

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

REENGROSSED

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

LLS NO. 23-0329.01 Jason Gelender x4330

SENATE BILL 23-020

SENATE SPONSORSHIP

Coleman, Exum, Ginal, Jaquez Lewis, Kolker, Marchman

HOUSE SPONSORSHIP

Jodeh and Weinberg,

Senate Committees

Health & Human Services
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE TIMELY ISSUANCE OF A CERTIFIED DEATH**
102 **CERTIFICATE.**

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>.)

Current law requires a certificate of death for every death that occurs in Colorado to be filed with the state registrar within 5 days after the death occurs. The funeral director is responsible for filing the death certificate and must obtain the medical certification necessary to complete the portion of the certificate pertaining to the cause of death from a qualified individual. Physicians must complete, sign, and return to the

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.

SENATE
3rd Reading Unamended
April 3, 2023

SENATE
Amended 2nd Reading
March 31, 2023

funeral director all medical certification within 48 hours after a death occurs. If an inquiry is required to be made to a coroner, the coroner must determine the cause of death and complete and sign the medical certification within 48 hours after taking charge of the case. If the cause of death cannot be determined within 48 hours after a death, the medical certification must be completed as provided by rule.

The bill changes the time frame required to file a certificate of death with the state registrar from 5 days to 48 hours with limited exceptions. It also imposes a requirement that a funeral director file the certificate within 48 hours if they are able to obtain the medical certification from a qualified individual within those 48 hours. The bill requires that a qualified individual complete the medical certification within 36 hours after the death has occurred unless an inquiry is required to be made to a coroner. The coroner shall determine the cause of death and complete the medical certification within 48 hours after taking charge of the case unless in good faith, the coroner determines that additional time is needed, in which case, the coroner must determine the cause of death and complete the medical certification as soon as practicable.

Section 2 of the bill requires the department of public health and environment, upon request, to provide a certified death certificate to an applicant having a direct and tangible interest in the certified copy of the record of death within 24 hours.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-2-110, **amend**
3 (1)(a), (3)(a), (4), and (5); and **add** (1)(b)(III), (1)(b)(IV), (3)(a.5), (4.5),
4 and (5.5) as follows:

5 **25-2-110. Certificates of death.** (1) (a) A certificate of death for
6 each death, including a stillborn death, that occurs in Colorado must be
7 filed with the state registrar or as otherwise directed by the state registrar,
8 within ~~five days~~ after the death occurs SEVENTY-TWO HOURS OF
9 ASSUMING CUSTODY OF A DEAD BODY, STILLBORN FETUS, OR DEAD FETUS
10 and prior to final disposition, EXCEPT WHEN INQUIRY IS REQUIRED BY
11 SUBSECTION (5.5) OF THIS SECTION OR ANY PROVISION OF SECTION
12 30-10-606 OTHER THAN SECTION 30-10-606 (1)(b) OR WHEN A CORONER,
13 A MEDICAL EXAMINER, A FORENSIC PATHOLOGIST, OR OTHER QUALIFIED

1 INDIVIDUAL DETERMINES THAT ADDITIONAL TIME IS NECESSARY TO MAKE
2 A PROPER INQUIRY TO DETERMINE THE CAUSE AND MANNER OF DEATH. IN
3 SUCH A SITUATION, THE CORONER, MEDICAL EXAMINER, FORENSIC
4 PATHOLOGIST, OR OTHER QUALIFIED INDIVIDUAL SHALL COMPLETE AND
5 SIGN THE CERTIFICATE OF DEATH AS SOON AS PRACTICABLE. The state
6 registrar shall register the certificate if it has been completed in
7 accordance with this section. Every certificate of death must identify the
8 decedent's social security number, if available. If the place of death is
9 unknown but the dead body is found in Colorado, the certificate of death
10 must be completed and filed in accordance with this section. The place
11 where the body is found must be shown as the place of death. If the date
12 of death is unknown, the date must be determined by approximation.

13 (1)(b)(III) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4.5)
14 OF THIS SECTION, ANY INDIVIDUAL REQUIRED TO INITIATE, COMPLETE,
15 RESPOND TO, OR FILE A DEATH CERTIFICATE PURSUANT TO THIS SECTION
16 MUST USE THE ELECTRONIC DEATH REGISTRATION SYSTEM USED BY THE
17 STATE REGISTRAR.

18 (IV) THE STATE REGISTRAR SHALL PROVIDE A REPORT TO THE
19 DEPARTMENT OF REGULATORY AGENCIES ON A MONTHLY BASIS THAT
20 IDENTIFIES ANY DEATH CERTIFICATES FOR WHICH A MEDICAL
21 CERTIFICATION WAS NOT COMPLETED IN A TIMELY MANNER USING THE
22 ELECTRONIC DEATH REGISTRATION SYSTEM OR, BEFORE MARCH 1, 2024,
23 ONLY, COMPLETED AS OTHERWISE ALLOWED BY THIS SECTION, AND THE
24 DEPARTMENT SHALL PROMPTLY PROVIDE THE REPORT TO THE COLORADO
25 MEDICAL BOARD CREATED IN SECTION 12-240-105 (1)(a). BEGINNING IN
26 2025, THE DEPARTMENT OF REGULATORY AGENCIES SHALL PREPARE A
27 REPORT TO THE JOINT COMMITTEE OF REFERENCE DURING ITS ANNUAL

1 HEARING HELD PURSUANT TO SECTION 2-7-203 OF THE "SMART ACT",
2 PART 2 OF ARTICLE 7 OF TITLE 2. THE REPORT MUST INCLUDE THE NUMBER
3 OF COMPLAINTS THAT THE DEPARTMENT OF REGULATORY AGENCIES
4 RECEIVED AND THE NUMBER OF DISCIPLINARY ACTIONS TAKEN AGAINST A
5 LICENSEE IN EACH CALENDER YEAR.

6 (3) (a) The funeral director or person acting as such who first
7 assumes custody of a dead body, stillborn fetus, or dead fetus ~~shall be~~ IS
8 responsible for the filing of the death certificate required by subsection
9 (1) of this section. ~~He or she~~ WITHIN SEVENTY-TWO HOURS AFTER RECEIPT
10 OF THE ELECTRONIC DEATH REGISTRATION REQUEST UNLESS THE
11 PHYSICIAN, THEIR ASSOCIATE PHYSICIAN, THE CHIEF MEDICAL OFFICER OF
12 THE INSTITUTION IN WHICH THE DEATH OCCURRED, OR THE PHYSICIAN WHO
13 PERFORMS AN AUTOPSY UPON THE DECEDENT IS UNABLE TO COMPLETE THE
14 MEDICAL CERTIFICATION FOR THE DEATH CERTIFICATE WITHIN THE
15 REQUIRED TIME FRAME. THE FUNERAL DIRECTOR shall obtain the personal
16 data required by the certificate from the next of kin or the best qualified
17 person or source available. ~~He or she~~ THE FUNERAL DIRECTOR shall obtain
18 the medical certification necessary to complete the portion of the
19 certificate pertaining to the cause of death from the best qualified person
20 or source available, pursuant to subsection (4) of this section.

21 (a.5) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
22 (3)(a.5)(II) OF THIS SECTION, IF A DECEDENT HAD AN ESTABLISHED
23 PRIMARY CARE PHYSICIAN, THE PRIMARY CARE PHYSICIAN IS RESPONSIBLE
24 FOR COMPLETING THE MEDICAL CERTIFICATION FOR THE DEATH
25 CERTIFICATE IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION IF:

26 (A) THE DEATH APPEARS TO BE DUE TO NATURAL CAUSES AND
27 DETERMINED AS SUCH WITH A REASONABLE DEGREE OF MEDICAL

1 CERTAINTY;

2 (B) THE DECEDENT RECEIVED MEDICAL CARE FROM THE PRIMARY
3 CARE PHYSICIAN WITHIN A YEAR OF THE DEATH;

4 (C) THE DEATH OCCURRED WHEN THE DECEDENT WAS NOT UNDER
5 THE DIRECT CARE OF ANOTHER PHYSICIAN CHARGED WITH THE PATIENT'S
6 CARE DURING THE ILLNESS OR CONDITION THAT RESULTED IN DEATH; AND

7 (D) AN INQUIRY IS NOT REQUIRED BY SECTION 30-10-606.

