

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0171.01 Jery Payne

HOUSE BILL 08-1123

HOUSE SPONSORSHIP

Stafford,

SENATE SPONSORSHIP

Johnson,

House Committees

Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF PERSONS WHO PROVIDE FOR THE
102 FINAL DISPOSITION OF DEAD HUMAN BODIES IN THE COURSE OF
103 BUSINESS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Regulates the mortuary science profession by:

- Requiring a mortuary science practitioner to be licensed, which requires a mortuary science degree, passing the national board examination, and 2,000 hours of experience in the field;
- Requiring a funeral director to be registered, which

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

requires 2,000 hours of experience and 50 funerals or graveside services directed;

- Requiring an embalmer to be registered, which requires 4,000 hours of experience and the embalming of at least 50 bodies;
- Requiring a cremationist to be registered, which requires 500 hours of experience and the cremation of 100 bodies;
- Requiring an intern to be registered, which requires a high school diploma and a supervising professional.

Prohibits persons disciplined in Colorado or another state from licensure or registration if they have been disciplined within the last 2 years or are currently under suspension. Requires licenses and registrations to be renewed annually. Limits the period a registrant may intern to 4 years as an embalmer and 2 years as a mortuary science practitioner, funeral director, or cremationist.

Requires funeral establishments to be registered.

Sets standards of practice for embalming, cremating, and transporting bodies.

Authorizes the executive director of the department of regulatory agencies (director) to discipline licensees or registrants for:

- Misstatements or omitted disclosures on an application;
- Being disciplined within the last 2 years, typically in another state;
- Negligently violating the mortuary science code;
- Failing to comply with the standards of practice; and
- A pattern of unprofessional acts.

Requires disciplinary hearings to be conducted in accordance with the "State Administrative Procedure Act". Sets the revocation period as 2 years. Authorizes temporary suspensions in lieu of revocation when a violation does not rise to revocation. Authorizes the director to investigate potential violations, administer oaths, issue subpoenas, and hear witnesses. Requires an investigation if a complaint is made by a professional organization. Authorizes cease-and-desist orders. Allows the director to obtain a consultation or opinion from a professional association when considering a standard of care.

Grants the director rule-making authority. Requires the director to seek input and advice from professional organizations. Instructs the director to promulgate a rule that ensures continuing competence of licensees and registrants.

Grants the director fee-setting authority. Requires fees to be in an amount to offset the costs of implementing the act. Creates the mortuary cash fund.

Grants the director authority to issue an order regarding the closure or continued operation of a funeral establishment if the establishment is an unreasonable and imminent hazard to public health. Sets standards for

the order and procedures for a hearing on the order. Authorizes the director to enter a funeral establishment and to conduct random inspections. Deems a refusal to allow entry as a health risk.

Authorizes the director to forward complaints to the district attorney, or any government law enforcement agency, for prosecution. Authorizes the director to seek injunctions and contempt orders to enforce the act.

Establishes a sunset and review date of July 1, 2018.

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

2 **SECTION 1.** 12-54-102 (4), (8), (11), (12), (14), and (16),
3 Colorado Revised Statutes, are amended, and the said 12-54-102 is
4 further amended BY THE ADDITION OF THE FOLLOWING NEW
5 SUBSECTIONS, to read:

6 **12-54-102. Definitions.** As used in this part 1, unless the context
7 otherwise requires:

8 (4) "Cremation" OR "CREMATE" means the reduction of a dead
9 human body to essential elements through direct exposure to intense heat,
10 the processing of the remains, and the placement of the processed remains
11 in a cremated remains container.

12 (4.5) "CREMATIONIST" MEANS A PERSON WHO CREMATES OR
13 PREPARES FOR CREMATION A DEAD HUMAN BODY FOR COMPENSATION.

14 (5.5) "DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE
15 DEPARTMENT OF REGULATORY AGENCIES OR THE DIRECTOR'S DESIGNEE.

16 (8) "Embalmer" means any person who embalms OR PREPARES
17 FOR EMBALMING a dead human body for compensation.

18 (11) "Funeral director" means a person who, for compensation:

19 (a) Arranges, directs, or supervises funerals, memorial services,
20 or graveside services; or

21 (b) Prepares dead human bodies for final disposition by means

1 other than embalming OR CREMATION.

2 (12) "Funeral establishment" means: ~~either or both of the~~
3 ~~following:~~

4 (a) An establishment that holds, cares for, or prepares a dead
5 human body prior to final disposition, including, but not limited to, a
6 crematory or embalming room; except that this paragraph (a) does not
7 apply to establishments in which individuals regularly die; ~~or~~

8 (b) An establishment that provides funeral goods or services to the
9 public;

10 (c) FACILITIES USED TO HOLD, CARE FOR, OR PREPARE A DEAD
11 HUMAN BODY PRIOR TO FINAL DISPOSITION; EXCEPT THAT THIS PARAGRAPH
12 (c) DOES NOT APPLY TO FACILITIES IN WHICH INDIVIDUALS REGULARLY
13 DIE; AND

14 (d) FACILITIES, INCLUDING, WITHOUT LIMITATION, A MOTOR
15 VEHICLE, USED FOR THE TRANSPORTATION OF DEAD HUMAN BODIES TO OR
16 FROM A PLACE SPECIFIED IN PARAGRAPHS (a) TO (c) OF THIS SUBSECTION
17 (12).

