

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

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 21-0538.01 Kristen Forrestal x4217

**SENATE BILL 21-087**

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**SENATE SPONSORSHIP**

**Danielson and Moreno**, Fields, Pettersen

**HOUSE SPONSORSHIP**

**McCormick and Caraveo**, Duran, Kennedy, McLachlan, Sirota, Woodrow, Young

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**Senate Committees**

Business, Labor, & Technology  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

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

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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:

- 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.

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.

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

9 (d) "AGRICULTURAL EMPLOYER" HAS THE SAME MEANING SET  
10 FORTH IN SECTION 8-3-104 (1).

11 (e) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

12 (f) "DIVISION" MEANS THE DIVISION OF LABOR STANDARDS AND  
13 STATISTICS IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

14 ==

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

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

1 (b) THERE IS A REBUTTABLE PRESUMPTION THAT AN  
2 AGRICULTURAL EMPLOYER THAT TAKES AN ADVERSE ACTION AGAINST AN  
3 AGRICULTURAL EMPLOYEE WITHIN NINETY DAYS AFTER THE  
4 AGRICULTURAL EMPLOYEE OR THE AGRICULTURAL EMPLOYEE'S  
5 REPRESENTATIVE HAS ASSERTED OR SOUGHT ANY PROTECTED RIGHTS,  
6 REMEDIES, OR PENALTIES UNDER ARTICLE 3 OR 6 OF THIS TITLE 8, PART 2  
7 OF ARTICLE 13.5 OF THIS TITLE 8, ARTICLE 14.4 OF THIS TITLE 8, OR ANY  
8 OTHER REMEDIES AVAILABLE PURSUANT TO LAW HAS RETALIATED  
9 AGAINST THE AGRICULTURAL EMPLOYEE.

10 (c) AN AGRICULTURAL EMPLOYEE, AN AGRICULTURAL EMPLOYEE'S  
11 REPRESENTATIVE, OR OTHER PERSON AGGRIEVED BY RETALIATION BY A  
12 PERSON MAY ASSERT A CLAIM IN DISTRICT COURT FOR INJUNCTIVE AND  
13 EQUITABLE REMEDIES, A PENALTY IN THE AMOUNT OF THE GREATER OF  
14 THE ACTUAL DAMAGES OR TEN THOUSAND DOLLARS FOR EACH VIOLATION,  
15 AND ATTORNEY FEES AND COSTS.

16 (4) THE DIRECTOR MAY COMMENCE AN ACTION IN DISTRICT COURT  
17 ON BEHALF OF THE STATE OF COLORADO AGAINST ANY PERSON WHO  
18 HAS RETALIATED AGAINST AN AGRICULTURAL EMPLOYEE OR A PERSON  
19 WHO HAS A FAMILIAL, SOCIAL, OR WORKPLACE RELATIONSHIP WITH THE  
20 AGRICULTURAL EMPLOYEE IN VIOLATION OF THIS SECTION OR WHO HAS  
21 VIOLATED ARTICLE 3 OR 6 OF THIS TITLE 8, PART 2 OF ARTICLE 13.5 OF THIS  
22 TITLE 8, OR ARTICLE 14.4 OF THIS TITLE 8 IN A MANNER THAT HAS HARMED  
23 AN AGRICULTURAL EMPLOYEE. THE DIRECTOR MAY SEEK AN ORDER  
24 IMPOSING RESTITUTION, INJUNCTIVE AND EQUITABLE REMEDIES, AND AN  
25 APPROPRIATE PENALTY OF MORE THAN ONE HUNDRED DOLLARS BUT NOT  
26 MORE THAN ONE THOUSAND DOLLARS PER VIOLATION.

27 =====

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

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

5           (1) (a) ~~"All-union agreement" means a contractual provision~~  
6 ~~between an employer or group of employers and a collective bargaining~~  
7 ~~unit representing some or all of the employees of the employer or group~~  
8 ~~of employers providing for any type of union security and compelling an~~  
9 ~~employee's financial support or allegiance to a labor organization.~~  
10 ~~"All-union agreement" includes, but is not limited to, contractual~~  
11 ~~provision for a union shop, a modified union shop, an agency shop~~  
12 ~~(meaning a contractual provision which provides for periodic payment of~~  
13 ~~a sum in lieu of union dues but does not require union membership), a~~  
14 ~~modified agency shop, a prehire agreement, maintenance of dues, or~~  
15 ~~maintenance of membership.~~ "AGRICULTURAL EMPLOYER" MEANS A  
16 PERSON THAT:

