

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 27, 2024
Date

Committee on Health & Human Services.

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

HB24-1066 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. Legislative declaration.** (1) The general
4 assembly declares that:

5 (a) Workplace violence in health-care settings has emerged as a
6 serious occupational and public health concern in Colorado and across the
7 country;

8 (b) Health-care workers are five times more likely to experience
9 violence in the workplace compared to other workers;

10 (c) Workplace violence presents in various forms, with:

11 (I) Sixty percent of incidents involving verbal aggression;

12 (II) Thirty-six percent of incidents involving threats;

13 (III) Twenty-nine percent of incidents involving physical
14 violence; and

15 (IV) Four percent of incidents involving the use of an object or
16 weapon;

17 (d) There is no single solution to solving workplace violence in
18 health-care settings, and evidence shows that a holistic approach to
19 workplace violence is most effective and has proven to decrease violence
20 in health-care settings;

21 (e) Recommendations from organizations such as the Joint
22 Commission, which align with the evidence that several approaches to
23 combating workplace violence are needed, include:

24 (I) Making significant investment in frontline staff in the
25 assessment, planning, and implementation of a workplace violence
26 program;

27 (II) Training staff on how to prevent workplace violence;

- 1 (III) Assessing and implementing security protections within
2 health-care units; and
- 3 (IV) Developing and implementing standardized workplace
4 violence prevention policies and reporting systems;
- 5 (f) Involving frontline staff in assessing and planning workplace
6 violence interventions is paramount to the effectiveness of the
7 intervention;
- 8 (g) The Joint Commission stresses that workplace violence
9 prevention training and interventions must go beyond the individual, and
10 the organization's recommendations align with evidence showing that
11 health-care organizations need to change their administrative policies and
12 implement changes within the health-care unit environment to combat
13 workplace violence; and
- 14 (h) Implementing a holistic approach to workplace violence
15 prevention, mitigation, response, and intervention that focuses on
16 involving frontline workers is paramount to reducing incidents of
17 workplace violence in health-care settings.

18 **SECTION 2.** In Colorado Revised Statutes, **add** part 9 to article
19 3 of title 25 as follows:

20 **PART 9**

21 **VIOLENCE PREVENTION IN HEALTH-CARE SETTINGS**

22 **25-3-901. Short title.** THE SHORT TITLE OF THIS PART 9 IS THE
23 "VIOLENCE PREVENTION IN HEALTH-CARE SETTINGS ACT".

24 **25-3-902. Definitions.** AS USED IN THIS PART 9, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "BULLYING" MEANS ANY WRITTEN OR ORAL EXPRESSION,
27 PHYSICAL OR ELECTRONIC ACT OR GESTURE, OR PATTERN OF THAT
28 EXPRESSION, ACT, OR GESTURE THAT IS INTENDED TO COERCE, INTIMIDATE,
29 OR CAUSE ANY PHYSICAL, MENTAL, OR EMOTIONAL HARM TO AN
30 INDIVIDUAL.

31 (2) "DANGEROUS WEAPON" MEANS:

32 (a) A FIREARM, AS DEFINED IN SECTION 18-1-901 (3)(h);

33 (b) A PELLET GUN, A BB GUN, OR OTHER DEVICE, WHETHER
34 OPERATIONAL OR NOT, DESIGNED TO PROPEL PROJECTILES BY SPRING
35 ACTION OR COMPRESSED AIR;

36 (c) A FIXED-BLADE KNIFE WITH A BLADE THAT EXCEEDS THREE
37 INCHES IN LENGTH;

38 (d) A SPRING-LOADED KNIFE OR A POCKET KNIFE WITH A BLADE
39 EXCEEDING THREE AND ONE-HALF INCHES IN LENGTH; OR

40 (e) ANY OBJECT, DEVICE, INSTRUMENT, MATERIAL, OR SUBSTANCE,
41 WHETHER ANIMATE OR INANIMATE, THAT IS USED OR INTENDED TO BE
42 USED TO INFLICT DEATH OR SERIOUS BODILY INJURY.

43 (3) "FACILITY" MEANS:

1 (a) A HOSPITAL LICENSED OR CERTIFIED BY THE DEPARTMENT;
2 (b) A FREESTANDING EMERGENCY DEPARTMENT AS DEFINED IN
3 SECTION 25-1.5-114;
4 (c) A NURSING CARE FACILITY;
5 (d) AN ASSISTED LIVING RESIDENCE THAT HAS AT LEAST TWENTY
6 BEDS; OR
7 (e) A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN THE
8 FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(4), AS
9 AMENDED.

10 (4) "FACILITY PERSONNEL" MEANS:
11 (a) AN EMPLOYEE OF A FACILITY;
12 (b) A HEALTH-CARE PROVIDER WHO IS CONTRACTED WITH OR
13 OTHERWISE AUTHORIZED TO PROVIDE HEALTH-CARE SERVICES AT A
14 FACILITY; OR
15 (c) ANY OTHER INDIVIDUAL PERFORMING SERVICES AT A FACILITY.

16 (5) "HARASS" MEANS TO ENGAGE IN A COURSE OF VEXATIOUS
17 COMMENT OR CONDUCT AGAINST AN INDIVIDUAL THAT IS KNOWN OR
18 OUGHT REASONABLY TO BE KNOWN TO BE UNWELCOME.

19 (6) "INTIMIDATE" MEANS TO DIRECTLY OR INDIRECTLY INFLICT OR
20 THREATEN TO INFLICT ANY INJURY, DAMAGE, HARM, OR LOSS UPON AN
21 INDIVIDUAL.

22 (7) "MULTIDISCIPLINARY TEAM" OR "TEAM" MEANS A TEAM OF
23 FACILITY PERSONNEL, A MAJORITY OF THE MEMBERS OF WHICH PRIMARILY
24 PROVIDE DIRECT CARE OR SERVICES TO PATIENTS OR VISITORS OF THE
25 FACILITY.

26 (8) (a) "WORKPLACE VIOLENCE" MEANS:
27 (I) VERBAL, NONVERBAL, WRITTEN, OR PHYSICAL AGGRESSION;
28 (II) THREATENING, INTIMIDATING, HARASSING, OR HUMILIATING
29 WORDS OR ACTIONS;
30 (III) BULLYING;
31 (IV) SABOTAGE;
32 (V) SEXUAL HARASSMENT;
33 (VI) PHYSICAL ASSAULT; OR
34 (VII) OTHER BEHAVIOR OF CONCERN INVOLVING FACILITY
35 PERSONNEL, PATIENTS, OR VISITORS.

