

## DEPARTMENT OF REGULATORY AGENCIES

### Office of Funeral and Mortuary Science Services

## MORTUARY SCIENCE PROFESSIONAL LICENSURE RULES AND FUNERAL HOME & CREMATORY REGISTRATION RULES

### 4 CCR 742-1

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

---

#### 1.1 AUTHORITY

These regulations are adopted pursuant to the authority in sections 12-20-204, 12-135-401(6)(a), 12-135-501(2), 12-135-501(4)(b)(II), 12-135-503(2), 12-135-504(2)(b)(I), 12-135-603(1)(c), 12-135-703(1)(c), and 12-135-803(1)(c), C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedures Act, section 24-4-101 *et seq.* (the "APA"), C.R.S., and the Mortuary Science Code, sections 12-135-101 *et seq.* (the "Practice Act"), C.R.S.

#### 1.2 SCOPE AND PURPOSE

These regulations shall govern the process to become a licensed mortuary science professional, the practice of mortuary science in Colorado, the process to become a registered funeral home or crematory, and the regulation of funeral homes and crematories in Colorado.

#### 1.3 APPLICABILITY

The provisions of this section shall be applicable to the practice of mortuary science and the regulation of funeral homes and crematories in Colorado.

#### 1.4 DEFINITIONS

This Rule is adopted pursuant to 12-20-204, 12-135-103, and 12-135-401(6)(a), C.R.S.

- A. **Accredited Mortuary Science School.** A mortuary science school which qualifies an individual for licensure in accordance with the applicable Part of Article 135 of Title 12, C.R.S., and these Rules, and which has been accredited by the American Board of Funeral Service Education, or a successor organization recognized by the Director.
- B. **Division.** The Division of Professions and Occupations in the Department of Regulatory Agencies.
- C. **Director.** The Director of the Division of Professions and Occupations in the Department of Regulatory Agencies or the Director's designee.
- D. **Mortuary Science Professional.** An individual who holds an active license, in good standing, to practice as a funeral director, mortuary science practitioner, embalmer, cremationist, or natural reductionist in Colorado.
- E. **Office.** The Office of Funeral and Mortuary Science Services in the Division of Professions and Occupations.

- F. **Funeral Service Establishment.** A fixed place of business used and equipped for funeral services, or for the retail sale or display of funeral service merchandise, or used to embalm, transport, or ship dead human remains, and to provide for the care and disposal of dead human remains in accordance with the applicable Part of Article 135 of Title 12, C.R.S., and these Rules. Any fixed place of business held out to the public as a funeral service establishment shall be inspected and registered by the director. Each funeral service establishment shall conform with all local government zoning regulations and other applicable ordinances.

## **1.5 RULES AND REGULATIONS FOR THE LICENSURE OF FUNERAL DIRECTORS**

This Rule is adopted pursuant to 12-20-204, 12-135-501(2), 12-135-603(1), and 12-135-401(6)(a) C.R.S., and is intended to be consistent with the requirements of the State Administrative Procedure Act, section 24-4-101, et seq., C.R.S. (the "APA") and the Mortuary Science Code at section 12-135-101, et seq., C.R.S.

### **A. REQUIREMENTS FOR INITIAL APPLICANTS**

Except as provided in Rule 1.9, all applicants for initial licensure as a funeral director must:

1. Apply in a form and manner approved by the Director;
2. Pay the application fee as determined by the Director;
3. Submit fingerprints for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the Colorado Bureau of Investigation responsible for retaining the state's criminal records;
4. Submit proof of successful graduation from an Accredited Mortuary Science School;
5. Submit proof of having successfully taken and passed the arts section of the National Board Examination administered by the International Conference of Funeral Service Examining Boards; and
6. Submit proof of having successfully completed a workplace learning experience in accordance with Rule 1.13.
7. Satisfy one of the following:
  - a. Disclose to the Director any suspension of, revocation of, or adverse action against a license, registration, or certification to practice Mortuary Science in another state or jurisdiction; or
  - b. Submit an affidavit signed under penalty of perjury attesting that the applicant does not have a license, registration, or certification to practice Mortuary Science under suspension, revocation, or other adverse action in another state or jurisdiction.

### **B. DIRECTOR'S DETERMINATION**

Upon receipt of a completed application, the Director shall make a determination as to whether the applicant satisfies the requirements for licensure as a funeral director, and shall either:

1. Issue a license to the applicant;

2. If the Director determines that the applicant is not qualified to hold a license as a funeral director, the Director shall send the applicant a written statement detailing the reasons the licensure application is denied; or
3. Offer to issue the applicant a conditional license, in lieu of denial, in accordance with section 24-34-107(5), C.R.S.

## **1.6 RULES AND REGULATIONS FOR THE LICENSURE OF MORTUARY SCIENCE PRACTITIONERS**

This Rule is adopted pursuant to 12-20-204, 12-135-501(2), 12-135-703(1), and 12-135-401(6)(a), C.R.S., and is intended to be consistent with the requirements of the State Administrative Procedure Act, section 24-4-101, et seq., C.R.S. (the "APA") and the Mortuary Science Code at section 12-135-101, et seq., C.R.S.

### **A. REQUIREMENTS FOR INITIAL APPLICANTS**

Except as provided in Rule 1.9, all applicants for initial licensure as a mortuary science practitioner must:

1. Apply in a form and manner approved by the Director;
2. Pay the application fee as determined by the Director;
3. Submit fingerprints for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the Colorado Bureau of Investigation responsible for retaining the state's criminal records;
4. Submit proof of successful graduation from an Accredited Mortuary Science School;
5. Submit proof of having successfully taken and passed both the arts and science sections of the National Board Examination administered by the International Conference of Funeral Service Examining Boards; and
6. Submit proof of having successfully completed a workplace learning experience in accordance with Rule 1.13.
7. Satisfy one of the following:
  - a. Disclose to the Director any suspension of, revocation of, or adverse action against a license, registration, or certification to practice Mortuary Science in another state or jurisdiction; or
  - b. Submit an affidavit signed under penalty of perjury attesting that the applicant does not have a license, registration, or certification to practice Mortuary Science under suspension, revocation, or other adverse action in another state or jurisdiction.

### **B. DIRECTOR'S DETERMINATION**

Upon receipt of a completed application, the Director shall make a determination as to whether the applicant satisfies the requirements for licensure as a mortuary science practitioner, and shall either:

1. Issue a license to the applicant;

2. If the Director determines that the applicant is not qualified to hold a license as a mortuary science practitioner, the Director shall send the applicant a written statement detailing the reasons the licensure application is denied; or
3. Offer to issue the applicant a conditional license, in lieu of denial, in accordance with section 24-34-107(5), C.R.S.

## **1.7 RULES AND REGULATIONS FOR THE LICENSURE OF EMBALMERS**

This Rule is adopted pursuant to 12-20-204, 12-135-501(2), 12-135-803(1), and 12-135-401(6)(a), C.R.S., and is intended to be consistent with the requirements of the State Administrative Procedure Act, section 24-4-101, et seq., C.R.S. (the "APA") and the Mortuary Science Code at section 12-135-101, et seq., C.R.S.