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

20           (II) IS ENGAGED IN ANY SERVICE OR ACTIVITY INCLUDED IN  
21 SECTION 203 (f) OF THE FEDERAL "FAIR LABOR STANDARDS ACT OF  
22 1938", 29 U.S.C. SEC. 201 ET SEQ., AS AMENDED, OR ENGAGED IN  
23 "AGRICULTURAL LABOR" AS DEFINED IN SECTION 3121 (g) OF THE FEDERAL  
24 "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

25           (b) THE MEANING OF "AGRICULTURAL EMPLOYER" MUST BE  
26 LIBERALLY CONSTRUED FOR THE PROTECTION OF PERSONS PROVIDING  
27 SERVICES TO AN EMPLOYER.

1           (1.5) "ALL-UNION AGREEMENT" MEANS A CONTRACTUAL  
2 PROVISION BETWEEN AN EMPLOYER OR GROUP OF EMPLOYERS AND A  
3 COLLECTIVE BARGAINING UNIT REPRESENTING SOME OR ALL OF THE  
4 EMPLOYEES OF THE EMPLOYER OR GROUP OF EMPLOYERS PROVIDING FOR  
5 ANY TYPE OF UNION SECURITY AND COMPELLING AN EMPLOYEE'S  
6 FINANCIAL SUPPORT OR ALLEGIANCE TO A LABOR ORGANIZATION.  
7 "ALL-UNION AGREEMENT" INCLUDES, BUT IS NOT LIMITED TO,  
8 CONTRACTUAL PROVISION FOR A UNION SHOP, A MODIFIED UNION SHOP, AN  
9 AGENCY SHOP (MEANING A CONTRACTUAL PROVISION THAT PROVIDES FOR  
10 PERIODIC PAYMENT OF A SUM IN LIEU OF UNION DUES BUT DOES NOT  
11 REQUIRE UNION MEMBERSHIP), A MODIFIED AGENCY SHOP, A PREHIRE  
12 AGREEMENT, MAINTENANCE OF DUES, OR MAINTENANCE OF MEMBERSHIP.

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

16           (I) Working for another for hire in the state of Colorado in a  
17 nonexecutive or nonsupervisory capacity, and ~~shall~~ IS NOT BE limited to the  
18 employees of a particular employer and ~~shall include~~ INCLUDES any  
19 individual whose work has ceased solely as a consequence of or in  
20 connection with any current labor dispute or because of any unfair labor  
21 practice on the part of an employer; and

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

27           ~~(c)~~ (B) Who has not been found to have committed or to have

1       been a party to any unfair labor practice under this ~~article~~ ARTICLE 3;

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

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

13              (b) "EMPLOYEE" DOES NOT INCLUDE:

14              (I) AN INDEPENDENT CONTRACTOR;

15              (II) DOMESTIC SERVANTS EMPLOYED IN AND ABOUT PRIVATE  
16      HOMES;

17              (III) AN INDIVIDUAL EMPLOYED BY THE INDIVIDUAL'S PARENT OR  
18      SPOUSE;

19              (IV) AN EMPLOYEE WHO IS SUBJECT TO THE FEDERAL "RAILWAY  
20      LABOR ACT", 45 U.S.C. SEC. 151 ET SEQ., AS AMENDED; OR

21              (V) A PARENT, SPOUSE, OR CHILD OF AN AGRICULTURAL  
22      EMPLOYER'S IMMEDIATE FAMILY.

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

1 ~~produced:~~

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

5 (II) "EMPLOYER" includes:

6 (A) Any person acting on behalf of ~~any such~~ AN employer within  
7 the scope of ~~his~~ THE EMPLOYER'S authority, express or implied; ~~The term~~  
8 AND

9 (B) AN AGRICULTURAL EMPLOYER.

10 (b) "EMPLOYER" does not include the state or any political  
11 subdivision thereof, except where the state or any political subdivision  
12 thereof acquires or operates a mass transportation system or any carrier  
13 by railroad, express company, or sleeping car company subject to the  
14 federal "Railway Labor Act", 45 U.S.C. sec. 151 et seq., AS AMENDED, or  
15 any labor organization or anyone acting in behalf of such organization  
16 other than when ~~he~~ THE EMPLOYER is acting as an employer-in-fact.