18 (14) "Funeral services" means: ~~any one or more of the following:~~

19 (a) Preparation of dead human bodies for final disposition; AND

20 (b) Arrangement, supervision, or conduct of the funeral ceremony
21 or the final disposition of dead human bodies. ~~or~~

22 (c) ~~Transportation of dead human bodies to or from a funeral~~
23 ~~establishment.~~

24 (16) ~~"Mortician"~~ "MORTUARY SCIENCE PRACTITIONER" means a
25 person who DOES THE FOLLOWING OR OFFERS TO DO THE FOLLOWING for
26 compensation:

27 (a) Embalms OR CREMATES dead human bodies;

1 (b) Arranges, directs, or supervises funerals, memorial services,
2 or graveside services; or

3 (c) Prepares dead human bodies for final disposition.

4 (21) "UNPROFESSIONAL ACT" MEANS A NEGLIGENT, RECKLESS, OR
5 INTENTIONAL ACT THAT CAUSES UNNECESSARY EMOTIONAL DISTRESS OR
6 PHYSICAL HARM TO ANOTHER PERSON IN CONNECTION WITH THE FINAL
7 DISPOSITION OF A DEAD HUMAN BODY.

8 **SECTION 2.** 12-54-103, Colorado Revised Statutes, is amended
9 BY THE ADDITION OF A NEW SUBSECTION to read:

10 **12-54-103. Funeral establishment - registration.** (3) (a) EACH
11 FUNERAL ESTABLISHMENT SHALL REGISTER WITH THE DIRECTOR. THE
12 REGISTRATION SHALL INCLUDE THE FOLLOWING:

13 (I) THE SPECIFIC LOCATION OF THE FUNERAL ESTABLISHMENT AND
14 ALL FACILITIES OF SUCH ESTABLISHMENT;

15 (II) A LIST OF EACH OF THE FOLLOWING SERVICES PROVIDED AT
16 EACH LOCATION:

17 (A) REFRIGERATING OR HOLDING DEAD HUMAN BODIES;

18 (B) EMBALMING DEAD HUMAN BODIES;

19 (C) CREMATING DEAD HUMAN BODIES;

20 (D) TRANSPORTING DEAD HUMAN BODIES TO OR FROM THE
21 FUNERAL ESTABLISHMENT OR THE PLACE OF FINAL DISPOSITION; AND

22 (E) PROVIDING FUNERAL GOODS OR SERVICES TO THE PUBLIC; AND

23 (III) CONTACT INFORMATION AS DETERMINED BY THE DIRECTOR.

24 (b) EACH FUNERAL ESTABLISHMENT SHALL BE REGISTERED AT
25 LEAST BIENNIALLY. IF, AFTER INITIAL REGISTRATION, THE ESTABLISHMENT
26 PROVIDES A SERVICE LISTED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF
27 THIS SUBSECTION (3) THAT WAS NOT INCLUDED IN THE INITIAL

1 REGISTRATION, THE ESTABLISHMENT SHALL SUBMIT AN AMENDED
2 REGISTRATION WITHIN THIRTY DAYS AFTER BEGINNING TO PROVIDE SUCH
3 NEW SERVICE.

4 (c) THE FEE IMPOSED BY SECTION 12-54-115 SHALL BE SUBMITTED
5 WITH EACH REGISTRATION.

6 **SECTION 3.** 12-54-104 (1) (c), (1) (e), (1) (g) (I), and (1) (h), the
7 introductory portion to 12-54-104 (1) (i), and 12-54-104 (1) (i) (I),
8 Colorado Revised Statutes, are amended to read:

9 **12-54-104. Unlawful acts.** (1) It is unlawful:

10 (c) For any public officer or employee, the official of any public
11 institution, or any hospital, nursing home, physician, surgeon, funeral
12 director, ~~embalmer, mortician~~ MORTUARY SCIENCE PRACTITIONER,
13 CREMATIONIST, EMBALMER, or any other person having a professional
14 relationship with the decedent to approve or cause the final disposition of
15 a dead human body in violation of this article;

16 (e) For a funeral director, ~~mortician~~ MORTUARY SCIENCE
17 PRACTITIONER, CREMATIONIST, embalmer, or funeral establishment or
18 such person's agent to engage in a business practice that interferes with
19 the freedom of choice of the general public to choose a funeral director,
20 ~~mortician~~ MORTUARY SCIENCE PRACTITIONER, CREMATIONIST, embalmer,
21 or funeral establishment;

22 (g) To transport or otherwise transfer by common carrier a dead
23 human body unless:

24 (I) A funeral director, MORTUARY SCIENCE PRACTITIONER, or
25 embalmer has embalmed or hermetically sealed the body for
26 transportation and complies with applicable common carrier law; or

27 (h) For a funeral director, ~~mortician~~ MORTUARY SCIENCE

1 PRACTITIONER, CREMATIONIST, or embalmer to advertise as holding a
2 degree ~~or degree~~ in mortuary science, certificate of registration,
3 professional license, or professional certification issued by a state,
4 political subdivision, or agency unless the person holds such degree,
5 registration, license, or certification and it is current and valid at the time
6 of advertisement. If a funeral director, ~~mortician~~ MORTUARY SCIENCE
7 PRACTITIONER, CREMATIONIST, or embalmer advertises as holding a
8 credential granted by a governmental entity, such person shall identify the
9 jurisdiction that granted such credential in such advertisement.