### **A. REQUIREMENTS FOR INITIAL APPLICANTS**

Except as provided in Rule 1.9, all applicants for initial licensure as an embalmer must:

1. Apply in a form and manner approved by the Director;
2. Pay the application fee as determined by the Director;
3. Submit fingerprints for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the Colorado Bureau of Investigation responsible for retaining the state's criminal records;
4. Submit proof of successful graduation from an Accredited Mortuary Science School;
5. Submit proof of having successfully taken and passed the science section of the National Board Examination administered by the International Conference of Funeral Service Examining Boards; and
6. Submit proof of having successfully completed a workplace learning experience in accordance with Rule 1.13.
7. Satisfy one of the following:
  - a. Disclose to the Director any suspension of, revocation of, or adverse action against a license, registration, or certification to practice Mortuary Science in another state or jurisdiction; or
  - b. Submit an affidavit signed under penalty of perjury attesting that the applicant does not have a license, registration, or certification to practice Mortuary Science under suspension, revocation, or other adverse action in another state or jurisdiction.

### **B. DIRECTOR'S DETERMINATION**

Upon receipt of a completed application, the Director shall make a determination as to whether the applicant satisfies the requirements for licensure as an embalmer, and shall either:

1. Issue a license to the applicant;

2. If the Director determines that the applicant is not qualified to hold a license as an embalmer, the Director shall send the applicant a written statement detailing the reasons the licensure application is denied; or
3. Offer to issue the applicant a conditional license, in lieu of denial, in accordance with section 24-34-107(5), C.R.S.

## **1.8 RULES AND REGULATIONS FOR THE LICENSURE OF CREMATIONISTS AND NATURAL REDUCTIONISTS**

This Rule is adopted pursuant to 12-20-204, 12-135-501(2), 12-135-903(1), 12-135-903(2), and 12-135-401(6)(a), C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedure Act, section 24-4-101, et seq., C.R.S. (the "APA") and the Mortuary Science Code at section 12-135-101, et seq., C.R.S.

### **A. REQUIREMENTS FOR INITIAL APPLICANTS**

Except as provided in Rule 1.9, all applicants for initial licensure as a cremationist or natural reductionist must:

1. Apply in a form and manner approved by the Director;
2. Pay the application fee as determined by the Director;
3. Submit fingerprints for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the Colorado Bureau of Investigation responsible for retaining the state's criminal records;
4. Submit proof of one of the following certifications
  - a. Certification as a crematory operator from the Cremation Association of North America, the International Cemetery, Cremation, and Funeral Association, or the National Funeral Directors Association, or
  - b. Official certification as a natural reductionist from the Cremation Association of North America, the International Cemetery, Cremation, and Funeral Association, or the National Funeral Directors Association; and
5. Satisfy one of the following:
  - a. Disclose to the Director any suspension of, revocation of, or adverse action against a license, registration, or certification to practice Mortuary Science in another state or jurisdiction; or
  - b. Submit an affidavit signed under penalty of perjury attesting that the applicant does not have a license, registration, or certification to practice Mortuary Science under suspension, revocation, or other adverse action in another state or jurisdiction.

### **B. DIRECTOR'S DETERMINATION**

Upon receipt of a completed application, the Director shall make a determination as to whether the applicant satisfies the requirements for licensure as a cremationist or natural reductionist, and shall either:

1. Issue a license to the applicant;

2. If the Director determines that the applicant is not qualified to hold a license as a cremationist or natural reductionist, the Director shall send the applicant a written statement detailing the reasons the licensure application is denied; or
3. Offer to issue the applicant a conditional license, in lieu of denial, in accordance with section 24-34-107(5), C.R.S.

## **1.9 RULES AND REGULATIONS FOR THE PROVISIONAL LICENSURE OF MORTUARY SCIENCE PROFESSIONALS**

This Rule is adopted pursuant to 12-20-204, 12-135-501(2), 12-135-501(4), and 12-135-401(6)(a), C.R.S., and is intended to be consistent with the requirements of the State Administrative Procedure Act, section 24-4-101, et seq., C.R.S. (the "APA") and the Mortuary Science Code at section 12-135-101, et seq., C.R.S.

### **A. REQUIREMENTS FOR PROVISIONAL APPLICANTS**

Notwithstanding the requirements of Rules 1.5, 1.6, 1.7, and 1.8, in order to be issued a provisional license to practice mortuary science in Colorado prior to January 1, 2027, an applicant who does not meet the requirements for full licensure pursuant to these Rules and the Part of Article 135 of Title 12, C.R.S. applicable to their practice as a funeral director, mortuary science practitioner, embalmer, cremationist, or natural reductionist, respectively, must submit evidence satisfactory to the Director that demonstrates the following:

1. The applicant has obtained at least four thousand (4,000) hours of work experience equivalent to the work performed by a funeral director, mortuary science practitioner, embalmer, cremationist, or natural reductionist, as applicable, prior to January 1, 2026.
  - a. Each applicant for provisional licensure under this Rule 1.9 shall file with the Director, upon forms supplied by the Director, a verified statement signed under penalty of law attesting to the applicant's satisfactory completion of the required work experience towards provisional licensure and attesting that the experience was equivalent to the work performed by a funeral director, mortuary science practitioner, embalmer, cremationist, or natural reductionist, as applicable, prior to January 1, 2026. The Director may request additional documentation and reject the attestation if supporting documentation does not support it.
2. The applicant has received workplace learning, as defined in Rule 1.13; and
3. The applicant has obtained a criminal history record check in accordance with section 12-135-502, C.R.S.

### **B. PROVISIONAL LICENSEE PATHWAY FOR FULL LICENSURE**

Notwithstanding the requirements of Rules 1.5, 1.6, 1.7, and 1.8, in order to be issued a full license as a Mortuary Science Professional, an individual holding a provisional license pursuant to Rule 1.9.A., may satisfy one of the following requirements:

1. An Individual holding a provisional license pursuant to this Rule 1.9, and who has not been subject to discipline, may apply for full licensure pursuant to section 12-135-501(5)(a), C.R.S. In order to obtain a full license pursuant to 12-135-501(5)(a), C.R.S., a provisional licensee must meet the following requirements:

- a. Obtain an educational waiver from the Director pursuant to Rule 1.9.C. and 12-135-501(6)(a), C.R.S., allowing the applicant to take the arts or science portions, as applicable, of the National Board Examination administered by the International Conference of Funeral Service Examining Boards;
  - b. Submit proof of having taken and passed the applicable National Board Examination for the same practice as listed on the applicant's provisional license; and
  - c. Pay any applicable fee as determined by the Director, or
2. An individual holding a provisional license pursuant to this Rule 1.9, and who has not been subject to discipline, may apply for full licensure pursuant to section 12-135-501(5)(b), C.R.S. In order to obtain a full license pursuant to 12-135-501(5)(b), C.R.S., a provisional licensee must meet the following requirements:
  - a. Submit a peer review report and recommendation from a Qualified Peer Reviewer, approved in accordance with Rule 1.9.D, certifying that the provisional licensee has completed the appropriate qualifications for the license type sought and recommending that the provisional licensee be issued a full license;
  - b. The peer review report must include one of the following, as applicable:
    - I. If the provisional licensee is seeking full licensure as a funeral director, submit proof of having directed at least twenty-five (25) funerals **within the previous three years preceding application for full licensure**;
    - II. If the provisional licensee is seeking full licensure as a mortuary science practitioner, submit proof of having directed at least twenty-five (25) funerals and embalmed at least twenty-five (25) human remains **within the previous three years preceding application for full licensure**; or
    - III. If the provisional licensee is seeking full licensure as an embalmer, submit proof of having embalmed no fewer than twenty-five (25) human remains **within the previous three years preceding application for full licensure**; and
  - c. Pay any applicable fee as determined by the Director.

