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HOUSE BILL 25-1082

BY REPRESENTATIVE(S) Weinberg and Brown, Caldwell, Clifford, Keltie, Soper, Titone, Valdez;
also SENATOR(S) Pelton R. and Michaelson Jenet, Bridges, Cutter.

CONCERNING AUTHORIZING CERTAIN INDIVIDUALS TO COMPLETE ACTIONS
RELATED TO DEATH CERTIFICATES, AND, IN CONNECTION THEREWITH,
MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 25-2-110, **amend** (1)(b)(I), (1)(b)(III), (3)(a), (3)(a.5)(I) introductory portion, (3)(a.5)(I)(B), (3)(a.5)(I)(C), (3)(a.5)(II), (4), (4.5), and (6); and **add** (1)(g) and (12) as follows:

25-2-110. Certificates of death - definitions. (1) (b) (I) The department of public health and environment shall create and the state registrar shall use an electronic death registration system for the purpose of collecting death information from funeral directors, coroners, physicians, PHYSICIAN ASSISTANTS, ADVANCED PRACTICE REGISTERED NURSES, local registrars, health facilities, and other authorized individuals, as determined by the department. Death information submitted electronically by a funeral

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

director, coroner, physician, PHYSICIAN ASSISTANT, ADVANCED PRACTICE REGISTERED NURSE, local registrar, health facility, or authorized individual, as determined by the department, to the electronic death registration system for purposes of fulfilling the requirements of this section satisfies the signature and filing requirements of this section and section 30-10-606. C.R.S.

(III) Except as otherwise provided in subsection (4.5) of this section, any individual, other than a family member of the decedent or other individual ~~acting~~ ASSISTING in a nonprofessional capacity ~~as the funeral director~~ for the decedent, who is required to initiate, complete, respond to, or file a certificate of death pursuant to this section must use the electronic death registration system used by the state registrar.

(g) A PHYSICIAN ASSISTANT OR ADVANCED PRACTICE REGISTERED NURSE SHALL REVIEW THE TRAINING MATERIALS REGARDING SIGNING A DEATH CERTIFICATE PROVIDED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT BEFORE THE FIRST TIME THEY SIGN A DEATH CERTIFICATE.

(3) (a) The funeral director or ~~person acting as such~~ INDIVIDUAL ASSISTING IN A NONPROFESSIONAL CAPACITY who first assumes custody of a dead body, stillborn fetus, or dead fetus is responsible for the filing of the certificate of death required by subsection (1) of this section within seventy-two hours after receipt of the electronic death registration request unless the physician, their associate physician, THE PHYSICIAN ASSISTANT, THE ADVANCED PRACTICE REGISTERED NURSE, the chief medical officer of the institution in which the death occurred, or the physician who performs an autopsy upon the decedent is unable to complete the medical certification for the certificate of death within the required time frame. The funeral director shall obtain the personal data required by the certificate from the next of kin or the best qualified person or source available. The funeral director shall obtain the medical certification necessary to complete the portion of the certificate pertaining to the cause of death from the best qualified person or source available, pursuant to subsection (4) of this section.

(a.5) (I) Except as otherwise provided in subsection (3)(a.5)(II) of this section, if a decedent had an established primary care physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE, the primary care physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE

REGISTERED NURSE is responsible for completing the medical certification for the certificate of death in accordance with subsections (1)(a) and (4) of this section if:

(B) The decedent received medical care from the primary care physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE within a year of the death;

(C) The death occurred when the decedent was not under the direct care of another physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE charged with the patient's care during the illness or condition that resulted in death; and

(II) If, within a year of the death, the decedent had been treated by a physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE other than the decedent's established primary care physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE for a chronic condition or terminal illness related to the decedent's death and the conditions set forth in subsections (3)(a.5)(I)(A) and (3)(a.5)(I)(D) of this section are met, that physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE is responsible for completing the medical certification for the certificate of death in accordance with subsection (4) of this section.

(4) Except when inquiry is required by any provision of section 30-10-606 other than section 30-10-606 (1)(b), the physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE in charge of the patient's care for the illness or condition that resulted in death shall complete the medical certification for the certificate of death within seventy-two hours after receipt of the electronic death registration request or, before March 1, 2024, only, for a physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE who is not yet registered to use and using the electronic death registration system used by the department of public health and environment and the state registrar pursuant to subsection (1)(b)(I) of this section, within seventy-two hours after receiving notice that a medical certification for a certificate of death must be completed. In the absence of ~~said~~ THE physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE or with the physician's, PHYSICIAN ASSISTANT'S, OR ADVANCED PRACTICE REGISTERED NURSE'S approval, the certificate may be completed and signed by an associate physician,