36 (b) "WORKPLACE VIOLENCE" INCLUDES:
37 (I) ANY ACT DESCRIBED IN SUBSECTION (8)(a) OF THIS SECTION
38 THAT OCCURS BETWEEN FACILITY PERSONNEL, INCLUDING WHEN THE
39 ALLEGED PERPETRATOR IS A SUPERIOR OR SUPERVISOR OF FACILITY
40 PERSONNEL; AND
41 (II) AN INCIDENT INVOLVING THE USE OF A DANGEROUS WEAPON,
42 REGARDLESS OF WHETHER FACILITY PERSONNEL ARE INJURED BY THE
43 WEAPON.

1 (c) "WORKPLACE VIOLENCE" DOES NOT INCLUDE AN ACT OF
2 SELF-ADVOCACY THAT IS WITHIN AN INDIVIDUAL'S LEGAL RIGHT TO
3 PURSUE, INCLUDING WHEN AN INDIVIDUAL THREATENS TO PURSUE LEGAL
4 ACTION OR TO FILE A GRIEVANCE OR COMPLAINT WITH A REGULATORY OR
5 ACCREDITATION BODY.

6 (9) "WORKPLACE VIOLENCE PREVENTION PROGRAM" OR
7 "PROGRAM" MEANS A PROGRAM OR PLAN DEVELOPED IN ACCORDANCE
8 WITH SECTION 25-3-903 TO PREVENT, MITIGATE, AND RESPOND TO ACTS OF
9 WORKPLACE VIOLENCE OR THREATS OF WORKPLACE VIOLENCE AT A
10 FACILITY.

11 **25-3-903. Workplace violence prevention program - contents**
12 **- training - annual review.** (1) (a) EACH FACILITY SHALL ESTABLISH A
13 WORKPLACE VIOLENCE PREVENTION PROGRAM THAT IS LED BY AN
14 INDIVIDUAL DESIGNATED BY THE FACILITY AND IS DEVELOPED BY A
15 MULTIDISCIPLINARY TEAM.

16 (b) A FACILITY'S WORKPLACE VIOLENCE PREVENTION PROGRAM
17 MUST:

18 (I) ESTABLISH WRITTEN POLICIES AND PROCEDURES TO PREVENT,
19 MITIGATE, AND RESPOND TO INCIDENTS OF WORKPLACE VIOLENCE, WHICH
20 POLICIES AND PROCEDURES MUST BE REVIEWED AND EVALUATED AT LEAST
21 ANNUALLY;

22 (II) ESTABLISH A STANDARDIZED AND STREAMLINED PROCESS FOR
23 FACILITY PERSONNEL, PATIENTS, AND VISITORS TO REPORT INCIDENTS OF
24 WORKPLACE VIOLENCE THAT:

25 (A) ALLOWS AT LEAST SEVEN DAYS TO COMPLETE AN INCIDENT
26 REPORT FILING;

27 (B) CONSISTENTLY PROVIDES ADMINISTRATIVE SUPPORT TO
28 FACILITY PERSONNEL TO ENSURE THEIR ABILITY TO RESPOND TO INTERNAL
29 AND EXTERNAL REQUIREMENTS FOR REPORTING WORKPLACE VIOLENCE;

30 (C) ENABLES FACILITY PERSONNEL, WHEN REPORTING AN INCIDENT
31 OF WORKPLACE VIOLENCE THROUGH THE FACILITY'S EXISTING
32 OCCURRENCE REPORTING SYSTEMS, TO REPORT THE INCIDENT WITHOUT
33 DISCLOSING A PATIENT'S, FACILITY PERSONNEL MEMBER'S, OR
34 VOLUNTEER'S PERSONALLY IDENTIFIABLE INFORMATION; AND

35 (D) ALLOWS FOR THE ANALYSIS OF WORKPLACE VIOLENCE
36 INCIDENTS AND TRENDS;

37 (III) INCLUDE A PROCESS TO FOLLOW UP WITH AND SUPPORT
38 FACILITY PERSONNEL AND WITNESSES AFFECTED BY AN INCIDENT OF
39 WORKPLACE VIOLENCE, INCLUDING TRAUMA AND PSYCHOLOGICAL
40 COUNSELING, IF NECESSARY; AND

41 (IV) REQUIRE REPORTING OF WORKPLACE VIOLENCE INCIDENTS
42 AND UPDATES TO THE WORKPLACE VIOLENCE PREVENTION PROGRAM TO
43 THE FACILITY'S GOVERNING BODY.

1 (2) (a) THE MULTIDISCIPLINARY TEAM THAT LEADS A FACILITY'S
2 WORKPLACE VIOLENCE PREVENTION PROGRAM SHALL CONDUCT AN
3 ANNUAL WORKSITE ANALYSIS TO DETERMINE WHETHER THERE ARE
4 WORKPLACE VIOLENCE SAFETY AND SECURITY RISKS AT THE FACILITY. A
5 FACILITY SHALL TAKE ACTIONS TO MITIGATE OR RESOLVE WORKPLACE
6 VIOLENCE SAFETY AND SECURITY RISKS BASED ON FINDINGS FROM THE
7 ANALYSIS AND AS REFLECTED IN THE PROGRAM.

8 (b) THE ANALYSIS CONDUCTED PURSUANT TO THIS SUBSECTION (2)
9 MUST:

10 (I) BE BASED ON INDIVIDUAL PRACTICE SETTINGS, INCLUDING
11 SPECIFIC ATTRIBUTES OF A PRACTICE SETTING; AND

12 (II) ANALYZE STAFFING, INCLUDING INDIVIDUAL STAFFING
13 PATTERNS AND PATIENT CLASSIFICATIONS, EMERGENCY RESPONSE
14 PROTOCOLS, SECURITY PERSONNEL AVAILABILITY, AND SECURITY RISKS
15 ASSOCIATED WITH SPECIFIC UNITS OR PROGRAMS IN A FACILITY.

16 (3) (a) A FACILITY'S MULTIDISCIPLINARY TEAM SHALL ESTABLISH
17 A PROCESS FOR CONTINUALLY MONITORING FOR, INTERNAL REPORTING OF,
18 AND INVESTIGATING INCIDENTS OF WORKPLACE VIOLENCE INVOLVING
19 PATIENTS, FACILITY PERSONNEL, OR OTHERS WITHIN THE FACILITY.