**C. EDUCATION WAIVERS**

1. Applicants for licensure pursuant to these Rules and Regulations may submit a petition for a waiver of the educational requirements for the practice of mortuary science to allow the applicant to take the arts or science portions of the National Board Examination administered by the International Conference of Funeral Service Examining Boards.
2. Pursuant to section 12-135-501(6), C.R.S., an applicant who receives a waiver and passes the National Board Examination shall be deemed to have met the requirements for receiving a waiver pursuant to this Rule and section 12-135-501(6)(b), C.R.S.

**D. QUALIFIED PEER REVIEWERS**

1. In order to be approved as a Qualified Peer Reviewer, an individual must satisfy one of the following requirements:

- a. Submit proof, in a form and manner approved by the Director demonstrating that the applicant is qualified for a full license in accordance with these Rules and the Mortuary Science Code, 12-135-101, et seq., or
  - b. Be approved by the Director to be a Qualified Peer Reviewer, which may include an individual qualified for a provisional license.
- 2. In order to be approved by the Director as a Qualified Peer Reviewer pursuant to Rule 1.9.D.1.b, an individual must:
  - a. Apply to the Director in a form and manner approved by the director;
  - b. Demonstrate to the Director that the individual has actively practiced mortuary science, funeral directing, embalming, cremation, or natural reduction, as applicable, for no less than 4,000 hours prior to January 1, 2025; and
  - c. Demonstrate to the Director:
    - I. For a Qualified Peer Reviewer for funeral directors, the individual has directed no fewer than twenty-five (25) funerals;
    - II. For a Qualified Peer Reviewer for mortuary science practitioners, the individual has directed no fewer than twenty-five (25) funerals and embalmed no fewer than twenty-five (25) human remains;
    - III. For a Qualified Peer Reviewer for embalmers, the individual has embalmed no fewer than twenty-five (25) human remains.
  - d. Be a resident of Colorado.
- 3. A Qualified Peer Reviewer must be:
  - a. Approved as a Qualified Peer Reviewer prior to commencing review of an individual's work experience; and
  - b. A practicing mortuary science practitioner or practice in the same field as the individual whose work the Qualified Peer Reviewer is reviewing.

#### **1.10 LICENSURE BY ENDORSEMENT**

This Rule is adopted pursuant to 12-20-105, 12-20-202(3), 12-20-204, 12-135-401(6)(a), and 12-135-501, C.R.S. The purpose of this Rule is to clarify the requirements obtaining a license by endorsement in accordance with Article 135 of Title 12, C.R.S., and these Rules.

- A. Pursuant to the Occupational Credential Portability Program under section 12-20-202(3), C.R.S., an applicant is entitled to licensure as a mortuary science professional in Colorado if the applicant has met the requirements of Rule 1.5, 1.6, 1.7, 1.8, or 1.9, as applicable, is currently licensed in good standing in another state or U.S. territory, or through the federal government, or holds a military occupational specialty, as defined in section 24-4-201, C.R.S., and has submitted satisfactory proof under penalty of perjury that:
  - 1. The applicant:
    - a. Has substantially equivalent experience or credentials that are required by Article 135 of Title 12, C.R.S.; or



- b. Has held for at least one year a current and valid license as a mortuary science professional in a jurisdiction with a scope of practice that is substantially similar to the scope of practice of the field of mortuary science listed on the applicant's non-Colorado license as specified in Article 135 of Title 12, C.R.S.
- B. The Director may deny such license if:
  - 1. The Director demonstrates by a preponderance of evidence, after notice and opportunity for a hearing, that the applicant:
    - a. Lacks the requisite substantially equivalent education, experience, or credentials for a license; or
    - b. Has committed an act in Colorado or any other jurisdiction that would be ground for disciplinary action under Article 135 of Title 12, C.R.S.

### **1.11 RENEWAL AND REINSTATEMENT**

This Rule is adopted pursuant to 12-20-105, 12-20-202(2), 12-20-204, 12-135-401(6)(a), and 12-135-504, C.R.S. The purpose of this Rule is to establish the requirements for renewing or reinstating a license issued pursuant to Article 135 of Title 12, C.R.S., and these Rules.

- A. A licensee is required to timely renew and submit the applicable fee.
  - 1. If a licensee fails to timely renew, the license shall expire, and the licensee is ineligible to practice until such license is reinstated.
    - a. A licensee fails to timely renew if the licensee fails to renew their mortuary science license within the sixty (60) day grace period, as set forth in section 12-20-202(1)(e), C.R.S.
- B. An applicant seeking renewal of a mortuary science license shall:
  - 1. Submit a renewal application and pay the renewal fee as established by the Director.
  - 2. Submit to the Director proof of having successfully completed at least six (6) hours of continuing education in accordance with Rule 1.12 and section 12-135-504, C.R.S. Of the six (6) hours of continuing education, at least three (3) of the hours must be completed by successful completion of one or more in-person didactic experiences.
- C. An applicant seeking reinstatement of an expired mortuary science license shall complete the reinstatement application and pay the reinstatement fee.
  - 1. The Director may deny an applicant for reinstatement upon a finding that the applicant has violated provisions of the Mortuary Science Code or these rules and regulations.
  - 2. An applicant seeking reinstatement of a license that has been expired for less than two years from the date of receipt of the reinstatement application must provide documentation of having completed continuing education in accordance with Rule 1.12 and section 12-135-504, C.R.S.
  - 3. If the license has been expired for two or more years, but less than five years, of the date of receipt of the reinstatement application, an applicant must demonstrate "competency to practice" under section 12-20-202(2)(c)(II), C.R.S., as follows:

- a. Verification of licensure as a mortuary science practitioner in good standing from another state, including proof of the active practice of mortuary science in that state for a minimum of 400 hours per year for the two years immediately preceding the date of receipt of the application for reinstatement. The work experience shall be attested to in a manner prescribed by the Director; or
  - b. Providing documentation of one (1) hour of continuing education for every month the license has been expired.
- 4. If the license has been expired for more than five (5) years, an applicant for reinstatement must demonstrate "competency to practice" under section 12-20-202(2)(c)(II), C.R.S., utilizing one of the following methods:
  - a. Successfully pass the appropriate sections of the national board examination administered by the International Conference of Funeral Service Examining Boards within two (2) years immediately preceding submission of an application for reinstatement; or
  - b. Supervised practice for a period of no less than six months, subject to terms established by the Director; or
  - c. Provide verification of the active and properly licensed practice of mortuary science for a minimum of 400 hours **per year** for the **three** years immediately preceding the date of application for reinstatement. The work experience shall be attested to in a manner prescribed by the Director; or
  - d. By any other means approved by the Director.

An applicant for reinstatement who has actively practiced in Colorado with an expired license in violation of section 12-135-501(1), C.R.S., is subject to denial of application, disciplinary action, and other penalties as authorized in the Mortuary Science Code, and in accordance with section 12-20-202 *et seq.*, C.R.S.

#### 1.12 CONTINUING PROFESSIONAL COMPETENCY

This Rule is adopted pursuant to sections 12-20-204, 12-135-401(6)(a), and 12-135-504, C.R.S. The purpose of this Rule is to establish the continuing education requirements for a mortuary science professional as required in section 12-135-504, C.R.S.

- A. Every mortuary science professional with an active license shall complete a minimum of six (6) hours of continuing education every renewal period to demonstrate competency regarding the topics specified in section 12-135-504(2)(a), C.R.S.
- B. A continuing education course must have as its primary objective the increase of professional competence of licensed mortuary science professionals and must be relevant to the licensee's practice as a mortuary science professional. All such educational courses must cover or be related to the practice of mortuary science and/or the topics specified in section 12-135-504(2)(a), C.R.S.
  - 1. A licensee is ultimately responsible for ensuring that continuing education courses comply with the requirements of this Rule and section 12-135-504, C.R.S.
- D. The number of credit hours for the purpose of satisfying the requirements of this Rule and section 12-135-504, C.R.S., may be determined by counting the credit hours of instruction and rounding to the nearest quarter hour.

