

**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. 23-0708.01 Yelana Love x2295

HOUSE BILL 23-1146

HOUSE SPONSORSHIP

Valdez,

SENATE SPONSORSHIP

(None),

House Committees

Business Affairs & Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION AGAINST AN EMPLOYER TAKING ADVERSE**
102 **ACTION AGAINST AN EMPLOYEE WHO ACCEPTS A GRATUITY.**

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 an employer engaged in a business from taking adverse action against an employee who accepts a cash gratuity offered by a patron of the business.

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

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.

1 **SECTION 1.** In Colorado Revised Statutes, 8-4-103, **add** (7) as
2 follows:

3 **8-4-103. Payment of wages - insufficient funds - pay statement**
4 **- record retention - gratuity notification - penalties - definition.**

5 (7) (a) IT IS UNLAWFUL FOR AN EMPLOYER ENGAGED IN A BUSINESS TO
6 TAKE ADVERSE ACTION AGAINST AN EMPLOYEE WHO ACCEPTS A CASH
7 GRATUITY OFFERED BY A PATRON OF THE BUSINESS.

8 (b) NOTHING IN THIS SUBSECTION (7) PROHIBITS EMPLOYERS FROM
9 REQUIRING EMPLOYEES WHO ACCEPT CASH GRATUITIES OFFERED BY
10 PATRONS OF THE BUSINESS TO SHARE OR ALLOCATE THE GRATUITIES ON A
11 PREESTABLISHED BASIS AMONG THE EMPLOYEES.

12 (c) AS USED IN THIS SUBSECTION (7), "ADVERSE ACTION" HAS THE
13 MEANING SET FORTH IN SECTION 8-2-126 (2).

14 **SECTION 2. Act subject to petition - effective date -**

15 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
16 the expiration of the ninety-day period after final adjournment of the
17 general assembly; except that, if a referendum petition is filed pursuant
18 to section 1 (3) of article V of the state constitution against this act or an
19 item, section, or part of this act within such period, then the act, item,
20 section, or part will not take effect unless approved by the people at the
21 general election to be held in November 2024 and, in such case, will take
22 effect on the date of the official declaration of the vote thereon by the
23 governor.

24 (2) This act applies to conduct occurring on or after the applicable
25 effective date of this act.