20 (b) AS PART OF THE PROCESS ESTABLISHED PURSUANT TO THIS
21 SUBSECTION (3), THE TEAM SHALL CONDUCT QUARTERLY REVIEWS OF
22 INCIDENTS OF WORKPLACE VIOLENCE THAT OCCURRED AT THE FACILITY IN
23 THE IMMEDIATELY PRECEDING QUARTER AND DOCUMENT ANY UPDATES TO
24 THE WORKPLACE VIOLENCE PREVENTION PROGRAM THAT RESULT FROM
25 THE REVIEW. THE TEAM SHALL ACCEPT ANY INFORMATION ON INCIDENTS
26 OF WORKPLACE VIOLENCE AT THE FACILITY FROM FACILITY PERSONNEL,
27 PATIENTS, OR OTHERS.

28 (4) (a) AS PART OF ITS WORKPLACE VIOLENCE PREVENTION
29 PROGRAM, A FACILITY SHALL PROVIDE ANNUAL TRAINING, EDUCATION,
30 AND RESOURCES TO FACILITY LEADERSHIP, INCLUDING THE MEMBERS OF
31 THE GOVERNING BOARD, AND FACILITY PERSONNEL. IN ADDITION TO
32 PROVIDING THE TRAINING, EDUCATION, AND RESOURCES ANNUALLY, THE
33 FACILITY SHALL PROVIDE TRAINING, EDUCATION, AND RESOURCES:

34 (I) WITHIN NINETY DAYS AFTER ANY CHANGES OR UPDATES ARE
35 MADE REGARDING THE WORKPLACE VIOLENCE PREVENTION PROGRAM;
36 AND

37 (II) (A) FOR FACILITY PERSONNEL, WHEN INITIALLY HIRED,
38 CONTRACTED, OR AUTHORIZED TO PROVIDE HEALTH-CARE OR OTHER
39 SERVICES AT THE FACILITY; AND

40 (B) FOR MEMBERS OF FACILITY LEADERSHIP AND OF THE
41 GOVERNING BOARD, WHEN THE MEMBER IS APPOINTED TO THE LEADERSHIP
42 OR GOVERNING BOARD POSITION.

43 (b) A FACILITY'S TEAM SHALL DETERMINE THE ASPECTS OF

1 TRAINING THAT ARE APPROPRIATE FOR INDIVIDUALS BASED ON THEIR
2 ROLES, RESPONSIBILITIES, AND PRACTICE SETTING.

3 (c) THE TRAINING, EDUCATION, AND RESOURCES MUST ADDRESS
4 PREVENTION OF, RECOGNITION OF, RESPONSE TO, RECOVERY FROM, AND
5 REPORTING OF WORKPLACE VIOLENCE AS FOLLOWS:

6 (I) AN EXPLANATION OF WHAT CONSTITUTES WORKPLACE
7 VIOLENCE AND AN OVERVIEW OF THE FACILITY'S WORKPLACE VIOLENCE
8 PREVENTION PROGRAM;

9 (II) EDUCATION ON THE ROLES AND RESPONSIBILITIES OF FACILITY
10 LEADERSHIP, CLINICAL STAFF, SECURITY PERSONNEL, AND EXTERNAL LAW
11 ENFORCEMENT;

12 (III) TRAINING IN DE-ESCALATION, NONPHYSICAL INTERVENTION
13 SKILLS, PHYSICAL INTERVENTION TECHNIQUES, AND RESPONSE TO
14 EMERGENCY INCIDENTS;

15 (IV) THE PROCESS FOR REPORTING INCIDENTS OF WORKPLACE
16 VIOLENCE; AND

17 (V) TRAINING IN VIOLENCE PREDICTING BEHAVIORS AND
18 INFORMATION ON HOW TO INTERACT WITH PATIENTS WITH SPECIFIC
19 HEALTH CONDITIONS, TRAUMA-INFORMED CARE, AND STRATEGIES TO
20 PREVENT HARM.

21 (d) THE TRAINING MUST ALSO INCLUDE:

22 (I) INFORMATION ABOUT RIGHTS AND RESPONSIBILITIES UNDER THE
23 "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF
24 TITLE 8, INCLUDING:

25 (A) THE REQUIREMENT FOR A FACILITY TO REPORT AN INJURY
26 SUSTAINED DURING THE COURSE AND SCOPE OF EMPLOYMENT TO THE
27 DIVISION OF WORKERS' COMPENSATION IN THE DEPARTMENT OF LABOR
28 AND EMPLOYMENT AND THE TIME BY WHICH A FACILITY MUST REPORT THE
29 INJURY;

30 (B) THE TIME FRAME WITHIN WHICH AND THE FORM IN WHICH
31 FACILITY PERSONNEL MUST REPORT AN INJURY TO THE FACILITY, THE
32 CONSEQUENCES FOR FAILING TO REPORT AN INJURY WITHIN THE SPECIFIED
33 TIME FRAME, AND THE STATUTE OF LIMITATIONS FOR FILING A CLAIM FOR
34 BENEFITS;

35 (C) INFORMATION ABOUT HOW AND WHERE TO FILE A CLAIM FOR
36 BENEFITS, INCLUDING THE ABILITY TO FILE A CLAIM DIRECTLY WITH THE
37 DIVISION OF WORKERS' COMPENSATION;

38 (D) INFORMATION ABOUT THE ABILITY OF FACILITY PERSONNEL TO
39 CHOOSE A MEDICAL OR BEHAVIORAL HEALTH PROVIDER WHEN RECEIVING
40 SERVICES; AND

41 (E) INFORMATION ABOUT ELIGIBILITY FOR BENEFITS, INCLUDING
42 THAT FACILITY PERSONNEL PROVIDING SERVICES UNDER A CONTRACT
43 WITH A FACILITY MAY BE ELIGIBLE FOR COVERAGE UNDER THE FACILITY'S