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

19 **8-6-101.5. Minimum wage for agricultural workers - rest**  
20 **periods - overwork protections - definition.** (1) (a) ON AND AFTER  
21 JANUARY 1, 2022, EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS  
22 SECTION, THE MINIMUM WAGE REQUIREMENTS OF SECTION 15 OF ARTICLE  
23 XVIII OF THE STATE CONSTITUTION, AND ANY MINIMUM WAGE LAWS  
24 ENACTED PURSUANT TO THIS ARTICLE 6, APPLY TO AGRICULTURAL  
25 EMPLOYERS EMPLOYING AGRICULTURAL WORKERS.

26 (b) STARTING JANUARY 1, 2022, THE COLORADO MINIMUM WAGE  
27 THAT AN AGRICULTURAL EMPLOYER MUST PAY TO AN AGRICULTURAL



1 WORKER PRINCIPALLY ENGAGED IN THE RANGE PRODUCTION OF  
2 LIVESTOCK, AS DESCRIBED IN 29 CFR 780.323 TO 29 CFR 780.329, ON THE  
3 OPEN RANGE IS FIVE HUNDRED FIFTY-THREE DOLLARS AND SIXTY CENTS  
4 PER WEEK. ON JANUARY 1, 2023, AND EACH JANUARY 1 THEREAFTER, THE  
5 MINIMUM WAGE FOR AGRICULTURAL WORKERS PRINCIPALLY EMPLOYED IN  
6 THE RANGE PRODUCTION OF LIVESTOCK, AS DESCRIBED IN 29 CFR 780.323  
7 TO 29 CFR 780.329, IS ADJUSTED ANNUALLY FOR COST OF LIVING  
8 INCREASES, AS MEASURED BY THE CONSUMER PRICE INDEX USED FOR  
9 COLORADO.

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

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

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

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

**8-6-120. Overtime wages for agricultural workers - legislative declaration.** THE DIRECTOR SHALL PROMULGATE RULES PROVIDING MEANINGFUL OVERTIME AND MAXIMUM HOURS PROTECTIONS TO AGRICULTURAL EMPLOYEES TO BE PROPOSED NO LATER THAN OCTOBER 31, 2021 AND ADOPTED NO LATER THAN JANUARY 31, 2022. IN PROMULGATING SUCH RULES, THE DIRECTOR SHALL CONSIDER THE INEQUITY AND RACIST ORIGINS OF THE EXCLUSION OF AGRICULTURAL EMPLOYEES FROM OVERTIME AND MAXIMUM HOURS PROTECTIONS AVAILABLE TO OTHER EMPLOYEES, THE FUNDAMENTAL RIGHT OF ALL EMPLOYEES TO OVERTIME AND MAXIMUM HOURS STANDARDS THAT PROTECT THE HEALTH AND WELFARE OF EMPLOYEES, AND THE UNIQUE DIFFICULTIES AGRICULTURAL EMPLOYEES HAVE OBTAINING WORKPLACE CONDITIONS EQUAL TO THOSE PROVIDED TO OTHER EMPLOYEES.

**SECTION 5.** In Colorado Revised Statutes, **add** part 2 to article 13.5 of title 8 as follows:

PART 2

LABOR CONDITIONS FOR AGRICULTURAL WORKERS

**8-13.5-201. Definitions.** AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

6           (3) "AGRICULTURAL WORKER" OR "WORKER" MEANS A WORKER  
7 ENGAGED IN ANY SERVICE OR ACTIVITY INCLUDED IN SECTION 203 (f) OF  
8 THE FEDERAL "FAIR LABOR STANDARDS ACT OF 1938", 29 U.S.C. SEC. 201  
9 ET SEQ., AS AMENDED, OR SECTION 3121 (g) OF THE FEDERAL "INTERNAL  
10 REVENUE CODE OF 1986", AS AMENDED.

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

14           (5) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND  
15 EMPLOYMENT.

16           (6) "DIVISION" MEANS THE DIVISION OF LABOR STANDARDS AND  
17 STATISTICS IN THE DEPARTMENT.