- E. Any excess continuing education hours above the minimum required pursuant to this Rule 1.12 in any applicable renewal period may not be 'carried over' in order to meet the minimum continuing education requirements in any succeeding renewal period. A licensee shall only count continuing education hours for the current renewal period and shall not submit for approval by the Director continuing education hours earned during a previous renewal period.
- F. If a licensee has been licensed for a period of twelve months or less before the first license renewal period, the licensee is not required to submit continuing education hours for license renewal.
- G. At a minimum, the six (6) required continuing education hours per renewal period must include the following:
  - 1. One (1) hour covering the law applicable to the type of license held by the applicant for renewal;
  - 2. One (1) hour covering ethics; and
  - 3. One (1) hour covering public health requirements.
- H. Continuing education programs or classes may be delivered to licensees via in-person instruction or practical training, internet-based education programs, CDs, DVDs, or video and audio tapes. To obtain credit for continuing education classes or programs delivered in a method other than in-person instruction or practical training, successful completion of a proficiency testing component is required.
- I. Licensees must maintain in their own files the following information for each program or class taken for the purposes of satisfying the requirements of this Rule 1.12:
  - 1. The dates of the continuing education class or program;
  - 2. The certificate of attendance, including the hours in attendance;
  - 3. A synopsis of the course content; and
  - 4. The identity of the organization and/or person providing the program or class.
    - a. The records required to be maintained pursuant to this paragraph shall be kept and maintained for no less than four (4) years from the date of participation in the class or program.
- J. The Director may conduct a random compliance audit of renewal applicants to verify continuing education course content and number of hours completed. Licensees are required to comply with the audit process as requested by the Director.
- K. Failure to complete required continuing education is cause for disciplinary action up to and including revocation. It is the responsibility of the licensee to be aware of and comply with all continuing education requirements under these Rules.
- L. Standards for approval of qualifying continuing education providers or classes
  - 1. A provider or class may be approved by the Director as a qualifying continuing education provider or class pursuant to section 12-135-504(2)(b)(I)(B), C.R.S., if it meets all of the following criteria:

- a. It is an organized program or class of mortuary science education that constitutes a meritorious learning experience and that engages participants in learning activities that are designed to maintain or improve participants' professional competence as a mortuary science professional, and
- b. Otherwise complies with section 12-135-504, C.R.S.
- c. For the purposes of this Rule continuing education classes offered by an American Board of Funeral Service Education Accredited Mortuary Science School, or offered by an organization recognized or accredited by the Academy of Professional Funeral Service Practice, the Cremation Association of North America, the Colorado Funeral Directors Association, or any other organization approved by the Director will be deemed in compliance with the requirements of section 12-135-504(2), C.R.S.

### **1.13 WORKPLACE LEARNING EXPERIENCE REQUIREMENTS - FULL LICENSURE**

This Rule is adopted pursuant to sections 12-20-204, 12-135-401(6)(a), 12-135-501, 12-135-603(1)(c), 12-135-703(1)(c), and 12-135-803(1)(c), C.R.S. The purpose of this Rule is to establish the workplace learning requirements for licensure as a funeral director, mortuary science practitioner, or embalmer.

- A. In accordance with sections, 12-135-501(4)(b)(I), 12-135-603(1)(c), 12-135-703(1)(c), and 12-135-803(1)(c), C.R.S., in order to be eligible for a funeral director license, mortuary science practitioner license, or embalmer license, an applicant must submit proof of having received workplace learning experience of no less than one (1) year.
- B. Workplace learning experience is the primary way in which a person seeking licensure as a mortuary science practitioner, funeral director, or embalmer may obtain practical training and experience in mortuary science under the supervision of a corresponding licensee.
- C. For the purposes of this Rule 1.13, "workplace learning experience" means a process of in-person or virtual instruction and practical experience, completed under the supervision of a corresponding licensee, designed to confer the knowledge, skills, and ethical standards required to qualify for licensure as a Mortuary Science Professional in Colorado.
- D. A licensee may not supervise the practice of any activities pursuant to this Rule 1.13 that are outside the scope of their license, or which are outside the scope of practice of the profession for which they are approved as a Qualified Peer Reviewer.
- E. For the purposes of this Rule 1.13, "supervision" means that the licensee is physically present at the same facility or is accessible by some form of telecommunication.

### **1.14 WORKPLACE LEARNING EXPERIENCE REQUIREMENTS - PROVISIONAL LICENSURE**

This Rule is adopted pursuant to sections 12-20-204, 12-135-401(6)(a), and 12-135-501(4)(b)(I), C.R.S. The purpose of this Rule is to establish the workplace learning requirements for provisional licensure as a cremationist or natural reductionist.

- A. In accordance with section 12-135-501(4)(b)(I), C.R.S., in order to be eligible for a cremationist or natural reductionist license, an applicant must submit proof of having received workplace learning experience of no less than one (1) year.
- B. Workplace learning experience is the primary way in which a person seeking provisional licensure as a cremationist or natural reductionist may obtain practical training and experience in mortuary science under the supervision of a corresponding licensee.

- C. For the purposes of this Rule 1.13, “workplace learning experience” means a process of in-person or virtual instruction and practical experience, completed under the supervision of a corresponding licensee designed to confer the knowledge, skills, and ethical standards required to qualify for licensure as a Mortuary Science Professional in Colorado.
- D. A licensee may not supervise the practice of any activities pursuant to this Rule 1.14 that are outside the scope of their license, or which are outside the scope of practice of the profession for which they are approved as a Qualified Peer Reviewer.
- E. For the purposes of this Rule 1.13, “supervision” means that the licensee is physically present at the same facility or is accessible by some form of telecommunication.

#### **1.15 LICENSURE REQUIREMENTS: CREDIT FOR MILITARY EXPERIENCE**

This Rule is adopted pursuant to sections 12-20-202, 12-20-204, 12-135-401(6)(a), and 12-135-501(2), C.R.S., to outline the conditions and procedures governing the evaluation of an applicant’s military training and experience.

- A. Education, training, or service gained in military services outlined in section 12-20-202(4), C.R.S., that is to be accepted and applied towards receiving a mortuary science license must be substantially equivalent, as determined by the Director, to the qualifications otherwise applicable at the time of the receipt of the application for licensure. It is the applicant’s responsibility to provide timely and complete evidence of the education, training, and/or service gained in the military for review and consideration. Satisfactory evidence of such education, training, and/or service will be assessed on a case-by-case basis.

#### **1.16 DISQUALIFYING CRIMINAL CONVICTIONS**

This Rule is adopted pursuant to section 12-20-202, 12-20-204, 12-135-401(6)(a), and 12-135-503(2), C.R.S., to categorize convictions under the following statutory provisions as disqualifying criminal convictions for purposes of licensure as a mortuary science professional in this State:

- A. Any felony criminal conviction under Article 140 of Title 12, C.R.S., respecting non-transplant tissue banks;
- B. Any felony criminal conviction under Article 15 of Title 10, C.R.S., respecting pre-need funeral contracts; or
- C. Any felony criminal conviction under Title 6, C.R.S., respecting fair trade.