10 (i) For ~~an embalmer~~, A funeral director, ~~or mortician~~ MORTUARY
11 SCIENCE PRACTITIONER, CREMATIONIST, OR EMBALMER to admit or permit
12 any person to visit the embalming, CREMATING, or preparation room
13 during the time such body is being embalmed, CREMATED, or prepared for
14 final disposition, unless such person:

15 (I) Is a funeral director, MORTUARY SCIENCE PRACTITIONER,
16 CREMATIONIST, or embalmer;

17 **SECTION 4.** The introductory portion to 12-54-108 (4) and
18 12-54-108 (5), Colorado Revised Statutes, are amended to read:

19 **12-54-108. Exceptions - safe harbor.** (4) If a funeral director,
20 MORTUARY SCIENCE PRACTITIONER, CREMATIONIST, or embalmer has
21 acted in good faith, the funeral director, MORTUARY SCIENCE
22 PRACTITIONER, CREMATIONIST, or embalmer may rely on a signed
23 statement from a person with the right of final disposition under section
24 15-19-106, C.R.S., that:

25 (5) (a) A funeral director, MORTUARY SCIENCE PRACTITIONER,
26 CREMATIONIST, or embalmer may dispose of cremated remains at the
27 expense of the person with the right of final disposition three hundred

1 sixty-five days after cremation if the ~~funeral director has~~ PERSON WAS
2 given clear prior notice of this provision and ~~has given such person a~~
3 reasonable opportunity to collect the cremated remains, ~~if the funeral~~
4 ~~director or embalmer records~~ the exact location of the disposition and the
5 costs associated with the disposition ARE RECORDED, and the recovery of
6 the cremated remains is possible. Recovery of costs shall be limited to a
7 reasonable amount of the costs actually expended by the funeral director.

8 (b) If the person was cremated prior to July 1, 2003, and the
9 funeral director, MORTUARY SCIENCE PRACTITIONER, OR CREMATIONIST
10 reasonably attempts to notify the person with the right of final disposition
11 of the provisions of this subsection (5), the ~~funeral director may dispose~~
12 ~~of~~ cremated remains MAY BE DISPOSED OF in accordance with this
13 subsection (5) notwithstanding a failure to provide the notice of the
14 provisions of this subsection (5) to the person with the right of final
15 disposition prior to disposing of the remains.

16 **SECTION 5.** 15-19-103 (7) (b), Colorado Revised Statutes, is
17 amended to read:

18 **15-19-103. Definitions.** As used in this article, unless the context
19 otherwise requires:

20 (7) (b) "Third party" includes, but is not limited to, a funeral
21 director, ~~mortician~~ MORTUARY SCIENCE PRACTITIONER, mortuary,
22 crematorium, or cemetery.

23 **SECTION 6.** Article 19 of title 15, Colorado Revised Statutes, is
24 amended BY THE ADDITION OF A NEW SECTION, CONTAINING
25 A RELOCATED PROVISION, to read:

26 **15-19-109. [Formerly 12-54-109] Effect of criminal charges.**
27 A person who has been arrested on suspicion of having committed, is

1 charged with, or has been convicted of, any felony offense specified in
2 part 1 of article 3 of title 18, C.R.S., involving the death of the deceased
3 person shall not direct the final disposition of the deceased person or
4 arrange the ceremonies for the deceased person. If charges are not
5 brought, charges are brought but dismissed, or the person charged is
6 acquitted of the alleged crime before final disposition of the deceased
7 person's body, this section shall not apply.

8 **SECTION 7. Repeal of provision being relocated.** 12-54-109,
9 Colorado Revised Statutes, is repealed.

10 **SECTION 8.** Part 1 of article 54 of title 12, Colorado Revised
11 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
12 SECTIONS to read:

13 **12-54-110. License or registration required.** (1) (a) UNLESS
14 LICENSED BY THE DIRECTOR, A PERSON SHALL NOT PRACTICE AS OR OFFER
15 THE SERVICES OF A MORTUARY SCIENCE PRACTITIONER.

16 (b) UNLESS REGISTERED BY THE DIRECTOR, A PERSON SHALL NOT
17 PRACTICE AS OR OFFER THE SERVICES OF A FUNERAL DIRECTOR,
18 CREMATIONIST, OR EMBALMER, EXCEPT AS SPECIFIED IN PARAGRAPH (a)
19 OF SUBSECTION (5) OF THIS SECTION.

20 (c) UNLESS REGISTERED WITH THE DIRECTOR, A PERSON SHALL NOT
21 INTERN AS A FUNERAL DIRECTOR, CREMATIONIST, OR EMBALMER.

22 (2) (a) AN APPLICANT FOR A MORTUARY SCIENCE PRACTITIONER
23 LICENSE OR FUNERAL DIRECTOR, CREMATIONIST, OR EMBALMER
24 REGISTRATION SHALL SUBMIT THE FOLLOWING:

25 (I) A DISCLOSURE OF ALL ADMINISTRATIVE DISCIPLINE TAKEN
26 AGAINST THE APPLICANT CONCERNING THE PRACTICE OF CREMATING,
27 EMBALMING, OR PREPARING DEAD HUMAN BODIES FOR FINAL DISPOSITION;

1 (II) EVIDENCE, ACCEPTABLE TO THE DIRECTOR, THAT THE
2 APPLICANT HAS MET THE REQUIREMENTS OF SUBSECTION (3) OF THIS
3 SECTION; AND

4 (III) THE APPLICATION FEE ESTABLISHED BY SECTION 12-54-115.

