

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

PREAMENDED

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

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, McLachlan, Sirota, Woodrow, Young

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.

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

15 (4) (a) IF A PERSON WHO HAS ENGAGED IN RETALIATION HAS
16 VIOLATED THIS SECTION OR HAS VIOLATED ARTICLE 3 OR 6 OF THIS TITLE
17 8, PART 2 OF ARTICLE 13.5 OF THIS TITLE 8, OR ARTICLE 14.4 OF THIS TITLE
18 8 IN A MANNER THAT HAS HARMED AN AGRICULTURAL EMPLOYEE, THE
19 DIRECTOR MAY COMMENCE AN ACTION IN DISTRICT COURT ON BEHALF OF
20 THE STATE OF COLORADO AGAINST THE PERSON WHO RETALIATED
21 AGAINST:

22 (I) AN AGRICULTURAL EMPLOYEE;

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

25 (III) A PERSON WITH WHOM THE AGRICULTURAL EMPLOYEE
26 EXCHANGES CARE OR SUPPORT.

27 (b) THE DIRECTOR MAY SEEK AN ORDER IMPOSING RESTITUTION,

1 INJUNCTIVE ANDEQUITABLE REMEDIES, AND AN APPROPRIATE PENALTY OF
2 MORE THAN ONE HUNDRED DOLLARS BUT NOT MORE THAN ONE THOUSAND
3 DOLLARS PER VIOLATION.

4 == == ==

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

7 **8-3-104. Definitions.** As used in this ~~article~~ ARTICLE 3, unless the
8 context otherwise requires:

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

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

24 (II) IS ENGAGED IN ANY SERVICE OR ACTIVITY INCLUDED IN
25 SECTION 203 (f) OF THE FEDERAL "FAIR LABOR STANDARDS ACT OF
26 1938", 29 U.S.C. SEC. 201 ET SEQ., AS AMENDED, OR ENGAGED IN
27 "AGRICULTURAL LABOR" AS DEFINED IN SECTION 3121 (g) OF THE FEDERAL

1 "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

2 (b) THE MEANING OF "AGRICULTURAL EMPLOYER" MUST BE
3 LIBERALLY CONSTRUED FOR THE PROTECTION OF PERSONS PROVIDING
4 SERVICES TO AN EMPLOYER.

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

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

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

26 ~~(b)~~ (II) (A) Who has not refused or failed to return to work upon
27 the final disposition of a labor dispute or a charge of an unfair labor

1 practice by a tribunal having competent jurisdiction of the same or whose
2 jurisdiction was accepted by the employee or ~~his~~ THE EMPLOYEE'S
3 representative;

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

6 (d) (C) Who has not obtained regular and substantially equivalent
7 employment elsewhere; or

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

17 (b) "EMPLOYEE" DOES NOT INCLUDE:

18 (I) AN INDEPENDENT CONTRACTOR;

19 (II) DOMESTIC SERVANTS EMPLOYED IN AND ABOUT PRIVATE
20 HOMES;

21 (III) AN INDIVIDUAL EMPLOYED BY THE INDIVIDUAL'S PARENT OR
22 SPOUSE;

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

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

27 (f) ~~For purposes of this subsection (11), "farm" means stock,~~

1 ~~dairy, poultry, fur-bearing animal, and truck farms, plantations, ranches,~~
2 ~~nurseries, ranges, greenhouses, orchards, and other structures used for the~~
3 ~~raising of agricultural or horticultural commodities, provided such~~
4 ~~structures are utilized for at least fifty percent of the total output~~
5 ~~produced.~~

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

9 (II) "EMPLOYER" includes:

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

13 (B) AN AGRICULTURAL EMPLOYER.

