

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0538.01 Kristen Forrestal x4217

SENATE BILL 21-087

SENATE SPONSORSHIP

Danielson and Moreno, Fields, Pettersen, Bridges, Buckner, Coleman, Fenberg, Gonzales, Hansen, Jaquez Lewis, Kolker, Rodriguez, Story, Winter

HOUSE SPONSORSHIP

McCormick and Caraveo, Duran, Kennedy, Sirota, Woodrow, Young, Amabile, Bacon, Bennett, Bird, Boesenecker, Cutter, Daugherty, Exum, Froelich, Gray, Herod, Hooton, Jackson, Jodeh, Kipp, Lontine, McCluskie, Michaelson Jenet, Mullica, Valdez A.

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

State, Civic, Military, & Veterans Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING AGRICULTURAL WORKERS' RIGHTS, AND, IN CONNECTION**
102 **THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill:

- Removes the exemption of agricultural employers and employees from the Colorado "Labor Peace Act" and authorizes agricultural employees to organize and join labor unions; engage in protected, concerted activity; and engage in collective bargaining;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
June 7, 2021

HOUSE
Amended 2nd Reading
June 4, 2021

SENATE
3rd Reading Unamended
May 20, 2021

SENATE
Amended 2nd Reading
May 19, 2021

- Removes the exemption of agricultural labor from state and local minimum wage laws;
- Requires the director of the division of labor standards and statistics to promulgate rules to establish the overtime pay of agricultural employees for hours worked in excess of 40 hours per week or 12 hours in one day;
- Grants agricultural employees meal breaks and rest periods throughout each work period, consistent with protections for other employees;
- Requires agricultural employers to provide agricultural employees with access and transportation to key service providers;
- Authorizes agricultural employees to have visitors at employer-provided housing without interference from other persons;
- Requires agricultural employers to provide overwork and health protections to agricultural employees;
- Prohibits the use of the short-handled or long-handled hoe for agricultural labor except in specific circumstances;
- During a public health emergency, requires an agricultural employer to provide extra protections and increased safety precautions for agricultural employees;
- Creates the agricultural work advisory committee to study and analyze agricultural wages and working conditions; and
- Creates rights, remedies, and enforcement actions for aggrieved agricultural employees, whistleblowers, relators, and key service providers.

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


2 **SECTION 1.** In Colorado Revised Statutes, **add 8-2-206** as
 3 follows:

4 **8-2-206. Agricultural employers - agricultural employees -**
 5 **violations - penalties - definitions.** (1) AS USED IN THIS SECTION, UNLESS
 6 THE CONTEXT OTHERWISE REQUIRES:

7 (a) "ADVERSE ACTION" MEANS A DEMOTION, REASSIGNMENT TO A
 8 LOWER-RANKED POSITION OR TO A POSITION WITH A LOWER LEVEL OF
 9 COMPENSATION, DECREASE IN COMPENSATION LEVEL, DENIAL OF

1 PROMOTION, OR TERMINATION OF EMPLOYMENT; OR OTHER DECISION FOR
2 EMPLOYMENT PURPOSES THAT ADVERSELY AFFECTS AN AGRICULTURAL
3 EMPLOYEE.

4 (b) "AGRICULTURAL EMPLOYEE" MEANS A PERSON EMPLOYED BY
5 AN AGRICULTURAL EMPLOYER.

6 
7 (c) "AGRICULTURAL EMPLOYER" HAS THE SAME MEANING SET
8 FORTH IN SECTION 8-3-104 (1).

9 (d) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

10 (e) "DIVISION" MEANS THE DIVISION OF LABOR STANDARDS AND
11 STATISTICS IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

12 ==
13 (2) THE RIGHTS, REMEDIES, AND PENALTIES SPECIFIED IN THIS
14 SECTION ARE IN ADDITION TO ANY RIGHTS, REMEDIES, OR PENALTIES
15 AVAILABLE TO AGRICULTURAL EMPLOYEES UNDER ARTICLE 3 OR 6 OF THIS
16 TITLE 8, PART 2 OF ARTICLE 13.5 OF THIS TITLE 8, == ARTICLE 14.4 OF THIS
17 TITLE 8, OR ANY OTHER REMEDIES AVAILABLE PURSUANT TO LAW.

18 (3) (a) AN AGRICULTURAL EMPLOYER SHALL NOT RETALIATE
19 AGAINST ANY PERSON, INCLUDING AN AGRICULTURAL EMPLOYEE,
20 ASSERTING OR SEEKING RIGHTS PROTECTED UNDER ARTICLE 3 OR 6 OF THIS
21 TITLE 8, PART 2 OF ARTICLE 13.5 OF THIS TITLE 8, == ARTICLE 14.4 OF THIS
22 TITLE 8, INCLUDING COMPLAINING PUBLICLY OR SUPPORTING AN
23 AGRICULTURAL EMPLOYEE SEEKING OR ASSERTING RIGHTS, REMEDIES, OR
24 PENALTIES UNDER THOSE PROVISIONS OF THIS TITLE 8, OR ANY OTHER
25 REMEDIES AVAILABLE PURSUANT TO LAW.

26 (b) THERE IS A REBUTTABLE PRESUMPTION THAT AN
27 AGRICULTURAL EMPLOYER THAT TAKES AN ADVERSE ACTION AGAINST AN

1 AGRICULTURAL EMPLOYEE WITHIN NINETY DAYS AFTER THE
2 AGRICULTURAL EMPLOYEE HAS ASSERTED OR SOUGHT ANY PROTECTED
3 RIGHTS, REMEDIES, OR PENALTIES UNDER ARTICLE 3 OR 6 OF THIS TITLE 8,
4 PART 2 OF ARTICLE 13.5 OF THIS TITLE 8, ARTICLE 14.4 OF THIS TITLE 8,
5 OR ANY OTHER REMEDIES AVAILABLE PURSUANT TO LAW HAS RETALIATED
6 AGAINST THE AGRICULTURAL EMPLOYEE.

7 (c) AN AGRICULTURAL EMPLOYEE, A PERSON WHO HAS A FAMILIAL
8 OR WORKPLACE RELATIONSHIP WITH THE AGRICULTURAL EMPLOYEE, OR
9 A PERSON WITH WHOM THE AGRICULTURAL EMPLOYEE EXCHANGES CARE
10 OR SUPPORT WHO HAS BEEN AGGRIEVED BY RETALIATION BY A PERSON
11 MAY ASSERT A CLAIM:

12 (I) IN DISTRICT COURT FOR INJUNCTIVE AND EQUITABLE REMEDIES,
13 A PENALTY IN THE AMOUNT OF THE GREATER OF THE ACTUAL DAMAGES OR
14 TEN THOUSAND DOLLARS FOR EACH VIOLATION, AND ATTORNEY FEES AND
15 COSTS; OR

16 (II) WITH THE DIVISION PURSUANT TO RULES ADOPTED BY THE
17 DIRECTOR. THE DIRECTOR MAY INVESTIGATE AND ORDER ALL REMEDIES
18 AVAILABLE IN DISTRICT COURT OR MAY DECLINE TO INVESTIGATE AND
19 THUS AUTHORIZE THE COMPLAINANT TO FILE SUIT IN DISTRICT COURT. A
20 DECISION BY THE DIRECTOR TO DECLINE TO INVESTIGATE MUST BE MADE
21 WITHIN NINETY DAYS AFTER THE CLAIM IS FILED AS ESTABLISHED BY RULE
22 OF THE DIRECTOR. THE STATUTE OF LIMITATIONS IS TOLLED FOR THE
23 PURPOSE OF FILING A CLAIM IN DISTRICT COURT FROM THE DATE THAT THE
24 CLAIM IS ASSERTED UNTIL NINETY DAYS AFTER THE DIRECTOR DECLINES
25 TO INVESTIGATE THE CLAIM.

