

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 20-0441.01 Jery Payne x2157

HOUSE BILL 20-1060

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A BILL FOR AN ACT

101 **CONCERNING THE CONVERSION OF HUMAN REMAINS TO BASIC**
102 **ELEMENTS WITHIN A CONTAINER USING AN ACCELERATED**
103 **PROCESS, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **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 authorizes human remains to be converted to soil using a container that accelerates the process of biological decomposition, also known as "natural reduction".

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

HOUSE
3rd Reading Unamended
February 27, 2020

HOUSE
Amended 2nd Reading
February 21, 2020

Current law has various provisions that deal with burial, cremation, interment, and entombment. In connection with authorizing natural reduction, the bill replaces these terms with the phrase "final disposition", which term is defined to include natural reduction. The following types of provisions are updated to reflect the option to use natural reduction:

- ! Life insurance statutes;
- ! Preneed funeral insurance contracts;
- ! The "Mortuary Science Code";
- ! Funeral picketing statutes;
- ! Litigation damages;
- ! The "Colorado Probate Code";
- ! The "Disposition of Last Remains Act";
- ! The "Revised Uniform Anatomical Gift Act";
- ! Missing person reports for unidentified human remains;
- ! Public peace and order statutes;
- ! Vital statistics statutes;
- ! The "Colorado Public Assistance Act"; and
- ! Firefighter pension plans.

Natural reduction is added to the statutes that regulate funeral establishments, and this addition will result in the regulation of the natural reduction process. But the definitions of "cremation" and "mortuary science practitioner" are amended so that a practitioner of natural reduction is not regulated as a cremationist or mortuary science practitioner.

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

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

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

6 (3.6) "FINAL DISPOSITION" MEANS THE DISPOSITION OF HUMAN
7 REMAINS BY ENTOMBMENT, BURIAL, CREMATION, NATURAL REDUCTION,
8 OR REMOVAL FROM THE STATE.

9 (6.9) "NATURAL REDUCTION" OR "NATURALLY REDUCE" MEANS
10 THE CONTAINED, ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.

11 **SECTION 2.** In Colorado Revised Statutes, **add** 15-19-110 as

1 follows:

2 **15-19-110. Natural reduction.** A PERSON MAY USE NATURAL
3 REDUCTION FOR THE FINAL DISPOSITION OF LAST REMAINS OR AS A STEP IN
4 THE FINAL DISPOSITION OF LAST REMAINS.

5 **SECTION 3.** In Colorado Revised Statutes, 12-135-105, **add**
6 (1)(q), (1)(r), and (1)(s) as follows:

7 **12-135-105. Unlawful acts.** (1) It is unlawful:

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

10 (r) TO COMMINGLE, IN THE COURSE OF A PERSON'S BUSINESS,
11 VOCATION, OR OCCUPATION:

12 (I) THE SOIL PRODUCED BY THE NATURAL REDUCTION OF THE
13 HUMAN REMAINS OF MORE THAN ONE PERSON WITHOUT THE CONSENT OF
14 THE PERSON WITH THE RIGHT OF FINAL DISPOSITION EXCEPT AS
15 AUTHORIZED IN SECTION 12-135-109 (5)(a); OR

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

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

21 **SECTION 4.** In Colorado Revised Statutes, **add** 6-1-730 as
22 follows:

23 **6-1-730. Selling human remains as soil.** A PERSON ENGAGES IN
24 A DECEPTIVE TRADE PRACTICE WHEN, IN THE COURSE OF THE PERSON'S
25 BUSINESS, VOCATION, OR OCCUPATION, THE PERSON VIOLATES SECTION
26 12-135-105 (1)(q), (1)(r), OR (1)(s).

27 **SECTION 5.** In Colorado Revised Statutes, 10-7-102, **amend** (1)

1 introductory portion and (1)(j) as follows:

2 **10-7-102. Life insurance policies - requirements.** (1) It is
3 unlawful for any foreign or domestic life insurance company to issue or
4 deliver in this state any life insurance policy unless the ~~same~~ POLICY
5 contains the following provisions:

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

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

17 **SECTION 6.** In Colorado Revised Statutes, **amend** 10-15-101 as
18 follows:

19 **10-15-101. Legislative declaration.** The general assembly
20 declares that the business of selling preneed contracts whereby the seller
21 agrees to provide FINAL DISPOSITION OR funeral ~~interment, entombment,~~
22 ~~or cremation~~ merchandise or services in the future or for future use is
23 affected with a public interest, and the preservation of the safety and
24 welfare of the public from unconscionable dealing requires regulation of
25 the sale of ~~such~~ THE contracts and of the disposition of funds obtained as
26 a result of ~~such~~ THE sales.