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

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

23 **8-6-101.5. Minimum wage for agricultural workers - rest**
24 **periods - overwork protections - definition.** (1) (a) ON AND AFTER
25 JANUARY 1, 2022, EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS
26 SECTION, THE MINIMUM WAGE REQUIREMENTS OF SECTION 15 OF ARTICLE
27 XVIII OF THE STATE CONSTITUTION, AND ANY MINIMUM WAGE LAWS

1 ENACTED PURSUANT TO THIS ARTICLE 6, APPLY TO AGRICULTURAL
2 EMPLOYERS EMPLOYING AGRICULTURAL WORKERS.

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

7 (I) BEGINNING JANUARY 1, 2022, AND THROUGH DECEMBER 31,
8 2022, FIVE HUNDRED FIFTEEN DOLLARS PER WEEK; AND

9 (II) BEGINNING JANUARY 1, 2023, THE MINIMUM WAGE REQUIRED
10 IN THE PRIOR CALENDAR YEAR ADJUSTED ANNUALLY AS MEASURED BY THE
11 UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS
12 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD OR IT
13 PREDECESSOR OR SUCCESSOR INDEX. THE DIRECTOR MAY SET A HIGHER
14 MINIMUM WAGE THAN IS REQUIRED IN THIS SUBSECTION (1)(b)(II)
15 CONSISTENT WITH THE DIRECTOR'S AUTHORITY AND DUTIES, INCLUDING
16 UNDER THIS ARTICLE 6.

17 (2) (a) AN AGRICULTURAL WORKER IS ENTITLED TO AN
18 UNINTERRUPTED AND DUTY-FREE MEAL PERIOD OF AT LEAST A
19 THIRTY-MINUTE DURATION WHEN THE AGRICULTURAL WORKER'S SHIFT
20 EXCEEDS FIVE CONSECUTIVE HOURS. THE MEAL PERIODS, TO THE EXTENT
21 PRACTICABLE, MUST BE AT LEAST ONE HOUR AFTER THE START, AND ONE
22 HOUR BEFORE THE END, OF THE SHIFT. AN AGRICULTURAL WORKER MUST
23 BE RELIEVED OF ALL DUTIES AND PERMITTED TO PURSUE PERSONAL
24 ACTIVITIES FOR A PERIOD TO QUALIFY AS NONWORK, UNCOMPENSATED
25 TIME. IF THE NATURE OF THE BUSINESS ACTIVITIES OR OTHER
26 CIRCUMSTANCES MAKES THE UNINTERRUPTED MEAL PERIOD IMPRACTICAL,
27 THE AGRICULTURAL EMPLOYEE MUST BE PERMITTED TO CONSUME AN

1 ON-DUTY MEAL WHILE PERFORMING DUTIES. AN AGRICULTURAL
2 EMPLOYEE MUST BE PERMITTED TO FULLY CONSUME A MEAL OF CHOICE
3 WHILE WORKING AND BE FULLY COMPENSATED FOR THE ON-DUTY MEAL
4 PERIOD WITHOUT ANY LOSS OF TIME OR COMPENSATION.

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

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

11 ==

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

14 **8-6-120. Overtime wages for agricultural workers - legislative**
15 **declaration.** THE DIRECTOR SHALL PROMULGATE RULES PROVIDING
16 MEANINGFUL OVERTIME AND MAXIMUM HOURS PROTECTIONS TO
17 AGRICULTURAL EMPLOYEES TO BE PROPOSED NO LATER THAN OCTOBER
18 31, 2021 AND ADOPTED NO LATER THAN JANUARY 31, 2022. IN
19 PROMULGATING SUCH RULES, THE DIRECTOR SHALL CONSIDER THE
20 INEQUITY AND RACIST ORIGINS OF THE EXCLUSION OF AGRICULTURAL
21 EMPLOYEES FROM OVERTIME AND MAXIMUM HOURS PROTECTIONS
22 AVAILABLE TO OTHER EMPLOYEES, THE FUNDAMENTAL RIGHT OF ALL
23 EMPLOYEES TO OVERTIME AND MAXIMUM HOURS STANDARDS THAT
24 PROTECT THE HEALTH AND WELFARE OF EMPLOYEES, AND THE UNIQUE
25 DIFFICULTIES AGRICULTURAL EMPLOYEES HAVE OBTAINING WORKPLACE
26 CONDITIONS EQUAL TO THOSE PROVIDED TO OTHER EMPLOYEES.