26 (4) (a) IF A PERSON WHO HAS ENGAGED IN RETALIATION HAS
27 VIOLATED THIS SECTION OR HAS VIOLATED ARTICLE 3 OR 6 OF THIS TITLE

1 8, PART 2 OF ARTICLE 13.5 OF THIS TITLE 8, OR ARTICLE 14.4 OF THIS TITLE
2 8 IN A MANNER THAT HAS HARMED AN AGRICULTURAL EMPLOYEE, THE
3 DIRECTOR MAY COMMENCE AN ACTION IN DISTRICT COURT ON BEHALF OF
4 THE STATE OF COLORADO AGAINST THE PERSON WHO RETALIATED
5 AGAINST:

6 (I) AN AGRICULTURAL EMPLOYEE;

7 (II) A PERSON WHO HAS A FAMILIAL OR WORKPLACE RELATIONSHIP
8 WITH THE AGRICULTURAL EMPLOYEE; OR

9 (III) A PERSON WITH WHOM THE AGRICULTURAL EMPLOYEE
10 EXCHANGES CARE OR SUPPORT.

11 (b) THE DIRECTOR MAY SEEK AN ORDER IMPOSING RESTITUTION,
12 INJUNCTIVE AND EQUITABLE REMEDIES, AND AN APPROPRIATE PENALTY OF
13 MORE THAN ONE HUNDRED DOLLARS BUT NOT MORE THAN ONE THOUSAND
14 DOLLARS PER VIOLATION.

15 == ===== ==

16 **SECTION 2.** In Colorado Revised Statutes, 8-3-104, **amend** the
17 introductory portion, (1), (11), and (12); and **add** (1.5) as follows:

18 **8-3-104. Definitions.** As used in this ~~article~~ ARTICLE 3, unless the
19 context otherwise requires:

20 (1) (a) ~~"All-union agreement" means a contractual provision~~
21 ~~between an employer or group of employers and a collective bargaining~~
22 ~~unit representing some or all of the employees of the employer or group~~
23 ~~of employers providing for any type of union security and compelling an~~
24 ~~employee's financial support or allegiance to a labor organization.~~
25 ~~"All-union agreement" includes, but is not limited to, contractual~~
26 ~~provision for a union shop, a modified union shop, an agency shop~~
27 ~~(meaning a contractual provision which provides for periodic payment of~~

1 ~~a sum in lieu of union dues but does not require union membership), a~~
2 ~~modified agency shop, a prehire agreement, maintenance of dues, or~~
3 ~~maintenance of membership.~~ "AGRICULTURAL EMPLOYER" MEANS A
4 PERSON THAT:

5 (I) REGULARLY ENGAGES THE SERVICES OF ONE OR MORE
6 EMPLOYEES OR CONTRACTS WITH ANY PERSON WHO RECRUITS, SOLICITS,
7 HIRES, EMPLOYS, FURNISHES, OR TRANSPORTS EMPLOYEES; AND

8 (II) IS ENGAGED IN ANY SERVICE OR ACTIVITY INCLUDED IN
9 SECTION 203 (f) OF THE FEDERAL "FAIR LABOR STANDARDS ACT OF
10 1938", 29 U.S.C. SEC. 201 ET SEQ., AS AMENDED, OR ENGAGED IN
11 "AGRICULTURAL LABOR" AS DEFINED IN SECTION 3121 (g) OF THE FEDERAL
12 "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

13 (b) THE MEANING OF "AGRICULTURAL EMPLOYER" MUST BE
14 LIBERALLY CONSTRUED FOR THE PROTECTION OF PERSONS PROVIDING
15 SERVICES TO AN EMPLOYER.

16 (1.5) "ALL-UNION AGREEMENT" MEANS A CONTRACTUAL
17 PROVISION BETWEEN AN EMPLOYER OR GROUP OF EMPLOYERS AND A
18 COLLECTIVE BARGAINING UNIT REPRESENTING SOME OR ALL OF THE
19 EMPLOYEES OF THE EMPLOYER OR GROUP OF EMPLOYERS PROVIDING FOR
20 ANY TYPE OF UNION SECURITY AND COMPELLING AN EMPLOYEE'S
21 FINANCIAL SUPPORT OR ALLEGIANCE TO A LABOR ORGANIZATION.
22 "ALL-UNION AGREEMENT" INCLUDES, BUT IS NOT LIMITED TO,
23 CONTRACTUAL PROVISION FOR A UNION SHOP, A MODIFIED UNION SHOP, AN
24 AGENCY SHOP (MEANING A CONTRACTUAL PROVISION THAT PROVIDES FOR
25 PERIODIC PAYMENT OF A SUM IN LIEU OF UNION DUES BUT DOES NOT
26 REQUIRE UNION MEMBERSHIP), A MODIFIED AGENCY SHOP, A PREHIRE
27 AGREEMENT, MAINTENANCE OF DUES, OR MAINTENANCE OF MEMBERSHIP.

1 (11) (a) "Employee" includes any person: ~~other than an~~
2 ~~independent contractor, domestic servants employed in and about private~~
3 ~~homes, and farm and ranch labor,~~

4 (I) Working for another for hire in the state of Colorado in a
5 nonexecutive or nonsupervisory capacity, and ~~shall~~ IS not be limited to the
6 employees of a particular employer and ~~shall include~~ INCLUDES any
7 individual whose work has ceased solely as a consequence of or in
8 connection with any current labor dispute or because of any unfair labor
9 practice on the part of an employer; and

10 ~~(b)~~ (II) (A) Who has not refused or failed to return to work upon
11 the final disposition of a labor dispute or a charge of an unfair labor
12 practice by a tribunal having competent jurisdiction of the same or whose
13 jurisdiction was accepted by the employee or ~~his~~ THE EMPLOYEE'S
14 representative;

15 ~~(c)~~ (B) Who has not been found to have committed or to have
16 been a party to any unfair labor practice under this ~~article~~ ARTICLE 3;

17 ~~(d)~~ (C) Who has not obtained regular and substantially equivalent
18 employment elsewhere; or