27 **SECTION 7.** In Colorado Revised Statutes, 10-15-102, **amend**

1 (16) as follows:

2 **10-15-102. Definitions.** As used in this article 15, unless the
3 context otherwise requires:

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

7 **SECTION 8.** In Colorado Revised Statutes, 12-135-103, **amend**
8 (4), (13), (17), and (22)(c); and **add** (22.5) as follows:

9 **12-135-103. Definitions.** As used in this article 135, unless the
10 context otherwise requires:

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

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

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

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

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

26 (22.5) "NATURAL REDUCTION" OR "NATURALLY REDUCE" MEANS
27 THE CONTAINED, ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.

1 **SECTION 9.** In Colorado Revised Statutes, 12-135-105, **amend**
2 (1)(j), (1)(l), and (1)(m)(I) as follows:

3 **12-135-105. Unlawful acts.** (1) It is unlawful:

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

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

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

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

15 **SECTION 10.** In Colorado Revised Statutes, 12-135-109, **amend**
16 (2)(a), (2)(b), (5)(a)(I), (5)(a)(II), and (5)(a)(III) as follows:

17 **12-135-109. Exceptions - safe harbor.** (2) (a) This part 1 ~~shall~~
18 DOES not apply to, nor in any way interfere with, any custom or rite of any
19 religious sect in the ~~burial~~ FINAL DISPOSITION of its dead, and the
20 members and followers of the religious sect may continue to provide
21 memorial services for, care for, prepare, and ~~bury~~ PROVIDE FOR THE FINAL
22 DISPOSITION OF the bodies of deceased members of the religious sect, free
23 from any term or condition, or any provision of this part 1, and are not
24 subject to this part 1, so long as the human remains are refrigerated,
25 frozen, embalmed, interred, or cremated within seven days after death OR
26 THE PROCESS OF NATURAL REDUCTION IS BEGUN WITHIN SEVEN DAYS
27 AFTER DEATH.

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

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

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

27 (III) If cremated OR NATURALLY REDUCED remains are not claimed

1 by the person with the right of final disposition within three years after
2 cremation OR NATURAL REDUCTION, a funeral establishment, funeral
3 director, or mortuary science practitioner may dispose of the remains in
4 an unrecoverable manner by:

5 (A) Placing the remains in an ossuary;

6 (B) ~~or by~~ Scattering the remains in a dedicated cemetery,
7 scattering garden, or consecrated ground used exclusively for these
8 purposes; OR

9 (C) IF THE REMAINS ARE THE PRODUCT OF NATURAL REDUCTION,
10 RETURNING THE REMAINS TO THE EARTH IN A RESPECTFUL MANNER.

11 **SECTION 11.** In Colorado Revised Statutes, 13-21-126, **amend**
12 (3)(a) as follows:

13 **13-21-126. Funeral picketing - legislative declaration -**
14 **definitions - damages.** (3) As used in this section:

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

19 **SECTION 12.** In Colorado Revised Statutes, **amend** 13-21-203.5
20 as follows:

21 **13-21-203.5. Alternative means of establishing damages -**
22 **solatium amount.** In ~~any~~ A case arising under section 13-21-202, the
23 persons entitled to sue under ~~the provisions of~~ section 13-21-201 (1) may
24 elect in writing to sue for and recover a solatium in the amount of fifty
25 thousand dollars. ~~Such~~ THE solatium amount ~~shall be~~ IS in addition to
26 economic damages and to reasonable ~~funeral, burial, interment, or~~
27 ~~cremation~~ FINAL DISPOSITION expenses, which expenses may also be

1 recovered in an action under this section. ~~Such~~ THE solatium amount ~~shall~~
2 ~~be~~ IS in lieu of noneconomic damages recoverable under section
3 13-21-203 and ~~shall be~~ IS awarded upon a finding or admission of the
4 defendant's liability for the wrongful death.

5 **SECTION 13.** In Colorado Revised Statutes, 15-11-403, **amend**
6 (1)(b) as follows:

7 **15-11-403. Exempt property.** (1) (b) On and after January 1,
8 2012, the decedent's surviving spouse is entitled to exempt property from
9 the estate in the form of cash in the amount of or other property of the
10 estate in the value of thirty thousand dollars in excess of any security
11 interests therein. If there is no surviving spouse, the decedent's dependent
12 children are entitled jointly to the same exempt property. Rights to
13 exempt property have priority over all claims against the estate, except
14 claims for the costs and expenses of administration, and reasonable FINAL
15 DISPOSITION AND funeral ~~and burial, interment, or cremation~~ expenses,
16 which ~~shall be~~ ARE paid in the priority and manner set forth in section
17 15-12-805. The right to exempt property ~~shall abate~~ ABATES as necessary
18 to permit payment of the family allowance. These rights are in addition
19 to any benefit or share passing to the surviving spouse or dependent
20 children by the decedent's will, unless otherwise provided, by intestate
21 succession, or by way of elective-share.

