



STATEMENT OF BASIS, PURPOSE and JUSTIFICATION for an EMERGENCY RULE

Office of Funeral Home and Crematory Registration

On May 10, 2021, Governor Jared Polis signed Colorado Senate Bill 21-006 (*Allowing the conversion of human remains to basic elements within a container using an accelerated process*). This bill takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly, which is September 7, 2021.

BASIS

The basis for this rule is to carry out the provisions of Colorado Senate Bill 21-006, and the Mortuary Science Code at section 12-135-101, *et seq.*, C.R.S.

PURPOSE

The attached emergency rule is promulgated to implement Colorado Senate Bill 21-006 in compliance with the bill's effective date.

JUSTIFICATION

Pursuant to section 24-4-103(6)(a), C.R.S., a temporary or emergency rule may be adopted without compliance with section 24-4-103(4), C.R.S., which requires the agency to hold a public hearing "at which it shall afford interested persons an opportunity to submit written data, views, or arguments and to present the same orally"; and with less than the twenty days' notice set forth in section 24-4-103(3), C.R.S., or without notice where circumstances imperatively require, only if the agency finds that "[i]mmediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for preservation of the public health, safety or welfare and compliance with the requirements of this section would be contrary to the public interest." Such findings must be made on the record.

The specific statutory authorities that authorize this emergency rulemaking is pursuant to sections 12-135-401(6)(a) and 24-4-103(6)(a), C.R.S. The adoption of this rule on an emergency basis is imperatively necessary to comply with the requirements and effective date of state law. Therefore, I hereby adopt this rule as printed and amended, and incorporate by reference the statements of basis, purpose, and statutory authority, pursuant to section 24-4-103(4)(c), C.R.S. These temporary/emergency rules take effect September 8, 2021, and remain in effect for no more than 120 days after adoption of these temporary/emergency rules.

Dated this 8th day of September 2021.

A handwritten signature in cursive script, appearing to read 'Ronne Hines', is written over a horizontal line.

Ronne Hines, Director of the Division of Professions and Occupations