18                   
19           (7) "KEY SERVICE PROVIDER" MEANS A HEALTH CARE PROVIDER;  
20 A COMMUNITY HEALTH WORKER, INCLUDING A PROMOTORA; AN  
21 EDUCATION PROVIDER; AN ATTORNEY; A LEGAL ADVOCATE; A  
22 GOVERNMENT OFFICIAL, INCLUDING A CONSULAR REPRESENTATIVE; A  
23 MEMBER OF THE CLERGY; AND ANY OTHER SERVICE PROVIDER TO WHICH  
24 AN AGRICULTURAL WORKER MAY NEED ACCESS.

25           (8) "NORMAL WORKING HOURS" MEANS A PERIOD DETERMINED BY  
26 THE AGRICULTURAL EMPLOYER NOT TO EXCEED EIGHT HOURS WITHIN ANY  
27 TWENTY-FOUR-HOUR PERIOD. "NORMAL WORKING HOURS" DOES NOT

1 INCLUDE SATURDAY OR SUNDAY.

2 (9) "OCCASIONAL OR INTERMITTENT" MEANS TWENTY PERCENT OR  
3 LESS OF AN AGRICULTURAL WORKER'S WEEKLY WORK TIME.

4 (10) "SHORT-HANDLED HOE" MEANS A HANDHELD TOOL WITH A  
5 FLAT BLADE AFFIXED PERPENDICULARLY TO A HANDLE THAT IS LESS THAN  
6 EIGHTEEN INCHES LONG. "SHORT-HANDLED HOE" INCLUDES A  
7 LONG-HANDLED HAND TOOL THAT HAS BEEN MODIFIED TO BE USED AS A  
8 SHORT-HANDLED HOE.

9 (11) "WHISTLEBLOWER" MEANS AN AGRICULTURAL WORKER WITH  
10 KNOWLEDGE OF AN ALLEGED VIOLATION OF THIS PART 2 OR THE  
11 AGRICULTURAL WORKER'S REPRESENTATIVE.

12 **8-13.5-202. Agricultural workers - right of access to key**  
13 **service providers - rules. (1) (a) AN EMPLOYER SHALL NOT INTERFERE**  
14 **WITH AN AGRICULTURAL WORKER'S REASONABLE ACCESS TO VISITORS AT**  
15 **THE AGRICULTURAL WORKER'S EMPLOYER-PROVIDED HOUSING DURING**  
16 **ANY TIME WHEN THE AGRICULTURAL WORKER IS PRESENT AT SUCH**  
17 **HOUSING.**

18 (b) AN EMPLOYER SHALL NOT INTERFERE WITH AN AGRICULTURAL  
19 EMPLOYEE'S REASONABLE ACCESS TO KEY SERVICE PROVIDERS AT ANY  
20 LOCATION DURING ANY TIME IN WHICH THE AGRICULTURAL WORKER IS  
21 NOT PERFORMING COMPENSABLE WORK OR DURING PAID OR UNPAID REST  
22 AND MEAL BREAKS, AND WITH RESPECT TO HEALTH-CARE PROVIDERS  
23 DURING ANY TIME, WHETHER OR NOT THE AGRICULTURAL WORKER IS  
24 WORKING.

25 (c) TO ENSURE THAT AGRICULTURAL EMPLOYEES HAVE  
26 MEANINGFUL ACCESS TO SERVICES, THE DIRECTOR OF THE DIVISION SHALL  
27 PROMULGATE RULES REGARDING ADDITIONAL TIMES DURING WHICH AN

1 EMPLOYER MAY NOT INTERFERE WITH AN AGRICULTURAL WORKER'S  
2 REASONABLE ACCESS TO KEY SERVICE PROVIDERS, INCLUDING PERIODS  
3 DURING WHICH THE AGRICULTURAL WORKER IS PERFORMING  
4 COMPENSABLE WORK, ESPECIALLY DURING PERIODS WHEN THE  
5 AGRICULTURAL WORKER IS REQUIRED TO WORK IN EXCESS OF FORTY  
6 HOURS PER WEEK AND MAY HAVE DIFFICULTY ACCESSING SUCH SERVICES  
7 OUTSIDE OF WORK HOURS. THE RULES MUST BE PROPOSED ON OR BEFORE  
8 OCTOBER 31, 2021, AND ADOPTED ON OR BEFORE JANUARY 31, 2022.