27 **SECTION 5.** In Colorado Revised Statutes, **add** part 2 to article

1 13.5 of title 8 as follows:

2 PART 2

3 LABOR CONDITIONS FOR AGRICULTURAL WORKERS

4 **8-13.5-201. Definitions.** AS USED IN THIS PART 2, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

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

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

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

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


21 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
22 EMPLOYMENT.

23 (6) "DIVISION" MEANS THE DIVISION OF LABOR STANDARDS AND
24 STATISTICS IN THE DEPARTMENT.

25 ==

26 (7) "KEY SERVICE PROVIDER" MEANS A HEALTH CARE PROVIDER;
27 A COMMUNITY HEALTH WORKER, INCLUDING A PROMOTORA; AN

1 EDUCATION PROVIDER; AN ATTORNEY; A LEGAL ADVOCATE; A
2 GOVERNMENT OFFICIAL, INCLUDING A CONSULAR REPRESENTATIVE; A
3 MEMBER OF THE CLERGY; AND ANY OTHER SERVICE PROVIDER TO WHICH
4 AN AGRICULTURAL WORKER MAY NEED ACCESS.

5 
6 (8) "OCCASIONAL OR INTERMITTENT" MEANS TWENTY PERCENT OR
7 LESS OF AN AGRICULTURAL WORKER'S WEEKLY WORK TIME.

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

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

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

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

1 WORKING.

2 (c) TO ENSURE THAT AGRICULTURAL EMPLOYEES HAVE
3 MEANINGFUL ACCESS TO SERVICES, THE DIRECTOR OF THE DIVISION SHALL
4 PROMULGATE RULES REGARDING ADDITIONAL TIMES DURING WHICH AN
5 EMPLOYER MAY NOT INTERFERE WITH AN AGRICULTURAL WORKER'S
6 REASONABLE ACCESS TO KEY SERVICE PROVIDERS, INCLUDING PERIODS
7 DURING WHICH THE AGRICULTURAL WORKER IS PERFORMING
8 COMPENSABLE WORK, ESPECIALLY DURING PERIODS WHEN THE
9 AGRICULTURAL WORKER IS REQUIRED TO WORK IN EXCESS OF FORTY
10 HOURS PER WEEK AND MAY HAVE DIFFICULTY ACCESSING SUCH SERVICES
11 OUTSIDE OF WORK HOURS. THE RULES MUST BE PROPOSED ON OR BEFORE
12 OCTOBER 31, 2021, AND ADOPTED ON OR BEFORE JANUARY 31, 2022.

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

20 (e) AN AGRICULTURAL EMPLOYER THAT PROVIDES HOUSING AND
21 TRANSPORTATION FOR AGRICULTURAL WORKERS SHALL, AT LEAST ONE
22 DAY PER WEEK, PROVIDE TRANSPORTATION TO THE AGRICULTURAL
23 WORKERS TO A LOCATION WHERE THE WORKERS CAN ACCESS BASIC
24 NECESSITIES, CONDUCT FINANCIAL TRANSACTIONS, AND MEET WITH KEY
25 SERVICE PROVIDERS; EXCEPT THAT TRANSPORTATION MUST BE PROVIDED
26 NOT LESS THAN ONE DAY EVERY THREE WEEKS FOR RANGE WORKERS WHO
27 ARE ACTIVELY ENGAGED IN THE PRODUCTION OF LIVESTOCK ON THE OPEN

1 RANGE. THIS SUBSECTION (1)(b) DOES NOT LIMIT OR RESTRICT AN
2 AGRICULTURAL WORKER'S ABILITY TO TRAVEL USING THE AGRICULTURAL
3 WORKER'S OWN MEANS OF TRANSPORTATION. NOTHING IN THIS
4 SUBSECTION (1)(b) REQUIRES AN EMPLOYER TO VIOLATE A STATE OR
5 FEDERAL LAW OR REGULATION.

