

CHAPTER 373

LABOR AND INDUSTRY

HOUSE BILL 22-1313

BY REPRESENTATIVE(S) McCormick and Caraveo, Bacon, Bennett, Bird, Boesenecker, Cutter, Duran, Esgar, Exum, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Kipp, Lindsay, Lontine, McCluskie, Michaelson Jenet, Sirota, Titone, Woodrow; also SENATOR(S) Moreno, Bridges, Buckner, Donovan, Fields, Ginal, Gonzales, Hinrichsen, Jaquez Lewis, Kolker, Lee, Pettersen, Rodriguez, Smallwood, Sonnenberg, Story, Winter, Zenzinger, Fenberg.

AN ACT**CONCERNING HOUSING REQUIREMENTS FOR AGRICULTURAL WORKERS DURING A PUBLIC HEALTH EMERGENCY.**

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

SECTION 1. In Colorado Revised Statutes, 8-14.4-109, **amend** (1)(a), (1)(b), and (1)(c); and **add** (2) as follows:

8-14.4-109. Agricultural employers - responsibilities during public health emergency - worker safety protections - definition. (1) During a public health emergency, in addition to the other protections and rights afforded to workers, a principal engaged in agricultural employment shall:

(a) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(II) OF THIS SECTION, provide each worker living in employer-provided housing with:

(A) In a single-occupancy unit where the worker is housed alone, at least eighty square feet of combined sleeping and living quarters;

(B) In multiple-occupancy housing, at least one hundred square feet of sleeping quarters per worker and one hundred twenty square feet of space per worker in areas used for combined purposes such as meal preparation and eating; and

(C) In all housing, screened windows that open to the outside or living space that has an air filtration system.

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.

(II) A PRINCIPAL ENGAGED IN AGRICULTURAL EMPLOYMENT MAY, AS AN ALTERNATIVE TO COMPLYING WITH SUBSECTION (1)(a)(I) OF THIS SECTION, COMPLY WITH ALTERNATIVE PROTECTIONS APPLICABLE TO HOUSING IDENTIFIED IN A PUBLIC HEALTH ORDER ISSUED BY THE DEPARTMENT.

(b) Provide each worker actively engaged in the open-range production of livestock with:

(I) A single occupancy mobile housing unit, regardless of any variances otherwise available pursuant to 20 CFR 655.235; OR

(II) ALTERNATIVE PROTECTIONS APPLICABLE TO HOUSING IDENTIFIED IN A PUBLIC HEALTH ORDER ISSUED BY THE DEPARTMENT;

(c) Allow the DEPARTMENT TO CONSULT WITH THE department of public health and environment ~~to routinely inspect employer-provided housing to ensure compliance with guidelines issued by the department of public health and environment applicable to a public health emergency and any applicable executive orders issued by the governor during a disaster emergency declared pursuant to section 24-33.5-704 (4)~~ IN ENFORCING THIS SECTION;

(2) AS USED IN THIS SECTION, "PUBLIC HEALTH EMERGENCY" MEANS A STATEWIDE PUBLIC HEALTH EMERGENCY DECLARED BY EXECUTIVE ORDER REGARDING COVID-19, THE CORONAVIRUS DISEASE CAUSED BY THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO KNOWN AS SARS-CoV-2, OR ANOTHER COMMUNICABLE DISEASE AS DEFINED IN SECTION 25-1.5-102 (1)(a)(IV) THAT IS TRANSMISSIBLE FROM PERSON TO PERSON.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 3, 2022