12-135-802. License required.** ON AND AFTER JANUARY 1, 2027,
20 EXCEPT AS PROVIDED IN PART 7 OF THIS ARTICLE 135, AN INDIVIDUAL WHO
21 ENGAGES IN THE PRACTICE OF AN EMBALMER MUST BE LICENSED BY THE
22 DIRECTOR AS AN EMBALMER IN ACCORDANCE WITH THIS PART 8 AND PART
23 5 OF THIS ARTICLE 135.

24 **12-135-803. Qualifications - examination - licensure - rules.**

25 (1) IN ADDITION TO SATISFYING THE REQUIREMENTS OF SECTION
26 12-135-501 (3), TO BE QUALIFIED TO OBTAIN AN EMBALMER LICENSE, THE
27 APPLICANT MUST:

- 1 (a) HAVE GRADUATED FROM AN ACCREDITED MORTUARY SCIENCE
2 SCHOOL;
- 3 (b) HAVE SUCCESSFULLY PASSED THE SCIENCE SECTION OF THE
4 NATIONAL BOARD EXAMINATION ADMINISTERED BY THE INTERNATIONAL
5 CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS OR BY A
6 SUCCESSOR ORGANIZATION THAT IS APPROVED BY THE DIRECTOR; AND
- 7 (c) HAVE RECEIVED WORKPLACE LEARNING EXPERIENCE, AS
8 DEFINED BY THE DIRECTOR IN RULE, OF ONE YEAR OR LONGER THAT MAY
9 BE RECEIVED CONCURRENTLY WHILE ATTENDING MORTUARY SCIENCE
10 SCHOOL.

11 PART 9

12 CREMATIONISTS AND NATURAL REDUCTIONISTS

13 **12-135-901. Practice of a cremationist described - practice of**
14 **a natural reductionist described.** (1) THE PRACTICE OF A CREMATIONIST
15 CONSISTS OF ENGAGING IN, OFFERING TO ENGAGE IN, OR ATTEMPTING TO
16 ENGAGE IN THE FOLLOWING ACTS FOR COMPENSATION:

- 17 (a) PREPARING HUMAN REMAINS FOR CREMATION;
- 18 (b) CREMATING HUMAN REMAINS; OR
- 19 (c) USING ANY WORD OR ABBREVIATION TO INDICATE OR INDUCE
20 OTHERS TO BELIEVE THAT ONE IS LICENSED TO PRACTICE AS A
21 CREMATIONIST.

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

- 25 (a) PREPARING HUMAN REMAINS FOR NATURAL REDUCTION;
- 26 (b) NATURAL REDUCTION OF HUMAN REMAINS; OR
- 27 (c) USING ANY OTHER WORD OR ABBREVIATION TO INDICATE OR

1 INDUCE OTHERS TO BELIEVE THAT ONE IS LICENSED TO PRACTICE AS A
2 NATURAL REDUCTIONIST.

3 **12-135-902. License required.** (1) ON AND AFTER JANUARY 1,
4 2027, EXCEPT AS PROVIDED IN PART 7 OF THIS ARTICLE 135:

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

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

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

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

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

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

- 8 (a) Article 110 of this title 12 concerning combative sports; AND
- 9 (c) ~~Article 135 of this title 12 concerning mortuaries and~~
10 ~~crematories; and~~

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

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

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

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

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

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

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

1 AND

2 (f) (I) ON OR AFTER JANUARY 1, 2027, BE LICENSED AS A FUNERAL
3 DIRECTOR PURSUANT TO SECTION 12-135-501 AND PART 6 OF THIS ARTICLE
4 135; OR

5 (II) ON OR AFTER JANUARY 1, 2027, BE LICENSED AS A MORTUARY
6 SCIENCE PRACTITIONER PURSUANT TO SECTION 12-135-501 AND PART 7 OF
7 THIS ARTICLE 135.

8 (4) The designee shall require each person employed at the funeral
9 establishment to demonstrate evidence of compliance with ~~section~~
10 ~~12-135-111~~ PARTS 5 TO 9 OF THIS ARTICLE 135, AS APPLICABLE. The
11 designee shall retain the records of the evidence of compliance so long as
12 the person is employed at the funeral establishment.

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

15 **12-135-303. Registration required.** (4) The designee shall
16 require each person employed at the crematory to demonstrate evidence
17 of compliance with ~~section 12-135-304~~ PARTS 5 TO 9 OF THIS ARTICLE
18 135, AS APPLICABLE. The designee shall retain the records of the evidence
19 of compliance so long as the person is employed at the crematory.