9 (d) AN EMPLOYER MAY REQUIRE VISITORS ACCESSING A WORK SITE  
10 TO FOLLOW PROTOCOLS DESIGNED TO MANAGE BIOHAZARDS AND OTHER  
11 RISKS OF CONTAMINATION, TO PROMOTE FOOD SAFETY, AND TO REDUCE  
12 THE RISK OF INJURIES TO OR FROM LIVESTOCK ON FARMS AND RANCHES  
13 EXCEPT ON THE OPEN RANGE, IF THE SAME PROTOCOLS ARE GENERALLY  
14 APPLIED TO ANY OTHER THIRD PARTIES WHO MAY HAVE OCCASION TO  
15 ENTER THE WORK SITE.

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

1 FEDERAL LAW OR REGULATION.

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

6 (2) NO PERSON OTHER THAN THE AGRICULTURAL WORKER MAY  
7 PROHIBIT, BAR, OR INTERFERE WITH, OR ATTEMPT TO PROHIBIT, BAR, OR  
8 INTERFERE WITH, THE ACCESS TO OR EGRESS FROM THE RESIDENCE OF ANY  
9 AGRICULTURAL WORKER BY ANY PERSON, EITHER BY THE ERECTION OR  
10 MAINTENANCE OF ANY PHYSICAL BARRIER, BY PHYSICAL FORCE OR  
11 VIOLENCE OR BY THE THREAT OF PHYSICAL FORCE OR VIOLENCE, OR BY  
12 ANY ORDER OR NOTICE GIVEN IN ANY MANNER.

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

15 (a) IN A CONSPICUOUS LOCATION ON THE AGRICULTURAL  
16 EMPLOYER'S PREMISES, INCLUDING IN THE AGRICULTURAL WORKER'S  
17 EMPLOYER-PROVIDED HOUSING; AND

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

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

23 **8-13.5-203. Extreme overwork protections - heat stress**  
24 **training - short-handled hoe prohibited - rules.** (1) THE DIRECTOR OF  
25 THE DIVISION SHALL PROMULGATE RULES THAT REQUIRE AGRICULTURAL  
26 EMPLOYERS TO PROTECT AGRICULTURAL WORKERS FROM HEAT-RELATED  
27 STRESS ILLNESSES AND INJURIES WHEN THE OUTSIDE TEMPERATURES

1 REACH EIGHTY DEGREES OR HIGHER, WITH DISCRETION TO ADJUST  
2 REQUIREMENTS BASED ON ENVIRONMENTAL FACTORS, EXPOSURE TIME,  
3 ACCLIMATIZATION, AND METABOLIC DEMANDS OF THE JOB AS SET FORTH  
4 IN THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES CENTERS  
5 FOR DISEASE CONTROL AND PREVENTION NATIONAL INSTITUTE FOR  
6 OCCUPATIONAL SAFETY AND HEALTH 2016 REVISED PUBLICATION:  
7 CRITERIA FOR A RECOMMENDED STANDARD, OCCUPATIONAL EXPOSURE  
8 TO HEAT AND HOT ENVIRONMENTS. THE RULES MUST BE PROPOSED ON OR  
9 BEFORE OCTOBER 31, 2021, AND ADOPTED ON OR BEFORE JANUARY 31,  
10 2022.

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

14 (b) THE PERFORMANCE OF WEEDING AND THINNING BY HAND OR  
15 WITH A SHORT-HANDLED TOOL, OTHER THAN A SHORT-HANDLED HOE, IN  
16 A STOOPED, KNEELING, OR SQUATTING POSITION IS STRONGLY DISFAVORED  
17 UNLESS THERE IS NO SUITABLE LONG-HANDLED TOOL OR OTHER  
18 ALTERNATIVE MEANS OF PERFORMING THE WORK THAT IS SUITABLE AND  
19 APPROPRIATE TO BOTH THE PRODUCTION OF THE AGRICULTURAL OR  
20 HORTICULTURAL COMMODITY AND THE SCALE OF THE OPERATION.  
21 NOTHING IN THIS SUBSECTION (2) IS CONSTRUED TO ALLOW THE USE OF  
22 THE SHORT-HANDLED HOE.