5 (b) AN APPLICANT FOR AN INTERN REGISTRATION SHALL SUBMIT
6 THE FOLLOWING:

7 (I) EVIDENCE, ACCEPTABLE TO THE DIRECTOR, THAT THE
8 APPLICANT HAS MET THE REQUIREMENTS OF SUBSECTION (3) OF THIS
9 SECTION; AND

10 (II) THE APPLICATION FEE ESTABLISHED BY SECTION 12-54-115.

11 (3) (a) AN APPLICANT SHALL NOT BE LICENSED AS A MORTUARY
12 SCIENCE PRACTITIONER UNLESS THE APPLICANT:

13 (I) EFFECTIVE JANUARY 1, 2009, HAS AT LEAST TWO THOUSAND
14 HOURS PRACTICING OR INTERNING AS A MORTUARY SCIENCE
15 PRACTITIONER, INCLUDING, WITHOUT LIMITATION, EXPERIENCE IN
16 CREMATION AND EMBALMING;

17 (II) HAS GRADUATED WITH A DEGREE IN MORTUARY SCIENCE FROM
18 AN ACCREDITED SCHOOL OF HIGHER EDUCATION; AND

19 (III) HAS TAKEN THE MORTUARY SCIENCE TEST, KNOWN AS THE
20 NATIONAL BOARD EXAMINATION, ADMINISTERED BY THE INTERNATIONAL
21 CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS OR ITS SUCCESSOR,
22 AND RECEIVED A PASSING SCORE.

23 (b) AN APPLICANT SHALL NOT BE REGISTERED AS A FUNERAL
24 DIRECTOR UNLESS THE APPLICANT:

25 (I) EFFECTIVE JANUARY 1, 2009, HAS AT LEAST TWO THOUSAND
26 HOURS PRACTICING OR INTERNING AS A FUNERAL DIRECTOR; AND

27 (II) HAS DIRECTED AT LEAST FIFTY FUNERALS OR GRAVESIDE

1 SERVICES.

2 (c) AN APPLICANT SHALL NOT BE REGISTERED AS AN EMBALMER
3 UNLESS THE APPLICANT:

4 (I) EFFECTIVE JANUARY 1, 2009, HAS AT LEAST FOUR THOUSAND
5 HOURS PRACTICING OR INTERNING AS AN EMBALMER; AND

6 (II) HAS EMBALMED AT LEAST FIFTY DEAD HUMAN BODIES.

7 (d) AN APPLICANT SHALL NOT BE REGISTERED AS A CREMATIONIST
8 UNLESS THE APPLICANT:

9 (I) EFFECTIVE JANUARY 1, 2009, HAS AT LEAST FIVE HUNDRED
10 HOURS PRACTICING OR INTERNING AS A CREMATIONIST; AND

11 (II) HAS CREMATED AT LEAST ONE HUNDRED DEAD HUMAN
12 BODIES.

13 (e) AN APPLICANT SHALL NOT BE REGISTERED AS AN INTERN
14 UNLESS THE APPLICANT HAS A HIGH SCHOOL DIPLOMA OR GRADUATION
15 EQUIVALENCY DIPLOMA.

16 (f) FOR PURPOSES OF THIS SUBSECTION (3), THE DIRECTOR SHALL
17 ACCEPT INTERN OR PRACTICE HOURS FROM COLORADO OR ANY OTHER
18 STATE.

19 (4) A PERSON WHO IS LICENSED OR REGISTERED PURSUANT TO THIS
20 SECTION SHALL RENEW SUCH LICENSE OR REGISTRATION ANNUALLY.

21 (5) (a) A PERSON MAY INTERN AS A FUNERAL DIRECTOR,
22 MORTUARY SCIENCE PRACTITIONER, CREMATIONIST, OR EMBALMER, SO
23 LONG AS THE PERSON IS PRACTICING UNDER THE DIRECT SUPERVISION OF
24 AN AUTHORIZED FUNERAL DIRECTOR, MORTUARY SCIENCE PRACTITIONER,
25 CREMATIONIST, OR EMBALMER. IF THE FUNERAL DIRECTOR, MORTUARY
26 SCIENCE PRACTITIONER, CREMATIONIST, OR EMBALMER SUPERVISES THE
27 INTERN NEGLIGENTLY, THE SUPERVISOR SHALL BE LIABLE FOR AND

1 SUBJECT TO DISCIPLINE FOR ACTS COMMITTED BY THE INTERN.

2 (b) A PERSON SHALL NOT INTERN AS AN EMBALMER FOR MORE
3 THAN FOUR YEARS.

4 (c) A PERSON SHALL NOT INTERN AS A FUNERAL DIRECTOR,
5 MORTUARY SCIENCE PRACTITIONER, OR CREMATIONIST FOR MORE THAN
6 TWO YEARS.

7 **12-54-111. Standards of practice - embalming - cremating -**
8 **transporting.** (1) AN EMBALMER, OR MORTUARY SCIENCE PRACTITIONER
9 EMBALMING, SHALL:

10 (a) MAINTAIN A SANITARY PREPARATION ROOM WITH SANITARY
11 FLOORING, DRAINAGE, AND VENTILATION;

12 (b) EMPLOY UNIVERSAL BIOLOGICAL HAZARD PRECAUTIONS;

13 (c) EMPLOY REASONABLE CARE TO MINIMIZE THE RISK OF
14 TRANSMITTING COMMUNICABLE DISEASES FROM DEAD HUMAN BODIES;

15 (d) BE EQUIPPED WITH INSTRUMENTS AND SUPPLIES NECESSARY TO
16 PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND EMPLOYEES OF THE
17 ESTABLISHMENT; AND

18 (e) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
19 MANNER.

