

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

State, Civic, Military, & Veterans Affairs

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 (5.5), and (11) 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, OTHER THAN A FAMILY MEMBER OF
15 THE DECEDENT OR OTHER INDIVIDUAL ACTING IN A NON-PROFESSIONAL
16 CAPACITY AS THE FUNERAL DIRECTOR FOR THE DECEDENT, WHO IS
17 REQUIRED TO INITIATE, COMPLETE, RESPOND TO, OR FILE A CERTIFICATE OF
18 DEATH PURSUANT TO THIS SECTION MUST USE THE ELECTRONIC DEATH
19 REGISTRATION SYSTEM USED BY THE STATE REGISTRAR.

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

1 2025, THE DEPARTMENT OF REGULATORY AGENCIES SHALL PREPARE A
2 REPORT TO THE JOINT COMMITTEE OF REFERENCE DURING ITS ANNUAL
3 HEARING HELD PURSUANT TO SECTION 2-7-203 OF THE "SMART ACT",
4 PART 2 OF ARTICLE 7 OF TITLE 2. THE REPORT MUST INCLUDE THE NUMBER
5 OF COMPLAINTS THAT THE DEPARTMENT OF REGULATORY AGENCIES
6 RECEIVED AND THE NUMBER OF DISCIPLINARY ACTIONS TAKEN AGAINST A
7 LICENSEE IN EACH CALENDER YEAR.

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

24 (a.5) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
25 (3)(a.5)(II) OF THIS SECTION, IF A DECEDENT HAD AN ESTABLISHED
26 PRIMARY CARE PHYSICIAN, THE PRIMARY CARE PHYSICIAN IS RESPONSIBLE
27 FOR COMPLETING THE MEDICAL CERTIFICATION FOR THE CERTIFICATE OF

1 DEATH IN ACCORDANCE WITH SUBSECTIONS (1)(a) AND (4) OF THIS
2 SECTION IF:

3 (A) THE DEATH APPEARS TO BE DUE TO NATURAL CAUSES AND IS
4 DETERMINED AS SUCH WITH A REASONABLE DEGREE OF MEDICAL
5 CERTAINTY;

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

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

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

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

20 (4) Except when inquiry is required by section 30-10-606, C.R.S.,
21 ANY PROVISION OF SECTION 30-10-606 OTHER THAN SECTION 30-10-606
22 (1)(b), the physician in charge of the patient's care for the illness or
23 condition that resulted in death shall complete sign, and return to the
24 funeral director or person acting as such all THE medical certification FOR
25 THE CERTIFICATE OF DEATH within forty-eight hours after a death occurs
26 SEVENTY-TWO HOURS AFTER RECEIPT OF THE ELECTRONIC DEATH
27 REGISTRATION REQUEST OR, BEFORE MARCH 1, 2024, ONLY, FOR A

1 PHYSICIAN WHO IS NOT YET REGISTERED TO USE AND USING THE
2 ELECTRONIC DEATH REGISTRATION SYSTEM USED BY THE DEPARTMENT OF
3 PUBLIC HEALTH AND ENVIRONMENT AND THE STATE REGISTRAR PURSUANT
4 TO SUBSECTION (1)(b)(I) OF THIS SECTION, SEVENTY-TWO HOURS AFTER
5 RECEIVING NOTICE THAT A MEDICAL CERTIFICATION FOR A CERTIFICATE OF
6 DEATH MUST BE COMPLETED. In the absence of said physician or with his
7 ~~or her~~ THE PHYSICIAN'S approval, the certificate may be completed and
8 signed by ~~his or her~~ AN associate physician, by the chief medical officer
9 of the institution in which the death occurred, or by the physician who
10 performed an autopsy upon the decedent, if such individual has access to
11 the medical history of the case, if ~~he or she~~ SAID INDIVIDUAL views the
12 decedent at or after the time of death, and if the death is due to natural
13 causes. IF THE DEATH IS OR MAY BE DUE TO UNNATURAL CAUSES, A
14 PHYSICIAN REQUIRED TO COMPLETE A MEDICAL CERTIFICATION FOR A
15 CERTIFICATE OF DEATH IN ACCORDANCE WITH THIS SUBSECTION (4) SHALL
16 NOTIFY THE CORONER OR THE MEDICAL EXAMINER WHEN AN INQUIRY OR
17 AN AUTOPSY IS REQUIRED TO BE PERFORMED PURSUANT TO SECTIONS
18 30-10-606 AND 30-10-606.5. ON AND AFTER MARCH 1, 2024, A
19 PHYSICIAN'S REPEATED OR WILLFUL FAILURE WITHOUT REASONABLE
20 CAUSE TO COMPLY WITH TIMELY COMPLETION OF A MEDICAL
21 CERTIFICATION FOR A CERTIFICATE OF DEATH IN ACCORDANCE WITH
22 SUBSECTION (1)(a) OF THIS SECTION AND THIS SUBSECTION (4)
23 CONSTITUTES UNPROFESSIONAL CONDUCT, AS DEFINED IN SECTION
24 12-240-121 (1)(hh). If an autopsy is performed, the certification shall
25 indicate whether the decedent was pregnant at the time of death, and said
26 information shall be reported on the death certificate as required by
27 subsection (9) of this section. EXCEPT AS OTHERWISE PROVIDED IN