19 ~~(e)~~ (D) Who has not been absent from ~~his~~ THE PERSON'S
20 employment for a substantial period of time during which reasonable
21 expectancy of settlement has ceased, except by an employer's unlawful
22 refusal to bargain, and whose place has been filled by another engaged in
23 the regular manner for an indefinite or protracted period and not merely
24 for the duration of a strike or lockout. ~~but shall not include any individual~~
25 ~~employed in the domestic service of a family or person at his home or any~~
26 ~~individual employed by his parent or spouse or any employee who is~~
27 ~~subject to the federal "Railway Labor Act".~~

- 1 (b) "EMPLOYEE" DOES NOT INCLUDE:
2 (I) AN INDEPENDENT CONTRACTOR;
3 (II) DOMESTIC SERVANTS EMPLOYED IN AND ABOUT PRIVATE
4 HOMES;
5 (III) AN INDIVIDUAL EMPLOYED BY THE INDIVIDUAL'S PARENT OR
6 SPOUSE;
7 (IV) AN EMPLOYEE WHO IS SUBJECT TO THE FEDERAL "RAILWAY
8 LABOR ACT", 45 U.S.C. SEC. 151 ET SEQ., AS AMENDED; OR
9 (V) A PARENT, SPOUSE, OR CHILD OF AN AGRICULTURAL
10 EMPLOYER'S IMMEDIATE FAMILY.

11 ~~(f) For purposes of this subsection (11), "farm" means stock,~~
12 ~~dairy, poultry, fur-bearing animal, and truck farms, plantations, ranches,~~
13 ~~nurseries, ranges, greenhouses, orchards, and other structures used for the~~
14 ~~raising of agricultural or horticultural commodities, provided such~~
15 ~~structures are utilized for at least fifty percent of the total output~~
16 ~~produced.~~

17 (12) (a) (I) "Employer" means a person who regularly engages the
18 services of eight or more employees, other than persons within the classes
19 expressly exempted under the terms of subsection (11) of this section. ~~and~~

20 (II) "EMPLOYER" includes:
21 (A) Any person acting on behalf of ~~any such~~ AN employer within
22 the scope of ~~his~~ THE EMPLOYER'S authority, express or implied; ~~The term~~
23 AND

24 (B) AN AGRICULTURAL EMPLOYER.

25 (b) "EMPLOYER" does not include the state or any political
26 subdivision thereof, except where the state or any political subdivision
27 thereof acquires or operates a mass transportation system or any carrier

1 by railroad, express company, or sleeping car company subject to the
2 federal "Railway Labor Act", 45 U.S.C. sec. 151 et seq., AS AMENDED, or
3 any labor organization or anyone acting in behalf of such organization
4 other than when ~~he~~ THE EMPLOYER is acting as an employer-in-fact.

5 **SECTION 3.** In Colorado Revised Statutes, **add** 8-6-101.5 as
6 follows:

7 **8-6-101.5. Minimum wage for agricultural workers - rest**
8 **periods - overwork protections - definition.** (1) (a) ON AND AFTER
9 JANUARY 1, 2022, EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS
10 SECTION, THE MINIMUM WAGE REQUIREMENTS OF SECTION 15 OF ARTICLE
11 XVIII OF THE STATE CONSTITUTION, AND ANY MINIMUM WAGE LAWS
12 ENACTED PURSUANT TO THIS ARTICLE 6, APPLY TO AGRICULTURAL
13 EMPLOYERS EMPLOYING AGRICULTURAL WORKERS.

14 (b) THE COLORADO MINIMUM WAGE THAT AN AGRICULTURAL
15 EMPLOYER MUST PAY TO AN AGRICULTURAL WORKER WHO IS PRINCIPALLY
16 ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK, AS DESCRIBED IN 29
17 CFR 780.323 TO 29 CFR 780.329, ON THE OPEN RANGE IS:

18 (I) BEGINNING JANUARY 1, 2022, AND THROUGH DECEMBER 31,
19 2022, FIVE HUNDRED FIFTEEN DOLLARS PER WEEK; AND

20 (II) BEGINNING JANUARY 1, 2023, THE MINIMUM WAGE REQUIRED
21 IN THE PRIOR CALENDAR YEAR ADJUSTED ANNUALLY AS MEASURED BY THE
22 UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS
23 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD OR IT
24 PREDECESSOR OR SUCCESSOR INDEX. THE DIRECTOR MAY SET A HIGHER
25 MINIMUM WAGE THAN IS REQUIRED IN THIS SUBSECTION (1)(b)(II)
26 CONSISTENT WITH THE DIRECTOR'S AUTHORITY AND DUTIES, INCLUDING
27 UNDER THIS ARTICLE 6.

1 (2) (a) AN AGRICULTURAL WORKER IS ENTITLED TO AN
2 UNINTERRUPTED AND DUTY-FREE MEAL PERIOD OF AT LEAST A
3 THIRTY-MINUTE DURATION WHEN THE AGRICULTURAL WORKER'S SHIFT
4 EXCEEDS FIVE CONSECUTIVE HOURS. THE MEAL PERIODS, TO THE EXTENT
5 PRACTICABLE, MUST BE AT LEAST ONE HOUR AFTER THE START, AND ONE
6 HOUR BEFORE THE END, OF THE SHIFT. AN AGRICULTURAL WORKER MUST
7 BE RELIEVED OF ALL DUTIES AND PERMITTED TO PURSUE PERSONAL
8 ACTIVITIES FOR A PERIOD TO QUALIFY AS NONWORK, UNCOMPENSATED
9 TIME. IF THE NATURE OF THE BUSINESS ACTIVITIES OR OTHER
10 CIRCUMSTANCES MAKES THE UNINTERRUPTED MEAL PERIOD IMPRACTICAL,
11 THE AGRICULTURAL EMPLOYEE MUST BE PERMITTED TO CONSUME AN
12 ON-DUTY MEAL WHILE PERFORMING DUTIES. AN AGRICULTURAL
13 EMPLOYEE MUST BE PERMITTED TO FULLY CONSUME A MEAL OF CHOICE
14 WHILE WORKING AND BE FULLY COMPENSATED FOR THE ON-DUTY MEAL
15 PERIOD WITHOUT ANY LOSS OF TIME OR COMPENSATION.

16 (b) AN AGRICULTURAL WORKER IS ENTITLED TO AN
17 UNINTERRUPTED AND DUTY-FREE REST PERIOD OF AT LEAST TEN MINUTES
18 WITHIN EACH FOUR HOURS OF WORK.

19 (c) THIS SUBSECTION (2) DOES NOT APPLY TO A TRUCK DRIVER
20 WHOSE SOLE AND PRINCIPAL DUTY IS TO HAUL LIVESTOCK OR TO A
21 COMBINE OR HARVESTER OPERATOR WHILE HARVESTING.

22 ==
23 (3) AS USED IN THIS SECTION, "AGRICULTURAL WORKER" HAS THE
24 MEANING SET FORTH IN SECTION 8-13.5-201 (3).