1 WORKERS' COMPENSATION INSURANCE; AND
2 (II) INFORMATION ABOUT RIGHTS AND RESPONSIBILITIES UNDER
3 THE "PAID FAMILY AND MEDICAL LEAVE INSURANCE ACT", PART 5 OF
4 ARTICLE 13.3 OF TITLE 8, INCLUDING INFORMATION ABOUT ELIGIBILITY
5 FOR LEAVE AND BENEFITS UNDER THE ACT.
6 (5) A FACILITY SHALL MAKE WORKPLACE VIOLENCE POLICIES AND
7 PROCEDURES AVAILABLE TO FACILITY PERSONNEL.
8 **25-3-904. Responding to workplace violence incidents -**
9 **prohibited acts.** (1) EACH FACILITY SHALL HAVE AND USE A
10 STANDARDIZED APPROACH TO RESPONDING TO INCIDENTS OF WORKPLACE
11 VIOLENCE THAT IS BASED ON THE FOLLOWING PRINCIPLES:
12 (a) EACH INCIDENT OF WORKPLACE VIOLENCE MUST BE ADDRESSED
13 INDIVIDUALLY, TAKING INTO CONSIDERATION THE SPECIFIC
14 CIRCUMSTANCES OF THE INCIDENT;
15 (b) THE RESPONSE TO THE INCIDENT BY INDIVIDUALS IN
16 LEADERSHIP POSITIONS OR WHO ARE OTHERWISE AUTHORIZED TO RESPOND
17 ON BEHALF OF THE FACILITY MUST INCLUDE ENGAGEMENT WITH FACILITY
18 PERSONNEL WHO ARE IMPACTED BY AN INCIDENT OF WORKPLACE
19 VIOLENCE IN A MANNER THAT DEMONSTRATES THE FACILITY'S
20 COMMITMENT TO OPEN AND AUTHENTIC COMMUNICATION, TO
21 INTENTIONAL COLLABORATION IN DETERMINING A MEANINGFUL RESPONSE
22 TO THE INCIDENT AND ITS EFFECTS ON THE WORKPLACE AND FACILITY
23 PERSONNEL, AND TO ASCERTAINING APPROPRIATE STAFFING
24 ALTERNATIVES FOR FACILITY PERSONNEL IMPACTED BY THE INCIDENT;
25 (c) FACILITY PERSONNEL MUST BE SUPPORTED IN OBTAINING ANY
26 MENTAL HEALTH AND HEALTH-CARE SERVICES NEEDED TO RECOVER FROM
27 AN INCIDENT OF WORKPLACE VIOLENCE, WHICH MAY INCLUDE PAID TIME
28 OFF, PEER SUPPORT, CARE COORDINATION, AND TIME AND SPACE TO MAKE
29 DECISIONS ABOUT AVAILABLE OPTIONS FOR THE INDIVIDUAL MEMBER OF
30 FACILITY PERSONNEL; AND
31 (d) THE FACILITY MUST ADJUST PATIENT CARE ASSIGNMENTS TO
32 THE EXTENT PRACTICABLE IN ORDER TO PREVENT A MEMBER OF FACILITY
33 PERSONNEL FROM TREATING OR PROVIDING SERVICES TO A PATIENT WHO
34 HAS INTENTIONALLY PHYSICALLY ABUSED OR THREATENED THE MEMBER
35 OF FACILITY PERSONNEL.
36 (2) A FACILITY SHALL NOT DISCOURAGE FACILITY PERSONNEL
37 FROM EXERCISING THEIR RIGHT TO CONTACT OR FILE A REPORT WITH LAW
38 ENFORCEMENT OR ANY REGULATORY BODY REGARDING AN INCIDENT OF
39 WORKPLACE VIOLENCE.
40 (3) A PERSON SHALL NOT DISCIPLINE, INCLUDING BY SUSPENSION
41 OR TERMINATION OF EMPLOYMENT, DISCRIMINATE AGAINST, OR RETALIATE
42 AGAINST ANOTHER PERSON WHO:
43 (a) IN GOOD FAITH REPORTS AN INCIDENT OF WORKPLACE

- 1 VIOLENCE;
2 (b) ADVISES A MEMBER OF FACILITY PERSONNEL OF THE MEMBER'S
3 RIGHT TO REPORT AN INCIDENT OF WORKPLACE VIOLENCE; OR
4 (c) CHOOSES TO NOT REPORT AN INCIDENT OF WORKPLACE
5 VIOLENCE TO LAW ENFORCEMENT.

6 **25-3-905. Reporting.** (1) BY JULY 1, 2025, AND BY EACH JULY 1
7 THEREAFTER, EACH FACILITY SHALL SUBMIT AN ANNUAL REPORT OF
8 WORKPLACE VIOLENCE INCIDENTS TO THE DEPARTMENT IN A MANNER
9 DETERMINED BY THE DEPARTMENT. REPORTS MUST INCLUDE, AT A
10 MINIMUM:

- 11 (a) THE FACILITY AND LOCATION WITHIN THE FACILITY WHERE AN
12 INCIDENT OCCURRED;
13 (b) THE TYPE OF WORKPLACE VIOLENCE INCIDENT, SUCH AS
14 WHETHER IT WAS STAFF ON STAFF, PATIENT ON STAFF, OR OTHER
15 INDIVIDUAL AT THE FACILITY ON STAFF;
16 (c) THE NATURE OF THE WORKPLACE VIOLENCE INCIDENT, SUCH AS
17 SEXUAL, PHYSICAL, OR A THREAT, AND WHETHER THE INCIDENT RESULTED
18 IN BODILY INJURY OR OTHER PHYSICAL OR PSYCHOLOGICAL TRAUMA; AND
19 (d) THE STAFF-TO-PATIENT RATIO AT THE TIME OF THE INCIDENT.

20 (2) STARTING JANUARY 1, 2026, AND BY EACH JANUARY 1
21 THEREAFTER, THE DEPARTMENT SHALL PUBLISH A COMPREHENSIVE
22 REPORT ON INCIDENTS OF WORKPLACE VIOLENCE BY LICENSED FACILITY
23 TYPE AND TYPE OF INJURY. THE DEPARTMENT SHALL MAKE AVAILABLE TO
24 THE PUBLIC, UPON REQUEST, DISAGGREGATED INFORMATION SUBMITTED
25 BY FACILITIES PURSUANT TO SUBSECTION (1) OF THIS SECTION; EXCEPT
26 THAT THE DEPARTMENT SHALL NOT RELEASE INFORMATION IDENTIFYING
27 A SPECIFIC FACILITY BY NAME OR ANY IDENTIFIABLE INFORMATION ABOUT
28 INDIVIDUALS INVOLVED IN AN INCIDENT OF WORKPLACE VIOLENCE.