22 **SECTION 14.** In Colorado Revised Statutes, 15-11-404, **amend**
23 (1) as follows:

24 **15-11-404. Family allowance.** (1) In addition to the right to
25 exempt property, the decedent's surviving spouse and minor children who
26 the decedent was obligated to support and children who were in fact
27 being supported by the decedent are entitled to a reasonable allowance in

1 money out of the estate for their maintenance during the period of
2 administration, which allowance may not continue for longer than one
3 year if the estate is inadequate to discharge allowed claims. The
4 allowance may be paid as a lump sum or in periodic installments. It is
5 payable to the surviving spouse, if living, for the use of the surviving
6 spouse and minor and dependent children; otherwise to the children or
7 persons having ~~their~~ THE CHILDREN'S care and custody. If a minor child
8 or dependent child is not living with the surviving spouse, the allowance
9 may be made partially to the child or ~~his or her~~ THE CHILD'S guardian or
10 other person having the child's care and custody, and partially to the
11 spouse, as their needs may appear. The family allowance is exempt from
12 and has priority over all claims except claims for the costs and expenses
13 of administration, and reasonable FINAL DISPOSITION AND funeral ~~and~~
14 ~~burial, interment, or cremation~~ expenses, which shall be paid in the
15 priority and manner set forth in section 15-12-805.

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

18 **15-12-621. Public administrator - decedents' estates - areas of**
19 **responsibility.** (7) In the absence of any interested person willing to
20 make funeral and ~~burial~~ FINAL DISPOSITION arrangements, a public
21 administrator may make funeral and ~~burial~~ FINAL DISPOSITION
22 arrangements for the decedent. The public administrator shall make
23 reasonable efforts to see that ~~such~~ THE arrangements are consistent with
24 the decedent's apparent religious or other preferences regarding such
25 matters. A public administrator may authorize the cremation OR NATURAL
26 REDUCTION of the decedent's remains if the decedent left signed written
27 instructions, or other funeral arrangements authorized by the decedent,

1 ~~which~~ THAT indicated the decedent's wish to be cremated OR NATURALLY
2 REDUCED. A public administrator ~~shall have the authority to~~ MAY
3 authorize cremation OR NATURAL REDUCTION if ~~he believes that~~ public
4 funds will be needed to complete the administration of an estate because
5 the estate lacks the apparent assets to pay fully all necessary
6 administration, funeral, and burial costs and expenses. In cases of doubt,
7 the public administrator may decline to authorize cremation OR NATURAL
8 REDUCTION.

9 **SECTION 16.** In Colorado Revised Statutes, 15-12-805, **amend**
10 (1)(c) as follows:

11 **15-12-805. Classification of claims.** (1) The personal
12 representative shall pay allowed claims against the estate of a decedent in
13 the following order:

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

16 **SECTION 17.** In Colorado Revised Statutes, 15-14-428, **amend**
17 (2) as follows:

18 **15-14-428. Death of protected person.** (2) After the death of the
19 protected person, the conservator shall make no expenditures of
20 conservatorship funds except with court authorization other than
21 necessary to preserve the assets of the estate. However, the conservator
22 may release funds for the funeral ~~cremation, or burial~~ OR FINAL
23 DISPOSITION of the deceased protected person if necessary to do so under
24 the circumstances.

25 **SECTION 18.** In Colorado Revised Statutes, 15-19-103, **amend**
26 (3); and **add** (5.5) as follows:

27 **15-19-103. Definitions.** As used in this part 1, unless the context

1 otherwise requires:

2 (3) "Declaration" means a written instrument directing the lawful
3 disposition of the declarant's last remains and the ceremonies planned
4 after a declarant's death, in accordance with this part 1. A declaration may
5 be made within a will; prepaid funeral ~~burial, or cremation~~ OR FINAL
6 DISPOSITION contract; durable or medical power of attorney; a designated
7 beneficiary agreement as described in article 22 of this title 15; a federal
8 record of emergency data; or any other written document, including, but
9 not limited to, a document governing the disposition of last remains under
10 part 7 of article 11 of this title 15.