#### **1.17 REPORTING CRIMINAL CONVICTIONS, JUDGMENTS, AND ADMINISTRATIVE PROCEEDINGS**

This Rule is adopted pursuant to 12-20-204, 12-135-501(2), 12-135-401(6)(a), and 12-135-508, C.R.S.

- A. A licensee must notify the Director, in writing, within thirty (30) days of any of the following events:
  - 1. Conviction of a felony under the laws of any state or of the United States, or of any level of crime committed in the course of and related to practicing as, interning as, or having a workplace learning experience as a mortuary science professional;
  - 2. Conviction of a felony committed in the course of and related to being an employee of or being an agent of a funeral establishment registered in accordance with section 12-135-110, C.R.S., or of a crematory registered in accordance with section 12-135-303, C.R.S.

3. A disciplinary action imposed by another jurisdiction that licenses funeral science professionals including, but not limited to, a citation, sanction, probation, civil penalty, or a denial, suspension, revocation, or modification of a license whether imposed by consent decree, order, or in some other manner, for any cause other than failure to pay a license or registration fee by the due date or failure to meet continuing education requirements;
- B. A licensee must inform the Director within sixty (60) days of any judgment, award, or settlement of a civil action or arbitration in which there was a final judgment, award, or settlement for malpractice of mortuary science.
- C. The notice to the Director pursuant to this Rule must include the following information to be considered in compliance with the reporting requirements:
  1. If the event is an action by a governmental agency:
    - a. The name of the agency;
    - b. The agency's jurisdiction;
    - c. The case name;
    - d. The docket, proceeding, or case number by which the event is designated; and
    - e. A copy of the consent decree, order, or decision.
  2. If the event is a conviction of a crime described above:
    - a. The court;
    - b. The court's jurisdiction;
    - c. The case name;
    - d. The case number;
    - e. A description of the matter or a copy of the indictment or charges;
    - f. Any plea or verdict accepted or entered by the court; and
    - g. A copy of the imposition of sentence related to the conviction and the completion of all terms of the sentence, as applicable.
  3. If the event concerns a civil action or arbitration proceeding:
    - a. The court or arbitrator;
    - b. The court or arbitrator's jurisdiction;
    - c. The case name;
    - d. The case number;
    - e. A description of the matter or a copy of the complaint or demand for arbitration; and

- f. A copy of the verdict, the court decision or arbitration award, or, if settled, the settlement agreement and court's order of dismissal.
- D. The licensee notifying the Director may submit a written statement with the notice to be included with the licensee's records.

### **1.18 APPLICATION FOR REGISTRATION**

This Rule is adopted pursuant to sections 12-20-204, 12-135-103, 12-135-110, 12-135-303, and 12-135-401(6)(a) C.R.S.

- A. To be registered by the Director, a funeral establishment or crematory must satisfy the following requirements:
  - 1. Submit a completed application for registration in a manner approved by the Division which shall include a requirement to provide an email address which shall be the funeral establishment or crematory's email of record for all purposes of communication by and between the funeral establishment or crematory and the Director;
  - 2. Submit with the application all fees established by the Division pursuant to sections 12-135-110(2)(e), 12-135-303(2)(e), and 12-135-402, C.R.S.;
  - 3. Complete the attestation, under the penalty of perjury, that the information in the application is true and correct to the best of the applicant's knowledge and belief; and
  - 4. Submit additional information as may be requested by the Division to fully and fairly evaluate the applicant's qualifications for registration pursuant to sections 12-135-110(2)(a) and 12-135-303(2)(a), C.R.S.
- B. Each application for registration pursuant to this Rule must at a minimum, include the following information:
  - 1. The specific, fixed location of the funeral establishment or crematory, including the specific street address and/or physical location of the funeral establishment or crematory;
    - a. The applicant must include as part of the application for registration all locations at which the applicant conducts business including but not limited to the principal place of business, commercial offices, home offices, storage facilities, or coworking spaces.
  - 2. A completed attestation, made under penalty of perjury, that the funeral establishment or crematory conforms to all applicable local zoning ordinances. A copy of the occupancy permit issued by the applicable local governmental authority must be submitted to the Director upon request.
  - 3. The full name, contact information, and address of the Designee appointed pursuant to sections 12-135-110(3) or 12-135-303(3), C.R.S., as applicable;
  - 4. The date the funeral establishment or crematory began doing business; and
  - 5. A list of the services provided at the funeral establishment or crematory in accordance with section 12-135-110(2)(a) or 12-135-303(2)(a), C.R.S., as applicable.
- C. Additional Rules with respect to Designees

1. Registrants must report any change in Designee to the Director within thirty (30) days of the change.
  2. The Designee on file with the Director is responsible for the acts of all employees and licensees present at the registered funeral establishment or crematory and when acting within the scope of the employee's or licensee's employment, contract, or other agreement, and under the designee's direction or designee's supervision.
- D. In the event of a sale, lease, or other agreement to transfer ownership or control of a registrant, or if a registrant undergoes a relocation to a new fixed location, the registrant must give written notice to the Director, in a form and manner approved by the Director, within ten (10) days of the change of ownership, change of control, or change of address, as applicable.
1. In the event of a sale, lease, or other agreement to transfer ownership or control of a registrant, the new owner or lessee must submit a new, original application for registration in accordance with this Rule 1.18.

#### **1.19 RENEWAL AND REINSTATEMENT OF REGISTRATION**

This Rule is adopted pursuant to sections 12-20-204 and 12-135-401(6)(a), C.R.S.

- A. If a funeral establishment or a crematory fails to renew its registration pursuant to the schedule established by the Division, the registration shall expire as of the expiration date listed on the registration.
- B. In order to reinstate an expired registration, an applicant must:
1. Submit a completed application for reinstatement in a manner approved by the Division; and
  2. Submit with the application all fees established by the Division pursuant to sections 12-135-110(2)(e) and 12-135-303(2)(e), C.R.S.

#### **1.20 INVESTIGATIONS AND INSPECTIONS**

This Rule is adopted pursuant to sections 12-20-204, 12-135-401(6)(a), and 12-135-401(3), C.R.S.

- A. Cooperation with Investigations.
1. All Mortuary Science Professionals, funeral establishments and crematories shall cooperate with any investigation initiated by the Director or Director's designee and furnish such information or assistance as may be requested.
- . This authority includes the discretion to conduct inspections of any funeral establishment or crematory, including all associated records and satellite offices under the control or use of the registrant or licensee, as appropriate, without prior notice and with full right of ingress and egress, inside or outside of business hours.
- B. Cooperation with Inspections.
1. The Director or the Director's designee, including a contracted private party may inspect the premises of a funeral establishment or crematory in compliance with section 12-135-401(3), C.R.S.



2. The inspector(s) may conduct an inspection of the entire business premises at any time, including during non-business hours. This includes without limitation, all documents, doors, drawers, closets, shelves, and storerooms. The inspector(s) may document the inspected areas by use of a camera, video equipment or any other method. The refusal by a registrant (or the onsite representative of the registrant) to open any locked area within, or provide access to, the licensed area of the business may be deemed a violation of section 12-135-401(3), C.R.S.
3. All registrants (or the onsite representative of the registrant) and all licensees are required to answer questions of the inspector truthfully and completely, must not attempt to or hide any persons, items, tools, devices, etc. from the inspector, throw items away during the inspection, refuse to comply with the inspection or behave in any manner that hinders the inspection. Failing to cooperate with an inspection may be deemed a violation of section 12-135-401(3), C.R.S.
4. All records and logs required to be maintained pursuant to these Rules and the Mortuary Science Code, Article 135 of Title 12, C.R.S., must at all times be stored and maintained on-site at the premises of the principal place of business of the Registrant and must be open and readily available for inspection in accordance with this Rule 1.20.