25 ==
26 **SECTION 4.** In Colorado Revised Statutes, **add** 8-6-120 as
27 follows:

1 ENGAGED IN ANY SERVICE OR ACTIVITY INCLUDED IN SECTION 203 (f) OF
2 THE FEDERAL "FAIR LABOR STANDARDS ACT OF 1938", 29 U.S.C. SEC. 201
3 ET SEQ., AS AMENDED, OR SECTION 3121 (g) OF THE FEDERAL "INTERNAL
4 REVENUE CODE OF 1986", AS AMENDED.

5 (4) "AGRICULTURAL WORKER'S REPRESENTATIVE" MEANS A
6 PERSON OR ENTITY DESIGNATED BY AN AGRICULTURAL EMPLOYEE IN A
7 CONFIDENTIAL, SEALED FILING WITH THE COURT.

8 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
9 EMPLOYMENT.

10 (6) "DIVISION" MEANS THE DIVISION OF LABOR STANDARDS AND
11 STATISTICS IN THE DEPARTMENT.

12 ==

13 (7) "KEY SERVICE PROVIDER" MEANS A HEALTH CARE PROVIDER;
14 A COMMUNITY HEALTH WORKER, INCLUDING A PROMOTORA; AN
15 EDUCATION PROVIDER; AN ATTORNEY; A LEGAL ADVOCATE; A
16 GOVERNMENT OFFICIAL, INCLUDING A CONSULAR REPRESENTATIVE; A
17 MEMBER OF THE CLERGY; AND ANY OTHER SERVICE PROVIDER TO WHICH
18 AN AGRICULTURAL WORKER MAY NEED ACCESS.

19 ■ ■

20 (8) "OCCASIONAL OR INTERMITTENT" MEANS TWENTY PERCENT OR
21 LESS OF AN AGRICULTURAL WORKER'S WEEKLY WORK TIME.

22 (9) "SHORT-HANDLED HOE" MEANS A HANDHELD TOOL WITH A
23 FLAT BLADE AFFIXED PERPENDICULARLY TO A HANDLE THAT IS LESS THAN
24 EIGHTEEN INCHES LONG. "SHORT-HANDLED HOE" INCLUDES A
25 LONG-HANDLED HAND TOOL THAT HAS BEEN MODIFIED TO BE USED AS A
26 SHORT-HANDLED HOE.

27 (10) "WHISTLEBLOWER" MEANS AN AGRICULTURAL WORKER WITH

1 KNOWLEDGE OF AN ALLEGED VIOLATION OF THIS PART 2 OR THE
2 AGRICULTURAL WORKER'S REPRESENTATIVE.

3 **8-13.5-202. Agricultural workers - right of access to key**
4 **service providers - rules.** (1) (a) AN EMPLOYER SHALL NOT INTERFERE
5 WITH AN AGRICULTURAL WORKER'S REASONABLE ACCESS TO VISITORS AT
6 THE AGRICULTURAL WORKER'S EMPLOYER-PROVIDED HOUSING DURING
7 ANY TIME WHEN THE AGRICULTURAL WORKER IS PRESENT AT SUCH
8 HOUSING.

9 (b) AN EMPLOYER SHALL NOT INTERFERE WITH AN AGRICULTURAL
10 EMPLOYEE'S REASONABLE ACCESS TO KEY SERVICE PROVIDERS AT ANY
11 LOCATION DURING ANY TIME IN WHICH THE AGRICULTURAL WORKER IS
12 NOT PERFORMING COMPENSABLE WORK OR DURING PAID OR UNPAID REST
13 AND MEAL BREAKS, AND WITH RESPECT TO HEALTH-CARE PROVIDERS
14 DURING ANY TIME, WHETHER OR NOT THE AGRICULTURAL WORKER IS
15 WORKING.

16 (c) TO ENSURE THAT AGRICULTURAL EMPLOYEES HAVE
17 MEANINGFUL ACCESS TO SERVICES, THE DIRECTOR OF THE DIVISION SHALL
18 PROMULGATE RULES REGARDING ADDITIONAL TIMES DURING WHICH AN
19 EMPLOYER MAY NOT INTERFERE WITH AN AGRICULTURAL WORKER'S
20 REASONABLE ACCESS TO KEY SERVICE PROVIDERS, INCLUDING PERIODS
21 DURING WHICH THE AGRICULTURAL WORKER IS PERFORMING
22 COMPENSABLE WORK, ESPECIALLY DURING PERIODS WHEN THE
23 AGRICULTURAL WORKER IS REQUIRED TO WORK IN EXCESS OF FORTY
24 HOURS PER WEEK AND MAY HAVE DIFFICULTY ACCESSING SUCH SERVICES
25 OUTSIDE OF WORK HOURS. THE RULES MUST BE PROPOSED ON OR BEFORE
26 OCTOBER 31, 2021, AND ADOPTED ON OR BEFORE JANUARY 31, 2022.

27 (d) AN EMPLOYER MAY REQUIRE VISITORS ACCESSING A WORK SITE

1 TO FOLLOW PROTOCOLS DESIGNED TO MANAGE BIOHAZARDS AND OTHER
2 RISKS OF CONTAMINATION, TO PROMOTE FOOD SAFETY, AND TO REDUCE
3 THE RISK OF INJURIES TO OR FROM LIVESTOCK ON FARMS AND RANCHES
4 EXCEPT ON THE OPEN RANGE, IF THE SAME PROTOCOLS ARE GENERALLY
5 APPLIED TO ANY OTHER THIRD PARTIES WHO MAY HAVE OCCASION TO
6 ENTER THE WORK SITE.

7 (e) AN AGRICULTURAL EMPLOYER THAT PROVIDES HOUSING AND
8 TRANSPORTATION FOR AGRICULTURAL WORKERS SHALL, AT LEAST ONE
9 DAY PER WEEK, PROVIDE TRANSPORTATION TO THE AGRICULTURAL
10 WORKERS TO A LOCATION WHERE THE WORKERS CAN ACCESS BASIC
11 NECESSITIES, CONDUCT FINANCIAL TRANSACTIONS, AND MEET WITH KEY
12 SERVICE PROVIDERS; EXCEPT THAT TRANSPORTATION MUST BE PROVIDED
13 NOT LESS THAN ONE DAY EVERY THREE WEEKS FOR RANGE WORKERS WHO
14 ARE ACTIVELY ENGAGED IN THE PRODUCTION OF LIVESTOCK ON THE OPEN
15 RANGE. THIS SUBSECTION (1)(b) DOES NOT LIMIT OR RESTRICT AN
16 AGRICULTURAL WORKER'S ABILITY TO TRAVEL USING THE AGRICULTURAL
17 WORKER'S OWN MEANS OF TRANSPORTATION. NOTHING IN THIS
18 SUBSECTION (1)(b) REQUIRES AN EMPLOYER TO VIOLATE A STATE OR
19 FEDERAL LAW OR REGULATION.

