

CHAPTER 384

LABOR AND INDUSTRY

HOUSE BILL 26-1272

BY REPRESENTATIVE(S) Froelich and Velasco, Bacon, Boesenecker, Brown, Camacho, Clifford, Duran, English, Jackson, Lieder, Lindsay, Mabrey, McCormick, Nguyen, Ricks, Rutinel, Smith, Story, Willford, Garcia, Sirota, Valdez, Zokaie; also SENATOR(S) Cutter and Weissman, Amabile, Benavidez, Danielson, Exum, Gonzales J., Jodeh, Kipp, Kolker, Marchman, Sullivan, Wallace, Coleman.

AN ACT

CONCERNING PROTECTIONS FOR WORKERS NECESSITATED BY CLIMATE CHANGE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **amend** 8-14.4-101 as follows:

8-14.4-101. Definitions.

As used in this article 14.4, unless the context otherwise requires:

(1) "ACCLIMATIZED" MEANS THE BODY'S ADAPTATION TO WORK IN THE HEAT OR COLD AS THE BODY IS EXPOSED TO HEAT OR COLD GRADUALLY OVER TIME, WHICH REDUCES THE STRAIN CAUSED BY HEAT STRESS OR COLD STRESS AND REDUCES THE CHANCE OF DEVELOPING HEAT-RELATED INJURY OR ILLNESS OR COLD-RELATED INJURY OR ILLNESS.

~~(1)~~(2) "Agricultural employment" has the meaning set forth in section 8-13.5-201 (2).

(3) "COLD-RELATED INJURY OR ILLNESS" MEANS A SERIOUS MEDICAL CONDITION RESULTING FROM THE BODY'S INABILITY TO COPE WITH COLD STRESS. SIGNS AND SYMPTOMS OF COLD-RELATED INJURY OR ILLNESS MAY INCLUDE NUMBNESS, THE FEELING OF PINS AND NEEDLES, BLUE AND BLOTCHY SKIN, ACHES, FATIGUE, CONFUSION, DISORIENTATION, EXCESSIVE SHIVERING, AND LOSS OF COORDINATION.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(4) "COLD-TEMPERATURE TRIGGER" MEANS A TEMPERATURE AT WHICH AN INDIVIDUAL, IF EXPOSED FOR A PROLONGED PERIOD, MAY BE AT RISK OF SUFFERING FROM A COLD-RELATED INJURY OR ILLNESS OR TEMPERATURE-RELATED EMERGENCY.

~~(1.5)~~ (5) "Department" means the department of labor and employment.

~~(2)~~ (6) "Division" means the division of labor standards and statistics in the department.

(7) "HEAT-RELATED INJURY OR ILLNESS" MEANS A SERIOUS MEDICAL CONDITION RESULTING FROM THE BODY'S INABILITY TO COPE WITH HEAT STRESS. SIGNS AND SYMPTOMS OF HEAT-RELATED INJURY OR ILLNESS MAY INCLUDE HEADACHE, NAUSEA, WEAKNESS, DIZZINESS, ELEVATED BODY TEMPERATURE, MUSCLE CRAMPS, AND MUSCLE PAIN OR SPASMS.

(8) "HEAT-TEMPERATURE TRIGGER" MEANS A TEMPERATURE AT WHICH AN INDIVIDUAL, IF EXPOSED FOR A PROLONGED PERIOD, MAY BE AT RISK OF SUFFERING FROM A HEAT-RELATED INJURY OR ILLNESS OR TEMPERATURE-RELATED EMERGENCY.

(9) "POTABLE DRINKING WATER" MEANS WATER THAT IS SAFE FOR HUMAN CONSUMPTION.

~~(3)~~ (10) "Principal" means:

(a) An "employer" as set forth in the federal "Fair Labor Standards Act of 1938", 29 U.S.C. sec. 203 (d);

(b) A foreign labor contractor ~~and~~ OR a migratory field labor contractor or crew leader;

(c) The state of Colorado, local governments, and political subdivisions of the state as defined in section 1-7.5-103 (6);

(d) An entity that contracts with five or more independent contractors in the state each year; and

(e) A person or entity engaged in agricultural employment.