**C. Schedule of Inspections**

1. Each funeral establishment and crematory shall be inspected pursuant to the following schedule:
  - a. The Director shall inspect or cause to be inspected each funeral establishment or crematory associated with an application for a new registration upon application. The Director may not approve an application for a new registration until the inspection required under this Rule has been completed.
  - b. The Director shall inspect or cause to be inspected each funeral establishment or crematory with an active registration no less than annually. The Director may order an inspection of any funeral establishment or crematory at any time.
  - c. The Director shall inspect or cause to be inspected each funeral establishment or crematory with an expired, revoked, or surrendered registration no less than once during the 120-day period following the date of expiration, revocation, or surrender of the registration. The purpose of these inspections is to allow the Director to ensure that the funeral establishment or crematory continues to comply with Article 135 of Title 12, C.R.S., and these Rules, and that the winding down of operations of the registrant does not create an undue risk to public health.

**1.21 DECLARATORY ORDERS**

This Rule is adopted pursuant to sections 12-20-204, 12-135-401(6)(a), and 24-4-105(11), C.R.S.

- A. Any person or entity may petition the Director of the Division for a declaratory order to terminate controversies or remove uncertainties as to the applicability of any statutory provision or of any rule or order of the Director or the Division.
- B. The Director will determine, at the Director's discretion and without notice to petitioner, whether to rule upon such petition. If the Director determines that the Director will not rule upon such a petition, the Director shall promptly notify the petitioner of such action and state the reasons for such decision.

- C. In determining whether to rule upon a petition filed pursuant to this rule, the Director will consider the following matters, among others:
1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provision, rule, or order of the Director or the Division.
  2. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director, the Division, or a court involving one or more petitioners.
  3. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director, the Division, or a court but not involving any petitioner.
  4. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
  5. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colorado Rules of Civil Procedure, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule, or order in question.
- D. Any petition filed pursuant to this Rule shall set forth the following:
1. The name and address of the petitioner and whether the petitioner is registered pursuant to Title 12, Article 135, C.R.S.
  2. The statute, rule, or order to which the petition relates.
  3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.
- E. If the Director determines that the Director will rule on the petition, the following procedures shall apply:
1. The Director may rule upon the petition based solely upon the facts presented in the petition. In such a case:
    - a. Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition.
    - b. The Director may order the petitioner to file a written brief, memorandum, or statement of position.
    - c. The Director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
    - d. The Director may dispose of the petition on the sole basis of the matters set forth in the petition.
    - e. The Director may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.

- f. The Director may take administrative notice of facts pursuant to the Colorado Administrative Procedure Act at section 24-4-105(8), C.R.S., and may utilize their experience, technical competence, and specialized knowledge in the disposition of the petition.
  - 2. If the Director rules upon the petition without a hearing, the Director shall promptly notify the petitioner of such decision.
  - 3. The Director may, at the Director's discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The hearing notice to the petitioner shall set forth, to the extent known, the factual or other matters that the Director intends to inquire.
- For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all the facts stated in the petition; all of the facts necessary to show the nature of the controversy or uncertainty; and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Director to consider.
- F. The parties to any proceeding pursuant to this Rule shall be the Director and the petitioner. Any other person may seek leave of the Director to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Director. A petition to intervene shall set forth the same matters as are required by section D of this Rule. Any reference to a "petitioner" in this Rule also refers to any person who has been granted leave to intervene by the Director.
  - G. Any declaratory order or other order disposing of a petition pursuant to this Rule shall constitute agency action subject to judicial review pursuant to the Colorado Administrative Procedure Act at section 24-4-106, C.R.S.

## 1.22 CUSTODY AND RESPONSIBILITY

This Rule is adopted pursuant to sections 12-20-204, 12-135-401(6)(a), 12-135-113(3), and 12-135-308(3), C.R.S., for the positive identification of remains and procedures for documentation of the proper chain of custody as remains are transferred to or out of the custody of a registered funeral establishment and/or crematory, either temporarily or permanently. Definitions in this section apply to sections 12-135-113 and 12-135-308, C.R.S.

- A. **Custody.** Custody shall be considered as having or taking direct responsibility for the care and control of a decedent by a funeral establishment and/or crematory.
- B. **Required Definitions.**
  - 1. "Care facility," as referenced in sections 12-135-113 and 12-135-308, C.R.S., means a facility providing personal, custodial or healthcare services to persons. This includes hospitals, inpatient/residential and home hospice, mental health facilities, group homes, intermediate and long –term care facilities, skilled nursing facilities, rehabilitation centers, day treatment facilities, boarding schools, correctional facilities, dialysis treatment facilities, assisted living facilities, home health agency, any entity that provides home and community based services, or any other facility administering or contracting to administer or provide personal, custodial, or healthcare services to persons.

2. "Repository," as referenced in sections 12-135-113 and 12-135-308, C.R.S., means a place, building, or receptacle, or the individual authorized to receive remains on behalf of the place, building or receptacle where human remains are or may be stored temporarily or in perpetuity as requested by the person with the right of final disposition.
  3. "Entity," as referenced in sections 12-135-113 and 12-135-308, C.R.S., means an organization or service, or the individual authorized to receive remains on behalf of an organization or service, that is 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.
- C. **Care Facility Personnel Authorized to Identify Remains.** The person(s) established by a care facility to monitor admissions and discharges, provide hospice care, or to manage or oversee the activities of the care facility and its support staff, shall be considered the person authorized to identify and release human remains to a funeral establishment and/or crematory or its managers, employees, contractors, or agents.
- D. **Positive Identification of Decedent.** Positive identification of the decedent shall be established prior to final disposition.
1. Positive identification prior to final disposition shall be established by one or more of the following:
    - a. Photo identification;
    - b. Family member or representative with right of final disposition;
    - c. Facility ID band or tag that has been compared with releasing institution's records; or
    - d. Coroner's Office or their authorized personnel.
      - I. Positive identification may be established by the identification marker or tag affixed to the remains by the Coroner's Office or their authorized personnel.
  2. **Identification of Decedent Remains.** Remains shall have an identification tag attached to the urn or container holding the remains and a matching identification tag shall also be placed inside the urn or container. If remains are separated, additional tags shall be placed similarly with all containers holding remains.
- E. **Chain of Custody Record.** Funeral establishments and crematories shall establish a chain of custody record to ensure the proper transfer of identified human remains. The chain of custody record shall provide written or electronic tracking of positively identified remains as required in sections 12-135-113 and 12-135-308, C.R.S.
1. Custody shall terminate for funeral establishments upon delivery of human remains for final disposition.
  2. Custody shall terminate for a funeral home and/or crematory at the date and time of release of the remains expressly agreed upon, in writing, by the funeral home and/or crematory and the person, or representative thereof, with right of final disposition, or the release of the remains to the person, or representative thereof, with right of final disposition, whichever occurs first in time.