23 (c) THIS SUBSECTION (3) DOES NOT PROHIBIT:

24 (I) OCCASIONAL OR INTERMITTENT HAND WEEDING OR HAND  
25 THINNING IN A STOOPED, KNEELING, OR SQUATTING POSITION THAT IS  
26 INCIDENTAL TO A NON-HAND-WEEDING OPERATION; \_\_\_

27 (II) HAND THINNING OF HIGH DENSITY PLANTS SPACED LESS THAN

1 TWO INCHES APART WHEN PLANTED;

2 (III) HAND WEEDING OR THINNING OF ANY AGRICULTURAL OR  
3 HORTICULTURAL COMMODITY GROWN IN FIELDS OR GREENHOUSES FOR  
4 WHICH THE EMPLOYER MAINTAINS A CURRENT CERTIFICATION FROM THE  
5 COLORADO DEPARTMENT OF AGRICULTURE OR AN AUTHORIZED  
6 CERTIFYING BODY AS MEETING THE STANDARDS OF THE UNITED STATES  
7 DEPARTMENT OF AGRICULTURE'S NATIONAL ORGANIC PROGRAM;

8 (IV) HAND WEEDING, THINNING, OR TENDING ANY AGRICULTURAL  
9 OR HORTICULTURAL COMMODITIES WHEN THEY ARE SEEDLINGS;

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

13 (VI) SEEDING, PLANTING, TRANSPLANTING, OR HARVESTING BY  
14 HAND OR WITH A HAND TOOL.

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

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



1           (5) IF ANY PROVISION OF THIS SECTION OR ITS APPLICATION TO ANY  
2           PERSON OR CIRCUMSTANCE IS HELD INVALID OR UNCONSTITUTIONAL, SUCH  
3           PROVISION OR APPLICATION DOES NOT AFFECT OTHER PROVISIONS OR  
4           APPLICATIONS OF THIS SECTION THAT CAN BE GIVEN EFFECT WITHOUT THE  
5           INVALID OR UNCONSTITUTIONAL PROVISION OR APPLICATION, AND THE  
6           PROVISIONS OF THIS SECTION ARE SEVERABLE.

7           **8-13.5-204. Enforcement - penalties - relief - rules.** (1) AN  
8           AGGRIEVED AGRICULTURAL WORKER, A WHISTLEBLOWER, OR A KEY  
9           SERVICE PROVIDER WHO WAS UNABLE TO ACCESS AN AGRICULTURAL  
10          WORKER DUE TO A VIOLATION OF THIS PART 2 MAY COMMENCE AN ACTION  
11          IN DISTRICT COURT AGAINST AN AGRICULTURAL EMPLOYER FOR A  
12          VIOLATION OF THIS PART 2.

13                 (2) A COURT MAY:

14                 (a) ORDER INJUNCTIVE RELIEF TO ENJOIN THE CONTINUANCE OF  
15          THE VIOLATION OF THIS PART 2;

16                 (b) AWARD THE PLAINTIFF ACTUAL DAMAGES OR TEN THOUSAND  
17          DOLLARS, WHICHEVER IS GREATER; AND

18                 (c) AWARD THE PLAINTIFF ATTORNEY FEES.

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

22                 **8-13.5-205. Agricultural work advisory committee - creation**  
23          **- report - repeal.** (1) ON OR BEFORE SEPTEMBER 1, 2021, THE EXECUTIVE  
24          DIRECTOR OF THE DEPARTMENT SHALL ESTABLISH THE AGRICULTURAL  
25          WORK ADVISORY COMMITTEE, REFERRED TO IN THIS SECTION AS THE  
26          "ADVISORY COMMITTEE". THE ADVISORY COMMITTEE CONSISTS OF NINE  
27          MEMBERS AS FOLLOWS:

1 (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL  
2 APPOINT:

3 (I) TWO MEMBERS WHO HAVE WORKED AS AGRICULTURAL  
4 WORKERS; AND

5 (II) TWO MEMBERS WHO ARE ADVOCATES OF WORKERS' RIGHTS;

6 (b) THE COMMISSIONER OF AGRICULTURE SHALL APPOINT:

7 (I) THREE MEMBERS WHO REPRESENT AGRICULTURAL EMPLOYERS;  
8 AND

9 (II) TWO REPRESENTATIVES FROM THE MIGRANT FARM WORKER  
10 DIVISION OF COLORADO LEGAL SERVICES, OR ITS SUCCESSOR  
11 ORGANIZATION.