29 **SECTION 3.** In Colorado Revised Statutes, add 27-50-305 as
30 follows:

31 **27-50-305. Workplace violence prevention - program -**
32 **incident reports - definitions - short title - legislative declaration.**

33 (1) **Short title.** THE SHORT TITLE OF THIS SECTION IS THE "VIOLENCE
34 PREVENTION IN BEHAVIORAL HEALTH SETTINGS ACT".

35 (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
36 OTHERWISE REQUIRES:

37 (a) "BEHAVIORAL HEALTH SERVICES" MEANS DIAGNOSTIC,
38 THERAPEUTIC, OR PSYCHOLOGICAL SERVICES FOR BEHAVIORAL HEALTH
39 CONDITIONS.

40 (b) "BULLYING" MEANS ANY WRITTEN OR ORAL EXPRESSION, OR
41 PHYSICAL OR ELECTRONIC ACT OR GESTURE, OR A PATTERN OF THAT
42 EXPRESSION, ACT, OR GESTURE, THAT IS INTENDED TO COERCE,
43 INTIMIDATE, OR CAUSE ANY PHYSICAL, MENTAL, OR EMOTIONAL HARM TO

1 AN INDIVIDUAL.

2 (c) "DANGEROUS WEAPON" MEANS:

3 (I) A FIREARM, AS DEFINED IN SECTION 18-1-901 (3)(h);

4 (II) A PELLET GUN, A BB GUN, OR OTHER DEVICE, WHETHER

5 OPERATIONAL OR NOT, DESIGNED TO PROPEL PROJECTILES BY SPRING

6 ACTION OR COMPRESSED AIR;

7 (III) A FIXED-BLADE KNIFE WITH A BLADE THAT EXCEEDS THREE

8 INCHES IN LENGTH;

9 (IV) A SPRING-LOADED KNIFE OR A POCKET KNIFE WITH A BLADE

10 EXCEEDING THREE AND ONE-HALF INCHES IN LENGTH; OR

11 (V) ANY OBJECT, DEVICE, INSTRUMENT, MATERIAL, OR

12 SUBSTANCE, WHETHER ANIMATE OR INANIMATE, THAT IS USED OR

13 INTENDED TO BE USED TO INFLICT DEATH OR SERIOUS BODILY INJURY.

14 (d) "FACILITY" MEANS A COMPREHENSIVE COMMUNITY

15 BEHAVIORAL HEALTH PROVIDER THAT IS A FACILITY.

16 (e) "FACILITY PERSONNEL" MEANS:

17 (I) AN EMPLOYEE OF A FACILITY;

18 (II) A LICENSED PROFESSIONAL BEHAVIORAL HEALTH PROVIDER

19 WHO IS CONTRACTED WITH OR OTHERWISE AUTHORIZED TO PROVIDE

20 BEHAVIORAL HEALTH SERVICES AT A FACILITY; OR

21 (III) ANY OTHER INDIVIDUAL PERFORMING SERVICES AT A

22 FACILITY.

23 (f) "HARASS" MEANS TO ENGAGE IN A COURSE OF VEXATIOUS

24 COMMENT OR CONDUCT AGAINST AN INDIVIDUAL THAT IS KNOWN OR

25 OUGHT REASONABLY TO BE KNOWN TO BE UNWELCOME.

26 (g) "INTIMIDATE" MEANS TO DIRECTLY OR INDIRECTLY INFLICT OR

27 THREATEN TO INFLICT ANY INJURY, DAMAGE, HARM, OR LOSS UPON AN

28 INDIVIDUAL.

29 (h) "LICENSED PROFESSIONAL BEHAVIORAL HEALTH PROVIDER"

30 MEANS A BEHAVIORAL HEALTH PROVIDER WHO IS A LICENSED

31 PROFESSIONAL PROVIDING BEHAVIORAL HEALTH SERVICES.

32 (i) "MULTIDISCIPLINARY TEAM" OR "TEAM" MEANS A TEAM OF

33 FACILITY PERSONNEL, A MAJORITY OF THE MEMBERS OF WHICH PRIMARILY

34 PROVIDE DIRECT CARE OR SERVICES TO PATIENTS OR VISITORS OF THE

35 FACILITY.

36 (j) (I) "WORKPLACE VIOLENCE" MEANS:

37 (A) VERBAL, NONVERBAL, WRITTEN, OR PHYSICAL AGGRESSION;

38 (B) THREATENING, INTIMIDATING, HARASSING, OR HUMILIATING

39 WORDS OR ACTIONS;

40 (C) BULLYING;

41 (D) SABOTAGE;

42 (E) SEXUAL HARASSMENT;

43 (F) PHYSICAL ASSAULT; OR

1 (G) OTHER BEHAVIOR OF CONCERN INVOLVING FACILITY
2 PERSONNEL, PATIENTS, OR VISITORS.

3 (II) "WORKPLACE VIOLENCE" INCLUDES:

4 (A) ANY ACT DESCRIBED IN SUBSECTION (2)(j)(I) OF THIS SECTION
5 THAT OCCURS BETWEEN FACILITY PERSONNEL, INCLUDING WHEN THE
6 ALLEGED PERPETRATOR IS A SUPERIOR OR SUPERVISOR OF FACILITY
7 PERSONNEL; AND

8 (B) AN INCIDENT INVOLVING THE USE OF A DANGEROUS WEAPON,
9 REGARDLESS OF WHETHER FACILITY PERSONNEL ARE INJURED BY THE
10 WEAPON.

11 (III) "WORKPLACE VIOLENCE" DOES NOT INCLUDE AN ACT OF
12 SELF-ADVOCACY THAT IS WITHIN AN INDIVIDUAL'S LEGAL RIGHT TO
13 PURSUE, INCLUDING WHEN AN INDIVIDUAL THREATENS TO PURSUE LEGAL
14 ACTION OR TO FILE A GRIEVANCE OR COMPLAINT WITH A REGULATORY OR
15 ACCREDITATION BODY.

16 (k) "WORKPLACE VIOLENCE PREVENTION PROGRAM" OR
17 "PROGRAM" MEANS A PROGRAM OR PLAN DEVELOPED IN ACCORDANCE
18 WITH SUBSECTION (3) OF THIS SECTION TO PREVENT, MITIGATE, AND
19 RESPOND TO ACTS OF WORKPLACE VIOLENCE OR THREATS OF WORKPLACE
20 VIOLENCE AT A FACILITY.