- a. Termination of custody shall not relieve the funeral home and/or crematory of the requirements of sections 12-135-109(5) and 12-135-302(2), C.R.S.
- 3. **Chain of Custody Record Requirements.** A funeral establishment or crematory shall ensure the completion of a custody record for all remains received for funeral goods and services, and released for final disposition or other termination of custody.
  - a. The custody record shall contain the name of the decedent and all of the following
    - I. Information from authorized individual **releasing remains**:
      - (a) Printed name, title or position, and signature of the person authorized to release remains.
      - (b) Attestation of authorization to release remains.
      - (c) Attestation and method of positive identification of remains.
      - (d) Date and time of release of remains.
      - (e) Name of the individual, company or care facility releasing remains.
        - (1) This entry would not be required to be completed if remains are being released by a family member or person with right of final disposition.
      - (f) Relationship to Decedent or nature of service provided.
    - II. Information from the individual authorized to **receive remains**:
      - (a) Printed name, title or position, and signature of individual authorized to receive remains.
      - (b) Attestation of authorization to receive remains, including name of responsible funeral home/crematory, when applicable.
      - (c) Attestation obtained the information required and signature of the individual authorized to release the remains pursuant to Office Rule 1.22.
      - (d) Name of company.
      - (e) Service provided (third party transport, refrigeration, embalming, funeral services, cremation, etc.).

- b. The chain of custody record shall be completed for each transfer of the human remains, including for each transfer of the human remains within the funeral establishment or crematory, prior to final disposition for funeral establishment and prior to release of remains to the person, or representative thereof, with right of final disposition. Records of each transfer of the human remains within the funeral establishment or crematory must include, at a minimum, the date, time, and duration the human remains are placed in refrigeration; the date, time, duration, and purpose of each instance in which the human remains are removed from refrigeration; the date and time which the human remains are returned to refrigeration; and the date and time of transfer for the purpose of embalming, cremating, or naturally reducing, the human remains, as applicable..
- I. Third party transport authorized to receive remains for the responsible funeral home and/or crematory shall not be required to obtain signature from the responsible funeral home or crematory upon delivery to the responsible funeral home and/or crematory provided:
  - (a) The responsible funeral home and/or crematory expressly authorizes, in writing, the third-party transport as a responsible representative of the funeral home and/or crematory;
  - (b) The responsible funeral home and/or crematory expressly authorizes, in writing, to allow the third-party transport after-hours access to the responsible funeral home and/or crematory; and,
  - (c) The human remains are delivered by the third party to the responsible funeral home and/or crematory after-hours.
- II. In the event the human remains are unaccompanied at time of release from the location of death, other than a care facility as defined herein, the representative of the responsible funeral home and/or crematory may transport the human remains to the responsible funeral home and/or crematory as directed by person with right of final disposition but shall not proceed with final disposition until:
  - (a) The human remains have been identified by the responsible funeral home and/or crematory by the means set forth in section D(1) of this Rule 1.22; and
  - (b) The chain of custody record clearly describes the circumstances of the transport and positive identification.
- c. The required content of this custody record may be incorporated into a form being used by a funeral establishment or crematory (including requirements of section 12-135-305, C.R.S.) but shall clearly reflect all of the requirements of section (D) of this Rule 1.22 in order that a reasonable person can understand the chain of custody of the decedent's remains.
- d. The custody record must be retained as part of the funeral home or crematory records:
  - I. A funeral establishment shall maintain the chain of custody record for seven years pursuant to section 12-135-104(2), C.R.S.

- II. A crematory shall maintain the chain of custody record for five years pursuant to section 12-135-305(3), C.R.S.
  - e. No statement on the custody record shall waive the rights provided to the Director in Title 12, Article 135, Part 4, C.R.S., for violations of the Mortuary Science Code.
- 4. **Register Log.** Each funeral establishment or crematory shall maintain a register log on the premises of the licensed funeral or crematory establishment and be easily accessible and in full view for inspection. The register log shall include the following:
  - a. The name of the deceased;
  - b. The date and time the embalming took place, if applicable;
  - c. The name, license number, and signature of the Colorado licensed embalmer, if applicable;
  - d. The date and time the cremation took place, if applicable;
  - e. The name, license number, and signature of the Colorado licensed cremationist, if applicable;
  - f. The date and time the natural reduction took place, if applicable;
  - g. The name, license number, and signature of the Colorado licensed naturalist, if applicable;
  - h. The name, license number, and signature of the Colorado mortuary science person, if applicable; and
  - i. The name of the licensed funeral director, or the funeral director's designee, that was in charge of making arrangements if from a different location.

### **1.23 STANDARDS APPLICABLE TO PREPARATION ROOMS**

This Rule is adopted pursuant to sections 12-20-204, 12-135-401(6)(a), 12-135-113(4), and 12-135-112(4), C.R.S., to clarify the requirements for funeral establishments to maintain a sanitary preparation room.

#### **A. Definitions.**

For the purposes of this Rule 1.23, the following terms have the indicated meaning:

- 1. Preparation room: the room in a funeral establishment used for preparation of the body, as defined in section 12-135-103(26), C.R.S., including embalming, washing, disinfecting, shaving, dressing, restoring, casketing, positioning, or caring for the hair of or applying cosmetics to human remains.
- 2. Refrigeration or Refrigerated: equipment that is designed to be, and which is in fact suitable for the storage of human remains, and which is capable of maintaining stored human remains at not more than thirty-nine degrees Fahrenheit (39° F) or three-point-nine degrees Celsius (3.9° C), as applicable, until final disposition.

- a. Each registrant must maintain, on-site and available for inspection, the manufacturer's guidelines for maintenance and calibration of the refrigeration unit(s).
    - b. The maintenance and calibration schedule recommended by the manufacturer shall be adhered to and records of performed maintenance shall be available for inspection for a period of at least two years.
  - 3. Sanitary: as used in these Rules, "sanitary" includes, but is not limited to, being clean from dirt, foreign particles, hazardous materials or substances, toxic materials or substances, blood or other bodily fluids, bloodstains, or insects.
- B. Requirements and Specifications for Preparation Rooms**
- 1. Every funeral establishment that performs embalming must maintain a clean and sanitary preparation room. No other room in the funeral establishment may be used for preparation of human remains.
  - 2. The preparation room must be of sufficient size to accommodate an operating or embalming table, a sink with running water and proper sewer connections or systems, an instrument table, and a cabinet or shelves.
  - 3. The following is required for all preparation rooms:
    - a. The interior of the room, including the flooring, all furnishings, and equipment must have non-porous and cleanable surfaces;
    - b. Outside ventilation must be provided for by windows or forced air ventilation. The installation must be arranged to maintain sanitary conditions;.
    - c. The preparation room must remain closed to any person not directly employed or contracted by the funeral establishment except as provided in section 12-135-105(1)(i), C.R.S.
    - d. The preparation room must contain the following facilities and equipment:
      - I. Hot and cold running water;
      - II. Flush or slop sink connected to a public sewage system or septic tank;
      - III. **Embalming table** that is covered with a non-porous, material;
      - IV. At least one covered hazardous waste container;
      - V. First aid emergency kit;
      - VI. Heavy latex gloves or their equivalent, and nitrile gloves;
      - VII. Necessary instruments and apparatus for the embalming process;
      - VIII. A method of sanitizing of instruments;
      - IX. Walls constructed of, or covered with, non-porous, material which extends from floor to ceiling;