PHYSICIAN ASSISTANT, ADVANCED PRACTICE REGISTERED NURSE, ~~by~~ the chief medical officer of the institution in which the death occurred, or ~~by~~ the physician who performed an autopsy upon the decedent, if such individual has access to the medical history of the case, if said individual views the decedent at or after the time of death, and if the death is due to natural causes. If the death is or may be due to unnatural causes, a physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE required to complete a medical certification for a certificate of death in accordance with this subsection (4) shall notify the coroner or the medical examiner when an inquiry or an autopsy is required to be performed pursuant to sections 30-10-606 and 30-10-606.5. On and after March 1, 2024, a physician's, PHYSICIAN ASSISTANT'S, OR ADVANCED PRACTICE REGISTERED NURSE'S repeated or willful failure without reasonable cause to comply with timely completion of a medical certification for a certificate of death in accordance with subsection (1)(a) of this section and this subsection (4) constitutes unprofessional conduct, as defined in section 12-240-121 (1)(hh). If an autopsy is performed, the certification shall indicate whether the decedent was pregnant at the time of death, and ~~said~~ THE information shall be reported on the death certificate as required by subsection (9) of this section. Except as otherwise provided in subsection (4.5) of this section, the physician, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE or, in their absence, their designee in accordance with this subsection (4), shall complete the medical certification for a certificate of death required by this subsection (4) using the electronic death registration system used by the department of public health and environment and the state registrar pursuant to subsection (1)(b)(I) of this section.

(4.5) (a) The department of public health and environment shall ensure that all physicians are registered to use the electronic death registration system created and used pursuant to subsection (1)(b)(I) of this section on or before March 1, 2024. A physician shall use the system for all medical certifications for certificates of death required by subsection (4) of this section immediately upon being registered but is not required to do so before being registered.

(b) A QUALIFIED INDIVIDUAL SHALL REGISTER TO USE THE ELECTRONIC DEATH REGISTRATION SYSTEM PRIOR TO SIGNING A MEDICAL CERTIFICATE OF DEATH.

(6) If the cause of death cannot be determined within forty-eight hours after a death, the medical certification shall be completed as provided by rule. If an autopsy is performed, the certification shall indicate whether the decedent was pregnant at the time of death, and ~~said~~ THE information shall be reported on the death certificate as required by subsection (9) of this section. The attending physician, PHYSICIAN ASSISTANT, ADVANCED PRACTICE REGISTERED NURSE, or coroner shall give the funeral director or ~~person acting as such~~ INDIVIDUAL ASSISTING IN A NONPROFESSIONAL CAPACITY notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the office designated or established pursuant to section 25-2-103 in the county where the death occurred or, if such an office does not exist in the county where the death occurred, final disposition of the body shall not be made until authorized by the coroner or the coroner's designee.

(12) AS USED IN THIS SECTION, "QUALIFIED INDIVIDUAL" MEANS A PHYSICIAN; A PHYSICIAN ASSISTANT LICENSED PURSUANT TO ARTICLE 240 OF TITLE 12; AN ADVANCED PRACTICE REGISTERED NURSE, AS DEFINED IN SECTION 12-255-104 (1); OR THE CHIEF MEDICAL OFFICER OF THE INSTITUTION IN WHICH THE DEATH OCCURRED.

SECTION 2. In Colorado Revised Statutes, 25-2-111, **amend** (1) as follows:

25-2-111. Dead bodies - disposition - removal from state - records. (1) ~~Any person requested to act as funeral director for a dead body or otherwise whoever~~ A FUNERAL DIRECTOR OR INDIVIDUAL ASSISTING IN A NONPROFESSIONAL CAPACITY WHO first assumes custody of a dead body shall, prior to final disposition of the body, obtain authorization for final disposition of the body. The office designated or established pursuant to section 25-2-103 in the county where the death occurred or, if such an office does not exist in the county where the death occurred, the coroner or the coroner's designee shall authorize final disposition of the body on a form prescribed and furnished by the state registrar. No body shall be buried, cremated, deposited in a vault or tomb, or otherwise disposed of, nor shall any body be removed from this state, until such authorization has been obtained, completed, and approved. The coroner or the coroner's designee shall include in the authorization notice of the requirements of subsection (7) of this section.

SECTION 3. Appropriation. For the 2025-26 state fiscal year, \$25,000 is appropriated to the department of public health and environment for use by the center for health and environmental data. This appropriation is from the vital statistics records cash fund created in section 25-2-121 (2)(b)(I), C.R.S. To implement this act, the center may use this appropriation for operating expenses related to health statistics and vital records.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO