

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

\_\_\_\_\_  
April 2, 2026  
Date

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

SB26-091 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** 8-70-115.5 as  
4 follows:

5 **8-70-115.5. Employment clarification - newspaper delivery**  
6 **and distribution - application of independent contractor test.**

7 (1) THE EMPLOYEE STATUS OF AN INDIVIDUAL ENGAGED IN THE  
8 DELIVERY OR DISTRIBUTION OF NEWSPAPERS OR SHOPPING NEWS MUST BE  
9 DETERMINED PURSUANT TO SECTION 8-70-115, AS CLARIFIED BY THIS  
10 SECTION.

11 (2) FOR PURPOSES OF APPLYING SUBSECTION (1) OF THIS SECTION,  
12 OPERATIONAL REQUIREMENTS INHERENT TO THE DELIVERY OR  
13 DISTRIBUTION OF NEWSPAPERS OR SHOPPING NEWS DO NOT ALONE  
14 CONSTITUTE SUFFICIENT EVIDENCE OF CONTROL OR DIRECTION IN THE  
15 PERFORMANCE OF SERVICES. SUCH OPERATIONAL REQUIREMENTS MAY  
16 INCLUDE:

17 (a) DESIGNATION OF A PICKUP LOCATION;

18 (b) ASSIGNMENT OF A GEOGRAPHIC ROUTE OR TERRITORY;

19 (c) REQUIREMENTS TO MEET CUSTOMER DELIVERY OR  
20 DISTRIBUTION DEADLINES;

21 (d) REASONABLE QUALITY OR SAFETY STANDARDS RELATED TO  
22 DELIVERY OR DISTRIBUTION; OR

23 (e) REQUIREMENTS TO MAINTAIN CONFIDENTIALITY OF  
24 SUBSCRIBER OR CUSTOMER INFORMATION.

25 (3) FOR PURPOSES OF APPLYING SECTION 8-70-115 (1)(b), THE  
26 ABSENCE OF A SEPARATE BUSINESS ADDRESS, BUSINESS REGISTRATION,  
27 ADVERTISING, CAPITAL INVESTMENT, OR FORMAL BUSINESS ENTITY OR

1 TRADE NAME DOES NOT, BY ITSELF, PRECLUDE A FINDING THAT AN  
2 INDIVIDUAL IS CUSTOMARILY ENGAGED IN AN INDEPENDENT TRADE,  
3 OCCUPATION, PROFESSION, OR BUSINESS.

4 (4) NOTHING IN THIS SECTION MODIFIES THE INDEPENDENT  
5 CONTRACTOR TEST SET FORTH IN SECTION 8-70-115 (1).

6 **SECTION 2.** In Colorado Revised Statutes, 8-70-136, **amend** (1)  
7 introductory portion as follows:

8 **8-70-136. Employment does not include - brokers.**

9 (1) "Employment" does not include services performed by an  
10 individual as a licensed real estate broker or as a direct seller engaged in  
11 the trade or business of selling, or soliciting the sale of, a consumer  
12 product in a home or in an establishment other than a permanent retail  
13 establishment, ~~or as an individual engaged in the trade or business of the~~  
14 ~~delivering or distribution of newspapers or shopping news~~, including any  
15 services directly related to such trade or business, if:

16 **SECTION 3.** In Colorado Revised Statutes, 8-4-101, **amend** (5)  
17 as follows:

18 **8-4-101. Definitions.**

19 As used in this article 4, unless the context otherwise requires:

20 (5) (a) "Employee" means ~~any person~~ AN INDIVIDUAL, including  
21 a migratory laborer, performing labor or services for the benefit of an  
22 employer. For the purpose of this article 4, relevant factors in determining  
23 whether ~~a person~~ AN INDIVIDUAL is an employee include the degree of  
24 control the employer may or does exercise over the ~~person~~ INDIVIDUAL  
25 and the degree to which the ~~person~~ INDIVIDUAL performs work that is the  
26 primary work of the employer; except that an individual primarily free  
27 from control and direction in the performance of the service, both under  
28 ~~his or her~~ THE INDIVIDUAL'S contract for the performance of service and  
29 in fact, and who is customarily engaged in an independent trade,  
30 occupation, profession, or business related to the service performed is not  
31 an "employee".

32 (b) THE EMPLOYEE STATUS OF AN INDIVIDUAL ENGAGED IN THE  
33 DELIVERY OR DISTRIBUTION OF NEWSPAPERS OR SHOPPING NEWS MUST BE  
34 DETERMINED IN ACCORDANCE WITH SECTIONS 8-70-115 AND 8-70-115.5.

35 **SECTION 4. Act subject to petition - effective date -**  
36 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
37 the expiration of the ninety-day period after final adjournment of the  
38 general assembly (August 12, 2026, if adjournment sine die is on May 13,  
39 2026); except that, if a referendum petition is filed pursuant to section 1  
40 (3) of article V of the state constitution against this act or an item, section,  
41 or part of this act within such period, then the act, item, section, or part  
42 will not take effect unless approved by the people at the general election  
43 to be held in November 2026 and, in such case, will take effect on the

- 1 date of the official declaration of the vote thereon by the governor.
- 2 (2) This act applies to services provided on or after the applicable
- 3 effective date of this act."

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