20 (f) IF AN AGRICULTURAL WORKER HAS ACCESS TO THE WORKER'S
21 OWN VEHICLE AND IS PERMITTED TO PARK THE VEHICLE ON THE
22 EMPLOYER'S PROPERTY, THE EMPLOYER IS NOT REQUIRED TO PROVIDE
23 TRANSPORTATION AS SET FORTH IN SUBSECTION (1)(b) OF THIS SECTION.

24 (2) NO PERSON OTHER THAN THE AGRICULTURAL WORKER MAY
25 PROHIBIT, BAR, OR INTERFERE WITH, OR ATTEMPT TO PROHIBIT, BAR, OR
26 INTERFERE WITH, THE ACCESS TO OR EGRESS FROM THE RESIDENCE OF ANY
27 AGRICULTURAL WORKER BY ANY PERSON, EITHER BY THE ERECTION OR

1 MAINTENANCE OF ANY PHYSICAL BARRIER, BY PHYSICAL FORCE OR
2 VIOLENCE OR BY THE THREAT OF PHYSICAL FORCE OR VIOLENCE, OR BY
3 ANY ORDER OR NOTICE GIVEN IN ANY MANNER.

4 (3) AN AGRICULTURAL EMPLOYER SHALL POST NOTICE OF AN
5 AGRICULTURAL WORKER'S RIGHTS UNDER THIS PART 2:

6 (a) IN A CONSPICUOUS LOCATION ON THE AGRICULTURAL
7 EMPLOYER'S PREMISES, INCLUDING IN THE AGRICULTURAL WORKER'S
8 EMPLOYER-PROVIDED HOUSING; AND

9 (b) IN ALL PLACES WHERE NOTICES TO EMPLOYEES, INCLUDING
10 AGRICULTURAL WORKERS, ARE CUSTOMARILY POSTED; AND

11 (c) ELECTRONICALLY, INCLUDING BY E-MAIL AND ON AN INTRANET
12 OR INTERNET SITE, IF THE AGRICULTURAL EMPLOYER CUSTOMARILY
13 COMMUNICATES WITH AGRICULTURAL WORKERS BY THESE MEANS.

14 **8-13.5-203. Extreme overwork protections - heat stress**
15 **training - short-handled hoe prohibited - rules.** (1) THE DIRECTOR OF
16 THE DIVISION SHALL PROMULGATE RULES THAT REQUIRE AGRICULTURAL
17 EMPLOYERS TO PROTECT AGRICULTURAL WORKERS FROM HEAT-RELATED
18 STRESS ILLNESSES AND INJURIES WHEN THE OUTSIDE TEMPERATURES
19 REACH EIGHTY DEGREES OR HIGHER, WITH DISCRETION TO ADJUST
20 REQUIREMENTS BASED ON ENVIRONMENTAL FACTORS, EXPOSURE TIME,
21 ACCLIMATIZATION, AND METABOLIC DEMANDS OF THE JOB AS SET FORTH
22 IN THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES CENTERS
23 FOR DISEASE CONTROL AND PREVENTION NATIONAL INSTITUTE FOR
24 OCCUPATIONAL SAFETY AND HEALTH 2016 REVISED PUBLICATION:
25 CRITERIA FOR A RECOMMENDED STANDARD, OCCUPATIONAL EXPOSURE
26 TO HEAT AND HOT ENVIRONMENTS. THE RULES MUST BE PROPOSED ON OR
27 BEFORE OCTOBER 31, 2021, AND ADOPTED ON OR BEFORE JANUARY 31,

1 2022.

2 (2) (a) USING A SHORT-HANDLED HOE IS PROHIBITED IN
3 AGRICULTURAL EMPLOYMENT FOR WEEDING AND THINNING IN A STOOPED,
4 KNEELING, OR SQUATTING POSITION.

5 (b) THE PERFORMANCE OF WEEDING AND THINNING BY HAND OR
6 WITH A SHORT-HANDLED TOOL, OTHER THAN A SHORT-HANDLED HOE, IN
7 A STOOPED, KNEELING, OR SQUATTING POSITION IS STRONGLY DISFAVORED
8 UNLESS THERE IS NO SUITABLE LONG-HANDLED TOOL OR OTHER
9 ALTERNATIVE MEANS OF PERFORMING THE WORK THAT IS SUITABLE AND
10 APPROPRIATE TO BOTH THE PRODUCTION OF THE AGRICULTURAL OR
11 HORTICULTURAL COMMODITY AND THE SCALE OF THE OPERATION.
12 NOTHING IN THIS SUBSECTION (2) IS CONSTRUED TO ALLOW THE USE OF
13 THE SHORT-HANDLED HOE.

14 (c) BEGINNING JANUARY 1, 2022, THIS SUBSECTION (2) DOES NOT
15 PROHIBIT:

16 (I) OCCASIONAL OR INTERMITTENT HAND WEEDING OR HAND
17 THINNING IN A STOOPED, KNEELING, OR SQUATTING POSITION THAT IS
18 INCIDENTAL TO A NON-HAND-WEEDING OPERATION; ___

19 (II) HAND THINNING OF HIGH DENSITY PLANTS SPACED LESS THAN
20 TWO INCHES APART WHEN PLANTED;

21 (III) HAND WEEDING OR THINNING OF ANY AGRICULTURAL OR
22 HORTICULTURAL COMMODITY GROWN IN FIELDS OR GREENHOUSES FOR
23 WHICH THE EMPLOYER MAINTAINS A CURRENT CERTIFICATION FROM THE
24 COLORADO DEPARTMENT OF AGRICULTURE OR AN AUTHORIZED
25 CERTIFYING BODY AS MEETING THE STANDARDS OF THE UNITED STATES
26 DEPARTMENT OF AGRICULTURE'S NATIONAL ORGANIC PROGRAM;

27 (IV) HAND WEEDING, THINNING, OR TENDING ANY AGRICULTURAL

1 OR HORTICULTURAL COMMODITIES WHEN THEY ARE SEEDLINGS;

2 (V) HAND WEEDING, THINNING, OR TENDING AGRICULTURAL OR
3 HORTICULTURAL COMMODITIES GROWN IN TUBS OR PLANTER CONTAINERS
4 WITH AN OPENING THAT DOES NOT EXCEED FIFTEEN INCHES IN WIDTH;

5 (VI) SEEDING, PLANTING, TRANSPLANTING, OR HARVESTING BY
6 HAND OR WITH A HAND TOOL; OR

7 (VII) HAND WEEDING, THINNING, OR TENDING THE SOIL-EXPOSED
8 AREA IMMEDIATELY SURROUNDING AGRICULTURAL OR HORTICULTURAL
9 COMMODITIES GROWN USING POLYETHYLENE FILM OR PLASTIC MULCH.
10 THIS EXEMPTION DOES NOT PERMIT THE HAND WEEDING OF THE SPACES
11 BETWEEN ROWS OF PLANTS GROWN USING POLYETHYLENE FILM OR
12 PLASTIC MULCH.