12 (2) (a) THE INITIAL TERMS OF ONE AGRICULTURAL WORKER, ONE  
13 ADVOCATE OF WORKERS' RIGHTS, TWO AGRICULTURAL EMPLOYERS, AND  
14 ONE REPRESENTATIVE FROM THE MIGRANT FARM WORKER DIVISION OF  
15 COLORADO LEGAL SERVICES IS TWO YEARS. THE INITIAL TERMS OF THE  
16 REMAINING MEMBERS IS THREE YEARS. THEREAFTER, THE TERMS OF THE  
17 MEMBERS ARE THREE YEARS.

18 (b) IF A MEMBER FAILS TO COMPLETE THE MEMBER'S TERM, THE  
19 APPOINTING AUTHORITY SHALL APPOINT A NEW MEMBER TO COMPLETE  
20 THE REMAINDER OF THE TERM.

21 (c) MEMBERS SHALL SERVE WITHOUT COMPENSATION FOR THEIR  
22 SERVICE; EXCEPT THAT MEMBERS MAY RECEIVE A PER DIEM AS  
23 ESTABLISHED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AND  
24 REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES  
25 INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

26 (3) (a) THE ADVISORY COMMITTEE SHALL GATHER AND ANALYZE  
27 DATA AND OTHER INFORMATION REGARDING THE WAGES AND WORKING

1 CONDITIONS OF AGRICULTURAL WORKERS AND REPORT ITS FINDINGS AND  
2 ANY LEGISLATIVE RECOMMENDATIONS TO THE GENERAL ASSEMBLY.

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

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

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

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

24 **2-3-1203. Sunset review of advisory committees - legislative**  
25 **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY  
26 AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL  
27 REPEAL ON SEPTEMBER 1, 2031:

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

3 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
4 2033.

5 **SECTION 7.** In Colorado Revised Statutes, 8-14.4-101, **amend**  
6 (1), (3)(c), and (3)(d); and **add** (1.5) and (3)(e) as follows:

7 **8-14.4-101. Definitions.** As used in this article 14.4, unless the  
8 context otherwise requires:

9 (1) ~~"Department" means the department of labor and employment~~  
10 "AGRICULTURAL EMPLOYMENT" HAS THE MEANING SET FORTH IN SECTION  
11 8-13.5-201 (2).

12 (1.5) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND  
13 EMPLOYMENT.

14 (3) "Principal" means:

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

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

19 (e) A PERSON OR ENTITY ENGAGED IN AGRICULTURAL  
20 EMPLOYMENT.

21 **SECTION 8.** In Colorado Revised Statutes, **add** 8-14.4-109 as  
22 follows:

23 **8-14.4-109. Agricultural employers - responsibilities during**  
24 **public health emergency - worker safety protections.** (1) DURING A  
25 PUBLIC HEALTH EMERGENCY, IN ADDITION TO THE OTHER PROTECTIONS  
26 AND RIGHTS AFFORDED TO WORKERS, A PRINCIPAL ENGAGED IN  
27 AGRICULTURAL EMPLOYMENT SHALL:

1 (a) PROVIDE EACH WORKER LIVING IN EMPLOYER-PROVIDED  
2 HOUSING WITH:

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

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

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

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

16 (c) ALLOW THE DEPARTMENT OF PUBLIC HEALTH AND  
17 ENVIRONMENT TO ROUTINELY INSPECT EMPLOYER-PROVIDED HOUSING TO  
18 ENSURE COMPLIANCE WITH GUIDELINES ISSUED BY THE DEPARTMENT OF  
19 PUBLIC HEALTH AND ENVIRONMENT APPLICABLE TO A PUBLIC HEALTH  
20 EMERGENCY AND ANY APPLICABLE EXECUTIVE ORDERS ISSUED BY THE  
21 GOVERNOR DURING A DISASTER EMERGENCY DECLARED PURSUANT TO  
22 SECTION 24-33.5-704 (4);

23 (d) PROVIDE TRAINING TO WORKERS CONCERNING SAFETY  
24 PRECAUTIONS AND PROTECTIONS DURING A PUBLIC HEALTH EMERGENCY;  
25 AND

26 (e) PROVIDE INFORMATIONAL AND EDUCATIONAL MATERIALS  
27 THROUGH POSTERS AND PAMPHLETS WRITTEN IN ENGLISH AND SPANISH

1 AND ANY OTHER RELEVANT LANGUAGES IN EMPLOYER-PROVIDED  
2 HOUSING, WORK SITES, AND OTHER PLACES WHERE THE PRINCIPAL  
3 USUALLY POSTS INFORMATION FOR THE WORKERS THAT:

4 (I) LISTS THE CONTACT INFORMATION FOR THE MIGRANT FARM  
5 WORKER DIVISION OF COLORADO LEGAL SERVICES, OR ITS SUCCESSOR  
6 ORGANIZATION, WHERE A WORKER MAY RECEIVE FREE AND CONFIDENTIAL  
7 LEGAL SERVICES; AND

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

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

12 **8-3-108. What are unfair labor practices.** (1) It is an unfair  
13 labor practice for an employer, individually or in concert with others, to:

14 (c) (II) (A) Any agreement as defined in section 8-3-104 ~~(1.5)~~  
15 between an employer and a labor organization in existence on June 29,  
16 1977, which has not been voted upon by the employees covered by it  
17 may, by written mutual agreement of such employer and labor  
18 organization, be ratified and upon such ratification shall be filed with the  
19 director. Any agreement as defined in section 8-3-104 ~~(1.5)~~ between  
20 an employer and a labor organization in existence on June 29, 1977,  
21 which has not been ratified and filed, as provided in this ~~subparagraph (H)~~  
22 SUBSECTION (1)(c)(II), shall not be legal, valid, or enforceable during the  
23 remaining term of that labor contract unless and until either the employer,  
24 the labor organization, or at least twenty percent of the employees  
25 covered by such agreement file a petition upon forms provided by the  
26 division, demanding an election submitting the question of the all-union  
27 agreement to the employees covered by such agreement and said

1 agreement is approved by the affirmative vote of at least a majority of all  
2 the employees eligible to vote or three-quarters or more of the employees  
3 who actually voted, whichever is greater, by secret ballot in favor of such  
4 all-union agreement in an election provided for in this ~~paragraph (c)~~  
5 SUBSECTION (1)(c) conducted under the supervision of the director.

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

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

16 **8-13.5-101. Short title.** ~~This article shall be known and may be~~  
17 ~~cited as~~ THE SHORT TITLE OF THIS PART 1 IS the "Workplace  
18 Accommodations for Nursing Mothers Act".

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

21 **8-13.5-102. Legislative declaration.** (2) The general assembly  
22 further declares that the purpose of this ~~article~~ PART 1 is for the state of  
23 Colorado to become involved in the national movement to recognize the  
24 medical importance of breastfeeding, within the scope of complete  
25 pediatric care, and to encourage removal of boundaries placed on nursing  
26 mothers in the workplace.

27 **SECTION 12.** In Colorado Revised Statutes, 8-13.5-103, **amend**

1 the introductory portion as follows:

2 **8-13.5-103. Definitions.** As used in this ~~article~~ PART 1, unless the  
3 context otherwise requires:

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

6 **44-10-105. Marijuana employee designation.** An employee of  
7 a licensee is not an agricultural worker unless the employee is a ~~farm~~  
8 laborer ~~as described in section 8-3-104 (11)~~ AT A FARM, PLANTATION,  
9 RANCH, NURSERY, RANGE, GREENHOUSE, ORCHARD, OR OTHER STRUCTURE  
10 USED FOR THE RAISING OF AGRICULTURAL OR HORTICULTURAL  
11 COMMODITIES, AS LONG AS THE STRUCTURE IS UTILIZED FOR AT LEAST  
12 FIFTY PERCENT OF THE TOTAL OUTPUT PRODUCED.

13 **SECTION 14. Appropriation.** (1) For the 2021-22 state fiscal  
14 year, \$409,949 is appropriated to the department of labor and  
15 employment. This appropriation is from the employment support fund  
16 created in section 8-77-109 (1)(b)(I), C.R.S. To implement this act, the  
17 department may use this appropriation as follows:

18 (a) \$371,667 for use by the division of labor standards and  
19 statistics for program costs related to labor standards, which amount is  
20 based on an assumption that the division will require an additional 4.4  
21 FTE; and

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

23 (2) For the 2021-22 state fiscal year, \$38,282 is appropriated to  
24 the department of law. This appropriation is from reappropriated funds  
25 received from the department of labor and employment under subsection  
26 (1)(b) of this section and is based on an assumption that the department  
27 of law will require an additional 0.2 FTE. To implement this act, the



1 department of law may use this appropriation to provide legal services for  
2 the department of labor and employment.

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