8 (II) IF, WITHIN A YEAR OF THE DEATH, THE DECEDENT HAD BEEN
9 TREATED BY A PHYSICIAN OTHER THAN THE DECEDENT'S ESTABLISHED
10 PRIMARY CARE PHYSICIAN FOR A CHRONIC CONDITION OR TERMINAL
11 ILLNESS RELATED TO THE DECEDENT'S DEATH AND THE CONDITIONS SET
12 FORTH IN SUBSECTIONS (3)(a.5)(I)(A) AND (3)(a.5)(I)(D) OF THIS SECTION
13 ARE MET, THAT PHYSICIAN IS RESPONSIBLE FOR COMPLETING THE MEDICAL
14 CERTIFICATION FOR THE DEATH CERTIFICATE IN ACCORDANCE WITH
15 SUBSECTION (4) OF THIS SECTION.

16 (4) Except when inquiry is required by section 30-10-606, C.R.S.,
17 ANY PROVISION OF SECTION 30-10-606 OTHER THAN SECTION 30-10-606
18 (1)(b), the physician in charge of the patient's care for the illness or
19 condition that resulted in death shall complete sign, and return to the
20 funeral director or person acting as such all THE medical certification FOR
21 THE DEATH CERTIFICATE within forty-eight hours after a death occurs
22 SEVENTY-TWO HOURS AFTER RECEIPT OF THE ELECTRONIC DEATH
23 REGISTRATION REQUEST OR, BEFORE MARCH 1, 2024, FOR A PHYSICIAN
24 WHO IS NOT YET REGISTERED TO USE AND USING THE ELECTRONIC DEATH
25 REGISTRATION SYSTEM USED BY THE DEPARTMENT OF PUBLIC HEALTH AND
26 ENVIRONMENT AND THE STATE REGISTRAR PURSUANT TO SUBSECTION
27 (1)(b)(I) OF THIS SECTION, SEVENTY-TWO HOURS AFTER RECEIVING NOTICE

1 THAT A MEDICAL CERTIFICATION FOR A DEATH CERTIFICATE MUST BE
2 COMPLETED. In the absence of said physician or with ~~his or her~~ THE
3 PHYSICIAN'S approval, the certificate may be completed and signed by ~~his~~
4 ~~or her~~ AN associate physician, by the chief medical officer of the
5 institution in which the death occurred, or by the physician who
6 performed an autopsy upon the decedent, if such individual has access to
7 the medical history of the case, if ~~he or she~~ SAID INDIVIDUAL views the
8 decedent at or after the time of death, and if the death is due to natural
9 causes. IF THE DEATH IS OR MAY BE DUE TO UNNATURAL CAUSES, A
10 PHYSICIAN REQUIRED TO COMPLETE A MEDICAL CERTIFICATION FOR A
11 DEATH CERTIFICATE IN ACCORDANCE WITH THIS SUBSECTION (4) SHALL
12 NOTIFY THE CORONER OR THE MEDICAL EXAMINER WHEN AN INQUIRY OR
13 AN AUTOPSY IS REQUIRED TO BE PERFORMED PURSUANT TO SECTIONS
14 30-10-606 AND 30-10-606.5. A PHYSICIAN'S REPEATED OR WILLFUL
15 FAILURE WITHOUT REASONABLE CAUSE TO COMPLY WITH TIMELY
16 COMPLETION OF A MEDICAL CERTIFICATION FOR A DEATH CERTIFICATE IN
17 ACCORDANCE WITH THIS SUBSECTION (4) CONSTITUTES UNPROFESSIONAL
18 CONDUCT AS DEFINED IN SECTION 12-240-121 (1)(hh). If an autopsy is
19 performed, the certification shall indicate whether the decedent was
20 pregnant at the time of death, and said information shall be reported on
21 the death certificate as required by subsection (9) of this section. EXCEPT
22 AS OTHERWISE PROVIDED IN SUBSECTION (4.5) OF THIS SECTION, THE
23 PHYSICIAN OR, IN THEIR ABSENCE, THEIR DESIGNEE IN ACCORDANCE WITH
24 THIS SUBSECTION (4), SHALL COMPLETE THE MEDICAL CERTIFICATION FOR
25 A DEATH CERTIFICATE REQUIRED BY THIS SUBSECTION (4) USING THE
26 ELECTRONIC DEATH REGISTRATION SYSTEM USED BY THE DEPARTMENT OF
27 PUBLIC HEALTH AND ENVIRONMENT AND THE STATE REGISTRAR PURSUANT

