



Reference Sheet: "The Basics of Colorado Funeral Service Laws"

An Introduction and Refresher for ALL Funeral Service Practitioners developed by the Colorado Funeral Directors Association

Colorado Revised Statutes (C.R.S.)

Mortuary Science Code (12-54-101): Definitions, standards of practice, prohibited acts, regulation of funeral homes and crematories.

Final Disposition of Human Remains (15-19-101): Rights of the deceased and authorization to control final disposition.

Vital Records (25-2-101): Registration of death, disposition permit, death certificates.

Preneed Funeral Contracts (10-15-101): Contract elements, license and trust requirements, insurance regulations.

Cemeteries (12-12-101, 7-47-101, 25-1-654): Regulated separate from mortuary science, under different sections of Colorado law.

Uniform Anatomical Gift Act (12-34-102): Regulations for anatomical gifts, donor organizations.

Human Services Code (26-2-129): Public assistance for funeral and burial expenses.

Colorado Department of Regulatory Agencies (DORA)

Office of Funeral Home and Crematory Registration
 Division of Professions and Occupations
 1560 Broadway, Suite 1350
 Denver, Colorado 80202
 Telephone (303) 894-7800
 Fax (303) 894-7692

DORA_FuneralHomesandCrematories@state.co.us

Contracts must include statement:

"Inquiries regarding your funeral agreement may be directed to the Department of Regulatory Agencies"

Preneed Funeral Contracts
 Colorado Division of Insurance
 1560 Broadway, Suite 850
 Denver, CO 80202
 Telephone (303) 894-7499, (800) 930-3745
 Fax (303) 894-7455

DORA_INS_CorporateAffairs@state.co.us
Annual report must be filed before March 31

Forms and Instructions

www.colorado.gov/pacific/dora/node/94736#Preneed_Contract_Sellers

* Funeral Establishment and Crematory Registration Rules

4 CCR 742-1 – December 30, 2016

www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6945

Director's Policies, Funeral Home and Crematory

www.colorado.gov/pacific/dora/Funeral_Crematory_Laws#Policies

Search Colorado Revised Statutes online

<http://www.lexisnexis.com/hottopics/colorado/>

Methods of Positive Identification

- Photo identification
- Family member or representative with right of final disposition
- Facility ID band or tag that has been compared with releasing institution's records
- Identification marker or tag affixed to the remains by the Coroner's Office or their authorized personnel

A funeral establishment (crematory) shall not, through its managers, employees, contractors, or agents, take custody of human remains without an attestation of positive identification on a form promulgated by the Director by Rule.*

A funeral establishment (crematory) may use its own procedures if the procedures meet or exceed minimum standards of the rule.*

A Funeral Establishment (Crematory) is responsible for identifying and tracking human remains from the time it takes custody of human remains until the:

- Final disposition has occurred or the remains are returned to the person who has the right of final disposition;
- Human remains are released in accordance with the instructions given by the person who has the right of final disposition; or
- Remains are released to another funeral establishment, crematory, repository, or entity as authorized by the person who has the right of final disposition.

Custody

Having or taking direct responsibility for the care and control of a decedent by a funeral establishment and/or crematory.

Care Facility

A facility that provides personal, custodial or healthcare services to persons.

Repository

A place, building, or receptacle where human remains may be stored temporarily or in perpetuity as requested by the person with the right of final disposition.

Entity

An organization or service established for the purpose of holding human remains or carrying out the final disposition of remains as requested by the person with right of final disposition.

This document is provided only as a reference for purposes of this education session. Refer to the actual statutes, rules and policies referenced above or consult your own legal counsel for advice.