11 (5.5) "NATURAL REDUCTION" OR "NATURALLY REDUCE" MEANS
12 THE CONTAINED, ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.

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

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

23 **SECTION 20.** In Colorado Revised Statutes, 15-19-107, **amend**
24 (1) as follows:

25 **15-19-107. Declaration of disposition of last remains.**
26 (1) **Form.** The following statutory declaration of disposition of last
27 remains is legally sufficient:

1 DECLARATION OF DISPOSITION OF LAST REMAINS

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

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

8 _____ Buried. I direct that my body be buried at

9 .

10 _____ Cremated. I direct that my cremated remains be disposed
11 of as follows:

12 .

13 _____ Entombed. I direct that my body be entombed at

14 .

15 _____ NATURALLY REDUCED. I DIRECT THAT MY REDUCED
16 REMAINS BE GIVEN FINAL DISPOSITION AS FOLLOWS:

17 .

18 _____ Other. I direct that my body be disposed of as follows:

19 .

20 _____ Disposed of as (name of designee) shall decide in
21 writing. If _____ is unwilling or unable to act, I
22 nominate _____ as my alternate designee.

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

25 _____ I request _____ (name of
26 designee) make all arrangements for any ceremonies, consistent with my
27 directions set forth in this declaration. If _____ is

1 unwilling or unable to act, I nominate _____ as my
2 alternate designee.

3 _____ Funeral. I request the following arrangements for my
4 funeral:

5 .

6 _____ Memorial Service. I request the following arrangements
7 for my memorial service:

8 .

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

12 .

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

19 I execute this declaration as my free and voluntary act, on
20 _____, _____.

21 _____

22 (Declarant)

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

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

1 **SECTION 22.** In Colorado Revised Statutes, 16-2.7-104, **amend**
2 (5) as follows:

3 **16-2.7-104. Unidentified human remains - reporting - DNA**
4 **samples.** (5) Until all available information concerning the physical
5 appearance and structure of unidentified human remains is entered into
6 the national crime information center database, cremation OR NATURAL
7 REDUCTION of unidentified human remains is prohibited.

8 **SECTION 23.** In Colorado Revised Statutes, 18-1.3-603, **amend**
9 (10)(b)(II)(B) as follows:

10 **18-1.3-603. Assessment of restitution - corrective orders.**

11 (10) (b) The amount of assistance provided is established by either:

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

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

16 **SECTION 24.** In Colorado Revised Statutes, 18-9-101, **amend**
17 (1.4) as follows:

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

20 (1.4) "Funeral" means the ceremonies, rituals, and memorial
21 services held in connection with the ~~burial, cremation,~~ FINAL DISPOSITION
22 or memorial of a deceased person, including the assembly and dispersal
23 of the mourners.

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

26 **25-2-102. Definitions.** As used in this article 2, unless the context
27 otherwise requires:

1 (2.5) "Final disposition" [REDACTED] means the burial, interment,
2 cremation, NATURAL REDUCTION, removal from the state, or other
3 authorized disposition of a dead body or fetus.

4 [REDACTED]
5 **SECTION 26.** In Colorado Revised Statutes, 25.5-6-206, **amend**
6 (1) as follows:

7 **25.5-6-206. Personal needs benefits - amount - patient**
8 **personal needs trust fund required - funeral and final disposition**
9 **expenses - penalty for illegal retention and use.** (1) The state
10 department, pursuant to its rules, ~~has the authority to~~ MAY include in
11 medical care benefits provided under this ~~article~~ ARTICLE 6 and articles
12 4 and 5 of this ~~title~~ TITLE 25.5 reasonable amounts for the personal needs
13 of any recipient receiving nursing facility services or intermediate care
14 facilities for individuals with intellectual disabilities, if the recipient is not
15 otherwise eligible for ~~such~~ THE amounts from other categories of public
16 assistance, but ~~such~~ THE amounts for personal needs ~~shall~~ MUST not be
17 less than the minimum amount provided for in subsection (2) of this
18 section. Payments for funeral and ~~burial~~ FINAL DISPOSITION expenses
19 upon the death of a recipient may be provided under rules of the state
20 department in the same manner as provided to recipients of public
21 assistance as defined by section 26-2-103 (8). ~~C.R.S.~~

22 **SECTION 27.** In Colorado Revised Statutes, 26-1-122, **amend**
23 (4)(c) as follows:

24 **26-1-122. County appropriations and expenditures -**
25 **advancements - procedures.** (4) (c) For purposes of this ~~article~~ ARTICLE
26 1 and except as otherwise provided in subsection (6) of this section, under
27 rules of the state department, program costs shall include: Amounts

1 expended for assistance payments and social services (except for items
2 enumerated in subsection (3)(c) of this section) under programs for aid to
3 the needy disabled, aid to the blind, child welfare services, expenses of
4 treatment to prevent blindness or restore eyesight as defined in section
5 26-2-121, funeral and ~~burial~~ FINAL DISPOSITION expenses as ~~defined~~
6 DESCRIBED in section 26-2-129, and state supplementation under part 2
7 of article 2 of this ~~title~~ TITLE 26.

8 **SECTION 28.** In Colorado Revised Statutes, 26-2-103, **amend**
9 (7) as follows:

10 **26-2-103. Definitions.** As used in this article 2 and article 1 of
11 this title 26, unless the context otherwise requires:

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

25 **SECTION 29.** In Colorado Revised Statutes, 26-2-129, **amend**
26 (1)(a), (1)(d), (1)(e), (1)(f), (2)(a), (2)(b), (2)(e)(II), (2)(h) introductory
27 portion, (3), (4), (6) introductory portion, (6)(c), (9)(a), and (10)(c) as

1 follows:

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

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

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

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

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

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

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

1 ~~thereof~~ OR FINAL DISPOSITION.

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

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

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

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

15 (3) Subject to available appropriations, a death reimbursement
16 covering reasonable funeral expenses or reasonable ~~cremation or burial~~
17 FINAL DISPOSITION expenses or any combination ~~thereof~~ OF THESE
18 EXPENSES shall be paid by the county department for a decedent if the
19 estate of the deceased is insufficient to pay ~~such~~ THE reasonable expenses
20 and if the persons legally responsible for the support of the deceased are
21 unable to pay ~~such~~ THE reasonable expenses. The county department shall
22 be reimbursed eighty percent of the amount of the death reimbursement
23 paid for recipients of aid to the needy disabled and assistance under the
24 Colorado works program pursuant to part 7 of this ~~article~~ ARTICLE 2 and
25 shall be reimbursed one hundred percent of the amount of the death
26 reimbursement for recipients of old age pensions. If the state department
27 determines that the level of appropriation is insufficient to meet the

1 demand for death reimbursements, the state department shall reduce the
2 amount of the death reimbursement level to meet the amount appropriated
3 by the general assembly for death reimbursements. In the event that ~~such~~
4 a reduction is made, the county department ~~shall have~~ HAS no additional
5 responsibility beyond the reimbursement level as defined in the state
6 department's rules.

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

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

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

1 (9) (a) Notwithstanding any other provision of law to the contrary,
2 the disposition of a deceased public assistance or medical assistance
3 recipient shall be in accordance with ~~subparagraph (I) or (II) of this~~
4 ~~paragraph (a)~~ SUBSECTION (9)(a)(I) OR (9)(a)(II) OF THIS SECTION, as
5 follows:

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

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

25 (10) The state department shall:

26 (c) Annually review reimbursement levels to determine whether
27 ~~such~~ THE levels are adequate to purchase funeral, cremation, ~~or~~ burial, OR

1 NATURAL REDUCTION services for deceased public assistance or medical
2 assistance recipients.

3 **SECTION 30.** In Colorado Revised Statutes, 31-30.5-705,
4 **amend** (9) as follows:

5 **31-30.5-705. Firefighters' old hire pension plans -**
6 **municipalities of at least one hundred thousand in population.**

7 (9) When an active or retired firefighter dies without necessary funeral
8 expenses, the board shall appropriate from the fund a sum not exceeding
9 one hundred dollars to the surviving spouse or family or other person
10 paying ~~said~~ THE expenses for the purpose of assisting the proper ~~burial~~
11 FINAL DISPOSITION of ~~said~~ THE deceased old hire member.

12 **SECTION 31. Appropriation.** For the 2020-21 state fiscal year,
13 \$20,000 is appropriated to the department of public health and
14 environment for use by the center for health and environmental
15 information. This appropriation is from the vital statistics records cash
16 fund created in section 25-2-121 (2)(b)(I), C.R.S. To implement this act,
17 the center may use this appropriation for operating expenses.

18 **SECTION 32. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
20 the expiration of the ninety-day period after final adjournment of the
21 general assembly (August 5, 2020, if adjournment sine die is on May 6,
22 2020); except that, if a referendum petition is filed pursuant to section 1
23 (3) of article V of the state constitution against this act or an item, section,
24 or part of this act within such period, then the act, item, section, or part
25 will not take effect unless approved by the people at the general election
26 to be held in November 2020 and, in such case, will take effect on the
27 date of the official declaration of the vote thereon by the governor.

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