- X. Floor of cement, tile, or other similar non-porous material and which extends from wall to wall;
  - XI. Necessary antiseptics and disinfectants;
  - XII. Clean gowns or aprons;
  - XIII. A functioning eye-wash station; and
  - XIV. Functional drainage.
- 4. Sheets, linens, materials, supplies, and all instruments and appliances which have come in contact with human remains must be thoroughly cleansed and disinfected at the conclusion of each preparation or embalming. All instruments must be free of stains and foreign particles.
  - 5. The preparation room must be kept in a sanitary condition at all times.
- C. Refrigeration of Human Remains
- 1. All human remains that will be embalmed must be disinfected by approved disinfecting solutions in such a manner to help eliminate the danger of spreading diseases or infection. All human remains that are not going to be embalmed must be wrapped in a sheet or other cloth. If human remains are to be held longer than twenty-four (24) hours, the remains must, at minimum, either be embalmed or continuously refrigerated until final disposition.
  - 2. The refrigeration unit must be maintained in good operating condition, including a functioning, properly calibrated internal thermostat, and must be maintained in a sanitary condition at all times.
    - a. For purposes of this Rule 1.23.C, “good working order” shall refer to the condition in which an item, equipment, or property is fully functional, free from defects, and capable of performing its intended functions without any hindrances or limitations. Refrigeration units in good working order shall maintain a temperature of no more than thirty-nine degrees Fahrenheit (39° F) or three-point-nine degrees Celsius (3.9° C).
  - 3. Each funeral establishment and crematory shall measure the internal temperature of each refrigeration unit located on the premises of the funeral establishment or crematory at least twice during each business day, no less than six hours apart. Each funeral establishment or crematory shall maintain a refrigeration temperature log specific to each refrigeration unit. The log must be easily accessible and in full view for inspection, and must contain the following information:
    - a. The serial number of the refrigeration unit to which the log belongs;
    - b. The date of each temperature measurement;
    - c. The time of each temperature measurement;
    - d. The temperature recorded during each temperature measurements;

- e. Any instances of the recorded temperature exceeding thirty-nine degrees Fahrenheit (39° F) or three-point-nine degrees Celsius (3.9° C), as applicable, must be clearly and unambiguously noted in the log.

#### **1.24 RULES RESPECTING CRYONIC PRESERVATION OF HUMAN REMAINS**

This Rule is adopted pursuant to sections 12-20-204, 12-135-401(6)(a), and 12-135-109(6), C.R.S., to clarify the requirements for the cryonic preservation of human remains.

##### **A. Definitions.**

For the purposes of this Rule 1.24, the following terms have the indicated meaning:

- 1. Cryonic preservation: the freezing and storage of human remains within a cryogenic solution for the stated purpose of future reanimation.
- B.** Cryonic Preservation Allowed. The act of cryonic preservation is exempt from these Rules and the Mortuary Science Code, Article 135 of Title 12, C.R.S., et seq., if done in accordance with the Revised Uniform Anatomical Gift Act, 15-19-201, C.R.S., et seq., and all applicable public health laws, rules, and regulations, and subject to passing an inspection in accordance with Rule 1.23.C.
- C.** To be exempt from the Mortuary Science Code, Article 135 of Title 12, C.R.S., and these Rules, a person engaged in the act of cryonic preservation or contemplating engaging in the act of cryonic preservation must submit to the Director a petition for exemption, in a form and manner as determined by the Director, pursuant to this Rule 1.24.C.

#### **1.25 RULES RESPECTING DELEGATION BY FUNERAL DIRECTORS AND MORTUARY SCIENCE PRACTITIONERS**

This Rule is adopted pursuant to section 12-20-204, 12-135-401(6)(a), 12-135-601(4), and 12-135-701(2), C.R.S. The purpose of this Rule is to clarify delegation authority of licensed Funeral Directors and Mortuary Science Practitioners pursuant to sections 12-135-601(4) and 12-135-701(2), C.R.S., as applicable.

- A.** Delegation by Funeral Directors. Pursuant to section 12-135-601(4), C.R.S., a licensed funeral director may delegate to unlicensed persons any task, except as provided in subparagraphs (A)(1) and (A)(3) of this Rule 1.25, that is within the scope of practice for a licensed funeral director.
- 1. The delegating funeral director is responsible for ensuring that a delegatee has the experience, education, and training necessary to perform all delegated tasks.
  - 2. A licensed funeral director retains responsibility for any tasks delegated pursuant to this Rule 1.25.
  - 3. A licensed funeral director may not delegate tasks as provided in section 12-135-601(4)(d), C.R.S.
- B.** Delegation by Mortuary Science Practitioners. Pursuant to section 12-135-701(2), C.R.S., a licensed mortuary science practitioner may delegate to unlicensed persons any task, except as provided in subparagraphs (B)(1) and (B)(3) of this Rule 1.25, that is within the scope of practice for a licensed mortuary science practitioner.
- 1. The delegating mortuary science practitioner is responsible for ensuring that a delegatee has the experience, education, and training necessary to perform all delegated tasks.

2. A licensed mortuary science practitioner retains responsibility for any tasks delegated pursuant to this Rule 1.25.
3. A licensed mortuary science practitioner may not delegate tasks as provided in section 12-135-701(2)(d), C.R.S.

#### **1.26 RULES RESPECTING SATELLITE OFFICES**

This Rule is adopted pursuant to sections 12-20-204 and 12-135-401(6)(a), C.R.S. The purpose of this Rule is to clarify use of satellite offices by registered funeral establishments or crematories for the purpose of conducting certain authorized business activities.

- A. A registered funeral establishment or crematory may conduct business at one or more locations in addition to the primary place of business listed on the application for registration pursuant to Rule 1.18.
- B. The physical address of all locations where a funeral establishment or crematory conducts business must be included in the application for registration in accordance with Rule 1.18.B.1.a.
- C. Each physical location at which a funeral establishment or crematory conducts business is subject to inspection pursuant to Rule 1.20.
- D. All satellite offices must be directly affiliated with an active Colorado funeral home or crematory registration and operated under the authority of the Designee of that registration.

#### **1.27 POWERS AND DUTIES OF THE DIRECTOR**

This Rule is promulgated pursuant to sections 12-20-204, 12-135-508, and 12-135-401(6)(a), C.R.S. The purpose of this Rule is to clarify the Director's powers and duties with respect to issuing and sending a letter of admonition pursuant to 12-20-404(4), C.R.S.

- A. Letters of Admonition. In accordance with sections 12-135-401(1) and 12-135-508, C.R.S., the Director may issue and send a letter of admonition to a registrant or licensee by electronic mail that is actually received.
  1. As used in this Rule 1.27, "actually received" means that the electronic mail containing or to which the letter of admonition is attached was sent to the electronic mail address currently on file with the Division and designated by the registrant or licensee, as applicable, as the registrant's or licensee's electronic mailing address of record for purposes of correspondence with the Division.
  2. Each registrant or licensee registered or licensed pursuant to these Rules shall maintain on file with the Division an electronic mailing address that is currently in active use by the registrant or licensee for the purpose of all correspondence with the Division. A registrant or licensee must update the electronic mailing address on file with the Division within fifteen (15) days of changing the electronic mailing address used for correspondence with the Division.

---

**Editor's Notes**

**History**

Entire rule eff. 01/01/2010.  
Rules 5, 8 eff. 12/30/2016.  
Entire rule eff. 07/15/2021.  
Rules 1.9 D.2, 1.9 E.2, 1.9 E.3.b emer. rules eff. 09/08/2021.  
Rules 1.9 D.2, 1.9 E.2, 1.9 E.3.b eff. 10/30/2021.  
Rule 1.7 eff. 08/14/2022.  
Rule 1.10 emer. rule eff. 08/15/2022.  
Rule 1.10 eff. 11/30/2022.  
Rule 1.10 repealed eff. 02/15/2024.  
Entire rule eff. 01/15/2025.

**Annotations**

Rules 1.10 B. and 1.10 C. (adopted 10/10/2022) were not extended by Senate Bill 23-102 and therefore expired 05/15/2023.