21 (3) **Workplace violence prevention program.** (a) EACH
22 FACILITY SHALL ESTABLISH A WORKPLACE VIOLENCE PREVENTION
23 PROGRAM THAT IS LED BY AN INDIVIDUAL DESIGNATED BY THE FACILITY
24 AND IS DEVELOPED BY A MULTIDISCIPLINARY TEAM.

25 (b) A FACILITY'S WORKPLACE VIOLENCE PREVENTION PROGRAM
26 MUST:

27 (I) ESTABLISH WRITTEN POLICIES AND PROCEDURES TO PREVENT,
28 MITIGATE, AND RESPOND TO INCIDENTS OF WORKPLACE VIOLENCE, WHICH
29 POLICIES AND PROCEDURES MUST BE REVIEWED AND EVALUATED AT LEAST
30 ANNUALLY;

31 (II) ESTABLISH A STANDARDIZED AND STREAMLINED PROCESS FOR
32 FACILITY PERSONNEL, PATIENTS, AND VISITORS TO REPORT INCIDENTS OF
33 WORKPLACE VIOLENCE THAT:

34 (A) ALLOWS AT LEAST SEVEN DAYS TO COMPLETE AN INCIDENT
35 REPORT FILING;

36 (B) CONSISTENTLY PROVIDES ADMINISTRATIVE SUPPORT TO
37 FACILITY PERSONNEL TO ENSURE THEIR ABILITY TO RESPOND TO INTERNAL
38 AND EXTERNAL REQUIREMENTS FOR REPORTING WORKPLACE VIOLENCE;

39 (C) ENABLES FACILITY PERSONNEL, WHEN REPORTING AN INCIDENT
40 OF WORKPLACE VIOLENCE THROUGH THE FACILITY'S EXISTING
41 OCCURRENCE REPORTING SYSTEMS, TO REPORT THE INCIDENT WITHOUT
42 DISCLOSING A PATIENT'S, FACILITY PERSONNEL MEMBER'S, OR
43 VOLUNTEER'S PERSONALLY IDENTIFIABLE INFORMATION; AND

1 (D) ALLOWS FOR THE ANALYSIS OF WORKPLACE VIOLENCE
2 INCIDENTS AND TRENDS;

3 (III) INCLUDE A PROCESS TO FOLLOW UP WITH AND SUPPORT
4 FACILITY PERSONNEL AND WITNESSES AFFECTED BY AN INCIDENT OF
5 WORKPLACE VIOLENCE, INCLUDING TRAUMA AND PSYCHOLOGICAL
6 COUNSELING, IF NECESSARY; AND

7 (IV) REQUIRE REPORTING OF WORKPLACE VIOLENCE INCIDENTS
8 AND UPDATES TO THE WORKPLACE VIOLENCE PREVENTION PROGRAM TO
9 THE FACILITY'S GOVERNING BODY.

10 (4) **Annual worksite analysis.** (a) THE MULTIDISCIPLINARY TEAM
11 THAT LEADS A FACILITY'S WORKPLACE VIOLENCE PREVENTION PROGRAM
12 SHALL CONDUCT AN ANNUAL WORKSITE ANALYSIS TO DETERMINE
13 WHETHER THERE ARE WORKPLACE VIOLENCE SAFETY AND SECURITY RISKS
14 AT THE FACILITY. A FACILITY SHALL TAKE ACTIONS TO MITIGATE OR
15 RESOLVE WORKPLACE VIOLENCE SAFETY AND SECURITY RISKS BASED ON
16 FINDINGS FROM THE ANALYSIS AND AS REFLECTED IN THE PROGRAM.

17 (b) THE ANALYSIS CONDUCTED PURSUANT TO THIS SUBSECTION (4)
18 MUST:

19 (I) BE BASED ON INDIVIDUAL PRACTICE SETTINGS, INCLUDING
20 SPECIFIC ATTRIBUTES OF A PRACTICE SETTING; AND

21 (II) ANALYZE STAFFING, INCLUDING INDIVIDUAL STAFFING
22 PATTERNS AND PATIENT CLASSIFICATIONS, EMERGENCY RESPONSE
23 PROTOCOLS, SECURITY PERSONNEL AVAILABILITY, AND SECURITY RISKS
24 ASSOCIATED WITH SPECIFIC UNITS OR PROGRAMS IN A FACILITY.

25 (5) **Monitoring, reporting, and investigating incidents.** (a) A
26 FACILITY'S MULTIDISCIPLINARY TEAM SHALL ESTABLISH A PROCESS FOR
27 CONTINUALLY MONITORING FOR, INTERNAL REPORTING OF, AND
28 INVESTIGATING INCIDENTS OF WORKPLACE VIOLENCE INVOLVING
29 PATIENTS, FACILITY PERSONNEL, OR OTHERS WITHIN THE FACILITY.

30 (b) AS PART OF THE PROCESS ESTABLISHED PURSUANT TO THIS
31 SUBSECTION (5), THE TEAM SHALL CONDUCT QUARTERLY REVIEWS OF
32 INCIDENTS OF WORKPLACE VIOLENCE THAT OCCURRED AT THE FACILITY IN
33 THE IMMEDIATELY PRECEDING QUARTER AND DOCUMENT ANY UPDATES TO
34 THE WORKPLACE VIOLENCE PREVENTION PROGRAM THAT RESULT FROM
35 THE REVIEW. THE TEAM SHALL ACCEPT ANY INFORMATION ON INCIDENTS
36 OF WORKPLACE VIOLENCE AT THE FACILITY FROM FACILITY PERSONNEL,
37 PATIENTS, OR OTHERS.