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

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

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

19 (a) IN A CONSPICUOUS LOCATION ON THE AGRICULTURAL
20 EMPLOYER'S PREMISES, INCLUDING IN THE AGRICULTURAL WORKER'S
21 EMPLOYER-PROVIDED HOUSING; AND

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

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

27 **8-13.5-203. Extreme overwork protections - heat stress**

1 **training - short-handled hoe prohibited - rules.** (1) THE DIRECTOR OF
2 THE DIVISION SHALL PROMULGATE RULES THAT REQUIRE AGRICULTURAL
3 EMPLOYERS TO PROTECT AGRICULTURAL WORKERS FROM HEAT-RELATED
4 STRESS ILLNESSES AND INJURIES WHEN THE OUTSIDE TEMPERATURES
5 REACH EIGHTY DEGREES OR HIGHER, WITH DISCRETION TO ADJUST
6 REQUIREMENTS BASED ON ENVIRONMENTAL FACTORS, EXPOSURE TIME,
7 ACCLIMATIZATION, AND METABOLIC DEMANDS OF THE JOB AS SET FORTH
8 IN THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES CENTERS
9 FOR DISEASE CONTROL AND PREVENTION NATIONAL INSTITUTE FOR
10 OCCUPATIONAL SAFETY AND HEALTH 2016 REVISED PUBLICATION:
11 CRITERIA FOR A RECOMMENDED STANDARD, OCCUPATIONAL EXPOSURE
12 TO HEAT AND HOT ENVIRONMENTS. THE RULES MUST BE PROPOSED ON OR
13 BEFORE OCTOBER 31, 2021, AND ADOPTED ON OR BEFORE JANUARY 31,
14 2022.

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

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

27 (c) BEGINNING JANUARY 1, 2022, THIS SUBSECTION (2) DOES NOT

1 PROHIBIT:

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

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

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

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

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

18 (VI) SEEDING, PLANTING, TRANSPLANTING, OR HARVESTING BY
19 HAND OR WITH A HAND TOOL; OR

20 (VII) HAND WEEDING, THINNING, OR TENDING THE SOIL-EXPOSED
21 AREA IMMEDIATELY SURROUNDING AGRICULTURAL OR HORTICULTURAL
22 COMMODITIES GROWN USING POLYETHYLENE FILM OR PLASTIC MULCH.
23 THIS EXEMPTION DOES NOT PERMIT THE HAND WEEDING OF THE SPACES
24 BETWEEN ROWS OF PLANTS GROWN USING POLYETHYLENE FILM OR
25 PLASTIC MULCH.

26 (d) THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE
27 SHALL PROMULGATE RULES REGARDING ALLOWANCES FOR AND

1 LIMITATIONS TO HAND WEEDING AND HAND THINNING FOR AGRICULTURAL
2 EMPLOYERS ACTIVELY ENGAGED IN THE TRANSITION TO CERTIFIED
3 ORGANIC AGRICULTURE FOR A PERIOD OF NO MORE THAN THREE YEARS
4 WHILE ENSURING THAT AGRICULTURAL WORKERS ARE NOT AT RISK OF
5 ACUTE, CHRONIC, OR DEBILITATING INJURIES. THE RULES MUST BE
6 PROPOSED ON OR BEFORE OCTOBER 31, 2021, AND ADOPTED ON OR BEFORE
7 JANUARY 31, 2022.

8 (e) ON OR BEFORE JANUARY 31, 2022, THE COMMISSIONER OF THE
9 DEPARTMENT OF AGRICULTURE SHALL PROMULGATE RULES THAT
10 ESTABLISH A PROCEDURE FOR AGRICULTURAL EMPLOYERS TO SEEK A
11 CERTIFICATE OF VARIANCE FROM THE COLORADO DEPARTMENT OF
12 AGRICULTURE THAT ALLOWS FOR MORE THAN OCCASIONAL OR
13 INTERMITTENT HAND WEEDING OF AGRICULTURAL OR HORTICULTURAL
14 PRODUCTS IF THE AGRICULTURAL EMPLOYER ESTABLISHES THAT:

15 (I) THE HAND WEEDING DOES NOT INVOLVE PROLONGED AND
16 UNNECESSARY STOOPING, KNEELING, OR SQUATTING, AND DOES NOT
17 CREATE A RISK OF ACUTE, CHRONIC, OR DEBILITATING INJURIES FOR
18 AGRICULTURAL WORKERS;