~~(4)~~ (11) "Public health emergency" means:

(a) A public health order issued by a state or local public health agency; or

(b) A disaster emergency declared by the governor based on a public health concern.

(12) "SHADE" MEANS THE BLOCKAGE OF DIRECT SUNLIGHT, SUCH THAT OBJECTS DO NOT CAST A SHADOW IN THE AREA OF BLOCKED SUNLIGHT.

(13) "SIGNS OR SYMPTOMS OF A COLD EMERGENCY" MEANS THE PHYSIOLOGICAL MANIFESTATION OF A COLD-RELATED INJURY OR ILLNESS, INCLUDING HYPOTHERMIA, FROSTBITE, DROWSINESS, LOSS OF CONSCIOUSNESS, OR TRENCH FOOT.

(14) "SIGNS OR SYMPTOMS OF A HEAT EMERGENCY" MEANS THE PHYSIOLOGICAL MANIFESTATION OF A HEAT-RELATED INJURY OR ILLNESS, INCLUDING HEAT STROKE, HEAT EXHAUSTION, FAINTING, OR LOSS OF CONSCIOUSNESS.

(15) "TEMPERATURE-RELATED EMERGENCY" MEANS A SERIOUS MEDICAL EMERGENCY IN WHICH A WORKER IS EXHIBITING SIGNS OR SYMPTOMS OF A HEAT EMERGENCY OR SIGNS OR SYMPTOMS OF A COLD EMERGENCY.

(16) "TEMPERATURE-RELATED INJURY OR ILLNESS" MEANS COLD-RELATED INJURY OR ILLNESS, HEAT-RELATED INJURY OR ILLNESS, OR BOTH.

(17) "TRIIPP" OR "TEMPERATURE-RELATED INJURY AND ILLNESS PREVENTION PLAN" MEANS A WORKSITE TEMPERATURE-RELATED INJURY AND ILLNESS PREVENTION PLAN.

~~(5)~~ (18) "Worker" means:

(a) An "employee" as defined in section 8-4-101 (5); or

(b) ~~A person~~ AN INDIVIDUAL who works for an entity that contracts with five or more independent contractors in the state each year.

(19) "WORKSITE" MEANS A PHYSICAL LOCATION WHERE A PRINCIPAL'S WORK OR OPERATIONS ARE PERFORMED.

SECTION 2. In Colorado Revised Statutes, **add** 8-14.4-101.5 as follows:

8-14.4-101.5. Worker protection - extreme temperatures - temperature-related injury and illness prevention plan - legislative declaration - rules.

(1) **Legislative declaration.** THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) CLIMATE CHANGE IS EXACERBATING THE EFFECTS OF EXTREME WEATHER EVENTS, INCLUDING EXTREME HEAT, EXTREME COLD, DROUGHT, AND WILDFIRE IN COLORADO;

(b) SINCE 2011, COLORADO HAS MADE IT A PRIORITY TO TRACK TEMPERATURE-RELATED INJURY AND ILLNESS AND TO ENSURE COLORADANS ARE AWARE OF THE RISKS OF EXPOSURE TO EXTREME HEAT AND EXTREME COLD;

(c) IN 2024, COLORADO'S LARGEST WORKERS' COMPENSATION INSURER HAS INDICATED THAT INDOOR AND OUTDOOR WORKERS IN THE STATE ARE FIFTY-TWO PERCENT MORE LIKELY TO EXPERIENCE INJURY DURING EXTREME TEMPERATURE EVENTS;

(d) SINCE 2021, FEDERAL EXPERTS AT THE UNITED STATES DEPARTMENT OF LABOR HAVE RECOGNIZED THAT WORKERS WORKING IN EXTREME TEMPERATURES NEED ADDITIONAL PROTECTIONS, AND THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION HAS ASSERTED THAT EXPOSURE TO EXTREME TEMPERATURES IN THE WORKPLACE POSES A SIGNIFICANT RISK OF SERIOUS INJURY AND ILLNESS;