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

23 **12-135-401. Powers and duties of the director - rules.** (1) IN
24 CONNECTION WITH A LICENSE ISSUED PURSUANT TO PART 5 OF THIS
25 ARTICLE 135 OR A REGISTRATION ISSUED PURSUANT TO SECTION
26 12-135-110 OR 12-135-303, the director may deny, suspend, refuse to
27 renew, or revoke a license or registration pursuant to section 12-20-404

1 (1)(d); issue and send, by ~~certified~~ ELECTRONIC mail, a letter of
2 admonition to ~~a funeral establishment or crematory~~ THE LICENSEE OR
3 REGISTRANT under the circumstances specified in and in accordance with
4 section 12-20-404 (4); issue a confidential letter of concern to ~~a funeral~~
5 ~~establishment or crematory~~ THE LICENSEE OR REGISTRANT under the
6 circumstance specified in section 12-20-404 (5); place ~~a registered funeral~~
7 ~~establishment or crematory~~ THE LICENSEE OR REGISTRANT on probation
8 pursuant to section 12-20-404 (1)(b); or limit the scope of practice of the
9 registration of ~~a funeral establishment or crematory~~ OR LICENSE under this
10 article 135 ~~that~~ IF THE LICENSEE OR REGISTRANT has:

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

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

19 (2) IN CONNECTION WITH A LICENSE ISSUED PURSUANT TO PART 5
20 OF THIS ARTICLE 135 OR A REGISTRATION ISSUED PURSUANT TO SECTION
21 12-135-110 OR 12-135-303, the director may deny or revoke a registration
22 OR LICENSE if the ~~funeral establishment, crematory,~~ LICENSEE, THE
23 REGISTRANT, or the designee thereof OF A REGISTRANT has been convicted
24 of a felony related to another activity regulated under this article 135 or
25 a felony of moral turpitude A DISQUALIFYING CRIMINAL HISTORY AS
26 DESCRIBED IN SECTION 12-135-503. The director shall promptly notify the
27 funeral ~~establishment or crematory~~ LICENSEE OR REGISTRANT of the

1 revocation.

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

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

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

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

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

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

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

6 **12-135-402. Fees.** The director shall establish and collect the fees
7 for a registration issued under PARTS 1 AND 3 OF this article 135 pursuant
8 to section 12-20-105.

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

11 **12-135-404. Civil penalty - fines.** (1) On motion of the director,
12 the court may impose a civil penalty of not more than one thousand
13 dollars for a violation of PART 1 OR 3 OF this article 135 or a rule
14 promulgated under PART 1 OR 3 OF this article 135.

15 (2) In addition to any other penalty that may be imposed pursuant
16 to this section, a funeral establishment or crematory violating PART 1 OR
17 3 OF this article 135 or a rule promulgated pursuant to PART 1 OR 3 OF this
18 article 135 may be fined no less than one hundred dollars and no more
19 than five thousand dollars for each violation proven by the director.

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

22 **12-135-406. Repeal - subject to review.** Sections 12-135-110
23 ~~12-135-111~~, AND 12-135-303 and ~~12-135-304~~ and this part 4 are repealed,
24 effective July 1, 2024. Before the repeal, the regulation of persons
25 registered to practice cremation and mortuary science is scheduled for
26 review in accordance with section 24-34-104.

27 **SECTION 12.** In Colorado Revised Statutes, 24-34-104, **amend**

1 (25)(a)(XIII); and **add** (32)(a)(XI) as follows:

2 **24-34-104. General assembly review of regulatory agencies**
3 **and functions for repeal, continuation, or reestablishment - legislative**
4 **declaration - repeal.** (25) (a) The following agencies, functions, or both,
5 are scheduled for repeal on September 1, 2024:

6 (XIII) The regulation of persons registered to practice mortuary
7 science by ~~sections 12-135-110 and 12-135-111~~ SECTION 12-135-110 and
8 cremation by ~~sections 12-135-303 and 12-135-304~~ SECTION 12-135-303,
9 and the administration thereof in accordance with part 4 of article 135 of
10 title 12, and the regulation of nontransplant tissue banks by section
11 12-140-103;

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

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

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

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

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

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

27 (2) For the 2024-25 state fiscal year, \$19,203 is appropriated to

1 the department of law. This appropriation is from reappropriated funds
2 received from the department of regulatory agencies under subsection
3 (1)(c) of this section and is based on an assumption that the department
4 of law will require an additional 0.1 FTE. To implement this act, the
5 department of law may use this appropriation to provide legal services for
6 the department of regulatory agencies.

7 **SECTION 14. Safety clause.** The general assembly finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety or for appropriations for
10 the support and maintenance of the departments of the state and state
11 institutions.