19 (II) THERE IS NO SUITABLE LONG-HANDLED TOOL OR OTHER
20 ALTERNATIVE MEANS OF PERFORMING THE WORK THAT IS SUITABLE AND
21 APPROPRIATE TO BOTH THE PRODUCTION OF THE AGRICULTURAL OR
22 HORTICULTURAL COMMODITY AND THE SCALE OF THE OPERATION; AND

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

25 (3) AN AGRICULTURAL EMPLOYER SHALL PROVIDE AGRICULTURAL
26 WORKERS ENGAGED IN HAND WEEDING AND HAND THINNING AN
27 ADDITIONAL FIVE MINUTE REST PERIOD, WHICH, IN SO FAR AS IS

1 PRACTICABLE, MUST BE IN THE MIDDLE OF EACH WORK PERIOD. THE
2 AUTHORIZED REST PERIOD MUST BE BASED ON THE TOTAL HOURS WORKED
3 DAILY AT THE RATE OF FIFTEEN MINUTES NET REST TIME PER FOUR HOURS
4 OF WORK, OR A MAJOR FRACTION THEREOF. THE AGRICULTURAL
5 EMPLOYER SHALL COUNT THE AUTHORIZED REST PERIOD AS HOURS
6 WORKED AND NOT DEDUCT THE REST PERIOD FROM THE AGRICULTURAL
7 WORKER'S WAGES.

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

11 (5) IF ANY PROVISION OF THIS SECTION OR ITS APPLICATION TO ANY
12 PERSON OR CIRCUMSTANCE IS HELD INVALID OR UNCONSTITUTIONAL, SUCH
13 PROVISION OR APPLICATION DOES NOT AFFECT OTHER PROVISIONS OR
14 APPLICATIONS OF THIS SECTION THAT CAN BE GIVEN EFFECT WITHOUT THE
15 INVALID OR UNCONSTITUTIONAL PROVISION OR APPLICATION, AND THE
16 PROVISIONS OF THIS SECTION ARE SEVERABLE.

17 **8-13.5-204. Enforcement - penalties - relief - rules.** (1) AN
18 AGGRIEVED AGRICULTURAL WORKER, A WHISTLEBLOWER, OR A KEY
19 SERVICE PROVIDER WHO WAS UNABLE TO ACCESS AN AGRICULTURAL
20 WORKER DUE TO A VIOLATION OF THIS PART 2 MAY COMMENCE AN ACTION
21 IN DISTRICT COURT AGAINST AN AGRICULTURAL EMPLOYER FOR A
22 VIOLATION OF THIS PART 2.

23 (2) (a) A COURT MAY:

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

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

1 (III) AWARD THE PLAINTIFF ATTORNEY FEES.

2 (b) ANY AMOUNTS RECOVERED BY A WHISTLEBLOWER OR KEY
3 SERVICE PROVIDER PURSUANT TO THIS SECTION MUST BE DISTRIBUTED TO
4 AGRICULTURAL WORKERS AFFECTED BY THE VIOLATION WHO CAN BE
5 LOCATED, INsofar AS SUCH DISBURSEMENT IS ECONOMICALLY FEASIBLE.

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

9 **8-13.5-205. Agricultural work advisory committee - creation**

10 **- report - repeal.** (1) ON OR BEFORE APRIL 1, 2022, THE DIRECTOR OF
11 THE DIVISION SHALL ESTABLISH THE AGRICULTURAL WORK ADVISORY
12 COMMITTEE, REFERRED TO IN THIS SECTION AS THE "ADVISORY
13 COMMITTEE". THE ADVISORY COMMITTEE CONSISTS OF NINE MEMBERS AS
14 FOLLOWS:

15 (a) THE DIRECTOR OF THE DIVISION SHALL APPOINT:

16 (I) TWO MEMBERS WHO HAVE WORKED AS AGRICULTURAL
17 WORKERS; AND

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

19 (b) THE COMMISSIONER OF AGRICULTURE SHALL APPOINT:

20 (I) THREE MEMBERS WHO REPRESENT AGRICULTURAL EMPLOYERS;

21 AND

22 (II) TWO REPRESENTATIVES FROM THE MIGRANT FARM WORKER
23 DIVISION OF COLORADO LEGAL SERVICES, OR ITS SUCCESSOR
24 ORGANIZATION.