(e) THE STATE'S ECONOMY DEPENDS ON THE LABOR OF WORKERS ACROSS MANY SECTORS AND INDUSTRIES WHO ARE ROUTINELY EXPOSED TO DANGEROUS WORKING CONDITIONS, INCLUDING EXTREME HEAT, EXTREME COLD, AND OTHER ENVIRONMENTAL HAZARDS THAT MAY THREATEN THEIR HEALTH, SAFETY, AND LIVES. THE RISKS THESE WORKERS FACE INCREASE AS OUTDOOR TEMPERATURES BECOME MORE VOLATILE, AND WORKERS WHO ARE EXPOSED TO PROLONGED HEAT OR COLD SOMETIMES SUFFER PREVENTABLE INJURIES, ILLNESSES, AND DEATHS.

(f) THE STATE'S CURRENT PROTECTIONS ARE INADEQUATE TO PROTECT WORKERS EXPOSED TO EXTREME TEMPERATURES AT WORKSITES. EXISTING WORKPLACE STANDARDS DO NOT REQUIRE COMPREHENSIVE PREVENTION PLANS; DO NOT GUARANTEE ACCESS TO POTABLE DRINKING WATER, SHADE, OR COOL-DOWN OR WARM-UP AREAS; AND DO NOT ESTABLISH PROCEDURES FOR MONITORING TEMPERATURES, ADJUSTING WORK PRACTICES DURING EXTREME HEAT OR EXTREME COLD, OR PROTECTING NEWLY HIRED OR RETURNING WORKERS WHO ARE NOT ACCLIMATIZED. AS A RESULT, MANY WORKERS CONTINUE TO FACE UNSAFE CONDITIONS WITHOUT ENFORCEABLE SAFEGUARDS.

(g) THE ABSENCE OF CONSISTENT STATEWIDE STANDARDS CREATES UNEQUAL PROTECTIONS ACROSS INDUSTRIES AND REGIONS, LEAVING THE MOST VULNERABLE WORKERS, INCLUDING THOSE WHO WORK IN LOW-PAYING POSITIONS, AT THE GREATEST RISK OF HARM. THESE WORKERS OFTEN FACE ADDITIONAL BARRIERS, SUCH AS FEAR OF RETALIATION, LIMITED ACCESS TO COMPLAINT SYSTEMS OR REPORTING, AND A LACK OF ACCESSIBLE INFORMATION IN A LANGUAGE THEY UNDERSTAND. THESE BARRIERS CONTRIBUTE TO UNDERREPORTING OF DANGEROUS CONDITIONS AND PREVENT TIMELY INTERVENTION.

(h) REQUIRING PRINCIPALS TO ADOPT CLEAR, PROACTIVE MEASURES, INCLUDING MONITORING AND RECORDING TEMPERATURE CONDITIONS, PROVIDING POTABLE DRINKING WATER AND REST BREAKS, ENSURING ACCESS TO SHADE OR SHELTER, DEVELOPING WRITTEN PREVENTION AND RESPONSE PLANS, AND ADEQUATELY TRAINING WORKERS, IS NECESSARY TO REDUCE TEMPERATURE-RELATED INJURIES AND ILLNESSES IN THE STATE. THE STATE SHOULD REQUIRE PROTECTIONS THAT ARE PRACTICAL, EVIDENCE-BASED, AND ACHIEVABLE FOR EMPLOYERS OF ALL SIZES.

(i) PROTECTING WORKERS FROM EXTREME TEMPERATURES IS A MATTER OF PUBLIC HEALTH AND SAFETY AND ECONOMIC STABILITY. ENSURING SAFER WORKING CONDITIONS ACROSS INDUSTRIES WILL REDUCE PREVENTABLE MEDICAL EMERGENCIES, SUPPORT WORKFORCE RETENTION AND PRODUCTIVITY, AND PROMOTE FAIRNESS FOR PRINCIPALS THAT ALREADY COMPLY WITH HIGH SAFETY STANDARDS.

(j) ESTABLISHING STATEWIDE ENFORCEABLE PROTECTIONS FOR WORKERS EXPOSED TO EXTREME TEMPERATURES IS NECESSARY TO SAFEGUARD THE STATE'S WORKFORCE, STRENGTHEN FAMILIES AND COMMUNITIES, AND UPHOLD THE STATE'S

RESPONSIBILITY TO ENSURE THAT WORKERS CAN PERFORM THEIR DUTIES WITHOUT RISKING THEIR HEALTH, THEIR SAFETY, OR THEIR LIVES.

(2) Data collection - model temperature-related injury and illness prevention plan.

(a) ON OR BEFORE JANUARY 15, 2027, THE DIVISION SHALL:

(I) DEVELOP A PLATFORM ON THE DEPARTMENT'S WEBSITE WHERE USERS CAN PROVIDE INFORMATION ABOUT OCCURRENCES OF TEMPERATURE-RELATED INJURY OR ILLNESS OR TEMPERATURE-RELATED EMERGENCIES AT WORKSITES IN THE STATE;

(II) OBTAIN DATA FROM THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT USING THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S CURRENT SYNDROMIC SURVEILLANCE PROGRAM, OR A SUCCESSOR PROGRAM, TO TRACK OCCURRENCES OF HEAT-RELATED INJURY OR ILLNESS OR HEAT-RELATED EMERGENCIES AT WORKSITES IN THE STATE; AND

(III) BEGIN WORKING WITH:

(A) THE DIVISION OF WORKERS' COMPENSATION TO PERIODICALLY, AND AT LEAST TWICE ANNUALLY, COLLECT INFORMATION CONCERNING CLAIMS FOR WORKERS' COMPENSATION THAT INVOLVE TEMPERATURE-RELATED INJURY OR ILLNESS OR TEMPERATURE-RELATED EMERGENCIES; AND

(B) THE CENTER FOR IMPROVING VALUE IN HEALTH CARE, OR A SUCCESSOR ORGANIZATION, TO PERIODICALLY, AND AT LEAST TWICE ANNUALLY, COLLECT INFORMATION CONCERNING OCCURRENCES OF TEMPERATURE-RELATED INJURY OR ILLNESS OR TEMPERATURE-RELATED EMERGENCIES AT WORKSITES IN THE STATE.

(b) (I) ON OR BEFORE JULY 1, 2028, THE DIVISION SHALL DEVELOP A MODEL TRIIPP THAT INCLUDES WRITTEN PROCEDURES FOR:

(A) PROVIDING WORKERS ACCESS TO COOL, POTABLE DRINKING WATER AT NO COST;

(B) PROVIDING WORKERS ACCESS TO COOL-DOWN OR WARM-UP REST AREAS;

(C) MONITORING WORKPLACE TEMPERATURE CONDITIONS;

(D) ACCLIMATIZING NEW OR RETURNING WORKERS DURING THEIR FIRST FOURTEEN DAYS OF ASSIGNMENT;

(E) TRAINING WORKERS TO RECOGNIZE SIGNS AND SYMPTOMS OF TEMPERATURE-RELATED INJURY AND ILLNESS;

(F) RESPONDING TO TEMPERATURE-RELATED MEDICAL EMERGENCIES; AND

(G) OTHER COMPONENTS AND EXEMPTIONS AS NECESSARY.

(II) THE DIVISION MAY INCORPORATE BY REFERENCE AND ADAPT ESTABLISHED TRIIPP MODELS.

(III) THE DIVISION MAY ADOPT RULES NECESSARY TO IMPLEMENT THIS SECTION.

(IV) THE DIVISION SHALL ENSURE THE MODEL TRIIPP IS AVAILABLE ON THE DEPARTMENT'S WEBSITE IN A FORMAT THAT CAN BE VIEWED OR DOWNLOADED.

(V) THE DIVISION SHALL REVIEW AND UPDATE THE MODEL TRIIPP AS NECESSARY AND NOT LESS THAN EVERY FIVE YEARS.

SECTION 3. Appropriation. For the 2026-27 state fiscal year, \$76,651 is appropriated to the department of labor and employment for use by the division of labor standards and statistics. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.6 FTE. To implement this act, the division may use this appropriation for program costs related to labor standards.

SECTION 4. Act subject to petition - effective date. This act 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 (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 4, 2026