20 (2) A CREMATIONIST, OR MORTUARY SCIENCE PRACTITIONER
21 CREMATING, SHALL:

22 (a) MAINTAIN A RETORT THAT IS OPERATED AT ALL TIMES IN A
23 SAFE AND SANITARY MANNER;

24 (b) EMPLOY A SYSTEM THAT IS REASONABLY DESIGNED TO
25 PRESERVE THE IDENTITY OF CREMATED REMAINS;

26 (c) EMPLOY UNIVERSAL BIOLOGICAL HAZARD PRECAUTIONS;

27 (d) EMPLOY REASONABLE CARE TO MINIMIZE THE RISK OF

1 TRANSMITTING COMMUNICABLE DISEASES FROM DEAD HUMAN BODIES;

2 (e) BE EQUIPPED WITH INSTRUMENTS AND SUPPLIES NECESSARY TO
3 PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND EMPLOYEES OF THE
4 ESTABLISHMENT; AND

5 (f) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
6 MANNER.

7 (3) A FUNERAL ESTABLISHMENT THAT TRANSPORTS DEAD HUMAN
8 BODIES SHALL:

9 (a) USE A MOTOR VEHICLE THAT IS APPROPRIATE FOR THE
10 TRANSPORTATION OF A DEAD HUMAN BODY; AND

11 (b) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
12 MANNER.

13 **12-54-112. Powers and duties of the director - rules.** (1) THE
14 DIRECTOR SHALL DENY, REFUSE TO RENEW, OR REVOKE THE LICENSE OR
15 REGISTRATION OF AN APPLICANT WHO HAS:

16 (a) FILED AN APPLICATION WITH THE DIRECTOR CONTAINING
17 MATERIAL MISSTATEMENTS OF FACT OR OMITTED ANY DISCLOSURE
18 REQUIRED BY THIS PART 1;

19 (b) HAD A LICENSE OR REGISTRATION ISSUED BY COLORADO, OR
20 AN EQUIVALENT LICENSE, REGISTRATION, OR CERTIFICATION ISSUED BY
21 ANOTHER STATE, TO PRACTICE MORTUARY SCIENCE OR TO EMBALM OR
22 CREMATE A DEAD HUMAN BODY REVOKED WITHIN THE LAST TWO YEARS;

23 (c) A LICENSE OR REGISTRATION ISSUED BY COLORADO, OR AN
24 EQUIVALENT LICENSE, REGISTRATION, OR CERTIFICATION ISSUED BY
25 ANOTHER STATE, TO PRACTICE MORTUARY SCIENCE OR TO EMBALM OR
26 CREMATE A DEAD HUMAN BODY CURRENTLY UNDER SUSPENSION;

27 (d) NEGLIGENTLY VIOLATED THIS PART 1;

1 (e) FAILED TO COMPLY WITH THE STANDARDS OF PRACTICE IN
2 SECTION 12-54-111; OR

3 (f) COMMITTED A PATTERN OF UNPROFESSIONAL ACTS.

4 (2) UPON FINDING A VIOLATION OF THIS PART 1 OR OF A RULE
5 PROMULGATED PURSUANT TO THIS PART 1, THE DIRECTOR OR AN
6 ADMINISTRATIVE LAW JUDGE MAY TEMPORARILY SUSPEND, FOR UP TO
7 SIXTY DAYS, A LICENSE OR REGISTRATION ISSUED PURSUANT TO THIS
8 SECTION IN LIEU OF REFUSING TO RENEW OR REVOKING THE LICENSE OR
9 REGISTRATION UPON DETERMINING THAT THE VIOLATION DOES NOT MERIT
10 REVOCATION.

11 (3) (a) THE DIRECTOR MAY INVESTIGATE THE ACTIVITIES OF A
12 LICENSEE, REGISTRANT, OR OTHER PERSON THAT PRESENT GROUNDS FOR
13 DISCIPLINARY ACTION UNDER THIS SECTION OR WHO HAS VIOLATED THIS
14 PART 1 OR RULES PROMULGATED PURSUANT TO THIS PART 1.

15 (b) THE DIRECTOR SHALL TAKE COMPLAINTS AND SHALL
16 INVESTIGATE THE ACTIVITIES OF A LICENSEE OR REGISTRANT UPON A
17 COMPLAINT BEING MADE BY A CLIENT OR PROFESSIONAL ORGANIZATION
18 OF LICENSEES OR REGISTRANTS UNDER THIS PART 1.

19 (4) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE APPOINTED
20 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., SHALL
21 CONDUCT DISCIPLINARY HEARINGS CONCERNING A LICENSE OR
22 REGISTRATION ISSUED UNDER THIS PART 1. SUCH HEARINGS SHALL
23 CONFORM TO ARTICLE 4 OF TITLE 24, C.R.S.

24 (5) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
25 THIS SUBSECTION (5), A PERSON WHOSE LICENSE OR REGISTRATION HAS
26 BEEN REVOKED SHALL NOT BE ELIGIBLE FOR A LICENSE OR REGISTRATION
27 FOR TWO YEARS AFTER THE EFFECTIVE DATE OF THE REVOCATION.

1 (b) IF THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE
2 DETERMINES THAT AN APPLICATION CONTAINED A MISSTATEMENT OF FACT
3 OR OMITTED A REQUIRED DISCLOSURE DUE TO AN UNINTENTIONAL ERROR,
4 THE DIRECTOR SHALL ALLOW THE APPLICANT TO CORRECT THE
5 APPLICATION. UPON RECEIPT OF THE CORRECTED AND COMPLETED
6 APPLICATION, THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE SHALL NOT
7 BAR THE APPLICANT FROM BEING LICENSED OR REGISTERED ON THE BASIS
8 OF THE UNINTENTIONAL MISSTATEMENT OR OMISSION.

9 (6) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE MAY
10 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE
11 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE
12 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY
13 EVIDENCE, AND MATERIALS IN ANY HEARING OR INVESTIGATION
14 CONDUCTED BY THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

15 (b) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR
16 PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE
17 SUBPOENAED WITNESS RESIDES OR CONDUCTS BUSINESS MAY ISSUE AN
18 ORDER REQUIRING THE WITNESS TO APPEAR BEFORE THE DIRECTOR OR
19 ADMINISTRATIVE LAW JUDGE AND PRODUCE THE RELEVANT PAPERS,
20 BOOKS, RECORDS, DOCUMENTARY EVIDENCE, TESTIMONY, OR MATERIALS
21 IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE
22 PUNISHED AS A CONTEMPT OF COURT. THE DIRECTOR OR AN
23 ADMINISTRATIVE LAW JUDGE MAY APPLY FOR SUCH ORDER.

24 (7) THE DIRECTOR SHALL KEEP RECORDS OF THE PERSONS
25 LICENSED OR REGISTERED UNDER THIS PART 1 AND OF DISCIPLINARY
26 PROCEEDINGS. THE RECORDS KEPT BY THE DIRECTOR SHALL BE OPEN TO
27 PUBLIC INSPECTION IN A REASONABLE TIME AND MANNER DETERMINED BY

1 THE DIRECTOR.

2 (8) WHEN THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE DEEMS
3 IT APPROPRIATE AND USEFUL, THE DIRECTOR OR ADMINISTRATIVE LAW
4 JUDGE SHALL CONSULT WITH OR OBTAIN A WRITTEN OPINION FROM AN
5 APPROPRIATE PROFESSIONAL ORGANIZATION OR ASSOCIATION OF PERSONS
6 LICENSED OR REGISTERED UNDER THIS PART 1 FOR THE PURPOSES OF
7 INVESTIGATING POSSIBLE VIOLATIONS OR WEIGHING THE APPROPRIATE
8 STANDARD OF CARE TO BE APPLIED TO SPECIFIC EVENTS OR THE FACTS IN
9 A HEARING BEING HELD UNDER THIS PART 1. WHEN OBTAINING AN
10 OPINION OR CONSULTING WITH THE PROFESSIONAL ORGANIZATION OR
11 ASSOCIATION, THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE SHALL NOT
12 REVEAL THE NAMES OF ANY OF THE PARTIES INVOLVED IN THE
13 INVESTIGATION UNTIL A HEARING IS HELD UNDER THIS PART 1 AND
14 ARTICLE 4 OF TITLE 24, C.R.S.

15 (9) (a) THE DIRECTOR MAY PROMULGATE REASONABLE RULES
16 NECESSARY TO IMPLEMENT THIS SECTION OR SECTION 12-54-110,
17 12-54-115, OR 12-54-116.

18 (b) BEFORE PROMULGATING RULES, THE DIRECTOR SHALL SEEK
19 INPUT AND ADVICE FROM ANY STATE PROFESSIONAL ORGANIZATION OF
20 PERSONS REQUIRED TO BE LICENSED OR REGISTERED PURSUANT TO THIS
21 PART 1.

22 **12-54-113. Cease-and-desist orders - procedure.** (1) (a) IF IT
23 APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS
24 PRESENTED IN A WRITTEN COMPLAINT, THAT THE HOLDER OF A LICENSE OR
25 REGISTRATION IS ACTING IN A MANNER THAT CREATES AN IMMINENT
26 THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS
27 ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR

1 REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST
2 SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES
3 ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE
4 CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL
5 UNLAWFUL ACTS OR UNAUTHORIZED PRACTICES IMMEDIATELY CEASE.

6 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
7 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE
8 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER
9 ACTS OR PRACTICES IN VIOLATION OF THIS PART 1 HAVE OCCURRED. SUCH
10 HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND
11 24-4-105, C.R.S.

12 (2) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
13 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON HAS
14 VIOLATED ANY OTHER PORTION OF THIS PART 1, THEN, IN ADDITION TO ANY
15 SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 1, THE DIRECTOR MAY
16 ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE
17 DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO
18 CEASE AND DESIST FROM THE UNLAWFUL ACT OR PRACTICE.

19 (b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
20 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL
21 BE PROMPTLY NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE
22 ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL
23 BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A
24 HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL
25 SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS
26 MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS
27 ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT

1 PURSUANT TO THIS SUBSECTION (2) SHALL CONSTITUTE NOTICE THEREOF
2 TO THE PERSON.

3 (c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE
4 COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE
5 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
6 NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS
7 SUBSECTION (2). THE HEARING MAY BE CONTINUED BY AGREEMENT OF
8 ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF
9 PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER,
10 BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY
11 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
12 NOTIFICATION.