1 TO SECTION 25-2-110 (1)(b)(I).

2 (4.5) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
3 SHALL ENSURE THAT ALL PHYSICIANS ARE REGISTERED TO USE THE
4 ELECTRONIC DEATH REGISTRATION SYSTEM CREATED AND USED PURSUANT
5 TO SUBSECTION (1)(b)(I) OF THIS SECTION ON OR BEFORE MARCH 1, 2024.
6 A PHYSICIAN SHALL USE THE SYSTEM FOR ALL MEDICAL CERTIFICATIONS
7 FOR DEATH CERTIFICATES REQUIRED BY SUBSECTION (4) OF THIS SECTION
8 IMMEDIATELY UPON BEING REGISTERED BUT IS NOT REQUIRED TO DO SO
9 BEFORE BEING REGISTERED.

10 (5) When inquiry is required by section 30-10-606, ~~C.R.S.~~, the
11 coroner shall determine the cause of death and shall complete and sign the
12 medical certification within forty-eight hours after ~~taking charge of the~~
13 ~~case~~ RECEIPT OF THE ELECTRONIC DEATH REGISTRATION REQUEST, EXCEPT
14 AS PERMITTED BY SUBSECTION (5.5) OF THIS SECTION. If an autopsy is
15 performed, the certification shall indicate whether the decedent was
16 pregnant at the time of death, and said information shall be reported on
17 the death certificate as required by subsection (9) of this section. EXCEPT
18 AS OTHERWISE PROVIDED IN SUBSECTION (4.5) OF THIS SECTION, A
19 CORONER, MEDICAL EXAMINER, FORENSIC PATHOLOGIST, OR OTHER
20 QUALIFIED INDIVIDUAL THAT DETERMINES THE CAUSE OF DEATH AND
21 COMPLETES THE MEDICAL CERTIFICATION FOR A DEATH CERTIFICATE IN
22 ACCORDANCE WITH THIS SUBSECTION (5) MUST USE THE ELECTRONIC
23 DEATH REGISTRATION SYSTEM USED BY THE DEPARTMENT OF PUBLIC
24 HEALTH AND ENVIRONMENT AND THE STATE REGISTRAR PURSUANT TO
25 SECTION 25-2-110 (1)(b)(I).

26 (5.5) A CORONER IS NOT REQUIRED TO COMPLY WITH SUBSECTION
27 (5) OF THIS SECTION IF THE CORONER, IN GOOD FAITH, DETERMINES THAT

1 ADDITIONAL TIME IS NEEDED TO MAKE A PROPER INQUIRY TO DETERMINE
2 THE CAUSE AND MANNER OF DEATH OF ANY INDIVIDUAL IN THE CORONER'S
3 JURISDICTION WHO HAS DIED UNDER ANY CIRCUMSTANCE SPECIFIED IN
4 SECTION 30-10-606 (1), OR IF THE CORONER IS REQUIRED TO PERFORM A
5 FORENSIC AUTOPSY AS REQUIRED BY SECTION 30-10-606.5. IN THESE
6 SITUATIONS, A CORONER SHALL DETERMINE THE CAUSE OF DEATH AND
7 SHALL COMPLETE AND SIGN THE MEDICAL CERTIFICATION FOR A DEATH
8 CERTIFICATE AS SOON AS IS PRACTICABLE AND IN ACCORDANCE WITH
9 SECTION 25-2-110 (6).

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11 **SECTION 2.** In Colorado Revised Statutes, 12-240-121, **add**
12 **(1)(hh) as follows:**

13 **12-240-121. Unprofessional conduct - definitions.**

14 **(1) "Unprofessional conduct" as used in this article 240 means:**

15 **(hh) REPEATED OR WILLFUL FAILURE WITHOUT REASONABLE**
16 **CAUSE TO COMPLY WITH THE REQUIREMENTS OF COMPLETING A MEDICAL**
17 **CERTIFICATION FOR A DEATH CERTIFICATE IN ACCORDANCE WITH ANY**
18 **APPLICABLE DEADLINE SET FORTH IN SECTION 25-2-110.**

19 **SECTION 3.** **Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2024 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.