13 (d) THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE
14 SHALL PROMULGATE RULES REGARDING ALLOWANCES FOR AND
15 LIMITATIONS TO HAND WEEDING AND HAND THINNING FOR AGRICULTURAL
16 EMPLOYERS ACTIVELY ENGAGED IN THE TRANSITION TO CERTIFIED
17 ORGANIC AGRICULTURE FOR A PERIOD OF NO MORE THAN THREE YEARS
18 WHILE ENSURING THAT AGRICULTURAL WORKERS ARE NOT AT RISK OF
19 ACUTE, CHRONIC, OR DEBILITATING INJURIES. THE RULES MUST BE
20 PROPOSED ON OR BEFORE OCTOBER 31, 2021, AND ADOPTED ON OR BEFORE
21 JANUARY 31, 2022.

22 (e) ON OR BEFORE JANUARY 31, 2022, THE COMMISSIONER OF THE
23 DEPARTMENT OF AGRICULTURE SHALL PROMULGATE RULES THAT
24 ESTABLISH A PROCEDURE FOR AGRICULTURAL EMPLOYERS TO SEEK A
25 CERTIFICATE OF VARIANCE FROM THE COLORADO DEPARTMENT OF
26 AGRICULTURE THAT ALLOWS FOR MORE THAN OCCASIONAL OR
27 INTERMITTENT HAND WEEDING OF AGRICULTURAL OR HORTICULTURAL

1 PRODUCTS IF THE AGRICULTURAL EMPLOYER ESTABLISHES THAT:

2 (I) THE HAND WEEDING DOES NOT INVOLVE PROLONGED AND
3 UNNECESSARY STOOPING, KNEELING, OR SQUATTING, AND DOES NOT
4 CREATE A RISK OF ACUTE, CHRONIC, OR DEBILITATING INJURIES FOR
5 AGRICULTURAL WORKERS;

6 (II) THERE IS NO SUITABLE LONG-HANDLED TOOL OR OTHER
7 ALTERNATIVE MEANS OF PERFORMING THE WORK THAT IS SUITABLE AND
8 APPROPRIATE TO BOTH THE PRODUCTION OF THE AGRICULTURAL OR
9 HORTICULTURAL COMMODITY AND THE SCALE OF THE OPERATION; AND

10 (III) THE HAND WEEDING CANNOT BE PERFORMED PURSUANT TO
11 AN EXISTING EXEMPTION PURSUANT TO THIS SUBSECTION (2).

12 (3) AN AGRICULTURAL EMPLOYER SHALL PROVIDE AGRICULTURAL
13 WORKERS ENGAGED IN HAND WEEDING AND HAND THINNING AN
14 ADDITIONAL FIVE MINUTE REST PERIOD, WHICH, IN SO FAR AS IS
15 PRACTICABLE, MUST BE IN THE MIDDLE OF EACH WORK PERIOD. THE
16 AUTHORIZED REST PERIOD MUST BE BASED ON THE TOTAL HOURS WORKED
17 DAILY AT THE RATE OF FIFTEEN MINUTES NET REST TIME PER FOUR HOURS
18 OF WORK, OR A MAJOR FRACTION THEREOF. THE AGRICULTURAL
19 EMPLOYER SHALL COUNT THE AUTHORIZED REST PERIOD AS HOURS
20 WORKED AND NOT DEDUCT THE REST PERIOD FROM THE AGRICULTURAL
21 WORKER'S WAGES.

22 (4) AN AGRICULTURAL EMPLOYER SHALL PROVIDE GLOVES AND
23 KNEE PADS, AS NECESSARY, TO EACH AGRICULTURAL WORKER ENGAGING
24 IN HAND WEEDING, HAND THINNING, OR HAND HOT-CAPPING.

25 (5) IF ANY PROVISION OF THIS SECTION OR ITS APPLICATION TO ANY
26 PERSON OR CIRCUMSTANCE IS HELD INVALID OR UNCONSTITUTIONAL, SUCH
27 PROVISION OR APPLICATION DOES NOT AFFECT OTHER PROVISIONS OR

1 APPLICATIONS OF THIS SECTION THAT CAN BE GIVEN EFFECT WITHOUT THE
2 INVALID OR UNCONSTITUTIONAL PROVISION OR APPLICATION, AND THE
3 PROVISIONS OF THIS SECTION ARE SEVERABLE.

4 **8-13.5-204. Enforcement - penalties - relief - rules.** (1) AN
5 AGGRIEVED AGRICULTURAL WORKER, A WHISTLEBLOWER, OR A KEY
6 SERVICE PROVIDER WHO WAS UNABLE TO ACCESS AN AGRICULTURAL
7 WORKER DUE TO A VIOLATION OF THIS PART 2 MAY:

8 (I) COMMENCE AN ACTION IN DISTRICT COURT AGAINST AN
9 AGRICULTURAL EMPLOYER FOR A VIOLATION OF THIS PART 2; OR

10 (II) ASSERT A CLAIM WITH THE DIVISION PURSUANT TO RULES
11 ADOPTED BY THE DIRECTOR OF THE DIVISION AGAINST AN AGRICULTURAL
12 EMPLOYER. THE DIRECTOR MAY INVESTIGATE AND ORDER ALL REMEDIES
13 AVAILABLE IN DISTRICT COURT OR MAY DECLINE TO INVESTIGATE AND
14 THUS AUTHORIZE THE COMPLAINANT TO FILE SUIT IN DISTRICT COURT. A
15 DECISION BY THE DIRECTOR TO DECLINE TO INVESTIGATE MUST BE MADE
16 WITHIN NINETY DAYS AFTER THE CLAIM IS FILED AS ESTABLISHED BY RULE
17 OF THE DIRECTOR. THE STATUTE OF LIMITATIONS IS TOLLED FOR THE
18 PURPOSE OF FILING A CLAIM IN DISTRICT COURT FROM THE DATE THAT THE
19 CLAIM IS ASSERTED UNTIL NINETY DAYS AFTER THE DIRECTOR DECLINES
20 TO INVESTIGATE THE CLAIM.

21 (2) (a) A COURT MAY:

22 (I) ORDER INJUNCTIVE RELIEF TO ENJOIN THE CONTINUANCE OF
23 THE VIOLATION OF THIS PART 2;

24 (II) AWARD THE PLAINTIFF ACTUAL DAMAGES OR TEN THOUSAND
25 DOLLARS, WHICHEVER IS GREATER; AND

26 (III) AWARD THE PLAINTIFF ATTORNEY FEES.

27 (b) ANY AMOUNTS RECOVERED BY A WHISTLEBLOWER OR KEY

1 SERVICE PROVIDER PURSUANT TO THIS SECTION MUST BE DISTRIBUTED TO
2 AGRICULTURAL WORKERS AFFECTED BY THE VIOLATION WHO CAN BE
3 LOCATED, INsofar AS SUCH DISBURSEMENT IS ECONOMICALLY FEASIBLE.

4 (3) AN AGGRIEVED AGRICULTURAL WORKER OR WHISTLEBLOWER
5 IS ENTITLED TO ALL RIGHTS, REMEDIES, AND PENALTIES AFFORDED UNDER
6 SECTION 8-2-206.