13 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
14 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES
15 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE
16 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON
17 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND SUCH OTHER
18 EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS
19 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS
20 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE
21 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME
22 FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL
23 BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

24 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON
25 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR
26 HAS ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION OR HAS OR
27 IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS

1 OF THIS PART 1, A FINAL CEASE-AND-DESIST ORDER MAY BE ISSUED,
2 DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL
3 ACTS OR UNLICENSED PRACTICES.

4 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET
5 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL
6 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE
7 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON
8 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER
9 ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL
10 BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES
11 OF JUDICIAL REVIEW.

12 (3) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
13 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN
14 OR IS ABOUT TO ENGAGE IN AN ACT OR PRACTICE CONSTITUTING A
15 VIOLATION OF THIS PART 1, ANY RULE PROMULGATED PURSUANT TO THIS
16 PART 1, ANY ORDER ISSUED PURSUANT TO THIS PART 1, OR ANY ACT OR
17 PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION
18 PURSUANT TO THIS PART 1, THE DIRECTOR MAY ENTER INTO A STIPULATION
19 WITH THE PERSON.

20 (4) IF A PERSON FAILS TO COMPLY WITH A FINAL
21 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY
22 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE
23 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,
24 AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A
25 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO
26 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

27 (5) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST ORDER

1 MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF
2 THE DIRECTOR'S FINAL ORDER.

3 **12-54-114. Immunity.** THE DIRECTOR, ANY MEMBER OF THE
4 DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO
5 THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED
6 UNDER THIS PART 1, AND ANY PERSON WHO LODGES A COMPLAINT
7 PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL
8 ACTION FOR ACTS OCCURRING WHILE ACTING WITHIN THE SCOPE OF THE
9 PERSON'S CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS,
10 RESPECTIVELY, IF THE PERSON WAS ACTING IN GOOD FAITH, MADE A
11 REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH
12 THE PERSON ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE
13 ACTION TAKEN WAS WARRANTED BY THE FACTS. A PERSON
14 PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR
15 PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING
16 PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM ANY CIVIL OR
17 CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

18 **12-54-115. Fees - mortuary cash fund - created.** (1) THE
19 DIRECTOR MAY ESTABLISH THE FEES FOR A LICENSE OR REGISTRATION
20 ISSUED PURSUANT TO SECTIONS 12-54-103 (3) AND 12-54-110. THE FEES
21 SHALL BE SET IN AMOUNTS THAT OFFSET THE DIRECT AND INDIRECT COSTS
22 OF IMPLEMENTING THIS PART 1, SUBJECT TO ADJUSTMENT AS NECESSARY
23 UNDER SECTION 24-75-402, C.R.S. THE MONEYS COLLECTED PURSUANT
24 TO THIS SECTION SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO
25 SHALL CREDIT THE SAME TO THE MORTUARY CASH FUND.

26 (2) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
27 MORTUARY CASH FUND. MONEYS IN THE FUND AND INTEREST EARNED ON

1 MONEYS IN THE FUND SHALL BE SPENT ONLY TO IMPLEMENT THIS PART 1
2 AND SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF THE FISCAL
3 YEAR. THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE
4 GENERAL ASSEMBLY.

5 **12-54-116. Authority - inspections - public safety.** (1) (a) IF
6 THE DIRECTOR HAS REASON TO BELIEVE THAT AN UNREASONABLE AND
7 IMMINENT HAZARD TO PUBLIC HEALTH EXISTS IN THE CONTINUED
8 OPERATION OF A FUNERAL ESTABLISHMENT, AFTER REASONABLE
9 VERIFICATION TO THE EXTENT PRACTICABLE UNDER THE CIRCUMSTANCES
10 AND CONSISTENT WITH THE PUBLIC HEALTH, THE DIRECTOR MAY ISSUE AN
11 EMERGENCY ORDER AS REASONABLY NECESSARY TO ABATE THE HAZARD.
12 THE EMERGENCY ORDER MAY REQUIRE THE FUNERAL ESTABLISHMENT TO
13 CEASE ALL OPERATION; TO CEASE CREMATING, EMBALMING, OR STORING
14 DEAD HUMAN BODIES; OR TAKE OR REFRAIN FROM TAKING ANY OTHER
15 ACTION REASONABLY NECESSARY TO PROTECT THE PUBLIC FROM SUCH
16 HAZARD. THE EMERGENCY ORDER SHALL BE IN WRITING AND SIGNED BY
17 THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE. THE ORDER MAY BE
18 SERVED BY:

19 (I) PERSONAL DELIVERY TO THE OWNER, MANAGER, OR EMPLOYEE
20 OF THE FUNERAL ESTABLISHMENT;

21 (II) CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR AN
22 ALTERNATIVE THAT IS EQUALLY RELIABLE TO THE OWNER OR MANAGER OF
23 THE FUNERAL ESTABLISHMENT; OR

24 (III) ANY OTHER METHOD AUTHORIZED BY ARTICLE 4 OF TITLE 24,
25 C.R.S.

26 (b) AN ORDER SHALL STATE THE TERM OF ITS EFFECT AND THE
27 ACTS NECESSARY FOR ABATING THE ORDER. UNLESS A HEARING IS

1 REQUESTED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (1), AN
2 EMERGENCY ORDER SHALL BE EFFECTIVE ACCORDING TO ITS TERMS.

3 (c) THE OWNER OR MANAGER OF A FUNERAL HOME SUBJECT TO AN
4 ORDER ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) MAY
5 REQUEST A HEARING TO DETERMINE WHETHER THERE IS AN
6 UNREASONABLE OR IMMINENT HAZARD TO THE PUBLIC, WHETHER THE
7 ORDER IS NECESSARY TO PROTECT THE PUBLIC, OR WHETHER A LESS
8 RESTRICTIVE ORDER MAY PROTECT THE PUBLIC FROM THE HAZARD. THE
9 HEARING REQUEST SHALL BE IN WRITING. THE DIRECTOR SHALL HOLD A
10 HEARING IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., WITHIN
11 THIRTY DAYS AFTER RECEIVING SUCH WRITTEN REQUEST.

12 (d) UPON A HEARING BEING REQUESTED PURSUANT TO PARAGRAPH
13 (c) OF THIS SUBSECTION (1), THE DIRECTOR SHALL MAKE FINDINGS ON THE
14 ISSUES IN QUESTION. THE ORDER SHALL BE AFFIRMED, MODIFIED, OR
15 RESCINDED IN ACCORDANCE WITH THE FINDINGS. IF THE ORDER IS
16 AFFIRMED, IT SHALL CONTINUE TO BE EFFECTIVE ACCORDING TO ITS
17 TERMS. IF THE ORDER IS MODIFIED, IT SHALL CONTINUE ACCORDING TO
18 THE MODIFIED TERMS. IF THE ORDER IS RESCINDED, IT SHALL NOT REMAIN
19 IN EFFECT.

20 (2) (a) THE DIRECTOR MAY AT ALL TIMES ENTER ANY FUNERAL
21 ESTABLISHMENT TO PERFORM A SAFETY INSPECTION. AN INSPECTION MAY
22 BE TO ASSESS A POTENTIAL HEALTH HAZARD OR TO VERIFY COMPLIANCE
23 WITH THIS PART 1. THE DIRECTOR MAY PERFORM RANDOM INSPECTIONS
24 OF FUNERAL ESTABLISHMENTS TO VERIFY COMPLIANCE WITH THIS PART 1.

25 (b) IF THE DIRECTOR IS REFUSED ENTRY INTO A FUNERAL
26 ESTABLISHMENT, THE DIRECTOR MAY DEEM THE ESTABLISHMENT AN
27 IMMINENT AND UNREASONABLE HEALTH HAZARD FOR THE PURPOSES OF

1 ISSUING AN EMERGENCY ORDER PURSUANT TO SUBSECTION (1) OF THIS
2 SECTION UNTIL A HEARING IS REQUESTED PURSUANT TO SUBSECTION (1)
3 OF THIS SECTION.

4 **12-54-117. Enforcement - injunctions.** (1) THE DIRECTOR MAY
5 FORWARD INFORMATION CONCERNING POSSIBLE VIOLATIONS OF THIS PART
6 1 COMMITTED BY ANY PERSON OR COMPLAINTS FILED AGAINST A FUNERAL
7 DIRECTOR, MORTUARY SCIENCE PRACTITIONER, CREMATIONIST, OR
8 EMBALMER TO A DISTRICT ATTORNEY OR A STATE OR FEDERAL LAW
9 ENFORCEMENT AGENCY.

10 (2) THE DIRECTOR MAY REQUEST THAT AN ACTION BE BROUGHT IN
11 THE NAME OF THE PEOPLE OF THE STATE OF COLORADO BY THE ATTORNEY
12 GENERAL OR THE DISTRICT ATTORNEY OF THE DISTRICT IN WHICH THE
13 VIOLATION IS ALLEGED TO HAVE OCCURRED TO ENJOIN A PERSON FROM
14 ENGAGING IN OR CONTINUING THE VIOLATION OR FROM DOING ANY ACT
15 THAT FURTHERS THE VIOLATION. IN SUCH AN ACTION, AN ORDER OR
16 JUDGMENT MAY BE ENTERED AWARDING SUCH PRELIMINARY OR FINAL
17 INJUNCTION AS IS DEEMED PROPER BY THE COURT. THE NOTICE, HEARING,
18 OR DURATION OF AN INJUNCTION OR RESTRAINING ORDER SHALL BE MADE
19 IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE.

20 **12-54-118. Repeal of sections.** SECTIONS 12-54-110 TO
21 12-54-118 ARE REPEALED, EFFECTIVE JULY 1, 2018. PRIOR TO SUCH
22 REPEAL, THE REGULATION OF PERSONS LICENSED OR REGISTERED TO
23 PRACTICE MORTUARY SCIENCE SHALL BE REVIEWED PURSUANT TO SECTION
24 24-34-104, C.R.S.

25 **SECTION 9.** 24-34-104 (49), Colorado Revised Statutes, is
26 amended to read:

27 **24-34-104. General assembly review of regulatory agencies**

1 **and functions for termination, continuation, or reestablishment.**

2 (49) The following agencies, functions, or both, shall terminate on July
3 1, 2018:

4 (a) The environmental management system permit program,
5 created in article 6.6 of title 25, C.R.S.;

6 (b) THE REGULATION OF PERSONS LICENSED OR REGISTERED TO
7 PRACTICE MORTUARY SCIENCE PURSUANT TO SECTIONS 12-54-110 TO
8 12-54-118, C.R.S.

9 **SECTION 10. Effective date - applicability.** This act shall take
10 effect July 1, 2008, and shall apply to offenses committed on or after said
11 date.

12 **SECTION 11. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.