

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0467.01 Brita Darling x2241

**HOUSE BILL 23-1030**

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**HOUSE SPONSORSHIP**

**Sirota and Soper**, Bacon, Bird, Boesenecker, Brown, Daugherty, deGruy Kennedy, Dickson, Duran, English, Epps, Garcia, Gonzales-Gutierrez, Hamrick, Jodeh, Lieder, Lindsay, Mabrey, McCluskie, McCormick, Ortiz, Ricks, Snyder, Titone, Velasco, Weissman, Willford, Woodrow, Young

**SENATE SPONSORSHIP**

**Hinrichsen**,

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**House Committees**

Health & Insurance

**Senate Committees**

Business, Labor, & Technology

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**A BILL FOR AN ACT**

101      **CONCERNING A PROHIBITION AGAINST REQUIRING COMPENSATION TO**  
102            **A HEALTH-CARE STAFFING AGENCY IF A CONTRACTED**  
103            **HEALTH-CARE FACILITY HIRES THE HEALTH-CARE STAFFING**  
104            **AGENCY'S EMPLOYEE AS A PERMANENT EMPLOYEE OF THE**  
105            **HEALTH-CARE FACILITY.**

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**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 prohibits a supplemental health-care staffing agency (staffing agency) from including in a contract or agreement with a

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

HOUSE  
3rd Reading Unamended  
February 6, 2023

HOUSE  
Amended 2nd Reading  
February 2, 2023

health-care worker, nursing care facility, or assisted living residence a provision for liquidated damages, employment fees, or other compensation to be paid to the staffing agency if the nursing care facility or assisted living residence hires the health-care worker as a permanent employee either prior to or after the termination of the contract or agreement.

A staffing agency that violates the prohibition commits a civil infraction and is subject to a monetary penalty. Further, for repeated or willful violations, the executive director of the department of labor and employment may impose monetary or administrative penalties against the staffing agency.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-4-125, **add**  
3 **(2.5)** as follows:

4 **8-4-125. Supplemental health-care staffing agencies - annual**  
5 **certification - contract restrictions - penalty - **civil action** - reporting**  
6 **- definitions.**

7  
8 (2.5) (a) IN ANY CONTRACT OR AGREEMENT BETWEEN A  
9 SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY AND A HEALTH-CARE  
10 WORKER OR HEALTH-CARE FACILITY CONCERNING THE PLACEMENT OF A  
11 HEALTH-CARE WORKER WHO IS A NURSING PROFESSIONAL LICENSED OR  
12 CERTIFIED PURSUANT TO ARTICLE 255 OF TITLE 12, IT IS UNLAWFUL FOR  
13 THE SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY TO REQUIRE THE  
14 PAYMENT OF LIQUIDATED DAMAGES, EMPLOYMENT FEES, OR OTHER  
15 COMPENSATION TO THE SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY  
16 IF THE HEALTH-CARE FACILITY HIRES THE HEALTH-CARE WORKER AS A  
17 PERMANENT EMPLOYEE EITHER PRIOR TO OR AFTER THE TERMINATION OF  
18 THE CONTRACT OR AGREEMENT WITH THE SUPPLEMENTAL HEALTH-CARE  
19 STAFFING AGENCY.

1           (b) IF A SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY  
2 COLLECTS OR ATTEMPTS TO COLLECT LIQUIDATED DAMAGES,  
3 EMPLOYMENT FEES, OR OTHER COMPENSATION FROM A HEALTH-CARE  
4 WORKER OR HEALTH-CARE FACILITY IN VIOLATION OF SUBSECTION (2.5)(a)  
5 OF THIS SECTION, THE HEALTH-CARE WORKER OR HEALTH-CARE FACILITY  
6 MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION FOR  
7 DAMAGES, A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS PER  
8 VIOLATION, AND INJUNCTIVE RELIEF. THE PREVAILING PARTY TO AN  
9 ACTION BROUGHT PURSUANT TO THIS SUBSECTION (2.5)(b) IS ENTITLED TO  
10 REASONABLE ATTORNEY FEES.

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