38 (6) **Training, education, and resources.** (a) AS PART OF ITS
39 WORKPLACE VIOLENCE PREVENTION PROGRAM, A FACILITY SHALL PROVIDE
40 ANNUAL TRAINING, EDUCATION, AND RESOURCES TO FACILITY
41 LEADERSHIP, INCLUDING THE MEMBERS OF THE GOVERNING BOARD, AND
42 FACILITY PERSONNEL. IN ADDITION TO PROVIDING THE TRAINING,
43 EDUCATION, AND RESOURCES ANNUALLY, THE FACILITY SHALL PROVIDE

1 TRAINING, EDUCATION, AND RESOURCES:
2 (I) WITHIN NINETY DAYS AFTER ANY CHANGES OR UPDATES ARE
3 MADE REGARDING THE WORKPLACE VIOLENCE PREVENTION PROGRAM;
4 AND
5 (II) (A) FOR FACILITY PERSONNEL, WHEN INITIALLY HIRED,
6 CONTRACTED, OR AUTHORIZED TO PROVIDE HEALTH-CARE OR OTHER
7 SERVICES AT THE FACILITY; AND
8 (B) FOR MEMBERS OF FACILITY LEADERSHIP AND OF THE
9 GOVERNING BOARD, WHEN THE MEMBER IS APPOINTED TO THE LEADERSHIP
10 OR GOVERNING BOARD POSITION.
11 (b) A FACILITY'S TEAM SHALL DETERMINE THE ASPECTS OF
12 TRAINING THAT ARE APPROPRIATE FOR INDIVIDUALS BASED ON THEIR
13 ROLES, RESPONSIBILITIES, AND PRACTICE SETTING.
14 (c) THE TRAINING, EDUCATION, AND RESOURCES MUST ADDRESS
15 PREVENTION OF, RECOGNITION OF, RESPONSE TO, RECOVERY FROM, AND
16 REPORTING OF WORKPLACE VIOLENCE AS FOLLOWS:
17 (I) AN EXPLANATION OF WHAT CONSTITUTES WORKPLACE
18 VIOLENCE AND AN OVERVIEW OF THE FACILITY'S WORKPLACE VIOLENCE
19 PREVENTION PROGRAM;
20 (II) EDUCATION ON THE ROLES AND RESPONSIBILITIES OF FACILITY
21 LEADERSHIP, CLINICAL STAFF, SECURITY PERSONNEL, AND EXTERNAL LAW
22 ENFORCEMENT;
23 (III) TRAINING IN DE-ESCALATION, NONPHYSICAL INTERVENTION
24 SKILLS, PHYSICAL INTERVENTION TECHNIQUES, AND RESPONSE TO
25 EMERGENCY INCIDENTS;
26 (IV) THE PROCESS FOR REPORTING INCIDENTS OF WORKPLACE
27 VIOLENCE; AND
28 (V) TRAINING IN VIOLENCE PREDICTING BEHAVIORS AND
29 INFORMATION ON HOW TO INTERACT WITH PATIENTS WITH SPECIFIC
30 HEALTH CONDITIONS, TRAUMA-INFORMED CARE, AND STRATEGIES TO
31 PREVENT HARM.
32 (d) THE TRAINING MUST ALSO INCLUDE:
33 (I) INFORMATION ABOUT RIGHTS AND RESPONSIBILITIES UNDER THE
34 "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF
35 TITLE 8, INCLUDING:
36 (A) THE REQUIREMENT FOR A FACILITY TO REPORT AN INJURY
37 SUSTAINED DURING THE COURSE AND SCOPE OF EMPLOYMENT TO THE
38 DIVISION OF WORKERS' COMPENSATION IN THE DEPARTMENT OF LABOR
39 AND EMPLOYMENT AND THE TIME BY WHICH A FACILITY MUST REPORT THE
40 INJURY;
41 (B) THE TIME FRAME WITHIN WHICH AND THE FORM IN WHICH
42 FACILITY PERSONNEL MUST REPORT AN INJURY TO THE FACILITY, THE
43 CONSEQUENCES FOR FAILING TO REPORT AN INJURY WITHIN THE SPECIFIED

1 TIME FRAME, AND THE STATUTE OF LIMITATIONS FOR FILING A CLAIM FOR
2 BENEFITS;

3 (C) INFORMATION ABOUT HOW AND WHERE TO FILE A CLAIM FOR
4 BENEFITS, INCLUDING THE ABILITY TO FILE A CLAIM DIRECTLY WITH THE
5 DIVISION OF WORKERS' COMPENSATION;

6 (D) INFORMATION ABOUT THE ABILITY OF FACILITY PERSONNEL TO
7 CHOOSE A MEDICAL OR BEHAVIORAL HEALTH PROVIDER WHEN RECEIVING
8 SERVICES; AND

9 (E) INFORMATION ABOUT ELIGIBILITY FOR BENEFITS, INCLUDING
10 THAT FACILITY PERSONNEL PROVIDING SERVICES UNDER A CONTRACT
11 WITH A FACILITY MAY BE ELIGIBLE FOR COVERAGE UNDER THE FACILITY'S
12 WORKERS' COMPENSATION INSURANCE; AND

13 (II) INFORMATION ABOUT RIGHTS AND RESPONSIBILITIES UNDER
14 THE "PAID FAMILY AND MEDICAL LEAVE INSURANCE ACT", PART 5 OF
15 ARTICLE 13.3 OF TITLE 8, INCLUDING INFORMATION ABOUT ELIGIBILITY
16 FOR LEAVE AND BENEFITS UNDER THE ACT.

17 (7) **Availability of policies and procedures.** A FACILITY SHALL
18 MAKE WORKPLACE VIOLENCE POLICIES AND PROCEDURES AVAILABLE TO
19 FACILITY PERSONNEL.

20 (8) **Responding to workplace violence incidents.** EACH FACILITY
21 SHALL HAVE AND USE A STANDARDIZED APPROACH TO RESPONDING TO
22 INCIDENTS OF WORKPLACE VIOLENCE THAT IS BASED ON THE FOLLOWING
23 PRINCIPLES:

24 (a) EACH INCIDENT OF WORKPLACE VIOLENCE MUST BE ADDRESSED
25 INDIVIDUALLY, TAKING INTO CONSIDERATION THE SPECIFIC
26 CIRCUMSTANCES OF THE INCIDENT;

27 (b) THE RESPONSE TO THE INCIDENT BY INDIVIDUALS IN
28 LEADERSHIP POSITIONS OR WHO ARE OTHERWISE AUTHORIZED TO RESPOND
29 ON BEHALF OF THE FACILITY MUST INCLUDE ENGAGEMENT WITH FACILITY
30 PERSONNEL WHO ARE IMPACTED BY AN INCIDENT OF WORKPLACE
31 VIOLENCE IN A MANNER THAT DEMONSTRATES THE FACILITY'S
32 COMMITMENT TO OPEN AND AUTHENTIC COMMUNICATION, TO
33 INTENTIONAL COLLABORATION IN DETERMINING A MEANINGFUL RESPONSE
34 TO THE INCIDENT AND ITS EFFECTS ON THE WORKPLACE AND FACILITY
35 PERSONNEL, AND TO ASCERTAINING APPROPRIATE STAFFING
36 ALTERNATIVES FOR FACILITY PERSONNEL IMPACTED BY THE INCIDENT;

37 (c) FACILITY PERSONNEL MUST BE SUPPORTED IN OBTAINING ANY
38 MENTAL HEALTH AND HEALTH-CARE SERVICES NEEDED TO RECOVER FROM
39 AN INCIDENT OF WORKPLACE VIOLENCE, WHICH MAY INCLUDE PAID TIME
40 OFF, PEER SUPPORT, CARE COORDINATION, AND TIME AND SPACE TO MAKE
41 DECISIONS ABOUT AVAILABLE OPTIONS FOR THE INDIVIDUAL MEMBER OF
42 FACILITY PERSONNEL; AND

43 (d) THE FACILITY MUST ADJUST PATIENT CARE ASSIGNMENTS TO

1 THE EXTENT PRACTICABLE IN ORDER TO PREVENT A MEMBER OF FACILITY
2 PERSONNEL FROM TREATING OR PROVIDING SERVICES TO A PATIENT WHO
3 HAS INTENTIONALLY PHYSICALLY ABUSED OR THREATENED THE MEMBER
4 OF FACILITY PERSONNEL.

5 (9) **Prohibited acts.** (a) A FACILITY SHALL NOT DISCOURAGE
6 FACILITY PERSONNEL FROM EXERCISING THEIR RIGHT TO CONTACT OR FILE
7 A REPORT WITH LAW ENFORCEMENT OR ANY REGULATORY BODY
8 REGARDING AN INCIDENT OF WORKPLACE VIOLENCE.

9 (b) A PERSON SHALL NOT DISCIPLINE, INCLUDING BY SUSPENSION
10 OR TERMINATION OF EMPLOYMENT, DISCRIMINATE AGAINST, OR RETALIATE
11 AGAINST ANOTHER PERSON WHO:

12 (I) IN GOOD FAITH REPORTS AN INCIDENT OF WORKPLACE
13 VIOLENCE;

14 (II) ADVISES A MEMBER OF FACILITY PERSONNEL OF THE MEMBER'S
15 RIGHT TO REPORT AN INCIDENT OF WORKPLACE VIOLENCE; OR

16 (III) CHOOSES TO NOT REPORT AN INCIDENT OF WORKPLACE
17 VIOLENCE TO LAW ENFORCEMENT.

18 (10) **Reporting.** (a) BY JULY 1, 2025, AND BY EACH JULY 1
19 THEREAFTER, EACH FACILITY SHALL SUBMIT AN ANNUAL REPORT OF
20 WORKPLACE VIOLENCE INCIDENTS TO THE BHA IN A MANNER DETERMINED
21 BY THE BHA. REPORTS MUST INCLUDE, AT A MINIMUM:

22 (I) THE FACILITY AND LOCATION WITHIN THE FACILITY WHERE AN
23 INCIDENT OCCURRED;

24 (II) THE TYPE OF WORKPLACE VIOLENCE INCIDENT, SUCH AS
25 WHETHER IT WAS STAFF ON STAFF, PATIENT ON STAFF, OR OTHER
26 INDIVIDUAL AT THE FACILITY ON STAFF;

27 (III) THE NATURE OF THE WORKPLACE VIOLENCE INCIDENT, SUCH
28 AS SEXUAL, PHYSICAL, OR A THREAT, AND WHETHER THE INCIDENT
29 RESULTED IN BODILY INJURY OR OTHER PHYSICAL OR PSYCHOLOGICAL
30 TRAUMA; AND

31 (IV) THE STAFF-TO-PATIENT RATIO AT THE TIME OF THE INCIDENT.

32 (b) STARTING JANUARY 1, 2026, AND BY EACH JANUARY 1
33 THEREAFTER, AFTER REMOVING ANY PERSONALLY IDENTIFIABLE
34 INFORMATION, THE BHA SHALL EITHER:

35 (I) PUBLISH A COMPREHENSIVE REPORT ON INCIDENTS OF
36 WORKPLACE VIOLENCE BY FACILITY AND TYPE OF INJURY AND MAKE
37 AVAILABLE TO THE PUBLIC, UPON REQUEST, DISAGGREGATED
38 INFORMATION SUBMITTED BY FACILITIES PURSUANT TO SUBSECTION
39 (10)(a) OF THIS SECTION; EXCEPT THAT THE BHA SHALL NOT RELEASE
40 INFORMATION IDENTIFYING A SPECIFIC FACILITY BY NAME OR ANY
41 IDENTIFIABLE INFORMATION ABOUT INDIVIDUALS INVOLVED IN AN
42 INCIDENT OF WORKPLACE VIOLENCE; OR

43 (II) SEND THE FACILITY REPORTS TO THE DEPARTMENT OF PUBLIC

1 HEALTH AND ENVIRONMENT FOR INCLUSION IN THE COMPREHENSIVE
2 REPORT PUBLISHED IN ACCORDANCE WITH SECTION 25-3-905 (2).

3 (11) **Alternative compliance method.** A FACILITY THAT
4 COMPLIES WITH THE REQUIREMENTS OF AN ALTERNATIVE CREDENTIALING
5 OR LICENSING AGENCY THAT ARE SUBSTANTIALLY SIMILAR TO THE
6 REQUIREMENTS OF SUBSECTIONS (3) TO (7) OF THIS SECTION SHALL BE
7 DEEMED TO BE IN COMPLIANCE WITH SUBSECTIONS (3) TO (7) OF THIS
8 SECTION.

9 **SECTION 5. Act subject to petition - effective date.** This act
10 takes effect September 1, 2024; except that, if a referendum petition is
11 filed pursuant to section 1 (3) of article V of the state constitution against
12 this act or an item, section, or part of this act within the ninety-day period
13 after final adjournment of the general assembly, then the act, item,
14 section, or part will not take effect unless approved by the people at the
15 general election to be held in November 2024 and, in such case, will take
16 effect on the date of the official declaration of the vote thereon by the
17 governor.".

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