25 (2) (a) THE TERMS OF THE MEMBERS ARE FOUR YEARS.

26 (b) IF A MEMBER FAILS TO COMPLETE THE MEMBER'S TERM, THE
27 APPOINTING AUTHORITY SHALL APPOINT A NEW MEMBER TO COMPLETE

1 THE REMAINDER OF THE TERM.

2 (c) MEMBERS SHALL SERVE WITHOUT COMPENSATION FOR THEIR
3 SERVICE; EXCEPT THAT MEMBERS MAY RECEIVE A PER DIEM AS
4 ESTABLISHED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AND
5 REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES
6 INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

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

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

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

27 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031.

1 BEFORE THE REPEAL, THE ADVISORY COMMITTEE IS SCHEDULED FOR
2 REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

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

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

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

11 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,
12 2033.

13 **SECTION 7.** In Colorado Revised Statutes, 8-14.4-101, **amend**
14 (1), (3)(c), and (3)(d); and **add** (1.5) and (3)(e) as follows:

15 **8-14.4-101. Definitions.** As used in this article 14.4, unless the
16 context otherwise requires:

17 (1) ~~"Department" means the department of labor and employment~~
18 "AGRICULTURAL EMPLOYMENT" HAS THE MEANING SET FORTH IN SECTION
19 8-13.5-201 (2).

20 (1.5) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
21 EMPLOYMENT.

22 (3) "Principal" means:

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

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

27 (e) A PERSON OR ENTITY ENGAGED IN AGRICULTURAL

1 EMPLOYMENT.

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

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

9 (a) PROVIDE EACH WORKER LIVING IN EMPLOYER-PROVIDED
10 HOUSING WITH:

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

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

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

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

24 (c) ALLOW THE DEPARTMENT OF PUBLIC HEALTH AND
25 ENVIRONMENT TO ROUTINELY INSPECT EMPLOYER-PROVIDED HOUSING TO
26 ENSURE COMPLIANCE WITH GUIDELINES ISSUED BY THE DEPARTMENT OF
27 PUBLIC HEALTH AND ENVIRONMENT APPLICABLE TO A PUBLIC HEALTH

1 EMERGENCY AND ANY APPLICABLE EXECUTIVE ORDERS ISSUED BY THE
2 GOVERNOR DURING A DISASTER EMERGENCY DECLARED PURSUANT TO
3 SECTION 24-33.5-704 (4);

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

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

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

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

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

20 **8-3-108. What are unfair labor practices.** (1) It is an unfair
21 labor practice for an employer, individually or in concert with others, to:

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

1 an employer and a labor organization in existence on June 29, 1977,
2 which has not been ratified and filed, as provided in this ~~subparagraph (H)~~
3 SUBSECTION (1)(c)(II), shall not be legal, valid, or enforceable during the
4 remaining term of that labor contract unless and until either the employer,
5 the labor organization, or at least twenty percent of the employees
6 covered by such agreement file a petition upon forms provided by the
7 division, demanding an election submitting the question of the all-union
8 agreement to the employees covered by such agreement and said
9 agreement is approved by the affirmative vote of at least a majority of all
10 the employees eligible to vote or three-quarters or more of the employees
11 who actually voted, whichever is greater, by secret ballot in favor of such
12 all-union agreement in an election provided for in this ~~paragraph (c)~~
13 SUBSECTION (1)(c) conducted under the supervision of the director.

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

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

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

27 **SECTION 11.** In Colorado Revised Statutes, 8-13.5-102, **amend**

1 (2) as follows:

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

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

10 **8-13.5-103. Definitions.** As used in this ~~article~~ PART 1, unless the
11 context otherwise requires:

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

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

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

26 (a) \$371,667 for use by the division of labor standards and
27 statistics for program costs related to labor standards, which amount is

1 based on an assumption that the division will require an additional 4.4
2 FTE; and

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

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

11 **SECTION 15. 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.