7 **8-13.5-205. Agricultural work advisory committee - creation**
8 **- report - repeal.** (1) ON OR BEFORE APRIL 1, 2022, THE DIRECTOR OF
9 THE DIVISION SHALL ESTABLISH THE AGRICULTURAL WORK ADVISORY
10 COMMITTEE, REFERRED TO IN THIS SECTION AS THE "ADVISORY
11 COMMITTEE". THE ADVISORY COMMITTEE CONSISTS OF NINE MEMBERS AS
12 FOLLOWS:

- 13 (a) THE DIRECTOR OF THE DIVISION SHALL APPOINT:
- 14 (I) TWO MEMBERS WHO HAVE WORKED AS AGRICULTURAL
15 WORKERS; AND
- 16 (II) TWO MEMBERS WHO ARE ADVOCATES OF WORKERS' RIGHTS;
- 17 (b) THE COMMISSIONER OF AGRICULTURE SHALL APPOINT:
- 18 (I) THREE MEMBERS WHO REPRESENT AGRICULTURAL EMPLOYERS;
19 AND
- 20 (II) TWO REPRESENTATIVES FROM THE MIGRANT FARM WORKER
21 DIVISION OF COLORADO LEGAL SERVICES, OR ITS SUCCESSOR
22 ORGANIZATION.

- 23 (2) (a) THE TERMS OF THE MEMBERS ARE FOUR YEARS.
- 24 (b) IF A MEMBER FAILS TO COMPLETE THE MEMBER'S TERM, THE
25 APPOINTING AUTHORITY SHALL APPOINT A NEW MEMBER TO COMPLETE
26 THE REMAINDER OF THE TERM.
- 27 (c) MEMBERS SHALL SERVE WITHOUT COMPENSATION FOR THEIR

1 SERVICE; EXCEPT THAT MEMBERS MAY RECEIVE A PER DIEM AS
2 ESTABLISHED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AND
3 REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES
4 INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

5 (3) (a) THE ADVISORY COMMITTEE SHALL GATHER AND ANALYZE
6 DATA AND OTHER INFORMATION REGARDING THE WAGES AND WORKING
7 CONDITIONS OF AGRICULTURAL WORKERS AND REPORT ITS FINDINGS AND
8 ANY LEGISLATIVE RECOMMENDATIONS TO THE GENERAL ASSEMBLY.

9 (b) TO THE EXTENT POSSIBLE, THE EXECUTIVE DIRECTOR OF THE
10 DEPARTMENT SHALL ENSURE THAT THE ADVISORY COMMITTEE HAS THE
11 OPPORTUNITY TO MEET WITH APPROPRIATE REPRESENTATIVES FROM THE
12 DEPARTMENT OF LABOR AND EMPLOYMENT, THE DEPARTMENT OF PUBLIC
13 HEALTH AND ENVIRONMENT, THE DEPARTMENT OF AGRICULTURE, AND THE
14 GOVERNOR'S OFFICE FOR PURPOSES OF CONDUCTING ITS WORK PURSUANT
15 TO SUBSECTION (3)(a) OF THIS SECTION.

16 (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR
17 BEFORE JANUARY 1, 2023, AND EACH JANUARY 1 THEREAFTER, THE
18 ADVISORY COMMITTEE SHALL REPORT ITS PROGRESS, FINDINGS, AND
19 LEGISLATIVE RECOMMENDATIONS TO THE AGRICULTURE, LIVESTOCK, AND
20 WATER COMMITTEE AND THE BUSINESS AFFAIRS AND LABOR COMMITTEE
21 OF THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES,
22 AND THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE
23 BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, OR
24 THEIR SUCCESSOR COMMITTEES.

25 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031.
26 BEFORE THE REPEAL, THE ADVISORY COMMITTEE IS SCHEDULED FOR
27 REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

1 **SECTION 6.** In Colorado Revised Statutes, 2-3-1203, **add** (22)
2 as follows:

3 **2-3-1203. Sunset review of advisory committees - legislative**
4 **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY
5 AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL
6 REPEAL ON SEPTEMBER 1, 2031:

7 (I) THE AGRICULTURAL WORK ADVISORY COMMITTEE CREATED IN
8 SECTION 8-13.5-205.

9 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,
10 2033.

11 **SECTION 7.** In Colorado Revised Statutes, 8-14.4-101, **amend**
12 (1), (3)(c), and (3)(d); and **add** (1.5) and (3)(e) as follows:

13 **8-14.4-101. Definitions.** As used in this article 14.4, unless the
14 context otherwise requires:

15 (1) ~~"Department" means the department of labor and employment~~
16 "AGRICULTURAL EMPLOYMENT" HAS THE MEANING SET FORTH IN SECTION
17 8-13.5-201 (2).

18 (1.5) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
19 EMPLOYMENT.

20 (3) "Principal" means:

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

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

25 (e) A PERSON OR ENTITY ENGAGED IN AGRICULTURAL
26 EMPLOYMENT.

27 **SECTION 8.** In Colorado Revised Statutes, **add** 8-14.4-109 as

1 follows:

2 **8-14.4-109. Agricultural employers - responsibilities during**
3 **public health emergency - worker safety protections.** (1) DURING A
4 PUBLIC HEALTH EMERGENCY, IN ADDITION TO THE OTHER PROTECTIONS
5 AND RIGHTS AFFORDED TO WORKERS, A PRINCIPAL ENGAGED IN
6 AGRICULTURAL EMPLOYMENT SHALL:

7 (a) PROVIDE EACH WORKER LIVING IN EMPLOYER-PROVIDED
8 HOUSING WITH:

9 (I) IN A SINGLE-OCCUPANCY UNIT WHERE THE WORKER IS HOUSED
10 ALONE, AT LEAST EIGHTY SQUARE FEET OF COMBINED SLEEPING AND
11 LIVING QUARTERS;

12 (II) IN MULTIPLE-OCCUPANCY HOUSING, AT LEAST ONE HUNDRED
13 SQUARE FEET OF SLEEPING QUARTERS PER WORKER AND ONE HUNDRED
14 TWENTY SQUARE FEET OF SPACE PER WORKER IN AREAS USED FOR
15 COMBINED PURPOSES SUCH AS MEAL PREPARATION AND EATING; AND

16 (III) IN ALL HOUSING, SCREENED WINDOWS THAT OPEN TO THE
17 OUTSIDE OR LIVING SPACE THAT HAS AN AIR FILTRATION SYSTEM;

18 (b) PROVIDE EACH WORKER ACTIVELY ENGAGED IN THE
19 OPEN-RANGE PRODUCTION OF LIVESTOCK WITH A SINGLE OCCUPANCY
20 MOBILE HOUSING UNIT, REGARDLESS OF ANY VARIANCES OTHERWISE
21 AVAILABLE PURSUANT TO 20 CFR 655.235.