1 SUBSECTION (4.5) OF THIS SECTION, THE PHYSICIAN OR, IN THEIR ABSENCE,
2 THEIR DESIGNEE IN ACCORDANCE WITH THIS SUBSECTION (4), SHALL
3 COMPLETE THE MEDICAL CERTIFICATION FOR A CERTIFICATE OF DEATH
4 REQUIRED BY THIS SUBSECTION (4) USING THE ELECTRONIC DEATH
5 REGISTRATION SYSTEM USED BY THE DEPARTMENT OF PUBLIC HEALTH AND
6 ENVIRONMENT AND THE STATE REGISTRAR PURSUANT TO SECTION
7 25-2-110 (1)(b)(I).

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

16 (5) When inquiry is required by section 30-10-606, C.R.S., the
17 coroner shall determine the cause of death and shall complete and sign the
18 medical certification within forty-eight hours after ~~taking charge of the~~
19 ~~case~~ RECEIPT OF THE ELECTRONIC DEATH REGISTRATION REQUEST, EXCEPT
20 AS PERMITTED BY SUBSECTION (5.5) OF THIS SECTION. If an autopsy is
21 performed, the certification shall indicate whether the decedent was
22 pregnant at the time of death, and said information shall be reported on
23 the ~~death~~ CERTIFICATE OF DEATH as required by subsection (9) of this
24 section. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4.5) OF THIS
25 SECTION, A CORONER, MEDICAL EXAMINER, FORENSIC PATHOLOGIST, OR
26 OTHER QUALIFIED INDIVIDUAL THAT DETERMINES THE CAUSE OF DEATH
27 AND COMPLETES THE MEDICAL CERTIFICATION FOR A CERTIFICATE OF

1 DEATH IN ACCORDANCE WITH THIS SUBSECTION (5) MUST USE THE
2 ELECTRONIC DEATH REGISTRATION SYSTEM USED BY THE DEPARTMENT OF
3 PUBLIC HEALTH AND ENVIRONMENT AND THE STATE REGISTRAR PURSUANT
4 TO SECTION 25-2-110 (1)(b)(I).

5 (5.5) A CORONER IS NOT REQUIRED TO COMPLY WITH SUBSECTION
6 (5) OF THIS SECTION IF THE CORONER, IN GOOD FAITH, DETERMINES THAT
7 ADDITIONAL TIME IS NEEDED TO MAKE A PROPER INQUIRY TO DETERMINE
8 THE CAUSE AND MANNER OF DEATH OF ANY INDIVIDUAL IN THE CORONER'S
9 JURISDICTION WHO HAS DIED UNDER ANY CIRCUMSTANCE SPECIFIED IN
10 SECTION 30-10-606 (1), OR IF THE CORONER IS REQUIRED TO PERFORM A
11 FORENSIC AUTOPSY AS REQUIRED BY SECTION 30-10-606.5. IN THESE
12 SITUATIONS, A CORONER SHALL DETERMINE THE CAUSE OF DEATH AND
13 SHALL COMPLETE AND SIGN THE MEDICAL CERTIFICATION FOR A
14 CERTIFICATE OF DEATH AS SOON AS IS PRACTICABLE AND IN ACCORDANCE
15 WITH SECTION 25-2-110 (6).

16 (11) A DEADLINE SET FORTH IN THIS SECTION BY WHICH AN
17 INDIVIDUAL IS REQUIRED TO COMPLETE AN ACTION RELATING TO A
18 CERTIFICATE OF DEATH OR A MEDICAL CERTIFICATION FOR A CERTIFICATE
19 OF DEATH IS EXTENDED BY ONE DAY PER DAY OF CLOSURE IF THE BUSINESS
20 OR FACILITY AT WHICH THE INDIVIDUAL IS EMPLOYED IS ACTUALLY
21 CLOSED FOR AN ENTIRE CALENDAR DAY THAT IS A WEEKEND DAY OR A
22 LEGAL HOLIDAY. SUCH A DEADLINE IS NOT EXTENDED IF THE BUSINESS OR
23 FACILITY IS OPEN FOR ANY PORTION OF SUCH A CALENDAR DAY OR IF THE
24 BUSINESS OR FACILITY IS CLOSED FOR AN ENTIRE CALENDAR DAY THAT IS
25 NOT A WEEKEND DAY OR A LEGAL HOLIDAY.

26

== ==

27 **SECTION 2.** In Colorado Revised Statutes, 12-240-121, add

1 (1)(hh) as follows:

2 **12-240-121. Unprofessional conduct - definitions.**

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

4 (hh) ON AND AFTER MARCH 1, 2024, REPEATED OR WILLFUL
5 FAILURE WITHOUT REASONABLE CAUSE TO COMPLY WITH THE
6 REQUIREMENTS OF COMPLETING A MEDICAL CERTIFICATION FOR A
7 CERTIFICATE OF DEATH IN ACCORDANCE WITH ANY APPLICABLE DEADLINE
8 SET FORTH IN SECTION 25-2-110.

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