22 (c) ALLOW THE DEPARTMENT OF PUBLIC HEALTH AND
23 ENVIRONMENT TO ROUTINELY INSPECT EMPLOYER-PROVIDED HOUSING TO
24 ENSURE COMPLIANCE WITH GUIDELINES ISSUED BY THE DEPARTMENT OF
25 PUBLIC HEALTH AND ENVIRONMENT APPLICABLE TO A PUBLIC HEALTH
26 EMERGENCY AND ANY APPLICABLE EXECUTIVE ORDERS ISSUED BY THE
27 GOVERNOR DURING A DISASTER EMERGENCY DECLARED PURSUANT TO

1 SECTION 24-33.5-704 (4);

2 (d) PROVIDE TRAINING TO WORKERS CONCERNING SAFETY
3 PRECAUTIONS AND PROTECTIONS DURING A PUBLIC HEALTH EMERGENCY;
4 AND

5 (e) PROVIDE INFORMATIONAL AND EDUCATIONAL MATERIALS
6 THROUGH POSTERS AND PAMPHLETS WRITTEN IN ENGLISH AND SPANISH
7 AND ANY OTHER RELEVANT LANGUAGES IN EMPLOYER-PROVIDED
8 HOUSING, WORK SITES, AND OTHER PLACES WHERE THE PRINCIPAL
9 USUALLY POSTS INFORMATION FOR THE WORKERS THAT:

10 (I) LISTS THE CONTACT INFORMATION FOR THE MIGRANT FARM
11 WORKER DIVISION OF COLORADO LEGAL SERVICES, OR ITS SUCCESSOR
12 ORGANIZATION, WHERE A WORKER MAY RECEIVE FREE AND CONFIDENTIAL
13 LEGAL SERVICES; AND

14 (II) INFORMS THE WORKERS REGARDING FEDERAL AND STATE
15 GUIDANCE CONCERNING A PUBLIC HEALTH EMERGENCY.

16 **SECTION 9.** In Colorado Revised Statutes, 8-3-108, **amend**
17 (1)(c)(II)(A) and (1)(c)(II)(B) as follows:

18 **8-3-108. What are unfair labor practices.** (1) It is an unfair
19 labor practice for an employer, individually or in concert with others, to:

20 (c) (II) (A) Any agreement as defined in section 8-3-104 ~~(1)~~ (1.5)
21 between an employer and a labor organization in existence on June 29,
22 1977, which has not been voted upon by the employees covered by it
23 may, by written mutual agreement of such employer and labor
24 organization, be ratified and upon such ratification shall be filed with the
25 director. Any agreement as defined in section 8-3-104 ~~(1)~~ (1.5) between
26 an employer and a labor organization in existence on June 29, 1977,
27 which has not been ratified and filed, as provided in this ~~subparagraph (H)~~

1 SUBSECTION (1)(c)(II), shall not be legal, valid, or enforceable during the
2 remaining term of that labor contract unless and until either the employer,
3 the labor organization, or at least twenty percent of the employees
4 covered by such agreement file a petition upon forms provided by the
5 division, demanding an election submitting the question of the all-union
6 agreement to the employees covered by such agreement and said
7 agreement is approved by the affirmative vote of at least a majority of all
8 the employees eligible to vote or three-quarters or more of the employees
9 who actually voted, whichever is greater, by secret ballot in favor of such
10 all-union agreement in an election provided for in this ~~paragraph (c)~~
11 SUBSECTION (1)(c) conducted under the supervision of the director.

12 (B) Upon filing of such instrument of ratification with the
13 director, the director shall certify that such agreement complies with the
14 provisions of section 8-3-104 ~~(1)~~ (1.5) notwithstanding the absence of any
15 other election requirements of this ~~article~~ ARTICLE 3, and by virtue of such
16 ratification and certification, such agreement shall be deemed legal, valid,
17 and enforceable to the extent permitted under the provisions of this ~~article~~
18 ARTICLE 3, subject to the provisions of ~~sub-subparagraph (D)~~ of this
19 ~~subparagraph (H)~~ SUBSECTION (1)(c)(II)(D) OF THIS SECTION.

20 **SECTION 10.** In Colorado Revised Statutes, **amend** 8-13.5-101
21 as follows:

22 **8-13.5-101. Short title.** ~~This article shall be known and may be~~
23 ~~cited as~~ THE SHORT TITLE OF THIS PART 1 IS the "Workplace
24 Accommodations for Nursing Mothers Act".

25 **SECTION 11.** In Colorado Revised Statutes, 8-13.5-102, **amend**
26 (2) as follows:

27 **8-13.5-102. Legislative declaration.** (2) The general assembly

1 further declares that the purpose of this ~~article~~ PART 1 is for the state of
2 Colorado to become involved in the national movement to recognize the
3 medical importance of breastfeeding, within the scope of complete
4 pediatric care, and to encourage removal of boundaries placed on nursing
5 mothers in the workplace.

6 **SECTION 12.** In Colorado Revised Statutes, 8-13.5-103, **amend**
7 the introductory portion as follows:

8 **8-13.5-103. Definitions.** As used in this ~~article~~ PART 1, unless the
9 context otherwise requires:

10 **SECTION 13.** In Colorado Revised Statutes, **amend** 44-10-105
11 as follows:

12 **44-10-105. Marijuana employee designation.** An employee of
13 a licensee is not an agricultural worker unless the employee is a ~~farm~~
14 laborer ~~as described in section 8-3-104 (11)~~ AT A FARM, PLANTATION,
15 RANCH, NURSERY, RANGE, GREENHOUSE, ORCHARD, OR OTHER STRUCTURE
16 USED FOR THE RAISING OF AGRICULTURAL OR HORTICULTURAL
17 COMMODITIES, AS LONG AS THE STRUCTURE IS UTILIZED FOR AT LEAST
18 FIFTY PERCENT OF THE TOTAL OUTPUT PRODUCED.

19 **SECTION 14. Appropriation.** (1) For the 2021-22 state fiscal
20 year, \$474,657 is appropriated to the department of labor and
21 employment. This appropriation is from the employment support fund
22 created in section 8-77-109 (1)(b)(I), C.R.S. To implement this act, the
23 department may use this appropriation as follows:

24 (a) \$436,375 for use by the division of labor standards and
25 statistics for program costs related to labor standards, which amount is
26 based on an assumption that the division will require an additional 5.2
27 FTE; and

1 (b) \$38,282 for the purchase of legal services.

2 (2) For the 2021-22 state fiscal year, \$38,282 is appropriated to
3 the department of law. This appropriation is from reappropriated funds
4 received from the department of labor and employment under subsection
5 (1)(b) of this section and is based on an assumption that the department
6 of law will require an additional 0.2 FTE. To implement this act, the
7 department of law may use this appropriation to provide legal services for
8 the department of labor and employment.

9 (3) For the 2021-22 state fiscal year, \$193,882 is appropriated to
10 the department of agriculture. This appropriation is from the general fund,
11 and is based on an assumption that the department will require an
12 additional 0.9 FTE. To implement this act, the department may use this
13 appropriation for the plant industry division.

14 **SECTION 15. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety.